

# TRIPS ON TRIAL

**The Impact of WTO's Patent Regime**

**On the World's Farmers, the Poor**

**and Developing Countries**

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# **A Public Indictment of the World Trade Organisation's Intellectual Property Agreement**

## **TRIPS ON TRIAL**

*It is now obvious that the positions taken by some in the negotiations on TRIPS are designed to evolve a new international system that will intensify the pressures on the developing countries to bring their intellectual property regime legislation in line with the perceived interests of technology exporters, without addressing the basic development concerns of the third world. This unbalanced and inequitable approach can never command the willing support of the developing countries. Its acceptance would severely inhibit technical change and act as a major barrier to the development of the third world.*

*South Commission, Mexico City, 8 August, 1988*

What was a few years ago an obscure agreement called the Trade-Related Aspects of Intellectual Property Rights (TRIPS) now faces a public crisis of legitimacy and political bankruptcy. To the mainstream media and public in the West, TRIPS is mostly identified by images of mass protest in South Africa against the pharmaceutical industry's case to prohibit cheap drugs for South African AIDS/HIV victims. However, across the globe, in farmers' fields and villages, in classrooms and in front of computer monitors, in third world pharmacies and the brain centres of developing nations and even behind the closed doors of the World Trade Organisation's (WTO) negotiating rooms, a persistent movement is building that is demanding proof of the benefits of TRIPS, as promised by big governments.

The TRIPS Agreement came into force with the WTO in 1995 and constitutes the first sweeping trade agreement to establish enforceable minimum standards on intellectual property implemented through national legislation in areas as diverse as agriculture, health, education and environmental policy. It is also the first agreement that allowed an international body to legally regulate plant variety protection, industrial property (including patents on life forms--Article 27.3b) and copyrights under a broad umbrella of "intellectual property rights." This has resulted in legal monopolies on, among other things, plant varieties, seeds and medicines through the auspices of the WTO, a multilateral body whose purpose it is to promote competition rather than protect a few industries of a few countries.

The current state of mass deadlock between developing and developed countries comes as no surprise, given the negotiating history of the TRIPS Agreement and the broader trends in IPR standard development over the last century. The inclusion of TRIPS into the General Agreement on Tariffs and Trade (GATT) was met with outright opposition from developing countries in the 1980s who were pushing processes in the United Nations Conference on Trade and Development (UNCTAD)

for ensuring technology transfer to developing countries through IPRs (Intellectual Property Rights) and the revision of the Paris Convention at the World Intellectual Property Organisation in Geneva (WIPO). Among the strongest opponents of IP inclusion in the GATT were India, Brazil, Argentina, Cuba, Egypt, Nicaragua, Nigeria, Peru, Tanzania and Yugoslavia<sup>2</sup>. However, in the 1986 Punta Del Este Ministerial Declaration of the GATT, IPRs were included to deal with counterfeited goods. Over the next four years, developed countries pushed for a much broader mandate for an intellectual property agreement (the current TRIPS agreement) while developing countries continued to push for a narrow mandate within the context of the GATT to be strictly limited to counterfeited goods. Having already moved the momentum on reform of the IPR system to a less sympathetic body like the GATT, the US resorted to the strength of its bilateral pressures through 'Section 301' of its Trade and Tariffs Act of 1984 (now also applied to intellectual property). Section 301 allows the US to withdraw benefits of trade agreements or bilaterally impose duties on goods from foreign countries.<sup>3</sup> It was this threat of Section 301, or 'Special 301' (1988), that cut developing country opposition in half. The US used (and still does) special categories such as "Priority Watch List" and "Watch List" under Special 301 to threaten countries with loss of trade under the auspices of the act. Brazil and India, who were the longest to hold out against the TRIPS regime, succumbed in the end and TRIPS was included as part of the "built-in Agenda" of the WTO.

The US position on TRIPS, as widely known in trade circles in Geneva and flouted by US industry itself, was conceived, drafted and even negotiated with the help of the members of the intellectual property committee, an IP lobby group in Washington. A Monsanto representative, James Enyart reported to *Les Nouvelles*, a French journal, "Industry has identified a major problem in international trade. It crafted a solution, reduced it to a concrete proposal and sold it to our own and other governments..."<sup>4</sup>

In India, on the other hand, a critic wrote: "The text includes everything which the US had been pressing for all along – but which the US had failed to achieve so far... . And the statement made by the Indian delegation on the occasion of the adoption of the Geneva 'Agreement' expresses "satisfaction" about the outcome! We have been had. And we seem to be glad that we have been so had."<sup>5</sup>

Now, twelve years after the inclusion of the "broad based" intellectual property agreement in the Uruguay Round the WTO has become an institution marred by protest within and outside its corridors. The same politics that gave birth to the TRIPS Agreement now prevails in the implementation of it as the US, Switzerland and European Communities block substantive reviews of TRIPS, and bilaterally pressure countries to far exceed the requirements of this highly-contested agreement. Critics, who had long ago warned about the danger of institutionalising monopoly rights on biological organisms and their parts, as well as pharmaceutical products, are now seeing a groundswell of opposition arising from various sections of the population worldwide. Developing countries are still pushing for demands they made prior to the failed Seattle Ministerial Conference in 1998. They are demanding a real substantive review of Article 27.3b (patenting life) and its implications on developing countries. A special session has been called this year on the impacts of the TRIPS Agreement on domestic health policies of nations. The claim of TRIPS' ability to deliver technology to the South is maintained without any real evidence. Countless studies on TRIPS and its impacts on food security, biodiversity and health go unregistered. In July of this year, the US stated that it would not budge on its position on TRIPS until other countries prove that TRIPS has negative effects on health, while even the European communities are beginning to pay lip service to the widespread criticism of the agreement.

The burden of proof of TRIPS' legitimacy rests with negotiating governments. In November of this year, ministers will again meet to discuss virtually every facet of our lives under the guise of the trade policy agenda of the World Trade Organisation. In the hope that real life testimonies of individuals around the world will shed a renewed light on the impacts of the TRIPS Agreement, we are

bringing five testimonies to the governments and the public at large in the hope that history will not continue to repeat itself.

**Misereor, ActionAid, Berne Declaration, and the Institute for Agriculture and Trade Policy, as part of a global coalition of farmers, development, consumer, health and environmental groups, called the TRIPS Action Network (TAN), is putting TRIPS ON TRIAL.**

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1. The Paris Convention was established in 1883 among mostly newly industrialised countries to promote patent rights. It was revised six times from 1900-1967, each time with stronger monopolistic rights to patent holders. Post World War II and with many developing colonies gaining independence, developing countries started to seek revision in both the Paris convention and national patent legislation in order to protect national and public interests. The Group of non-aligned and Group of 77 developing nations pushed for studies on the effects of patents on developing countries. In 1975, the Seventh Special Session of the UN General Assembly adopted this resolution (3362 (S-VII): International conventions on patents and trade marks should be reviewed and revised to meet, in particular, the special needs of developing countries in the transfer and development of technology.

2. Drahos, Peter "Negotiating Intellectual Property Rights: Between Coercion and Dialogue" Oxfam International Seminar on Intellectual Property and Development: What Future for the WTO Trips Agreement? Brussels, March 20, 2001.

3. Drahos, Peter "Trade-Offs and Trade Linkages: TRIPs in a Negotiating Context" Notes of a talk given at Quaker House, Geneva, September 12, 2000.

4. Dawkins, Kristin *Gene Wars: The Politics of Biotechnology*. New York, 1997

5. *Intellectual Property Rights: The Geneva Surrender*. Economic and Political Weekly. June 3, 1989

6. The SAN people agreed on this testimony with cites from:

'The Hunter-Litigators' by Peter Hawthorne, Cape Town, in Time, August 6, 2001

'In Africa the Hoodia cactus keeps men alive. Now it's secret is 'stolen' to make us thin.' By Antony Barnett, in The Observer, Sunday June 17 2001

7. 'The Hunter-Litigators' by Peter Hawthorne, Cape Town, in Time, August 6, 2001

8. 'In Africa the Hoodia cactus keeps men alive. Now it's secret is 'stolen' to make us thin.' By Antony Barnett, in The Observer, Sunday June 17 2001

# STOLEN KNOWLEDGE

Through their actions, Pfizer, Pytopharma and CSIR have clearly failed to comply with the rules of the Biodiversity Convention, which requires the prior informed consent of all stakeholders, including the original discoverers and users. At the same time, the TRIPS Agreement allows the patenting of "inventions" based *on stolen traditional knowledge and genetic resources*. *NGOs demand that the TRIPS agreement must be changed in order to comply with the Biodiversity Convention.*

The San people are indigenous inhabitants of Southern Africa. Rock paintings drawn by their ancestors date from 27,000 years ago. San language groups include !Kung, !Xoo, Ju|'hoansi, †Khomani, and Hai||om. After centuries of discrimination, present day San groups, numbering around 100,000 across South Africa, Botswana, Namibia and Angola, have formed the Working Group of Indigenous Minorities in Southern Africa (WIMSA) to protect their rights and interests.

The San – known for their survival skills, rock art, trance-dancing and mystic symbiosis with their semi-desert or savannah environment – are among the most researched people in the world. They are also among the poorest and most marginalised. In 1997 the WIMSA board of trustees (all San) announced it would no longer allow the media or researchers free access to the San and drew up contracts for payment in return for access to their lives and ancestral knowledge. They invest the money in education and community development. "We were just objects for exploitation," says Joram Useb, a Namibian Haiom San and WIMSA's assistant coordinator. "We want recognition as people, with the same rights as anyone else in the world."

## **The Hoodia succulent**

*Hoodia* is a succulent plant that grows throughout the semi-arid areas of Southern Africa. The San have traditionally used *Hoodia* stems to stave off hunger and thirst when on long journeys, as it acts as an appetite suppressant. Now, the active ingredient in *Hoodia* is being developed by a British company who say it will become a best-selling slimming drug. Roger Chennells, a South African lawyer who acts as consultant to WIMSA, said, "They are very concerned. It feels like somebody has stolen their family silver and is making a huge profit out of it. The bushmen do not object to anybody using their knowledge to produce a medicine, but they would have liked the drug companies to have spoken to them first and come to an agreement."

## **The Case**

The active ingredient of the *Hoodia* succulent cactus was identified by the Council for Scientific and Industrial Research in South Africa (CSIR). They passed on their work to Phytopharm, a British Company, for further development. Phytopharm declared that they had found a potential cure for obesity, with none of the side effects of other treatments because it was derived from a natural product. Their share value rose immediately, and they were soon able to sell the exclusive global license to commercialise the drug for 21 million US dollars to Pfizer, the US pharmaceutical giant.

Richard Dixey, Phytopharm's chief executive, claims that he set up Phytopharma precisely to help tribal people profit from their ancestral plant knowledge, but that he originally believed the people who discovered the useful effects of the succulent cactus had disappeared. This was what the Council for Scientific and Industrial Research had told him.<sup>9</sup> Dr Marthinus Horak, the man in charge of

the CSIR project, also claimed that there were only a few hundred bushmen left in South Africa, and that they were very hard to contact. He said, "We always intended to speak to the community at some stage, but we did not believe it would be appropriate to do so before the drug had passed the clinical tests and been finally approved. We did not want to raise their expectations with promises that could not be met."<sup>10</sup> Pfizer hopes to have the *Hoodia* active ingredient ready to market in pill form within the next three years. They believe they have a drug that will corner a big part of the six billion dollar market in slimming aids. The *Hoodia* pills therefore have the potential to become South Africa's first major drug.

In June of this year, San leaders had their annual gathering at a farm 45 miles north of Cape Town. There they planned their strategy to negotiate and defend their rights to a share of the patent. The San people are extremely poor and a share of this money could help their efforts to save and value their own culture and communities. Through their actions, both Pytopharma and CSIR have clearly failed to comply with the rules of the Biodiversity Convention, which requires the prior informed consent of all stakeholders, including the original discoverers and users. At the same time, the TRIPS Agreement allows the patenting of "inventions" based on stolen traditional knowledge and genetic resources. NGOs demand that the TRIPS agreement must be changed in order to comply with the Biodiversity Convention.

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Sources:

9. 1. 'The Hunter-Litigators' by Peter Hawthorne, Cape Town, in Time, August 6, 2001
10. 2. 'In Africa the Hoodia cactus keeps men alive. Now it's secret is 'stolen' to make us thin.' By Antony Barnett, in The Observer, Sunday June 17 2001

# PATENTLY UNJUST

*"The case of Monsanto vs. Percy Schmeiser illustrates the incredible consequences of patenting life. The NGOs de-mand therefore a clear 'No' to patents on life in the TRIPS Agreement, and respect for farmers' right to save, exchange and sell their seeds freely"*

Percy Schmeiser has 53 years' experience growing canola (rape) on his 636-hectare farm in Saskatchewan, Western Canada. He and his wife, both 70 years old, have five children and 14 grandchildren. He was known in his area as a seed developer, which meant that he saved seed from his crop each year for the following year, and selected seed to develop varieties with resistance to the diseases in his area, and adapted to the local conditions. Percy explains what happened to him: "In 1997, I noticed that some of the canola plants that were growing along the road ditches around my fields were resistant to the herbicide Round Up or Glyphosate. I sprayed a test strip in my field and found more Round Up-resistant canola. The next year, I was shocked to receive a court order from Monsanto."

## The Case

"Monsanto accused me of illegally obtaining their genetically modified, patented, Round Up Ready canola, and growing it without either their consent nor paying them. "In court, Monsanto withdrew their charge that I had illegally obtained the seed for lack of sufficient proof, but they maintained their accusation that I had grown their patented plant without their permission. They said that the percentage and quality of Round Up-resistant plants in my fields was so high that they could not have grown from cross pollinations with Round Up resistant plants from other areas. "I argued that I had never obtained Monsanto's seed, because I always used my own seed. I had never even had any contact with Monsanto representatives other than buying some of their chemicals. In 1996 a neighbour of mine had planted Monsanto's genetically modified canola, and it was highly likely that some of the seeds had blown over onto my field, particularly as there had been a huge windstorm in 1996. Cross-pollination from my neighbours field might have played a role, but most of the genetically modified plants came directly from seed blown onto my land. Equally, the seeds could have blown off a truck going along the main road through my land.

"The judge ruled in favour of Monsanto's patent rights, on the following grounds: "Even though I never gained any economic benefit from the patent, for I hadn't used Round Up and hadn't sold the seed, still I violated the patent by having the plants on my land. "It didn't matter how the plants got onto the land – whether seeds were wind-borne, were washed in by flood, were carried in by animals or equipment, or by cross-pollination – they still violate Mon-santo's patent. This means that even if my canola plant in my field gets cross-pollinated by Monsanto's genetically modified canola against my wishes my plant still becomes Monsanto's property. "The judge also ruled that all of the profits from my 1998 crop – 19,832 US dollars – go to Mon-santo, even from the land that was not tested by Monsanto or me for the GM canola, just because of the possibility that the canola seed from those fields might contain some of Monsanto's seed in it.

"What this basically means is that the patent law is over and above any farmer's rights and plant breeder's rights. You can have all the protection from government on farmers' rights, but if Monsanto's patented genes are found on your land or in your plants you suddenly have no rights. It doesn't even matter that Monsanto destroyed my seed that I developed over 50 years, through the contamination with their GM seed. When it came to the issue of liability for the GM contamination in court, the judge said: that is a case for another court.

## **The Damage**

“For farmers, this means that companies like Monsanto are taking over complete control of the seed supply, a billion-dollar market. They are taking all the development away from farmers. The canola seed I developed grew well in my area, but if I had taken it 50 or 100 miles away the soil and climatic conditions could be a little bit different and my seed might not do so well. The best grains – wheat, barley, maize – were developed by farmers. Universities and research centres may have improved on the variety but the basic development was done by farmers. When these multinationals gain control of the seed supply they have one variety made to suit the whole of western Canada - an area that is hundreds of thousands of square miles wide. A farmer’s right to use his seed the following year is a God-given right, and if he loses that freedom of choice he’ll become a serf of the land.

“Who is liable now for the contamination of our farm lands with genetically-modified canola? In Western Canada companies are selling five different genetically-modified canola varieties, all of which could cross pollinate with the same canola plant to produce a super weed that would be resistant to five different herbicides. Figures show that the genetically-modified canolas have become the thirteenth most-noxious weed in western Canada in just four or five years. Who will pay for these extra costs to farmers trying to get rid of these weeds? Canola seed can remain in the ground for six to ten years and germinate at any time of year. We will never rid our land of genetically- altered canola in Western Canada.”

## **The Campaign**

Percy Schmeiser is appealing the judges’ decision on matters of facts and points of law, for instance for admitting evidence from Monsanto that they obtained by trespassing on Percy Schmeisers’ land and taking his seed without his permission. But he is also bringing a counter suit in which he accuses Monsanto of releasing a substance into the environment that they knew they could not control and have no intention of controlling. He is also trying to make Monsanto liable for the destruction of his developed seed. In addition he is doing a great deal of advocacy work for farmers’ rights all over the world. Monsanto is trying to introduce genetically-modified flax and wheat in Canada and the Canadian farmers are taking action. About five weeks ago the University of Saskatchewan at Saskatoon had to destroy all of their genetically-modified flax seed. The involvement of the US and Canadian agriculture departments with Monsanto in the development of GMOs has become public and is being opposed.

# LOST SEEDS

*Farming is the mainstay of livelihood for 75 per cent of the world's population who lives in rural areas. The advent of intellectual property laws in developing countries has potential for tremendous negative impact for 1.4 billion female and male farmers worldwide who rely on farm-saved seed. There are over 9,000 patents on staple crops with four multinationals holding 44 per cent of all patents on staples.*

*Patents will reduce access to seeds and genetic resources to farmers and breeders. It could also make seeds more expensive for the small farmers because of royalty payments, restrictive contracts and increased commercialisation. Once the seed is planted companies can insist that farmers purchase new seed every year, and penalise them for saving seeds. This compromises farmers' rights to save, grow, exchange and sell (protected) seed*

*Farmers' indigenous variety of seeds not only ensures the biodiversity protection but also the livelihood of poor farmers. Genetic diversity in agriculture enables poor farmers and breeders to select varieties of plants and animal breeds that are best adapted to changing environmental, economic and social pressures. The Distinct, Uniform and Stable criteria of plant variety protection provide incentives for a particular (industrial) kind of agriculture that can threaten biodiversity protection and livelihood security.*

*Intellectual property in agriculture will fundamentally change the way agriculture is practised in developing countries. Poor farmers like Naseer Ghumman and Leopoldo Guilaran are already vulnerable players in the marketplace – to be operating in a global market biased against them, increases their vulnerability.*

“My name is Nasir Ghumman. I was born into a farming family on 13 February 1963 in my village Chak, Sargodha district, Pakistan. We are five brothers and three sisters. My father worked very hard making land cultivable. Continuous hard work and favourable farming conditions helped him to expand his land from initially 14.5 acres to 60 acres.

“My father used to cultivate wheat, maize, cotton, rice, millet, jawar, alsii (linseed), gawara, mong, sugar-cane, and different kinds of citrus fruit (grapefruit, orange, sangtra, vancialate, malta orange etc). I remember my childhood days when we (the children) used to help the parents in the field and in looking after the livestock. I completed my early primary education in my village and secondary education in the nearest town Lalian, three miles from the village. After that I went to different cities like Faisalabad, Sargodha, Lahore, and Karachi. I got my Masters Degree in Punjabi literature from Punjab University and Law degree from Karachi University.

“My father distributed the land among us, seven years ago, when he reached old age. I received 10 acres of land. Since then I have been cultivating my land independently. Nonetheless, farming conditions are totally different than that of my childhood time.

## **Impacts of Multinational Corporations (MNCs)**

“Seeds were not purchased from the market before the introduction of hybrid seeds and agro-chemicals. The farming community used to exchange seeds of different crops without any monetary

interest. The seeds were returned after the cropping season. Then came the high yielding varieties.

“Farmers started purchasing seeds from the market and had to use agri-chemicals to attain the higher level of production. The increasing reliance on market seeds had adverse effects on the local seeds. We have lost different local seeds that our father used to grow. For instance, we have no local maize seed. It is being purchased from cities, and growers have no other option except Monsanto maize seed. Similarly, local seeds of wheat, jawar, alsi (linseed) are also rarely available. I tried my best to have local seed of maize and wheat but couldn't succeed. Now I am bound to sow seeds of MNCs. When Cargill, which was purchased by Monsanto a few years back, introduced maize seed, eight years ago, it was Rs.15/kg but now its price is Rs.250/kg which is not within the reach of small farmers. Therefore we are in the clutches of middlemen.

My father used to grow sarsoon (mustard plant) with local seed, which was used as a food, as fodder for cattle, to extract oil and many other purposes but now I have lost the sarsoon. I purchase canola seed from the market which is very costly. Due to heavy cost I have minimised its cultivation and thereby reduced cattle as sarsoon was the major fodder for them. Now there is less milk for my children. Before using commercial canola seed, I had 10 dairy cows, whereas now I am left with only two. All this is due to use of commercial seed, which is very costly. Near my village people have dropped cattle, due to the heavy cost of fodder.

“In such circumstances we need policies which should pull us out from these poor conditions. But international policymakers have different interests. They want to protect the rights of MNCs. They have allowed patenting of agriculture and food products under TRIPs. This agreement has strengthened the forces that are responsible for the above mentioned problems. When the (above mentioned) precursors of TRIPs had such horrible impacts on my life. How can I ignore TRIPs?

## **The Case**

“Basmati is the south Asian pride but was patented by Rice Tec. The Multinational Company (MNC) was able to retain some parts of the patent, even after a huge campaign from civil society organisations. Basmati is an important food and income source for small farmers. Small farmers receive two mounds (40 kg) of other rice grains in exchange for one mound of Basmati rice because of its higher value. They get higher prices primarily because of its higher prices in international markets. I fear that as long as American rice could be sold as Basmati, the cheaper ‘Basmati’ rice will harm our exports. Small farmers are facing a disaster. Their important crop will have no value. So MNCs of developed countries are getting benefits from TRIPs and the poor farmers in developing countries are being plunged deep into the crises.

TRIPs 27.3b has a great significance for a country like Pakistan as it binds the member country to enact laws related to plant varieties and world's food supply either on 'Patenting' or an effective sui generis' system. As far as 'Patenting' is concerned, it is suitable to industrial goods but for living organisms, it sounds quite unreasonable for the serious threat it could potentially cause. Patenting of plant and animals would result in a multi-national corporations' (MNCs') monopoly over the sale of plants and animals. Pakistani policy-makers have been consulting MNCs instead of farmers in such legislative processes.

On the substance of our national Plant Breeders (PBR) Act, the NGO network called Sustainable Agriculture Action Group (SAAG), which I am a part of, has been active in providing concrete comments to the government – including renaming the PBR act to Plant breeders' and farmers' rights act because it is the farmers who have originally developed crops, including seeds of different crops, through their traditional knowledge. The "scientific achievements" of plant breeders are infact based on farmers knowledge. So when one talks about plant breeders, the justice demands the rights of original contributors (farmers) first. In the present day, the corporate sector is gaining control over

seed business. MNCs are in favour of TRIPs and PBR acts because these agreements/legislations guarantee their control and maximum profit. Otherwise there are very few plant breeders who know about TRIPs and PBR act in Pakistan.

### **The Damage**

“We are losing control over our own resources and farmers are at the mercy of these MNCs which are adding more insecurity to the food problems of the poor people and farmers. Due to patenting of seeds, they (MNCs) will benefit and we farmers will be the losers.

I am afraid of biopiracy. I cultivate Kino (orange) and get a good price because of its export value. But if someone gets its patent, there will be less export or no export and we will lose a healthy income. We have already lost haldi, neem etc. and if citrus are patented then we will be so poor that we cannot live like a human. I also grow wheat, millet, canola, sugar cane, rice, but due to overall control of seed of these MNCs, we farmers are losing our identity because our indigenous plants are being patented by MNCs and we have no ownership rights on them.

Our agriculture is a way of living and is an integral part of our culture not merely a commercial and productive activity. After the intervention of modern technologies such as tractor, threshers etc, exchange of seed remains the only practice, which integrates the farming community. PBR act under TRIPs limits farmers' rights to exchange seed. It is a well known fact that commercialization in agriculture has drastically reduced the love and affection among the communities due to less dependencies among each other and more on market forces.

The commercialization has also terminated the diversity in the food. Our forefathers used to eat *mundal*-a food grain as bread. Only one bread was enough for a healthy field worker for the whole day. They also used to eat millet bread. *Alsi* (Linsseed) was eaten in winter to cope with hard winters. *Alsi* was also very good feed for animal. The oil of *Taramera* (rapseed) was used to develop immunity in the animals. These food and feed items have been taken over by commercial seed and have created a less nutritious diet. My father and other elderly family members lived to more than 80 to 100 years of age, due to the nutritious and diversified food items. My grandfather, grandmother, father and uncle died at the age of 95, 96, 86 and 88 respectively. Now we have already lost two cousins, two nephews at the age of 50, 56, 41 and 35 respectively from different diseases. I believe that the age limit has decreased due to the poor diet and lack of diversity in diet.

TRIPs and PBR acts advocate for the control of plant resources in the hands of few companies. The real owners (farmers) are nowhere in the debate of benefit sharing. Everyone is talking about the rights of breeders without considering the centuries bound contribution of farmers. Very few voices are heard about farmers' rights.

# FARMERS' DEFENCE

*The following case illustrates how TRIPS enforces the privatisation of seeds and promotes the wrong agricultural agenda. It threatens farmers' livelihood and food security. TRIPS must be changed in order to guarantee farmers' free access to seeds, since farmers need the right to save, exchange and develop seeds freely.*

“My name is Leopoldo Guilaran, I am 53 years of age, and a rice farmer from Negros Island, Southern Philippines. Agriculture has been a long tradition in my family. My father and grandfather tilled the land during their lives – and I myself have been farming for 24 years already, with the last 10 years practising sustainable agriculture. I now farm a 2.6 hectare area where I grow rice, corn, various vegetables, fruit trees and root crops. I am one of the 34 practising rice breeders in MASIPAG, and my farm is my laboratory. It is also here where I do on the job coaching for other farmers who want to learn how to do systematic breeding.

“I am also the Chair of a 30,000-strong national network of small farmers, scientists and NGOs in the Philippines which calls itself MASIPAG, an acronym which stands for Farmer Scientist Partnership for Development.

## **The Case**

“It was during a meeting of MASIPAG in 1998 that I first came to hear about the Trade-Related aspects of Intellectual Property Rights (TRIPS). After three months of educating and consulting with other grassroots members in Negros, we organised a mass mobilisation against TRIPS in which 7,000 farmers and their support groups participated. That was where our whole campaign against TRIPS took off.

“This fight is all the more real to us since in the last Congress our lawmakers were about to pass a Bill on Plant Variety Protection patterned after UPOV 91 to satisfy TRIPS. Unfortunately, the farmers – who would be greatly affected by this law – had hardly been consulted in the process.

“As a farmer breeder, the impact of putting these intellectual property systems in place can be summarised in four points:

### ***Privatisation of genetic resources***

TRIPS enforces the private ownership of genetic resources. This will restrict access to seeds for planting and breeding materials – a factor which is sure to affect crop improvement, both in the big institutions and on farm. TRIPS means monopoly control and ownership, which is contrary to free sharing that we farmers have been practising for generations. Scientists will not be willing to exchange materials freely any more and farmer breeders like me, will lose the most.

### ***Promotion of the wrong agricultural agenda***

TRIPS will push agricultural research into the wrong direction: towards corporate agendas in public research, high value export crops rather than poor people's food crops, and uniformity in the field rather than diversity. Experience in countries which have already implemented TRIPS confirm this. In addition, our government's research priorities are currently shifted to modern biotechnology at the

expense of research and development for sustainable agriculture, which is more useful to the majority of our farmers who are small. Lastly, farmer breeders like me, who have a different set of targets for breeding, will be further pushed at the margin if not detached from the system.

Vitamin A rice, for instance, is being developed by IRRI, a leading research institution, as some kind of humanitarian effort to prevent malnutrition and blindness. In reality, however, this rice is entangled in a web of 70 corporate patents and has so many strings attached that it is a legal terror just to get it into the farmers' field. Of course, we don't believe in this rice. But it shows how intellectual property makes a mess of research, for no benefit to the poor.

### ***Restriction to saving, exchanging and selling of seeds***

Taking care of the seed is essential for small farmers to survive. But now with TRIPS, the act of saving, exchanging and selling seeds is being prohibited. Once we establish a system that curtails this, it will get narrower and narrower until small farmers are finally wiped out. Taking away the right to reproduce and share seeds is like taking away our lives.

For example, in the proposed Philippine Bill on Plant Variety Protection, it states that farmers are only allowed to save, exchange, and sell seeds if it is for non-commercial purposes and done in their own landholdings. But the reality is, 1.2 million farming families in the country are landless. This favours big resource-rich farms while putting aside the interest of resource-poor farmers.

### ***Undermining farmers' rights***

I think the worst part of TRIPS is that it tramples on our inherent rights as farmers, which has been established for thousands of years. It takes away the very essence of who we are as stewards of the land that we till. Breeding, conservation, production and selection are continuous processes. Farmers have been doing it for so many generations now. How can someone suddenly claim ownership over genetic resources? And make farmers pay royalties on them!

We Filipino farmers have been prey to this under our government's seed certification system, where scientists took the credit for the 'Burdagol' rice variety, which was in fact, developed by a farmer. Although there was no IPR involved in this case, we can draw from the experience how worse it would be when the TRIPs regime is established. Because scientists will now get economic profit from such an act. But the burdagol experience and TRIPS mean the same thing: denying farmers their rights, their heritage, taking something away from them. And I don't think you can give something back for this. It is just wrong.

## **The Campaign**

"Realising how TRIPS can hurt small farmers' interests and sustainable agriculture in general, I have undertaken my own advocacy against TRIPS. I am campaigning to fellow farmers not to respect this system, which should be more aptly referred to as Trade Related Intellectual Piracy Rights. We will not submit ourselves to such a regime, and continue to uphold our rights as farmers to do whatever is necessary to protect, conserve and improve our seeds – which belong to all of us collectively, and to no one privately.

"In MASIPAG, we are working to make more people at the grassroots aware of the issue and challenge our government to protect the small farmers and indigenous people against the scourge of TRIPS. We are continuing to expand our alliances with other groups to defeat the Bill on Plant Variety Protection in our country.

"At the regional level in Asia, we are carrying out a 'No Patents on Life! No Patents on Rice!' campaign together with other groups from Thailand, Indonesia, Cambodia, the Philippines, India and

Bangladesh. We did a collaborative research together, which was published last March, and is currently being localised in each country. More recently, we drew up a common-position paper which we are circulating for the endorsement of other groups, and which we can use as a tool in lobbying our governments against TRIPS.

“There is indeed much to be done in this struggle, but for us farmers who have everything to lose with the enforcement of the TRIPS, no work is too hard nor too costly. And we are determined to keep on – for the good of agriculture and the generations who will rely on it.

# TRIPS: A HEALTH HAZARD

*The pharmaceutical industry has immense power and is well known for huge profits, made often at the cost of people's lives. The industry is known to conduct trials in unethical manner in Third World countries, dumping dangerous and unwanted medicines and having many other double standards, just to gain huge profits, with little concern for human life. Both the medical profession and the government are easily co-opted by the industry.*

*This is the real challenge and the problem that is faced by Third World countries. The activities of profit making multinationals for whose benefit the WTO is directing Third World countries to change the patent acts, will result in large numbers of people ceasing to get life-saving medicines at a cost they can afford.*

## TRIPS & Health

My name is Dr. Gopal Dabade. I am a medical doctor, having post graduated from Medical College from home town (Hubli) in India.

### The Case

a) Yellawa lives with her husband Hanumantha in a remote and small village called Machi, in South India. It is one of those villages that I visited every week continuously, for almost three years, so I knew the family well. Hanumantha is a known asthmatic. He is unable to work and so Yellawa has to earn the daily bread, for which she works in a nearby farm. She earns around half a dollar a day. It is a poor family. Their only son Kallapa, aged 22 years, has left the village about two years back in search of a job in the nearby town. Since Yellawa was the only earning member, she found it rather hard to make both ends meet. I examined Hanumantha and prescribed an anti asthmatic Salbutamol for him, manufactured by Cipla and sold under the trade name Asthalin. Since he had to take it continuously, the cost of the drug was an important factor. A week of the medicine for asthma with these tablets cost him a quarter of a dollar. While taking this drug, he seemed to be not only comfortable, but was able to carry on light work and earn some little money for the family.

b) Ramanna worked as a carpenter, with daily wages of around two dollars. He was the sole bread winner for the family. His two small children were in school. He was struck with tuberculosis. I was able to persuade him to give up smoking. I told him to take the treatment for six. Six months' treatment would cost him around fifty dollars. It really meant a tight budget for the family. He took the treatment and was totally cured of tuberculosis.

These are some examples of successful stories of the benefit of drugs being accessible, to the poor and middle class at an affordable price in India. Credit goes to India's indigenous drug industry, which in turn duly credits the Indian Patent Act 1970. India has a unique Patent Act, amongst all developing countries in the world. This has been declared by none less than UNIDO. The Indian Patent Act 1970 has helped the Indian indigenous drug industry to reach the present situation, where it is not only able to meet most of its own countries' drug needs but, also export medicines to other countries. This was not the situation before 1970, when India depended on multinationals and the drugs were costly. It was only after the introduction of the Indian Patent Act 1970, that drugs were produced by the Indian indigenous industry at a low price and thus compelled the multinationals to bring down the prices of the drugs. And in India medicines are not yet subject to patents until the year 2005 and thus a local company can legally produce its own versions of drugs that are patented

in other countries.

### **Cheaper drugs in India**

Drug prices in India are the lowest in the world – between 1000% and 4000% cheaper than the same in US. In Mumbai (in India) one can buy Hytrin (a sophisticated anti-hypertensive) for two cents a tablet. A months' supply of the drug costs about \$4. At a local pharmacy in Boston (in US) the same drug from the same company costs \$44, more than ten times as expensive. In Boston Ranitidine costs 42 cents per 150 mg. The same product in Mumbai is less than 2 cents. In other words even the cheaper generic equivalent in the US is 2246% more expensive.

It is obvious from the above that a large number of essential drugs are accessible to people at an affordable price. But many of these things will fall apart when India agrees to change and fall in line with WTO. It will be compelled to change its Indian Patent Act 1970, under pressure from the WTO. This will only mean that poor and the marginalised people will be pushed to the brink as:

1. The cost of newly-invented drugs will be beyond the reach of every Indian! I am afraid the situation will be very grave, especially for HIV/AIDS drugs. India has the largest number of people living with HIV/AIDS in the world. It is frightening to imagine that in a decade India will be having a situation similar to South Africa, as the newly-discovered medicines and vaccines for HIV/AIDS will be beyond the reach of the average Indian.
2. The traditional healers who depend on plants for treating will be threatened by big drug industries attempting to patent them. Several attempts have so far occurred in this direction. This threat has been looming, but is bound to get worst.

### **Action against patents**

The issue of patents and its implications has been a matter of great concern to several activist groups and political parties, debated both inside and outside the parliament and also researched. Right from 1991, when India agreed to sign GATT agreement, there have been a plethora of seminars, workshops, public demonstrations and press coverage condemning the high handedness of WTO. In 1991, when the ruling congress party signed GATT agreement the opposition party strongly criticized it as an anti people move. But successive political parties have continued to tow the line after coming to power at the dictates of WTO. There have also been Civilians Groups who have taken interest. Notable amongst the one that I have been involved and keeping a track are:

1. Azadi Bachao Andolon - involved in a signature campaign and a case in Supreme Court against government of India, having signed WTO agreement.
2. All India Drug Action Network and Drug Action Forum – Karnataka - various publications on issues related to price of drugs and its effect by changing patents.
3. National Alliance for People's Movement - a federation of several movement groups.
4. National Working Group on Patents - basic research on issue related to patents and agriculture and campaigning.
5. Research Foundation for Science, Technology and Natural Resource Policy:-research on indigenous seeds and international campaigning.
6. Karnataka Rajya Raitha Sangha - a farmers' movement against WTO.

These are just few examples and of course the list is endless.

There is an urgent need to see that these organisations receive support and help from like-minded organisations all over the world, to see that India maintains its patent act.

# RE-THINKING TRIPS IN THE WTO

## REVIEW & REFORM OF TRIPS

The TRIPS Agreement (TRIPS) is facing a crisis of legitimacy. In the six years since it came into force, there has been ever-increasing evidence of social, environmental and economic problems caused by the implementation of TRIPS. Yet, little, if any, of TRIPS' promised benefits of technology transfer, innovation and increased foreign direct investment has materialised. Already there is worldwide public opposition to TRIPS for its role in patenting of life and in reducing access to medicines.

For many hundreds of civil society groups and NGOs around the world, TRIPS represents one of the most damaging aspects of the WTO. The legitimacy of the WTO is closely linked to that of TRIPS. TRIPS has, in fact, given the multilateral trade system a bad name. Contrary to the so-called free trade and trade liberalisation principles of the WTO, TRIPS is being used as a protectionist instrument to promote corporate monopolies over technologies, seeds, genes and medicines. Through TRIPS, large corporations use intellectual property rights to protect their markets, and to prevent competition. Excessively high levels of intellectual property protection required by TRIPS have shifted the balance away from the public interest, towards the monopolistic privileges of IPR holders. This undermines sustainable development objectives, including eradicating poverty, meeting public health needs, conserving biodiversity, protecting the environment and the realisation of economic, social and cultural rights.

We, the undersigned, call on WTO members to take action before more damage is done by TRIPS. We believe that a fundamental re-thinking of TRIPS in the WTO is required. We, therefore, urge WTO members to initiate a process of reviewing and reforming TRIPS.

### **Patents on Life, Food Security and Biopiracy**

At the heart of debates surrounding the patenting of life and its adverse effects on food security, farmers' livelihoods, local communities' rights, sustainable resource use and access to genetic resources is the requirement of patent protection for life forms and natural processes in Article 27.3(b) of TRIPS.

Patents on seeds and genetic resources for food and agriculture threaten sustainable farming practices, farmers' livelihoods and food security. Farmers using patented seeds are deprived of their right to use, save, plant and sell their seeds. Article 27.3(b) also requires protection of plant varieties but gives WTO members the choice between patent protection, a *sui generis* system or a combination of both, for doing so. However, the option to protect plant varieties under a *sui generis* system is being reduced to compliance with the UPOV Convention, through pressure on developing countries from industrialised countries, the global seed and biotechnology industry, UPOV itself and the WTO Secretariat. Increasing consolidation of multinational corporations in the seed, agro-chemical and food processing industries has further concentrated the control over seeds, seed choices and ultimately, food security into the hands of a few corporations, and out of the hands of the farming communities. The patent system is also facilitating the theft of biological resources and traditional knowledge. The imposition of patent rights over biological resources and traditional knowledge unfairly deprive communities of their rights over, and access to, the same resources they have nurtured and conserved over generations. This contradicts the key principles and provisions of the Convention on Biological Diversity (CBD). The race to patent genes, cells, DNA sequences and other naturally occurring life forms has blurred the crucial distinction between discoveries and basic scientific infor-

mation, which should be freely exchanged, and truly invented products or processes meriting patent protection.

Developing countries' attempt to undertake a substantive review of Article 27.3(b) is at a stalemate. The review process has opened up to issues of substance but the developed countries are not taking seriously developing country proposals for revision. The Africa Group, in particular, has voiced clear opposition to the patenting of life. The Group had called for a decision at the Seattle Ministerial Conference in 1999 to clarify that "*plants and animals as well as micro-organisms and all other living organisms and their parts cannot be patented, and that natural processes that produce plants, animals and other living organisms should also not be patentable*". The Africa Group proposal has gained broad support from other developing countries in the WTO, as well as civil society groups and NGOs around the world. There is an urgent need to commence a serious, substantive review of Article 27.3(b).

### **NGO Proposals for Review of Article 27.3(b)**

We, therefore, call on the members of the WTO to:  
agree to the immediate undertaking of the mandated and substantive review of Article 27.3(b). The review must be conducted on its own terms, outside of the review of Article 71.1 of TRIPS or the wider WTO negotiations, and should:

- act on the Africa Group proposal to clarify that plants, animals, micro-organisms and all other living organisms and their parts cannot be patented, and that natural processes that produce plants, animals and other living organisms should also not be patentable;
- respect the right of developing countries to determine the need for appropriate *sui generis* laws that effectively protect community and farmers' rights, and promote agricultural diversity and sustainability;
- in line with the clarification that living organisms and their parts are not patentable, further ensure that the provisions of Article 27.3(b) of TRIPS are consistent with the CBD provisions on national sovereignty, prior-informed consent and benefit sharing, with regards to access to genetic resources and traditional knowledge; and
- take account of, and support the current negotiations in FAO's International Undertaking on Plant Genetic Resources for Food and Agriculture to restrict or ban intellectual property rights on plant genetic resources for food and agriculture within the multilateral system, in the interests of long-term food security and to prevent biopiracy.

In the interim, WTO members should:

- extend, with immediate effect, the implementation deadline for Article 27.3(b) for at least five years after the completion of the substantive review of Article 27.3(b);
- undertake not to apply bilateral pressure on developing countries to adopt the UPOV Convention as the *sui generis* model or other TRIPS-plus measures; and
- grant the CBD Secretariat observer status in the TRIPS Council.

### **TRIPS & Public Health**

Strict patent regimes required by TRIPS allow pharmaceutical corporations to set prices of patented medicines at high, often exorbitant levels. Under TRIPS, the 20-year minimum patent protection period for products and processes confers exclusive monopoly for the manufacture, distribution and sale of medicines. The monopolies granted by TRIPS allow pharmaceutical giants to suppress competition from alternative, low-cost producers and to charge prices far above what is reasonable.

Appropriate national legislation, providing for compulsory licensing and parallel imports, is needed to ensure that chemical intermediates, raw materials and finished pharmaceutical products are avail-

able at competitive prices in the world market. Measures – such as compulsory licensing, parallel imports and other exceptions to patent rights – are allowed under TRIPS. Despite this, and the clear need for developing countries to exercise their rights for compulsory licensing and parallel imports to enable access to affordable medicines, bilateral pressures and bullying tactics have been used to prevent developing countries from implementing TRIPS provisions on compulsory licensing or parallel imports. Such bullying is outrageous and unacceptable.

WTO members are currently engaged in a series of Special Discussions on TRIPS and Public Health. Initiated by the Africa Group, the process is aimed at clarifying the role of intellectual property rights and their impact on public health and access to medicines. Developing countries, signaling their intent to ensure a tangible outcome to the process, have proposed that the WTO takes steps to endorse a clear and unambiguous affirmation that *“the TRIPS Agreement does not in any way undermine the legitimate right of WTO Members to formulate their own public health policies and implement them by adopting measures to protect public health”*.

The overwhelming majority of developing countries in the WTO support this proposal. To give practical effect to the affirmation, the developing countries have further called for the Doha Ministerial Declaration to endorse the following elements; including the use of Articles 7 and 8 in the interpretation of all provisions in the TRIPS Agreement; the right of countries to determine the grounds on which compulsory licenses may be issued; recognition of compulsory licenses issued to a foreign manufacturer; the right to parallel importation; a moratorium on all dispute actions aimed at preventing or limiting access to medicines, or protection of public health; and the extension of transition periods for developing and least developed countries.

### **NGO proposals for TRIPS and Public Health**

We fully support the developing countries’ proposal that the WTO affirm the primacy of public health over TRIPS. We call on all WTO members not to stand in the way of such an affirmation. We further call upon the WTO members to:

- strengthen the existing public-health safeguards within TRIPS to ensure that governments have the unambiguous right to override patents in the interests of public health.
- adopt a pro-public health interpretation of TRIPS through the flexible use of existing safeguards and exceptions. These include upholding the right of countries to grant compulsory licences for local manufacturing, import and export, and their right to implement parallel importation measures;
- remove the burdensome conditions that governments have to fulfil in the issuing of compulsory licences, so that licences can be granted on a ‘fast track’ basis for public-health purposes;
- extend the implementation deadlines within TRIPS for developing countries in relation to patent protection (both product and process) for medicines;
- agree not to exert bilateral or regional pressure on developing countries which take measures to exercise their rights under TRIPS to protect public health and promote access to medicines, nor to pressure them to implement unnecessarily strict and potentially harmful intellectual property protection standards or ‘TRIPS-plus’ measures;
- observe, with immediate effect, a moratorium on dispute settlement action against developing countries, which hinders their ability to promote access to medicines and protect public health (including the use of compulsory licence and parallel importation measures);
- allow developing countries the options of restricting the scope and length of patent protection, including an outright exemption of medicines from patenting on humanitarian or public-health grounds, in order to meet the objectives of saving lives, countering and controlling epidemics, and ensuring that poor people obtain access to essential medicines for the treatment of poverty-related diseases.

## **Time for a Fundamental re-thinking of TRIPS**

We believe that the protection of intellectual property rights is not an end in itself. The objectives of technological innovation and the transfer of technology (Article 7 of TRIPS) should place intellectual property rights protection in the context of the public interest of social and economic welfare. Furthermore, TRIPS also acknowledges the right of WTO members to adopt measures for protecting overarching public policy objectives, such as public health and nutrition, and socio-economic and technological development, and to prevent abuse of intellectual property rights, and anti-competitive practices (Article 8). Yet, these fundamental objectives and principles have been blatantly ignored by certain developed countries in their interpretation and implementation of TRIPS. Attempts by these developed countries to force developing countries to adopt such flawed interpretations will only perpetuate the crisis of legitimacy that TRIPS is already facing.

As can be seen above, civil society groups and NGOs have made specific demands relating to the issues of patenting of life and access to medicines. However, we note that common themes exist in the different campaigns relating to patenting of life, biopiracy and food security, and public health and access to affordable medicines. We all share the common view that TRIPS represents a significant shift in the balance in intellectual property rights protection that is too heavily in favour of private right holders and against the public interest.

# NGO DEMANDS FOR THE REVIEW & REFORM OF TRIPS

We, the undersigned organisations, call on the members of the WTO to:

## **Undertake a fundamental review and reform of TRIPS**

Undertake a review of TRIPS under Article 71.1 to take into account new developments that may warrant modification or amendment of TRIPS. Such a review should include a critical impact assessment of TRIPS on food security, public health and nutrition, the environment, and its implications for social and economic development, with a view to revising TRIPS. An Article 71.1 review is mandated within TRIPS, and should therefore, be undertaken on its own merits so as not to be subsumed and traded-off as part of the wider WTO negotiations.

As part of the review, clarify that all provisions of the TRIPS Agreement must be interpreted in the context, and against the background, of Articles 7 and 8 of the TRIPS Agreement. WTO members should put into operation the objectives and principles enshrined in Articles 7 & 8 of the TRIPS Agreement to ensure the primacy of public interests over the security of private intellectual property rights. Developing countries must be given maximum flexibility implementing TRIPS. They should not be restricted in their ability to adopt options or measures for implementing TRIPS that enable them to appropriately balance the overarching public policy objectives against private interests. Developing countries should also be given flexibility to reduce the scope and length of intellectual property right protection, including the right to exempt (or have a longer transition period for) certain products and sectors, on the grounds of public welfare and the need to meet development objectives.

## **End bilateral pressures and bullying tactics**

Affirm a commitment not to apply bilateral pressures or tactics on developing countries to give up the use of options available to them under TRIPS. Similarly, pressures should not be put on developing countries, either through bilateral means or regional arrangements or in the WTO accession process, to force them into implementing 'TRIPS-plus' measures or standards higher than those in TRIPS.

## **Extend implementation deadlines for developing countries**

Extend the implementation deadlines within TRIPS for developing countries until after a proper and satisfactory review of TRIPS is carried out and appropriate changes are made.

## **Moratorium on dispute settlement action**

Agree to observe, with immediate effect, a moratorium on dispute settlement action, until there is a satisfactory resolution of the review. Many developing countries are facing difficulties in implementing TRIPS at the national level but the transition period for the implementation of Article 27.3(b) expired on 1 January 2000. This means that the majority of the developing countries are now legally obliged to implement the TRIPS Agreement within their national laws, or face the imminent threat of being taken to the dispute settlement body of the WTO.

## **Review of TRIPS' place in WTO**

Consider the rationale and desirability of TRIPS' location in the WTO. TRIPS is protectionist, promotes monopolistic practices and profits, and almost exclusively benefits developed countries. As part of the fundamental review and rethinking of TRIPS, WTO members should question TRIPS' place in a trade organisation that supposedly champions competition and consider the removal of TRIPS from the WTO.

# **THE INITIAL SIGNATORIES TO THIS STATEMENT:**

ActionAid

Berne Declaration, Switzerland

Centro Debate de Accion y Ambiental, Colombia

Institute for Agriculture and Trade Policy (IATP), USA

Latin American Institute for Legal Service Alternative (ILSA), Colombia

MISEREOR, Germany

Oxfam International

Third World Network, Malaysia

## **CO-SIGNATORIES AS ON OCTOBER 4, 2001**

Total Organizations: 178

See list of organizations at <http://www.twinside.org.sg/title/joint5.htm>

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The Institute for Agriculture and Trade Policy promotes resilient family farms, rural communities and ecosystems around the world through research and education, science and technology, and advocacy.



MISEREOR was founded in 1958. In its capacity as the overseas development agency of the Catholic Church in Germany, it offers to cooperate in a spirit of partnership with all people of goodwill to promote development, fight worldwide poverty, liberate people from injustice, exercise solidarity with the poor and the persecuted, and help create "One World".



The Berne Declaration - a Swiss NGO working towards equitable North-South relations

The Berne Declaration is a Swiss non-governmental organization with 16,000 members. Through research, public education and advocacy work, it has promoted more equitable, sustainable and democratic North-South relations since 1968.

The Berne Declaration monitors the role of Swiss corporations, banks, and government agencies. It addresses the problems of unequal international trade and financial relations, unsustainable consumption patterns and cultural prejudices. It calls on all Swiss actors - the private sector and the state, citizens and consumers - to assume their responsibility in resolving these problems.



ActionAid's vision is a world without poverty in which every person can exercise their right to a life of dignity.

ActionAid's mission is to work with poor and marginalised people to eradicate poverty by overcoming the injustice and inequity that cause it.