

Innovation Council Opening Statement: IGC Diplomatic Conference

May 2024

Thank you, and congratulations, Mr Chair.

Innovation Council connects organizations that are bringing new solutions to society with policymakers, so they can share their perspectives and experiences.

For us, it's important that negotiators safeguard legal certainty in the patent system.

When legal certainty and predictability are compromised, the environment for investing in R&D, sharing knowledge, and delivering inventions to society becomes riskier and more difficult. Legal uncertainty affects small and large patent owners – as well as the organizations that partner with them, and that otherwise interact with their IP positions.

The instrument must be specific and clear, with a narrow and clearly defined scope of application that aligns with how patents are prosecuted and managed in the real economy. It should not create undue burdens for patent users and offices.

We endorse including maximum commitments in the instrument, for harmonization and legal certainty.

During this Diplomatic Conference, it will be important to:

- Clearly and narrowly define the scope. This relates to the trigger, DSI, timing of application, and other elements. Also, clear definitions are required;
- Clarify and confirm appropriate PDR administrative requirements; and
- Exclude patent-based sanctions from this transparency requirement.

Adoption of an unclear, or unduly broad, text could compromise innovation projects beyond those based on GR and associated TK. It's important that such unintended consequences are avoided.

Thank you.