



Council of the
European Union

**Brussels, 29 May 2024
(OR. en)**

10454/24

PI 76

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	9548/1/24 REV 1
Subject:	WIPO Diplomatic Conference to Conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources (Geneva, 13-24 May 2024) - Final EU/Member States opening and closing statements

Delegations will find attached, for information, the opening statement and the closing statement delivered on behalf of the EU and its Member States at the above-mentioned WIPO Diplomatic Conference.

**WIPO Diplomatic Conference to Conclude an International Legal Instrument Relating to
Intellectual Property, Genetic Resources and Traditional Knowledge Associated with
Genetic Resources**

(Geneva, 13-24 May 2024)

Opening Statement

1. On behalf of the European Union and its Member States, let me first congratulate you, the Vice-Chairs, as well as the rest of elected officers, on your election. We are confident that, under your able guidance, this Diplomatic Conference will arrive at a successful outcome.
2. We would also like to thank the Director General and the Secretariat for all the work done in support of the preparation of this Diplomatic Conference since its convocation in 2022, and especially for the intense work over the last few months.
3. We are aware of the importance of this moment, after more than 20 years of discussions. Throughout all these years, the EU and its Member States have always taken an active and constructive approach, notably by submitting in 2005 a proposal to the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. In this proposal, the EU and its Member States outlined their support for a binding disclosure requirement applicable to all patent applications. Some of the features of this text are now reflected in the basic proposal for this Diplomatic Conference.
4. The EU and its Member States are of the view that this international legal instrument will establish an important transparency measure within the patent system. We consider that this instrument should introduce a balanced and effective approach in order to be sustainable and effective. The disclosure requirement, being applied in a more uniform manner, would create a level playing field for industry and the commercial management of patents. Nevertheless, legal certainty and consistency can only be achieved by establishing a clear trigger, understandable to applicants and patent offices, as well as by respecting the established rights of a patent once granted. On this last point, in our view, sanctions should be balanced with the transparency nature of the instrument.

5. We are happy to see that we are approaching the final steps of this long journey with the start of this Diplomatic Conference.
6. The EU and its Member States remain committed to engaging constructively in the negotiations during the two weeks ahead of us. Mr President, you can count on our active participation in the different bodies to allow for this Diplomatic Conference to be a success.

Thank you.

Closing Statement

Mr President,

1. On behalf of the European Union and its Member States, let me congratulate you for the result achieved in this Diplomatic Conference: the adoption of the Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge.
2. We thank all delegations for their constructive spirit and their willingness to engage in compromise seeking. We particularly welcome the participation and engagement of the Indigenous Caucus, as well as their future participation in the Assembly of this Treaty.
3. We would like to express our warmest gratitude you Mr President and to the Chairs and Vice-Chairs of Main Committee I and II. Your guidance, tenacity, and enthusiasm created the environment that made all this possible. Let me also pay a particular tribute to WIPO Director General, Daren Tang, and the WIPO Secretariat, for the outstanding conduct and smooth organisation of this Diplomatic Conference.
4. This Treaty is certainly a milestone as regards international intellectual property rights, and it is extremely rewarding to see this come to life after more than 20 years.
5. During these negotiations, the European Union engaged constructively in order to secure an adequate representation for an organisation, whose accession could bind all its members. We saw it as both modern and equitable. We are confident that the multilateral and forward-looking spirit, which this Treaty has so manifestly reinforced and reinvigorated, will give us all inspiration and confidence to solve this – for the EU essential issue – in our future endeavours within WIPO.

Thank you.
