



Statement by H.E. Archbishop Ivan Jurkovič, Permanent Representative of the Holy See  
to the United Nations and Other International Organizations in Geneva  
56<sup>th</sup> Series of Meetings of the WIPO Assemblies  
Geneva, 3 October 2016

Mr. President,

The Delegation of the Holy See would like to congratulate you on your election as Chair of the General Assembly. We thank the outgoing Chair, Ambassador Duque, for all the hard work over the past year. My Delegation is confident that under your leadership we shall be able to reach a positive outcome during this session, as we did in the previous ones. Allow me also to express our appreciation to the Director General and the Secretariat for the preparation of these Assemblies and for the substantial outcomes achieved by WIPO in recent years as witnessed by the entry into force last 30<sup>th</sup> September 2016 of the Marrakech Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

This entry into force represents a strong signal that multilateralism not only is alive, but that it can serve well as an effective system for the concrete implementation of the common good through the responsible involvement of all parties in any negotiations undertaken. Such an achievement makes a difference in the daily life of the beneficiaries of this Treaty: their quality of life can be improved by their easier access to a vast field of knowledge that will enrich them personally and allow them to contribute more to society.

We live in a global knowledge economy and the key to future progress is to excel at turning what we discover and learn into marketable new products and technologies. However, justice requires that the products of scientific progress, particularly genetic resources, serve everyone equally, and not only the sectors with the greatest purchasing potential. The fundamental principle of the common good must be applied to ensure that progress in research on such resources does, in fact, benefit all mankind, and thus serve the pursuit of the common good. “The new discoveries and technologies, thanks to their enormous

potential, can make a decisive contribution to the promotion of social progress. However, if they remain concentrated in the wealthier countries, or in the hands of a small number of powerful groups, they risk becoming sources of unemployment and increasing the gap between developed and underdeveloped areas.<sup>1</sup>

The Holy See continues to promote a vision of how we are to understand the principles at stake. We must look to the nature of property and to the universal destination of goods, the purpose for intellectual property protection, and the rights of traditional communities and developing countries. At all times, we must focus on the underlying principle of service to the common good. I quote from Pope Saint John Paul II: [ The ] “goods of this world are originally meant for all. The right to private property is valid and necessary, but it does not nullify the validity of this principle. Private property, in fact, is under a ‘social mortgage’, which means that it has an intrinsically social function, based upon and justified precisely by the principle of the universal destination of goods.”<sup>2</sup> A discussion of the patentability of genetic resources must begin ~~with~~ by understanding the nature of private property, including the granting of intellectual property rights. “The right to private property, acquired or received in a just way, does not do away with the original gift of the earth to the whole of mankind. The universal destination of goods remains primordial, even if the promotion of the common good requires respect for the right to private property and its exercise.”<sup>3</sup>

Respect for private property rights is indeed a just cause, worthy of being upheld and defended. Capacity to serve the common good, however, can be threatened either by excessive tendencies of the State or by “a blurred, economistic view of life”. “Private property, ultimately, is for no one an unconditional, absolute right but rather, and above all, an instrument with which to achieve effective access to property destined for the whole of mankind, ensuring at the same time that all individuals and all families have their essential environment of freedom and just autonomy in the face of all kinds of totalitarian tendency — both that which comes from the State and that which is attributable to a blurred, economistic view of life.”<sup>4</sup>

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<sup>1</sup> Compendium of the Social Doctrine of the Church, Pontifical Council for Justice and Peace, 2004, 283.

<sup>2</sup> John Paul II, *Sollicitudo rei socialis*, 42.

<sup>3</sup> Catechism of the Catholic Church, § 2403

<sup>4</sup> Document of the Holy See on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, 26 April 2001, § 8. WIPO/GRTKF/IC/1/7

Based on the principle of the universal destination of goods, all people have the right to draw from the resources available to provide for their subsistence and growth. It is because of this right that legal instruments for the protection of private property rights, including intellectual property rights, cannot lose sight of the universal destination of goods, the 'social mortgage' to which all private property is subject. The ultimate purpose of intellectual property is the protection of the human person and his work, in its double dimension, namely as a means for expression and growth of individual persons and as a contribution to the common good. The legal framework for the protection of intellectual property rights aims at the promotion of literary, scientific or artistic production and inventive activity for the sake of the common good.

Innovation is vital to achieving the 2030 Agenda's goal of improving the health and well-being of all people at all ages and appears in a number of SDG targets. SDG 3 would require conducting more holistic situation assessments, prioritizing the most pressing public health needs by the funders of health R&D, equitable and sustainable financing and the use of public and private resources more prudently and strategically. Transparent, reliable and widely-available data is crucial to inform the policy-making process at various stages. WIPO is also making a significant contribution to IP information sharing and dissemination through its work related to global IP infrastructure. The contribution to society from the invention to be patented does not consist only of the invention as such, but also of the provision of technical information related to that invention. The global patent system needs continued improvement towards increased transparency and efficiency.

Mr. President,

In conclusion, let us me assure you that you can count on the constructive spirit and support of the Holy See during these Assemblies.

Thank you Mr. President.