



Statement by H. E. Archbishop Ivan Jurkovič, Permanent Representative of the Holy See
to the United Nations and Other International Organizations in Geneva
at the WIPO Intergovernmental Committee on Intellectual Property
and Genetic Resources, Traditional Knowledge and Folklore (IGC)

Geneva, 21 March 2018

Mr. President,

Since it is the first time that my Delegation takes the floor, allow me to start by congratulating you for your election as the Chair and for facilitating the work accomplished to this point.

The patenting of life forms could sometimes serve as a tool to support biotechnologies that are **demanding**, both from an ethical point of view and from the perspective of a “development-friendly” intellectual property system.

In relation to human life, *Article 4* of the *Universal Declaration on the Human Genome and Human Rights* states that: “The human genome in its natural state shall not give rise to financial gains¹,” while *Article 21* of the *Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being With Regard to the Application of Biology and Medicine*, states that: “The human body and its parts shall not, as such, give rise to financial gains.”²

In a similar way, the *United Nations Declaration on Human Cloning* acknowledges the ethical concerns that certain applications of rapidly developing life sciences may raise with regard to human dignity, human rights and the fundamental freedoms of individuals. It insists that States adopt all measures necessary to protect adequately human life in the application of life sciences.³ Therefore, the TRIPS agreement, other WTO rules, and all other international, regional and bilateral trade and IPR agreements, should not reduce nor underestimate the ability of States to govern the aspects of IPR related to human life and dignity.

¹ United Nations, A/53/152 of 9 December 1998; United Nations Educational, Scientific and Cultural Organization (UNESCO), Records of the General Conference, 29th Session, Paris, 21 October-12 November 1997, Resolution 6.

² Council of Europe, ETS N. 164, Oviedo, 4 April 1967.

³ A/RES/59/280 of 8 March 2005.

Mere commercial control of production and distribution of new life forms could affect both food security and prospects for the advancement of developing and underdeveloped countries. Private monopolistic interests should not be allowed to impose themselves upon those biological resources, from which are derived the medical and basic food requirements of human life. An inclusive approach to IPR should not ignore the major economic, environmental, and ethical concerns about the patenting of life, since such action would exert a negative impact on consumer rights, biodiversity conservation, environmental protection, indigenous rights, scientific and academic freedom, and, ultimately, the economic development of many developing countries insofar as it depends on new technologies.

Considering the Preamble, we support the language that no patents on life forms, including human beings, are to be granted.

Thank you, Mr. President.