Press Release

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TRIPS-Plus-Plus, "SECURE" gives rise to serious concerns from the South

Fast-paced and far-reaching developments are underway at the Brussels-based World Customs Organization (WCO) to adopt the Provisional Standards Employed by Customs for Uniform Rights Enforcement (SECURE) at their upcoming Annual Council Meeting from 26-28 June 2008. SECURE aims to broaden the powers of Customs Administrations by extending the mandate of border guards empowering them to become intellectual property (IP) watchdogs, beyond the remit of the TRIPS or the World Intellectual Property Organisation (WIPO).

According to Dr. Yash Tandon, Executive Director of the South Centre, the Geneva-based Intergovernmental Thinktank of the developing countries, "This is an ambitious attempt by a few developed countries and corporate rightholders to promote "TRIPS Plus-Plus" agenda through the backdoor".

Dr. Xuan Li, Head of the Innovation and Access to Knowledge Programme at the South Centre, observes "As developed countries have met well argued resistance from developing countries on IP negotiations at the WTO and WIPO in Geneva, they have shifted the battlefield outside of Geneva and to the WCO in Brussels".

Although SECURE is non-legally binding, developing countries need to be watchful of patterns in the past whereby international regulations are introduced first on a voluntary basis as "soft law" before transforming them into regulations, that in practice become mandatory.

Developing countries need to act fast to ensure that the case of SECURE is not taken up at the WCO Council Meeting until all procedural and substantive matters are properly discussed and fully understood.

Further background material on SECURE and its implication is available at:
http://www.southcentre.org/southbulletin/Issue15-16May.pdf

For more information or to arrange interviews within South Centre :
Vikas Nath, South Centre, Tl: +41 22 791 8050, Email: nath@southcentre.org
South Centre, 17-19 Chemin du Champ d'Anier, 1211 Petit-Saconnex, Geneva, Switzerland