



THE SECRETARY GENERAL

Mr Peter Mandelson
Member of the European Commission
200 rue de la Loi
1049 Bruxelles

14 July 2008

Dear Commissioner,

BUSINESSEUROPE has been closely following discussions regarding intellectual property and genetic resources, including proposals relating to disclosure requirements of genetic resources for patent applications in various international bodies (WTO, WIPO) and their possible implications for the TRIPs agreement.

BUSINESSEUROPE opposes reopening of the TRIPs Agreement to provide for mandatory disclosure of source or origin of genetic resources.

The TRIPs agreement is key for European business as it defines minimum standards for intellectual property protection and guarantees a worldwide level playing-field for protection of intellectual property, necessary to reduce distortions and impediments to international trade. This includes the full patentability for life-science inventions, undiluted by additional disclosure obligations that would create unacceptable levels of legal uncertainty.

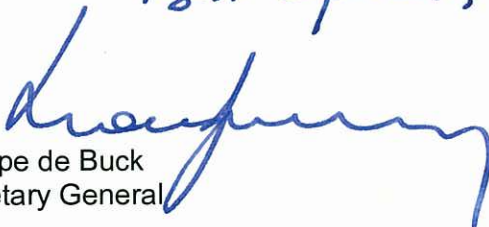
Paragraph 39 of the Hong Kong Ministerial Declaration instructed ministers to simply discuss the "relationship between the TRIPS Agreement and the Convention on Biological Diversity." During these discussions, no factual evidence emerged supporting the need for additional disclosure obligations. On the contrary, BUSINESSEUROPE is aware of negative outcomes for both industry and local stakeholders in states where mandatory disclosure regimes have been adopted including India and Brazil (where the regime is under internal review).

Furthermore, ongoing negotiations in the Convention on Biological Diversity on a comprehensive Access and Benefit Sharing International Regime have reached an advanced stage, may be completed within the next year and should be supported.

We believe therefore that it would be inappropriate and counter-productive for the issue to be brought to the level of text-based negotiations in the WTO Doha Round.

BUSINESSEUROPE urges the European Commission to refrain from supporting any proposal in the context of the WTO ministerial meetings in the week of 21 July 2008 that would re-open TRIPS and bring into question its commitment to preserve the value and viability of the TRIPS Agreement for European business.

Yours sincerely,

Best regards,

Philippe de Buck
Secretary General