

1st Regional Meeting of Industrial and Intellectual Property Authorities of the Amazon Cooperation Treaty Organization (ACTO) State Members

Rio de Janeiro, Brazil, 30 June and 1 July 2005

DECLARATION

The 1st Regional Meeting of Representatives of the Amazon Cooperation Treaty Organization (ACTO) State Members on Industrial and Intellectual Property was held on 30 June and 1 July 2005, in the city of Rio de Janeiro, Brazil. The meeting was held pursuant to the provision of the Declaration of Manaus, paragraph 10, established in the 8th Meeting of Ministers of Foreign Affairs to ACTO State Members, held on 14 September 2004. Additionally to ACTO Secretary-General, the representatives of the following institutions have attended the meeting: National Service of Intellectual Property (SENAPI) of Bolivia; National Institute of Intellectual Property (INPI) of Brazil; the Superintendence of Industry and Commerce of Colombia; the Ecuadorian Institute of Intellectual Property (IEPI) of Ecuador; the National Institute of Defense to Competence and Protection to Intellectual Property (INDECOPI) of Peru; The Embassy of the Republic of Suriname in Brazil; the Autonomous Service of Intellectual Property (SAPI) of the Bolivarian Republic of Venezuela; and, a representative of the World Intellectual Property Organization (WIPO), as observer. Please find attached hereto the roster of participants.

The participants highlighted the importance of the Amazon Cooperation Treaty that, signed in 1978, gave birth to the Amazon Cooperation Treaty Organization – ACTO, which has produced significant result since then. They stressed that the Amazon region is one of the main pillars to our identity as countries and as a region. This should lead to the cooperation towards finding solutions to the challenges posed to ACTO members, among which, the intellectual property.

The event allowed for profitable interchange of information about the working of the national systems and the regional mechanisms concerning intellectual property. This process brought about important debates on the effectiveness of intellectual property, which should serve as a development tool.

The participants have acknowledged the relevance of placing priority to the dimension of development in the international discussions about intellectual property. In this regard, they have attached special emphasis on the need for acknowledging the different levels of development of the countries, and their concrete needs.

In the light of the Declaration of Manaus, paragraphs 18 to 21, the participants expressed their concerns about the concept of bio-piracy, besides the need for the intellectual property system to observe the provisions set forth in the Convention on Biological Diversity.

They have highlighted that the industrial and /or intellectual bureaus should contribute towards fostering innovation, additionally to their commitment towards strictly observing the relevant requirements when reviewing the requests for patents to inventions.

The participants acknowledge the contribution of ACTO country members' traditional knowledge and genetic resources to the culture and economic and social development of the nations.

They stressed the need for holding back the award or the exercise of rights of intellectual property on traditional knowledge and the pertinent genetic resources, with no legal validity. That would be achieved mainly by compelling -- as requirement to the award of rights of patents on said resources -- the requesters to publicize the source and the origin country of those resources, with legal access duly documented, as well as the due evidences on the previous agreement and the conditions of participation of the origin country in the benefits entailed.

Nevertheless, they warn that intellectual property, *per se*, does not impair the undue extraction of genetic resources, or the loss of traditional knowledge. Therefore, it would be necessary to adopt economic and social measures to grant the welfare to the peoples in the region.

They have highlighted the importance of continuing the interlocution process about issues of mutual interest, to serve as baseline to future actions. Among others, the participants have identified the following issues:

- Promote the interchange of regulations, practices and national and regional policies on the rights of intellectual property and national innovation systems, besides assessing new proposals within the

scope of trade treaties that involve the countries in the region. Among other purposes, it would aim at efficiently building and employing flexibility and options, benefiting the public interest.

- Cooperate in the development of mechanisms to protect the rights of the countries over their traditional knowledge and genetic resources of the Amazon region.
- Try to coordinate positions and harmonize the regulations that, respecting the national peculiarities and needs, could contribute towards guaranteeing efficacy in the defense for natural and cultural assets, besides expanding the technological and industrial capacity in the region, reaffirming the exercise of the countries' sovereignty.
- Cooperate in the identification, analysis and development of mechanisms to fight the undue use of local names and expressions.
- Promote the creation and valuation of Amazon geographic indicators, capable of adding value to regional production.
- Promote the cooperation among the intellectual and/or industrial property offices of ACTO State Members, concerning the utilization of technological information contained in the patents.
- Promote technical cooperation in intellectual property among the ACTO country members.
- Encourage cooperation towards fostering the participation and dissemination of the intellectual property culture, in benefit of technological development.

The participants are most pleased in accepting the offer of the Autonomous Service of Intellectual Property (SAPI), of the Bolivarian Republic of Venezuela, towards holding the 2nd Regional Meeting of representatives of the Amazon Cooperation Treaty Organization (ACTO) State Members on Industrial and Intellectual Property, in a date to be timely informed.

Finally, the participants express their gratefulness to the Government of Federative Republic of Brazil, especially to the National Institute of Industrial Property (INPI), for the organization and the warm reception during the event.