

Friday, January 24, 2014

His Excellency, Archbishop Silvano M. Tomasi, Apostolic Nuncio
Holy See Mission to the United Nations in Geneva
P.O. Box 28
1292 Chambésy
Geneva, Switzerland

Your Excellency Archbishop Silvano M. Tomasi,

Subject: Call for the Holy See's comment on Intellectual Property Rights

On behalf of the Centre for Internet and Society (CIS), Bangalore, India, I, Samantha Cassar, write to Your Excellency's opinion on copyrights, patents and intellectual property rights.

We are a not-for-profit, non-governmental research organization that works on addressing policy issues related to access to knowledge and intellectual property law reform (<http://cis-india.org/a2k>), and accessibility for persons with disabilities (<http://cis-india.org/accessibility>) among other areas related to internet and information and communication technologies.

CIS is an accredited organization with the World Intellectual Property Organisation (WIPO) and a regular participant at the meetings of the Standing Committee on Copyrights and Related Rights (SCCR), the Standing Committee on the Law of Patents (SCP), as well as the Committee on Development and Intellectual Property.

At the outset, we commend Your Excellency for signing the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. As one of the contributors to this treaty, we appreciate the concern of the Holy See for those who are marginalised within our information society by their disabilities.

As Pranesh Prakash, Policy Director from CIS noted at Marrakesh during the adoption of this treaty, "When copyright doesn't serve public welfare, states must intervene, and the law must change to promote human rights, the freedom of expression and to receive and impart information, and to protect authors and consumers." We are happy to see this being done through a treaty as such.

Also said by Your Excellency, within the Holy See's statement at the 9th Ministerial Conference of the World Trade Organization (WTO), "Among the most damaging concessions developing countries make in regional and bilateral agreements are those enhancing the monopolies on life-saving medicines, which reduce access and affordability and those that provide excessive legal rights to foreign investors, limiting the policy space for nations to promote sustainable and inclusive development."

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Given the Holy See's demonstrated standpoint on the accessing of medicines and published works, we at the Centre for Internet and Society would like to request Your Excellency to also consider **copyrights, patents or more generally, intellectual property rights (IPR)**, as Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva.

On behalf of CIS, I am honoured to be writing to Your Excellency and for this request to be considered. Due to the ability of copyright and other forms of IPR to obstruct the access of one's own human rights and even the sustainable development of one's country, we feel this area must be crucially considered within an international dialogue—not only from a place of political strategy but also from principles of mercy and compassion.

With meetings approaching for both **WIPO's Standing Committee on the Law of Patents** (January 27-31, 2014) and **WIPO's Committee on Development and Intellectual Property** (May 19-23, 2014), we are very excited at the possibility of the Holy See enriching this discussion, and hope for such a contribution to take place when the international community is listening—at these meetings, or in any other form.

With Every Best Wish,
Sincerely Yours,

Samantha Cassar
Programme Associate
The Centre for Internet & Society

