

**LETTER TO THE DIRECTOR-GENERAL OF THE WORLD TRADE ORGANIZATION  
(WTO) CONCERNING YEMEN'S ACCESSION COMMITMENTS ON  
INTELLECTUAL PROPERTY**

28<sup>th</sup> November 2013

Mr. Roberto Carvalho de Azevêdo,  
Director General  
World Trade Organization

cc: H.E. Mr. Shahid BASHIR,  
Chairperson,  
General Council of the WTO

Dear Mr. Azevêdo,

**The undersigned organizations are writing to express concerns regarding intellectual property commitments being forced on Yemen as part of its WTO accession package that will be presented for formal adoption, to the 9<sup>th</sup> WTO Ministerial Conference in Bali, 3-6 December 2013.**

We understand that as part of its accession terms Yemen is required to fully implement the WTO-Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) by 31 December 2016. This contradicts Paragraph 18 of the 2012 Accession Guidelines which explicitly reaffirms “that the Special and Differential Treatment, as set out *in the Multilateral Trade Agreements, Ministerial Decisions, and other relevant WTO legal instruments, shall* be applicable to *all* acceding LDCs from the date of entry into force of their respective Protocols of Accession”.<sup>1</sup>

Thus paragraph 18 of the 2012 Accession Guidelines automatically entitles acceding LDCs to transition periods granted pursuant to Article 66.1 of the TRIPS Agreement.<sup>2</sup> Article 66.1, is one of the most important Special and Differential provisions contained in the TRIPS Agreement, as it grants LDCs the flexibility they need to overcome their socio-economic constraints and to develop a viable technological base.

On 11 June 2013, the TRIPS Council adopted a decision pursuant to Article 66.1 of the Agreement, to extend the LDC TRIPS transition period until 1 July 2021. According to this Decision, LDCs “*shall not be required to apply the provisions of the Agreement, other than Articles 3, 4 and 5, until 1 July 2021*”. The Decision also allows further extensions beyond 1 July 2021.

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<sup>1</sup> WT/L/508/Add.1

<sup>2</sup> Article 66.1 of the TRIPS agreement states: “In view of the special needs and requirements of least-developed country Members, their economic, financial and administrative constraints, and their need for flexibility to create a viable technological base, such Members shall not be required to apply the provisions of this Agreement, other than Articles 3, 4 and 5, for a period of 10 years from the date of application as defined under paragraph 1 of Article 65. The Council for TRIPS shall, upon duly motivated request by a least-developed country Member, accord extensions of this period.”

The Decision also expressly recognizes the right of WTO LDC Members to make full use of the flexibilities provided by the TRIPS Agreement to address their needs. This includes the option of rolling back/undoing TRIPS consistent intellectual property (IP) protections.

Requiring Yemen to be TRIPS compliant by the end of 2016 is a violation of the 2012 Accession Guidelines that were adopted by the WTO General Council and that recognized the entitlement of acceding countries to Special and Differential Treatment provisions that underpin the WTO architecture.

For countries to benefit from full TRIPS compliance certain basic socio-economic conditions should exist in particular a significant market, sufficient capital, qualified and skilled personnel at the firm level, innovation-oriented entrepreneurs, as well as a solid scientific and technological base. As an LDC, these conditions obviously do not exist in Yemen.

Yemen is one of the poorest countries in the Arab region, with very slow progress towards attaining the Millennium Development Goals (MDGs) with 32% of the population living in severe poverty. It has extremely weak infrastructure<sup>3</sup>, and underdeveloped scientific and innovative capacities. Yemen faces massive challenges in ensuring its population has access to education, health and other basic services.<sup>4</sup> The economy is also caught in a jobless slow growth cycle leading to stagnant per capita incomes and rising levels of unemployment. Moreover, Yemen is facing a humanitarian crisis with widespread hunger, chronic malnutrition and health problems as the country emerges from a period of civil unrest.

Given this situation, it is unconscionable for the WTO to require Yemen to fully implement the TRIPS Agreement by 2016. It is also damaging to WTO's credibility that it is failing to abide by its own rules, in particular paragraph 18 of the 2012 Accession Guidelines.

**Thus we urge you to take immediate measures to rectify the situation by issuing a statement confirming that the TRIPS Council Decision adopted on 11 June 2013 is applicable to Yemen and it is under no obligation to implement the TRIPS Agreement until 1 July 2021 or later if a further extension is granted pursuant to Article 66.1 of the TRIPS Agreement.**

**We also urge you to ensure that all LDC countries that are in the process of acceding to the WTO are accorded transition periods consistent with TRIPS Council decisions concerning Article 66.1.**

**In conclusion we stress that any attempt to weaken or to refuse LDCs rights that they are entitled to will damage the credibility of the WTO and will show that the multilateral trading system does not work in the interests of the poorest and most vulnerable populations of the international community. Even worse, such a condition will confine Yemen to technological underdevelopment and to potential overpayment for IP-protected commodities for years to come thereby imposing unnecessary hardship and human rights deprivations on some of the poorest people in the world.**

## **SIGNATORIES**

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<sup>3</sup> Electrification rate: 40% of the population (2009); 12 person out of 100 people have access to the worldwide network (2010); 50 out of 100 people have telephone lines and mobile subscribers

<sup>4</sup> Only 16% of the population has a secondary education.

Organizations	Country
1. Khadejh Organization جمعية خديجة الخيرية النسوية	Yemen
2. Al yuser Association in Hosn بالحصن جمعية اليسر بالحصن	Yemen
3. Yemeni Women Union اتحاد نساء اليمن	Yemen
4. Charitable Society for Social Welfare جمعية الإصلاح الاجتماعي الخيرية	Yemen
5. Amer&Okaba Association for Social Development جمعية عامر وعقبي	Yemen
6. Saleh Foundation for Social Development مؤسسة الصالح التتموية	Yemen
7. Democratic Support Foundation مؤسسة مدى	Yemen
8. General Federation of Trade Unions of Yemen اتحاد نقابات عمال اليمن	Yemen
9. The Fishery Cooperative Union الاتحاد التعاوني السمكي	Yemen
10. Soul for Development منظمة سول	Yemen
11. Altahadi Foundation for Caring & Of Disabled Females جمعية التحدي لرعاية المعاقات	Yemen
12. Women Center for Culture Development & Anti-Violence مركز تنمية المرأة ومناهضة العنف	Yemen
13. Yemeni Family Care Association جمعية رعاية الأسرة اليمنية	Yemen
14. Gender Development Research & Studies Center مركز دراسات وأبحاث النوع الاجتماعي	Yemen
15. ACU Agriculture Cooperation Union الاتحاد التعاوني الزراعي	Yemen
16. Wejdan Feminist Association جمعية الوجدان النسوية	Yemen
17. Almustkbal Feminist Social Association for Development جمعية المستقبل الاجتماعية	Yemen
18. Life Makers Foundation- Yemen جمعية صناعات الحياة	Yemen
19. Hail Saeed Charity Society الجمعية الخيرية هائل سعيد وشركائه	Yemen
20. Alshahl Feminist Association الجمعية النسوية الشاهل	Yemen
21. Charity Association in Alghorfah Area الجمعية الخيرية بمنطقة الغرفة	Yemen
22. Feminist Charity Association for Combating Poverty الجمعية الخيرية النسوية لمكافحة الفقر	Yemen
23. Zohor Charity Association جمعية الزهور الخيرية	Yemen

24. Women Development Center	جمعية تنمية المرأة	Yemen
25. Association of Women and Child Development	جمعية تنمية المرأة والطفل	Yemen
26. Alharth Social Association for Charity	جمعية الحرث بعدان الاجتماعية النسوية	Yemen
27. Salami Cooperative Association	جمعية السلامي التعاونية	Yemen
28. Feminist Union for the Rehabilitation and Training of Women	جمعية الاتحاد النسوية لتأهيل وتدريب المرأة	Yemen
29. Etqan Charitable Association	جمعية الإئتقان الاجتماعية الخيرية	Yemen
30. Athar Foundation for Development	مؤسسة أثر للتنمية	Yemen
31. All Girls Foundation for Development	جمعية كل البنات للتنمية	Yemen
32. Al- Ferdous Women Development Society	جمعية الفردوس الاجتماعية	Yemen
33. Waed	جمعية الوعد الاجتماعية	Yemen
34. The Aeen Youth Third Initiative for Social Development	مبادرة شباب العين الثالثة للتنمية المجتمعية	Yemen
35. Dar Al- Salam Organization Peace House in Yemen	منظمة دار السلام لمكافحة الإرهاب والعنف	Yemen
36. Namai Forum for Media Development	منتدى نماء للتنمية الإعلامية	Yemen
37. Family Association for Development	جمعية الأسرة الاجتماعية	Yemen
38. Anzaz Association	(جمعية متطوعي أهداف الألفية) إنجاز	Yemen
39. Alzarebi Feminist Association	جمعية الزربية النسوية	Yemen
40. Zabid Feminist Charity Association	جمعية زبيد النسوية الخيرية	Yemen
41. Dialogue Center for Human Rights Culture Development	مركز الحوار لتنمية ثقافة حقوق الإنسان	Yemen
42. Tadhamon ASS.CH. for Development Society	جمعية التضامن الاجتماعية الخيرية	Yemen
43. BaniAlkrebi Association for Social Development	جمعية بني الكريبي الاجتماعية التنموية	Yemen
44. Aldhameer Society For Social Development	جمعية الضمير للتنمية	Yemen
45. Almethaq Development Social Association	جمعية الميثاق الاجتماعية التنموية	Yemen

46. AjyalMarib Social Development الاجتماعية الثقافية جمعية أجيال مأرب	Yemen
47. Environment& Social Development Association جمعية البيئة والتنمية الاجتماعية	Yemen
48. Yemen Association of Persons with Disabilities double جمعية رعاية وتأهيل ذوي الإعاقة المزدوجة	Yemen
49. Wed for Women Development منظمة تنمية المرأة "ود"	Yemen
50. Yemeni Association For Women Development Support الجمعية اليمنية لدعم المرأة تنمويًا	Yemen
51. Alethar Women Association جمعية الإيثار النسوية	Yemen
52. Sam Women Association جمعية سام النسوية	Yemen
53. Al- Takamol Association for Development التكامل للتنمية جمعية	Yemen
54. Al- Ahad Feminist Social Charity Association العهد الاجتماعية الخيرية النسوي جمعية	Yemen
55. The Economic and Social Development Researches Center مركز الدراسات الاجتماعية للتنمية	Yemen
56. Women's Association for the Economic Savings and lending جمعية المرأة الاقتصادية للإقراض والتوفير	Yemen
57. Al- Tarabot Association for Women Development جمعية الترابط التنموية النسوية	Yemen
58. Al- Irtiqa Association for Rehabilitation and Development جمعية الارتقاء للتأهيل والتنمية	Yemen
59. Al-Ghorabi Association for Social Development جمعية الغرابي الاجتماعية التنموية	Yemen
60. Charity Association for Social Care of Poor Families الجمعية الخيرية الاجتماعية لرعاية الأسر الفقيرة	Yemen
61. The Society of Caring and Qualifying the Deaf جمعية رعاية وتأهيل الصم والبكم	Yemen
62. Ibn Al-Haytham Charity Association الخيرية جمعية ابن الهيثم	Yemen
63. BeitHanthal Charity Association الخيرية جمعية بيت حنظل	Yemen
64. Al-Mihraq Association for Solidarity and Development جمعية المحراق التضامنية التنموية	Yemen
65. Life Makers Foundation منتدى صناعات الحياة	Yemen
66. Altheqa Association for Rehabilitation of People with Special Needs الاحتياجات الخاصة جمعية الثقة لرعاية وتأهيل ذوي	Yemen

67. Zahra Feminist Association جمعية فاطمة الزهراء النسوية	Yemen
68. Forum of Cultural and Creative Youth ملتقى الشباب المبدع الثقافي	Yemen
69. Yemen Association for Consumer Protection الجمعية اليمنية لحماية المستهلك	Yemen
70. Human Rights Information and Training Center (HRITC)	Yemen
71. Act Up-Basel	Switzerland
72. Act Up-Paris	France
73. African Forum and Network on Debt and Development (AFRODAD)	Zimbabwe
74. AFARD	Guinea Bissau
75. Africaine de Recherche et de Cooperation pour l'Appui au Developpement Endogene (ARCADE)	Senegal
76. African Forum and Network on Debt and Development (AFRODAD)	Zimbabwe
77. Alternative Espaces Citoyens	Niger
78. ALCS (Association de lutte contre le sida)	Morocco
79. Appui au Développement Intégral et à la Solidarité sur les Collines (ADISCO)	Burundi
80. Arab NGO Network for Development	Lebanon. Represents 7 networks and 23 individual organizations in the Arab region.
81. Association pour le Bien Etre Familial et le Developpement Durable (ABEFDD)	Mauritania
82. Attac France	France
83. Bahrain Transparency Society	Bahrain
84. Bharatiya Krishak Samaj	India
85. Both ENDS	The Netherlands
86. Campaign For Good Governance (SUPRO)	Bangladesh
87. Centre Amadou Hampâté Bâ (CAHBA)	Mali
88. Centre du Commerce International pour le Developpement (CECIDE)	Guinea

89. CNJORD/AFDE	Chad
90. Coalition for Health Promotion and Social Development (HEPS Uganda)	Uganda
91. Comisión Internacional Attac	Spain
92. Community Empowerment for Progress Organization-CEPO	South Sudan-Juba
93. Congress of South African Trade Unions (COSATU)	South Africa
94. Consumer Unity & Trust Society (CUTS)	Zambia
95. Development Services Exchange (DSE)	Solomon Islands
96. Dharti Development Foundation Sindh	Pakistan
97. Dignity International	Malaysia
98. East African Health Platform (EAHP)	Tanzania
99. Econews Africa	
100. Economic Justice Coalition	Mozambique
101. Ecuador Decide	Ecuador
102. El Grupo Por Una Agricultura Alternativa Y De Alerta De La Transgenesis (AGALAT)	Panama
103. Environmental Development Action in the Third World (ENDA)	Ethiopia
104. Eritrean Movement for Democracy and Human Rights (EMDHR)	Eritrea
105. EDGE	Sudan
106. Federation of Democratic Labour Unions	Mauritius
107. Fédération des ONG au Togo	Togo
108. Forum for African Women Educationalists (FAWE) Comoros	Comoros
109. Foundation for Human Rights and Democracy	Liberia
110. Global Compliance Research Project	Canada
111. Governance Links	Tanzania
112. Greener Ethiopia	Ethiopia
113. Groupe d'Action de Paix et de Formation pour la Transformation (GAPAFOT)	Central African Republic
114. Groupe de Recherche et d'Action pour	Benin

la Promotion de l'Agriculture et du Developement (GRAPAD)	
115. Grupo Tacuba	Mexico
116. Health GAP	USA
117. Hind Mazdoor Sabha	India
118. Huam Jai Asasamak	Lao People's Democratic Republic
119. Institute for Global Justice (IGJ)	Indonesia
120. International Grail Network on Justice in Trade Agreements	A coalition of groups working for peace and justice in 20 countries worldwide
121. International Treatment Preparedness Coalition Middle Eastern & North Africa (ITPC-MENA)	Middle Eastern & North Africa
122. Kiribati Association of NGOs – KANGO	Kiribati
123. Knowledge Ecology International	USA
124. Malawi Economic Justice Network	Malawi
125. Marcha Mundial de las Mujeres Perú	Peru
126. Mauritius Trade Union Congress	Mauritius
127. Mesa de Coordinación Latinoamericana de Comercio Justo	Latin America (Regional Group)
128. Migration and Sustainable Development Alliance	Mauritius
129. Myanmar Resource Foundation	Myanmar
130. ÖBV-Via Campesina Austria	Austria
131. Organisation Djiboutienne de Bienfaisance et de Développement (HODAGAD)	Djibouti
132. Organisation pour le Renforcement des Capacities de Developpement (ORCADE)	Burkina Faso
133. Pax Romana- ICMICA Asia	Asia (Regional Group)
134. Peace and Conflict Studies Centre	Timor-Leste
135. People's Health Movement	Iran
136. Plateforme Haitienne de Plaidoyer pour un Developpement Alternatif (PAPDA)	Haiti
137. Plate forme societe Civile Pour l'enfance	Madagascar
138. Policy Analysis and Research Institute of Lesotho (PARIL)	Lesotho
139. Promotion de la démocratie et des	Congo



droits économiques et sociaux (PRODDES-RDCONGO)	
140. Réseau Dynamiques Africaines	Rwanda
141. Roots for Equity	Pakistan
142. Rural Reconstruction Nepal (RRN)	Nepal
143. Samoa Umbrella of NGOs – SUNGO	Samoa
144. Sanayee Development Organization	Afghanistan
145. SILAKA	Cambodia
146. Southern And East African Trade Institute (SEATINI)	South Africa, Uganda
147. South Asia Alliance for Poverty Eradication (SAAPE)	Regional network of civil society organisations
148. Somali Organisation for Community Development Activities (SOCDA)	Somalia
149. S.O.S - Crianca E Desenvolvimento Integral De Angola	Angola
150. Tanzania Gender Networking Programme (TGNP)	Tanzania
151. The Center for Health, Human Rights and Development (CEHURD)	Uganda
152. The Corner House	United Kingdom
153. The Vanuatu Association of Non-Governmental Organisation (VANGO)	Vanuatu
154. Third World Network	Malaysia
155. Tuvalu Association of NGOs – TANGO	Tuvalu
156. Unidad Ecológica Salvadoreña	El Salvador
157. Youth Partnership for Peace and Development	Sierra Leone
158. Vrijschrift	The Netherlands
159. Worldview	The Gambia