**WHO Executive Board 146th session**

**EB146/15.4 The public health implications of implementation of the Nagoya Protocol**

Distinguished Delegates,

Thank you for the opportunity to speak on behalf of the World Medical Association, representing 9 million physicians around the world.

We thank WHO for its work on the implementation of the Nagoya Protocol to the Convention on Biological Diversity (CBD) related to influenza virus and other pathogens.

However, we regret that WHO’s action is limited to infectious diseases and does not encompass the broad implication of Genetic Resources (GRs) use on health. GRs play a growing role in several economic sectors, such as food production, the development of pharmaceuticals, cosmetics and bio-based energy sources. GRs are also critical in biomedical research and in restoring damaged ecosystems. The use of GRs therefore can have a critical impact on human health, beyond infectious diseases, and its use related to the Nagoya Protocol should be closely monitored by WHO in order to guarantee a fair and equitable sharing of the benefits.

Furthermore, we are concerned about the use of intellectual property associated with GRs. GRs as founded in nature are not innovations and thus must not be patentable. However, inventions based on, or developed using GRs may be patentable, thus falling within the scope of intellectual property legislation, and subsequently provide the patent owner with the right to decide how the invention can be used by others. It is therefore crucial to determine clear and strict criteria that identifies authentic innovations associated with GRs, in order to prevent granting erroneous patents for the sake commercial benefits to the detriment of public health. In line with its leading value to serve public health globally, WHO should address this issue together with relevant partners, including WIPO and the CBD, so that GRs are preserved as a Common Good necessary for the sustainable development of human activity (UN Earth Summit, 1992).

Thank you.