

March 8, 2007

Ambassador Susan C. Schwab
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Schwab:

We appreciate USTR's continuing leadership in opposing the initiation of negotiations that could lead to mandatory patent disclosure requirements as part of the single undertaking in the Doha Round—the TRIPS/CBD (Convention on Biological Diversity) issue.

We would like to take the opportunity afforded by the reported resumption of the Doha Development Round negotiations to restate our support for your efforts to bring the Round to a successful conclusion. A breakthrough in the agriculture, NAMA and services negotiations will likely require US flexibility on agricultural subsidies and market access. This should not open the door to additional demands of certain developing countries for the negotiation of a TRIPS/CBD amendment in the current Round or by a specified date. We urge you to maintain your steadfast opposition to such a negotiation.

As you have noted, mandatory patent disclosure would create an unacceptable level of uncertainty for biotechnology research; development and commercialization. It would discourage the very patent-related activity from which the developing countries seek to benefit; and, in any event, would not effectively address the objectives of Article 1 of the CBD calling for the "sustainable use (of the components of biological diversity) and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources."

A number of the undersigned groups and their member companies have been working, together with other stakeholders, on the development of positive alternatives to mandatory patent disclosure that would provide meaningful and sustainable benefits through the commercialization of genetic resource inventions. These alternatives include the development of an integrated system of Genetic Resource and Traditional Knowledge Data Bases and Digital Libraries (which patent examiners could use as a search tool; model bio-prospecting guidelines (to ensure prior informed consent and mutually agreed terms); use of the provisions from the Uniform Biological Material Transfer Agreement (MTA) or similar model MTA terms currently under discussion); and ABS agreements between providers and users of genetic resources. The range of alternatives that we support would provide patent certainty, while delivering front-loaded benefits like capacity building and technical assistance to the providers of the genetic resources.

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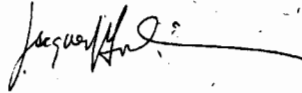
Should you have any questions or need further information, please feel free to get in touch with us. Thank you very much.

With best wishes.

Sincerely,



Calman J. Cohen
President
Emergency Committee for American
Trade



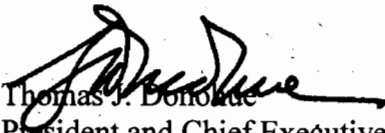
Jacques J. Gorlin
President
American BioIndustry Alliance



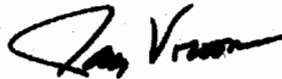
Bill Reinsch
President
National Foreign Trade Council



James C. Greenwood
President and Chief Executive Officer
Biotechnology Industry Organization



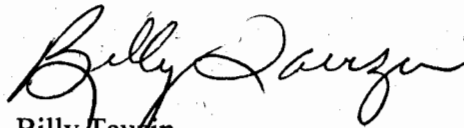
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