



Standing Committee on **TRIPS**

2017



Date: 13th October 2017

REPORT Standing Committee on TRIPS

Chair: Catherine MATEU
Responsible Reporter: Yusuke Inui

1) Report on the activities of your Standing Committee during the reporting period

Please provide a general overview of the activities of your Standing Committee over the last 12 months, including at least:

- a) Internal meetings of the Standing Committee during the reporting period (whether by telephone, video conference or in person);

During the reporting period (August 1st, 2016 to September 18, 2017) the Committee had the following meetings:

- during the Milan World Congress i) meetings with with the following SC on September 18: GRTK, Pharma and Biotechnology, FTA and GI; and ii) on September 19, an internal meeting;

- monthly telephone conferences on August 4, 2016; September 1, 2016; October 6, 2016; November 3, 2016; December 1st, 2016; February 2, 2017; March 2nd, 2017; April 6, 2017; May 4, 2017; June 1st, 2017; July 13; August 3rd, 2017 and August 28, 2017.

SC representatives also had telephone conferences with representatives from the Pharma and Biotechnology SC on October 27, 2016, and on May 18 and with the Chair of the FTA SC on May 11, 2017.

- b) any external representation on behalf of AIPPI by any member of your Standing Committee;

Catherine Mateu, TRIPS Committee Chair made a presentation on TRIPS and on the TRIPS SC to Spanish patent practitioners at the University of Barcelona on September 26, 2016. The TRIPS SC aims to use the materials gathered for this presentation in other presentations/venues.

Sarah Matheson, Reporter General, Yusuke Inui, Assistant Reporter General, Hao Ma, President, John Bochnovic, Executive Director, and Catherine Mateu TRIPS Committee Chair met with the TRIPS Council Secretariat at the WTO premises in Geneva on May 19, 2017.

Our Committe presented two proposals for a session at the WTO public forum 2017 "*Trade: Behind the Headlines*" called "*Access to Medicines*" and "*IP and other e-commerce-related legal frameworks*". The WTO accepted the latter proposal for inclusion in the public forum program to be held on September 28, 2017. Luca Rinaldi from our SC, with assistance from other committee members and the generous support of the Secretariat has arranged for three impressive speakers: Hosuk Lee-Makiyama, economist, director of European Centre for International Political Economy, Ana

Leyva, Head of the Regional Office of Peru's Competition and Consumer Protection Bureau and Ricardo Lagreca, Legal and Governmental Relations Senior Director, MercadoLibre Inc. Mr Rinaldi will moderate the session. A cocktail reception is planned to follow the event.

- c) any contribution by your Standing Committee to any external consultations; and
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- d) any studies or analyses undertaken or position papers prepared by your Standing Committee, with a brief summary of the outcome(s).
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In collaboration with the Pharma and Biotechnology SC, the TRIPS SC worked on a paper commenting on the Report of the United Nation Secretary General's High Level Panel on Access to Medicines.

Also in collaboration with the GRTK SC, the TRIPS SC, worked on a questionnaire and a summary report on the requirement of indicating the source and/or country of origin of genetic resources and traditional knowledge in patent applications that was finalized on the second quarter of 2017. This was an update of the 2010 questionnaire and report on the topic. A very substantial part of the work was performed by the former Chair of the GRTK and also former member of the TRIPS SC, Konrad Becker.

Luca Rinaldi, TRIPS SC member, wrote a brief report on the 2016 WTO Public Forum in AIPPI eNews No. 1, 2017. Takeshi Komatani, TRIPS SC member, wrote about "Recent amendments to the TRIPS Agreement - establishment of access to affordable medicines[<http://aippi.org/no-show/recent-amendments-to-the-trips-agreement-establishment-of-access-to-affordable-medicines/>]" and Catherine MATEU, TRIPS SC Chair, reported on the "day-to-day impact of the TRIPS Agreement for practitioners at Barcelona University". [<http://aippi.org/no-show/aippi-discussing-the-day-to-day-impact-of-the-trips-agreement-for-practitioners-at-barcelona-university/>] Both articles were published on AIPPI e-news No. 51.

- 2) Key issues/developments during the reporting period

Please include any significant case law, legislative or regulatory developments, or policy initiatives, including their relevance and/or any implications for the work of your Standing Committee or for AIPPI more generally.

On January 23, 2017 an amendment to the WTO's Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement entered into force which secures for developing countries a legal pathway to access affordable medicines under WTO rules.

- 3) Any recommendations for AIPPI involvement/action for the next 12 months

This need not be limited to recommendations for your Standing Committee but can be recommendations for AIPPI more broadly. For example, please include:

In each case, please explain why such involvement/action is recommended, by whom it should be undertaken and any relevant time frames.

- a) any recommendations for involvement/action in relation to any upcoming or foreshadowed case law, legislative or regulatory developments, or policy initiatives;
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The Committee should follow up the interaction between regional and bilateral agreements and TRIPS, considering the global context (Brexit, TPP), issues of TRIPS and Public Health, goods in transit as well as the trade policy reviews performed by the WTO as well as the WTO disputes involving TRIPS such as the one on plain packaging regarding tobacco products.

- b) any other recommendations for AIPPI involvement/action;
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Setting TRIPS specific sessions within AIPPI events and in particular during the Congress as this source of the law is not used broadly by practitioners.

Supporting collaboration in WTO projects about TRIPS in both publications and events.

- c) any recommendations for the work programme of your Study Committee.
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To explore how the TRIPS SC committee can collaborate with other entities in joint projects such as the WTO and to include young practitioners in our SC.

- 4) Outline of the work programme of your Standing Committee for the next 12 months

Please set out specific activities and priorities having regard to the matters in 1) - 3) above, including any relevant time frames.

Closely following and report developments on TRIPS and their implementation by countries and raising awareness to the IP community of TRIPS and to increase awareness within AIPPI members of TRIPS. To continue collaboration with other Committees.

To continue to uphold working relations with the TRIPS Council Secretariat, to attend the WTO Ministerial Conference in December 2017, to organize a TRIPS related workshop during the next AIPPI Congress, to organize a session at the 2018 Public Forum as well as to participate in other WTO events.

Names and Functions of Committee Members

Chair(s)	Catherine MATEU	France
Co Chair(s)	Gustavo Starling LEONARDOS	Brazil
	Manoj MENDA	India
Secretary	Melanie JOSE	Finland
Members	Russel A. BAGNALL	South Africa
	Daniele DE ANGELIS	Italy
	Lorenza FERRARI	Switzerland
	Ivan HJERTMAN	Sweden
	Kelly HYNDMAN	United States
	Jussi KARTTUNEN	Finland
	Takeshi KOMATANI	Japan
	Irina G. OZOLINA	Russia
	Iván POLI	Argentina
	Luca RINALDI	Italy
	Warwick A. ROTHNIE	Australia
	Michael STEWART	United States
Shaohui YUAN	China	