

Standing Committee on

**TRIPS**

2016



Date: 31st August 2016

## 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, but please include at least:

a) meetings of the Standing Committee during the reporting period

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During the reporting period (July 28, 2015 to July 31, 2016), the Committee had the following internal meetings:

- an internal meeting during the Rio World Congress on October 11, 2015
- monthly telephone conferences on November 27, 2015; February 4, 2016; March 3; April 7; May 12; June 9 and July 7 (with the participation of Konrad Becker in his capacity of Chair of IP and Genetic Resources / Traditional Knowledge Committee)

The Committee also had two telephone conferences with the Pharma Committee

- on December 8, 2015, and subsequently made a joint proposal for a Panel Session in Milan
- on July 1st, 2016, where it was decided to collaborate on trade secrets, compulsory licensing and national case law about TRIPS regarding pharma issues.

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

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Ivan Hjertman (TRIPS Committee Chair at the time), Manoj Menda (TRIPS Committee Co-Chair) and Catherine Mateu (TRIPS Committee member at the the time) held , in close cooperation with the RGT, a workshop ("IP: A trade resource") on October 1st, 2015 at the WTO Public Forum 2015 in Geneva.

Manoj Menda TRIPS Committee Co-Chair attended the WTO 10th Ministerial Conference in Nairobi December 15-18, 2015.

Sarah Matheson, Reporter General, Yusuke Inui, Assistant Reporter General, Ivan Hjertman, former TRIPS Committee Chair, John Bochnovic, AIPPI Executive Director and Catherine Mateu, TRIPS Committee Chair meet with the TRIPS Council Secretariat at the WTO premises in Geneva on June 17, 2016.

Our Committee presented the proposal of a session at the WTO public forum 2016 called "Start up or Henokien, IP works for all", which was not accepted by the WTO.

Catherine Mateu, TRIPS Committee Chair will make a presentation on TRIPS to Spanish patent practitioners at the University of Barcelona on September 26, 2016.

- c) any contribution by your Standing Committee to any external consultations
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- not responded*
- 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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- not responded*
- e) involvement of your Standing Committee in any other activities of AIPPI, eg Panel Sessions, contribution to Study Guidelines, etc
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Ivan Hjertman, TRIPS Committee Chair at that time, made a 10 minutes presentation on the TRIPS Committee during the Rio Congress.

The Committee leadership also attended the breakfast meeting during the Rio Congress with Standing Committee leaderships, the Programme Committee and the Reporter General Team, on October 13, 2016.

Our Committee made two proposals of workshops for the Milan Congress:

- 1) Enforcement under TRIPS
- 2) The relation between the FTAs (TPP being the most recent example) and TRIPS (most favoured nation for instance).

In collaboration with the Pharma Committee our Committee made a joint proposal for a panel session at the Milan Congress: Clinical trial data of pharmaceuticals and access to such data – the contours of the obligations under Article 39.3 of the TRIPS.

Our Committee also proposed speakers Panel Session IV – General IP –Top IP tips: the TPP and the TTIP of the Milan Congress.

There is an ongoing collaboration with the Standing Committee IP and Genetic Resources / Traditional Knowledge on a questionnaire on genetic resources.

- f) any other relevant activities
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Publications on enews:

Enews n°44

Review of developments in selected WTO/TRIPS Council topics during the period from July 15, 2015 to November 9, 2015  
(Ivan Hjertman, former TRIPS Committee Chair )

Enews n°45:

- United States-Brazil Patent Prosecution Highway (PPH) by Gustavo Leonardos (Co- Chair of the Standing Committee on TRIPS)

- AIPPI Standing Committee TRIPS holds a workshop at WTO Public Forum 2015 by Ivan Hjertman (Former Chair of the Standing Committee on TRIPS)

**E-News No.47 :**

**- WTO 10th Ministerial Conference in Nairobi - December 15-19, 2015 by Manoj Menda, (Co- Chair of the Standing Committee on TRIPS)**

**- Philippine Supreme Court Upheld Article 34 of TRIPS, by Susan D. Villanueva, Member of the Standing Committee on TRIPS**

**- IP of AI, Artificial Intelligence, - New type of intellectual property? How the TRIPS Agreement is involved? by Takeshi S. Komatani, Member of the Standing Committee on TRIPS**

Our Finnish Committee member did a follow up within the Finnish Group to get published a report concerning a decision in patent dispute where TRIPS was directly applied.

- 2) Key issues/developments relevant to the Terms of Reference of your Standing Committee during the reporting period

Please include a short summary of 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

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Last year several jurisdictions (Finland, Spain and France notably) have directly applied TRIPS.

At the WTO 10th Ministerial Conference in Nairobi - December 15-19, 2015, the TRIPS Council prolonged the transition period for LDCs on patenting in regard to pharmaceutical products, and the related General Council Waiver decision concerning LDC members' obligations under TRIPS Article 70.8 and Article 70.9. until 1 January 2033.

- 3) Any recommendation 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. In each case, please explain why such involvement/action is recommended, by whom it should be undertaken and any relevant time frames. For example, please include:

- a) any recommendation 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 recommendation(s) 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.

- 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

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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.

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To continue to uphold working relations with the TRIPS Council Secretariat, to organize a TRIPS related workshop during the Sydney World Congress and to organize a session at the 2017 Public Forum.

AIPPI

## Names and Functions of Committee Members

Chair	Catherine MATEU	France
Co Chair(s)	Gustavo Starling LEONARDOS	Brazil
	Manoj MENDA	India
Secretary	Melanie JOSE	Finland
Members	Russel A. BAGNALL	South Africa
	Konrad BECKER	Switzerland
	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
	Michael STEWART	United States
	Susan D. VILLANUEVA	Philippines
Xintian YIN	China	