Standing Committee on
TRIPS

2019
REPORT Standing Committee on

TRIPS

Chair: Catherine MATEU
Vice Chairs: Takeshi KOMATANI, Luca RINALDI
Responsible Reporter: Lena SHEN

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

a) During the reporting period (September 3, 2018 to August 12, 2019) the TRIPS SC had the following meetings:

During the Cancun World Congress i) meetings with the Pharma SC on September 24, 2018; with FTA SC on September 25, 2018 and with GRTK on September 24, 2018; ii) internal meeting of the TRIPS SC with Wolf Meir-Ewert from the WTO on September 24, 2018;

- internal monthly telephone conferences of the TRIPS SC on October 11, 2018; November 13, 2018; December 11, 2018; January 11, 2019; February 12, 2019; March 12, 2019; May 14, 2019; June 11, 2019; July 9, 2019.

TRIPS SC representatives also had meetings with representatives of the Pharma SC on March 8, 2019; and July 3, 2019.


Outcome of the questionnaire with GRTK SC published on October 30, 2018.

- Sessions proposed for the London Congress:
- Panel discussion regarding the Data and IP;
- Panel discussion regarding the new digital technologies and IP;
- What is the relevance for IP issues of the WTO and TRIPS Council today?, What is on the agenda of the current TRIPS Council meetings? What can AIPPI/the IP profession contribute in the IP related activities of the WTO and the TRIPS Council Overview and discussion;
- Blockchain An emerging technology poised to revolutionize intellectual property and assets transactions;
- Biological materials disclosure;
• Study questions proposed for Hanzhou 2020: Data and IP -- protection and regulation legal system of the member jurisdiction and harmonization.

TRIPS SC vice-chair (Takeshi Komatani) speaker at the London Congress on "Pharma Session 3 Hot and hostile: recent developments in SPCs and patent term extension" to be scheduled on September 16, 2019, 14:00-15:30

c) In collaboration with the IP Division of the WTO (Antony Taubman and Wolf Meier-Ewert), the TRIPS SC is working on a very important WTO project aimed at establishing, structuring and implementing the most comprehensive and reasoned data base on the national cases law applying, directly or by way of interpretation, a TRIPS provision. The project has been approved by the Bureau. The template for the implementation of the data base is currently being finalized; and, once completed, an acknowledgment of AIPPI and the TRIPS SC as one of the key contributors to this project will be made available by the WTO.

Attendance to the 2018 WTO Public forum by SC vice-chair (Luca Rinaldi) and report by the latter published on AIPPI E-NEWS 02-19.

Speaking at WTO teacher's forum, June 21, 2019 (SC member, Lorenza Ferrari).

Meeting at the WTO with the WTO IP Division, on July 1, 2019

WTO 2019 Public forum: 3 proposals and 1 accepted:
• TRIPs agreement and climate change a winning pair (Consultation of IP and Green Technologies SC)
• Medicines, patents and sustainable development goals (consultation of Pharma SC)
• New digital technologies: the protagonists of a change in perspective in the global supply chain.

d) Collaboration with Pharma SC on "IP and development" paper.

e) Contribution to the AIPPI eNews articles
• e-News No.62 February 12, 2019 "Report On The 2018 WTO Public Forum" by Luca Rinaldy
• e-News No.61 November 21, 2018 "TRIPS Standing Committee of the AIPPI" by Takeshi S Komatani introduction of an AIPPI position paper on the Report of the UNITED NATIONS SECRETARY-GENERAL’S HIGH-LEVEL PANEL ON ACCESS TO MEDICINES

2) Key issues/developments during the reporting period

Appeal on July 19, 2018, from Honduras on WTO panel ruling on tobacco plain packaging requirements, DS441.

Communication from Japan on January 21, 2019 on DS549 (Japan - Certain measures on the transfert of technology).
Panel composed on February 18, 2019 on DS567 (Saudi Arabia - Measures concerning the protection of intellectual property rights).

Consultations on April 2, 2019 on DS583 (Turkey - Certain measures concerning the production importation and marketing of pharmaceutical products).

Suspension of the proceedings on June 12, 2019 in DS542 (China - certain measures concerning the protection of intellectual property rights).

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

a) and c) The TRIPS SC should continue to 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 and the WTO disputes involving TRIPS, such as the one on plain packaging regarding tobacco products.

Additionally, as discussed in the G-20 summit in Osaka, Japan, ‘Osaka Track’ framework for free cross-border data flow was discussed. This is a novel regime for data “trade” as an overarching framework promoting cross-border data flow with enhanced protections, i.e. another type of intellectual property protection that need to be protected in the era of "data" as a currency. Therefore, AIPPI should keep an eye on the development of this new regime of "data" flow framework.

b) Communicate broadly about the Case Law project with the WTO, Obtain AIPPI member national case law summaries for the WTO case law project.

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

Setting SC LinkedIn page or group within AIPPI page

Digital migration of SC documents to AIPPI website

Roll out of AIPPI collaboration with WTO on case law project

Contribution to WTO events
### Names and Functions of Committee Members

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