



A I P P I

**ASSOCIATION INTERNATIONALE
POUR LA PROTECTION DE LA PROPRIETE INTELLECTUELLE**

**INTERNATIONAL ASSOCIATION
FOR THE PROTECTION OF INTELLECTUAL PROPERTY**

**INTERNATIONALE VEREINIGUNG
FÜR DEN SCHUTZ DES GEISTIGEN EIGENTUMS**

Congress

Seoul

October 20 to 23, 2012

**Report
Special Committee Q94**

TRIPS

Report Q94

TRIPS

Names and Functions of Committee Members

Chairman	Ivan Hjertman	(Sweden)
Co-Chairmen	Gustavo Leonardos Manoj G. Menda	(Brazil) (India)
Secretary	Melanie Jose	(Australia)
Members	Konrad Becker Sun Ryung Kim Takashi Ishida Thomas F. Smegal Russell A. Bagnall Luis C. Schmidt	(Switzerland) (South Korea) (Japan) (United States of America) (South Africa) (Mexico)
Responsible Reporter	Kazuhiko Yoshida	(Japan)

1. Title

Annual report of Special Committee Q94 TRIPS for the AIPPI Seoul Congress October 20-23, 2012 by Melanie Jose/Ivan Hjertman in consultation with the Committee membership

2. Summary

2.1. Current and future issues:

The main tasks of the Committee, as listed in its Terms of Reference, are

- to monitor and advise the Bureau and AIPPI members on developments relating to the WTO/TRIPS Agreement and its implementation
- to study and advise the Bureau and AIPPI members on proposed amendments of or additions to the TRIPS Agreement
- to formulate and, with the approval of the Bureau, to submit and represent the standpoint of AIPPI vis-à-vis WTO/TRIPS
- to monitor international developments which impact on the WTO position/negotiations on TRIPS
- to monitor activities of other international and regional bodies (GOs and NGOs) in relation to WTO/TRIPS

The Committee also has the task to advise the Bureau on

- developments in the IP field rendering intervention of AIPPI desirable

- specific TRIPS-related issues meriting further study
- information and instruction to AIPPI representatives at GO meetings on TRIPS-related issues
- possibilities of cooperation with other NGOs and GOs in the IP field

The Committee has, in addition, the special instructions

- to coordinate its activities in regard to WTO/TRIPS-related aspects of Traditional Knowledge, Genetic Resources and Folklore with Special Committee Q166, and
- to inform, in addition to the Bureau, the Chair and the members of the Programme Committee and the Committee Officers and members of other AIPPI Committees of relevant Q94 activities and seek, if necessary, their advice and cooperation in formulating the views and reports of the Committee Q94.

2.2. Deadline for any action

- (to be set) for suggesting TRIPS topics for a workshop during the Helsinki ExCo 2013
- (to be set) for submitting request for registration of AIPPI as NGO to attend the WTO 9th Ministerial Conference, set for the first week of December 2013 in Bali, Indonesia

2.3. Action recommended

- Q94 to suggest to the Programme Committee to organise a workshop on TRIPS topics during the Helsinki ExCo 2013
- that the Bureau decides that AIPPI should attend the WTO 9th Ministerial Conference 2013, with Special Committee Q94 represented in the AIPPI delegation

3. Introduction

3.1 Working methods

Internally within Q94:

- regular internal meetings during AIPPI Executive Committee meetings and Congresses
- exchange of information by email correspondence
- monitoring activities, debates and work of WTO, the TRIPS Council and the WTO Intellectual Property Division, below named the TRIPS Council Secretariat, to identify new issues and developments and to inform AIPPI
- to collect WTO/TRIPS documents for assessment of relevance to AIPPI

With the TRIPS Council Secretariat:

- regular meetings, arranged to coincide with AIPPI Congresses and Executive Committee meetings, with the WTO/TRIPS Council representative attending such those meetings on invitation from the Bureau
- regular meetings, on an annual basis, of the Chair and other Committee members as available, at the WTO premises in Geneva with the TRIPS Council Secretariat
- exchange of information with the TRIPS Secretariat, e.g. survey reports, AIPPI resolutions.

4. Report of Committee's activities since the Report for the Hyderabad ExCo dated September 5, 2011

4.1 Priorities set for the reporting period

- to continue the monitoring and reporting functions of the Committee
- to continue to uphold working relations with the TRIPS Council Secretariat

4.2 Activities of Q94 during the reporting period

a) Meetings with the TRIPS Council Secretariat

- September 26, 2011: meeting at the WTO, Geneva, between AIPPI/Q94 and the TRIPS Council Secretariat
- October 17, 2011: meeting jointly with Special Committee Q166 and a WTO/TRIPS Council Secretariat representative in the context of the Hyderabad ExCo

Topics taken up with the TRIPS Council Secretariat at these meetings included

- AIPPI developments and news
- General outlook on the Doha Round
- General outlook on the TRIPS Council
- Geographical indications
- TRIPS/CBD, especially the proposal for special disclosure requirements for patent applications involving genetic resources
- The Paragraph 6 system
- Most Favoured Nation treatment
- Needs assessments by Least Developed Countries, LDCs, for implementing TRIPS
- The tobacco plain packaging legislation in Australia
- ACTA

b) Internal Committee Meeting

In addition to the topics discussed with the TRIPS Council Secretariat representative, internal matters were taken up at the October 17, 2011, Committee meeting, including:

- to improve communication among the Committee Membership between annual meetings through the introduction of quarterly teleconferences and through the introduction of a text messaging service to facilitate communication of key information to the Q94 membership
- to arrange next meeting between AIPPI/Q94 and the TRIPS Council Secretariat, to take place in about 6 months from the date of the Hyderabad ExCo Q94 meeting
- to follow up with the Communications Committee about possible Q94 contributions to AIPPI eNews
- to continue regular email correspondence as usual.

c) Attending the WTO 8th Ministerial Conference December 15-17, 2011

The Committee Chair and Secretary attended the WTO 8th Ministerial Conference held in Geneva December 15-17, 2011, as observers for AIPPI. A report is available under Q94 on the AIPPI website, and a summary note was published in AIPPI eNews No. 23, March 2012.

d) A review of selected WTO/TRIPS topics was communicated to the Bureau on April 2, 2012.

e) A WTO/TRIPS-related workshop during the Seoul Congress

was suggested to the Programme Committee on January 6, 2012. While this proposal was not accepted for Seoul, it will be re-submitted for the Helsinki ExCo 2013.

f) The Committee Chair was involved in one instance concerning **providing TRIPS-related information to an AIPPI speaker at a GO event**, and in a second instance concerning identifying an AIPPI speaker for a GO event.

5. Recommendations

Issues followed by Special Committee Q94 tend to become increasingly politicized. Considering this ongoing development, the Q94 Committee has in its Reports for the last several Executive Committee meetings and Congresses reiterated a number of general recommendations for possible future action by AIPPI. In the view of the Committee, these recommendations remain valid and are again repeated below. Special Committee Q94 has been pleased to see part of these recommendations materialise in AIPPI work. Special Committee Q94 stands ready to assist in this work and looks forward to the outcomes in this regard of the AIPPI Strategy Project.

Recommendation 1: In light of the global aspect/wider significance that IP issues have assumed in the last decade, especially an increasing politicization of IP issues, AIPPI should resolve to confirm that its activity extends beyond strictly defined “scientific work”.

Recommendation 2: AIPPI should play a more dynamic role as an NGO in international debates and developments affecting IP, including closer co-operation with other NGOs in the area of IP.

Recommendation 3: AIPPI should expand and intensify its collaboration and interaction with WTO and WIPO.

Recommendation 4: AIPPI should consider the possibility of preparing information documents addressing IP, particularly WTO-related IP, focussing on the role and value of IP and technology transfer in different economies for general dissemination.

Recommendation 5: AIPPI should expand its activities and exposure in developing countries and collaborate with bodies in those countries which are active in the area of IP.