



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**

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Report
Special Committee Q94

GATT/WTO



Report Q94

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by Ivan HJERTMAN (Sweden)

Activities since the Executive Committee Meeting in Lucerne:

At the Lucerne Executive Committee Meeting, Martin Lutz, Switzerland, resigned as Chair. Ivan Hjertman, Sweden, was appointed new Chair for the Committee.

After the Lucerne Executive Committee Meeting, the Committee has taken up internal matters as follows:

A review of the geographical distribution of the Committee Membership resulted in decision by the Bureau in January 2004 to extend the Membership to include China, India, Nigeria and the USA. Members from Nigeria and from the USA have been appointed. Appointment of Members from China and India were outstanding at the time of completion of the present Report.

A review of the work program for the Committee under its Terms of Reference was initiated after the Lucerne ExCo Meeting. This review is ongoing, in consultation with the Bureau. The review has different aims:

- to clarify the specific tasks of the Q94 Special Committee under its Terms of Reference in view of the numerous issues dealt with in the TRIPS Council;
- to delimit the tasks of Special Committee Q94 from the tasks of later appointed Special Committees, for example Special Committees Q166 and Q177;
- to try to differentiate in the context of the TRIPS Council agenda topics which can be classified as “purely political” from topics which can be classified as technically related to Intellectual Property, with the view to concentrate Special Committee Q94 work on the latter category.

To illustrate the background for the work program review, the following items on the TRIPS Council agenda can be mentioned:

- TRIPS implementation, generally as well as in view of the January 1, 2005 implementation deadline;
- trade policy reviews of WTO Members and of new Members as upcoming;
- the transitional review of China;
- notifications of WTO Members of changes in their IP legislation, thus including;
- national implementation of the WTO decision August 30, 2003 on the so-called Paragraph 6 issue regarding cross-border compulsory licensing;
- the separate negotiations on geographical indications;

- the TRIPS/CBD related issues, including the TRIPS Article 27.3(b) review; protection of Traditional Knowledge; and IP issues related to Access and Benefit Sharing, ABS, under the CBD;
- non-violation complaints;
- IP aspects on technology transfer to least-developed countries;
- the amendment of the TRIPS Agreement aimed to be effected by July 1, 2004, as specified in the August 30, 2003, WTO decision;
- follow-up of national implementation of the said August 30, 2003, WTO decision, including actual cases of compulsory licensing under the August 30, decision.

Awaiting the outcome of the said discussions on the extent of the work program, the Committee has endeavoured to follow-up on developments under the August 30, 2003, WTO decision, and this on the TRIPS Council level as well as on national level. On TRIPS Council level, discussions on the amendment to the TRIPS Agreement which is foreseen in the said August 30, 2003, decision are reported as being ongoing. On national level, the Q94 Special Committee is aware of legislative initiatives in Canada, India and Norway. To continue this follow-up on the national level, a Questionnaire to the National AIPPI Groups may be required and will be proposed at the Congress by Committee Q94.

As part of these efforts the Committee, in cooperation with the Bureau, aims at taking up with the TRIPS Council whether a format can be devised for some form of regular future contacts WTO TRIPS Council/AIPPI. The Special Committee Q94 GATT/WTO would here be a natural AIPPI vehicle for such contacts.

Special Committee Q94 intends to pursue its work as follows:

- completion of the work program issue;
- completion of its Membership;
- getting in touch with WTO/TRIPS Council in regard to schedule for future contacts;
- following-up on implementation of the Paragraph 6 WTO decision of August 30, 2003, on TRIPS Council level and on national level.