



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**

ExCo

Berlin, Germany

September 24 to 29, 2005

Report

Special Committee Q94

GATT/WTO

Report Q94

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Chairman:	Ivan HJERTMAN (Sweden)
Co-Chairman:	Esmé DU PLESSIS (South Africa)
Secretary:	Sarah MATHESON (Australia)
Members:	Chiagozie HILARY-NWOKONKO (Nigeria) Konrad BECKER (Switzerland) Sun Ryung KIM (Korea) Gustavo LEONARDOS (Brazil) Sumihiro MAEDA (Japan) Thomas F. SMEGAL (USA) Wen XIKAI (China) Manoj G. MENDA (India)

In constituting the Special Committee Q94, particular care has been taken to constitute a Committee with a balanced and representative Membership, with Members from developing as well as developed countries. The Committee regards its Membership as an important factor in identifying issues in the area of TRIPS which need to be addressed and reported on by the Committee.

Activities after the Geneva Congress June 2004:

The work on the **Committee Membership** has been taken forward. The Membership at the time of writing the present Report is as listed. Committee Members from the National Groups in China and in India have been appointed. New Committee Members from the National Groups in Japan and Nigeria have been appointed. The earlier Committee Members from Japan, Mexico and Nigeria have been thanked for their contributions to the Committee. Sarah Matheson, Australia, has been appointed Secretary in the Committee.

As agreed in Geneva, **the work program for the Committee has been focused on** the WTO decision of August 30, 2003, on **the Paragraph 6 issue**, that is the introduction of a cross-border compulsory licensing system for export in the pharmaceutical area, and its implementation on the national level and on TRIPS Council level. The said decision includes that a corresponding amendment of the TRIPS Agreement shall be made.

The **Committee Q94 Questionnaire on the Paragraph 6 implementation status at national level** was distributed to 65 National AIPPI Groups on September 13, 2004. A total of 35 responses came in. The outcome has been summarized in a Report dated April 4, 2005. This Report has been distributed to all AIPPI National Groups with request for further distribution to all individual AIPPI Members. It was also distributed to the TRIPS Council Secretariat and to other national and international bodies. The Report is available on the AIPPI Website.

The work of the Committee aiming at **setting up a format for regular contacts between AIPPI and the TRIPS Council Secretariat** resulted in a first such meeting being held in the context of the Geneva Congress. A follow-up contact meeting between AIPPI, as represented by Q94 Committee Members Ivan Hjertman, Esmé du Plessis and Konrad Becker, and the TRIPS Council Secretariat was held at the WTO on February 17, 2005. A broad discussion was held at both these meetings on the various topics on the TRIPS Council agenda. It was preliminarily agreed to hold the next contact meeting in the context of the Berlin EXCO meeting.

These regular meetings with the TRIPS Council Secretariat provide several benefits to AIPPI, in that AIPPI is kept informed of developments in regard to TRIPS issues, and the views of AIPPI can be conveyed to the TRIPS Council Secretariat. After the latest meeting on 17 February AIPPI was invited to send a representative as an observer to the WTO Ministerial meeting to take place in Hong Kong in December 2005.

The TRIPS Council:

In the TRIPS Council, the major subjects for discussion have continued to be

- the amendment of the TRIPS Agreement arising from the said August 30, 2003, decision. At the time of the present Report consensus had still not been reached due to a deep division of views as to how to effect such amendment
- the TRIPS v. CBD complex, including the issue of what is known as source disclosure in patent applications
- geographical indications, as related to wines and spirits, as well as to extension to other goods such as agricultural products.

The WTO Ministerial Meeting in Hong Kong December 13-18, 2005:

It seems likely that TRIPS related subjects will come up at the WTO Ministerial Meeting in Hong Kong scheduled for December 13-18, 2005. After discussion the Bureau of AIPPI has decided that a participation in this Meeting is important for AIPPI and that a representative should be sent to attend.

Continued work of Special Committee Q94:

Special Committee Q94 intends to pursue its work along the following lines up to the Gothenburg Congress in October 2006:

- to focus on the Paragraph 6 issue and its implementation on national level and on TRIPS Council level
- to monitor developments in other areas of the TRIPS Council agenda, primarily in the TRIPS/CBD area in conjunction with Special Committee Q166
- to work on maintaining regular contacts with the TRIPS Council Secretariat.