

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	Russell A. Bagnall Konrad Becker Jussi Karttunen Takeshi S. Komatani Catherine Mateu Luis C. Schmidt	(South Africa) (Switzerland) (Finland) (Japan) (France) (Mexico)
Responsible Reporter	Kazuhiko Yoshida	(Japan)

1. Title

Annual report of Special Committee Q94 TRIPS for the AIPPI Helsinki Executive Committee meeting September 5-11, 2013 by 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) suggesting TRIPS topics for a workshop during the Toronto Congress 2014
- (to be set) registration of AIPPI representatives at the WTO Public Forum October 1-3, 2013
- (to be set) submitting request for accreditation of AIPPI as NGO and for AIPPI representatives to attend the WTO 9th Ministerial Conference, set for December 3-6, 2013 in Bali, Indonesia

2.3. Action recommended

- Q94 to suggest to the Programme Committee to organise a workshop on TRIPS topics during the Toronto Congress 2014
- Bureau decision that AIPPI representatives will attend the WTO Public Forum 2013
- Bureau decision that AIPPI will 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
- telemeetings as appropriate between the 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 as appropriate, arranged during AIPPI Executive Committee meetings and Congresses, with the TRIPS Council Secretariat representative attending such meetings on invitation from the Bureau
- regular meetings as appropriate, 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 Council Secretariat, e.g. survey reports, AIPPI resolutions.

4. Report of Committee's activities since the Report for the Seoul Congress dated September 27, 2012

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) Meeting with the TRIPS Council Secretariat

On October 23, 2012, during the Seoul Congress a meeting was held between APPI/Q94 and the TRIPS Council Secretariat representative attending the Congress.

Topics taken up with the TRIPS Council Secretariat at this meeting included

- AIPPI developments and news
- Current situation in regard to the Doha Round negotiations
- TRIPS aspects in WTO Trade Policy Reviews
- GI developments, especially in India
- TRIPS/CBD/genetic resources
- Free Trade Agreements v. Most Favoured Nation issues
- The expiration July 1, 2013, of the time period for LDCs to implement TRIPS
- The Needs Assessments by Least Developed Countries, LDCs, for implementing TRIPS
- Pending IP-related Dispute Settlement Board cases, i.a. concerning the tobacco plain packaging legislation in Australia
- Participation of the TRIPS Council Secretariat during a Q94 workshop in Toronto

b) Internal Committee Meetings

b1) An internal Committee meeting was held October 20, 2012, during the Seoul Congress. Topics covered included, in addition to internal Committee matters,

- to set up a workshop during the Toronto Congress on either or both of the topics the WTO Dispute settlement system, provided there is a final decision in one of the pending IP-related cases, and the Most Favoured Nation issue in Free Trade Agreements
- to try to arrange next meeting in Geneva between AIPPI/Q94 and the TRIPS Council Secretariat to take place closely before the Helsinki Executive Committee meeting
- to follow up with the Communications Committee about possible Q94 contributions to AIPPI eNews

b2) Telemeetings were held on May 20, 2013, and on July 24, 2013.

c) Review of selected WTO/TRIPS topics

Communication was sent to the Bureau, with relevant documentation, on May 3, 2013.

5. Recommendations

5.1 General

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.

5.2 Priorities for the year from the Helsinki Executive Committee meeting to the Toronto Congress

- to continue the monitoring and reporting functions of the Committee
- to continue to uphold working relations with the TRIPS Council Secretariat
- to organise a TRIPS related workshop during the Toronto Congress