

WORLD TRADE ORGANIZATION

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EUROPEAN COMMUNITIES - PATENT PROTECTION FOR PHARMACEUTICAL AND AGRICULTURAL CHEMICAL PRODUCTS

Request for Consultations by Canada

The following communication, dated 2 December 1998, from the Permanent Mission of Canada to the Permanent Delegation of the European Commission and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

Pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article 64 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) in conjunction with Article XXII of the General Agreement on Tariffs and Trade 1994 (GATT 1994), the Government of Canada requests consultations with the European Communities on behalf of themselves and their Member States regarding the protection of inventions in the area of pharmaceutical and agricultural chemical products under the relevant provisions of the European Communities legislation - (in particular Council Regulation (EEC) No. 1768/92 and European Parliament and Council regulation (EC) No. 1610/96) - in relation to their obligations under the TRIPS Agreement.

Under the above Regulation, a patent term extension scheme - that is limited to pharmaceutical and agricultural chemical products - has been implemented.

In Canada's view, Council Regulation (EEC) No. 1768/92 and European Parliament and Council Regulation (EC) No. 1610/96 are incompatible with the obligation of the European Communities and their Member States not to discriminate on the basis of field of technology (as found in Article 27.1 of the TRIPS Agreement), since they only apply to pharmaceutical and agricultural chemical products.

We look forward to receiving your reply to this request and to selecting a mutually acceptable date for holding consultations.
