

# WORLD TRADE ORGANIZATION

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**Council for Trade-Related Aspects  
of Intellectual Property Rights**

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## **TECHNICAL COOPERATION ACTIVITIES: INFORMATION FROM OTHER INTERGOVERNMENTAL ORGANIZATIONS**

### Addendum

#### ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The present document reproduces the information which has been received from the Organisation for Economic Co-operation and Development (OECD) by means of a communication dated 27 August 2002.

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**Communication of Mr. Ken Heydon, Deputy-Director,  
to the Chairman of the Council for TRIPS**

Paris, 27 August 2002

Dear Ambassador Pérez Motta,

Thank you for your letter of 22 July requesting an updating of information about technical and financial cooperation programmes in the area of intellectual property relevant to the implementation of the TRIPS Agreement, for the information of your Council. The OECD is currently carrying out work in several areas related to intellectual property issues and the implementation of the TRIPS Agreement.

Since 2001, the OECD Trade Directorate has undertaken three initiatives concerning intellectual property rights:

- *The relationship between regional trade agreements and the multilateral trading system: intellectual property rights.* This short paper examines the treatment of IPRs in selected RTAs to see where and how these arrangements go beyond the requirements of the TRIPS Agreement. An unclassified version of this paper is available at [http://www.oelis.oecd.org/olis/2002doc.nsf/LinkTo/td-tc-wp\(2002\)28-final](http://www.oelis.oecd.org/olis/2002doc.nsf/LinkTo/td-tc-wp(2002)28-final).
- *The impact of intellectual property rights on foreign direct investment and trade: the case of developing countries.* This study is now underway. It will highlight the association of changes in national IPR regimes with developments in trade and FDI flows. A draft of the paper will be presented internally at the OECD in Fall 2002 with a possible declassification in 2003.
- *Intellectual property rights in the new economy: technological changes and the protection of intellectual property rights.* This activity aims to provide an account of (1) major intellectual property issues related to the new economy, and (2) recent initiatives to adapt intellectual property regimes to the new economy. The first element of this work will present a road map to the maze of existing rules and projects on intellectual property protection in the context of the new economy. It will include a presentation of multilateral initiatives, as well as some illustrative regional and national developments. Further work, to be agreed on by Members, would present a synthetic analysis of intellectual property issues prompted by the new economy. It would cover the key intellectual property fields and all aspects of the new economy, and not be limited to the impact of e-commerce.

The OECD Directorate for Science, Technology and Industry (DSTI) also carries out work which contributes to TRIPS implementation. Its work focuses on addressing through the use of empirical data the impact of TRIPS-compliant IPR policies on the availability of and access to technology. The Committee for Scientific and Technological Policy's (CSTP) Working Party on Biotechnology has a programme of work in place on the impact of IPRs (including patents and licensing policies) on the availability of and access to genetic inventions. An expert workshop in January 2002 in Berlin held under the joint auspices of OECD and the German Federal Ministry for Education and Research considered the impact of current uses of "gene patents" on clinical uptake of new diagnostics and therapies, on research freedom, and on new product development. The workshop also considered the strategies that firms, governments, and civil society are developing to better manage the proliferation of such "gene patents".

A short report of the workshop is available at <http://www.oecd.org/pdf/M00032000/M00032910.pdf>, and a more comprehensive report will be published later this year. In summary, the workshop concluded that the worst fears of some - that a proliferation of gene patents would restrict access to and availability of technology - had not been proven by experience. There was no empirical evidence that the availability of patents resulted in widespread difficulties in access to or availability of technology. However, there was room for improvement in licensing practices and in some of the details of the system - for example, in establishing what constitutes a research exemption and whether some clinical use exemptions should be considered.

The Working Party on Biotechnology (WPB) is now considering how best to follow up on this work. Among the options being considered is development of best practice guidelines for licensing of genetic inventions and developing indicators for economic and other impacts of such inventions. Other WPB work - particularly on improving the availability of and access to biotechnological interventions against infectious diseases - is closely related to major topics under discussion at the TRIPS Council.

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