

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

**PROTOCOL AMENDING THE TRIPS AGREEMENT –
STATUS OF ACCEPTANCES**

Note from the Secretariat

Revision

1. At its meeting in October 2006, the Council requested the Secretariat to prepare a note on the status of acceptances of the Protocol Amending the TRIPS Agreement attached to the General Council Decision on the Amendment of the TRIPS Agreement of 6 December 2005 (WT/L/641). At its meeting in February 2007, the Chair of the TRIPS Council said that the Secretariat would update the note periodically. Pursuant to paragraph 1 of the Decision, the Protocol attached to it has been submitted to Members. It is open for acceptance until 31 December 2009 or such later date as may be decided by the Ministerial Conference¹. In accordance with Article X:3 of the WTO Agreement, the Protocol will enter into force upon acceptance by two thirds of the WTO Members.

2. To date, the following Members have notified the acceptance of the Protocol Amending the TRIPS Agreement:

- United States, 17 December 2005, WT/Let/506;
- Switzerland, 13 September 2006, WT/Let/547;
- El Salvador, 19 September 2006, WT/Let/548;
- Republic of Korea, 24 January 2007, WT/Let/558;
- Norway, 5 February 2007, WT/Let/563;
- India, 26 March 2007, WT/Let/572;
- Philippines, 30 March 2007, WT/Let/573;
- Israel, 10 August 2007, WT/Let/582;
- Japan, 31 August 2007, WT/Let/592;

¹ General Council Decision on an Extension of the Period for the Acceptance by Members of the Protocol Amending the TRIPS Agreement of 18 December 2007 (WT/L/711).

- Australia, 12 September 2007, WT/Let/593;
- Singapore, 28 September 2007, WT/Let/594;
- Hong Kong, China, 27 November 2007, WT/Let/606;
- China, People's Republic of, 28 November 2007, WT/Let/607; and
- European Communities², 30 November 2007, WT/Let/608.

3. A communication was also received from the Netherlands on 31 January 2008 (WT/Let/611), informing the WTO "that the Kingdom of the Netherlands accepts the said Protocol for the Netherlands Antilles and Aruba, and that the provisions so accepted shall be observed in their entirety".

² The text of the instrument of acceptance reads as follows:

"THE PRESIDENT OF THE COUNCIL OF THE EUROPEAN UNION,

HAVING regard to the Treaty establishing the European Community, and in particular Article 133(5) in conjunction with the first sentence of the first subparagraph of Article 300(2) and the second subparagraph of Article 300(3) thereof,

NOTIFIES by these presents the acceptance, by the European Community, of the Protocol amending the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), done at Geneva on 6 December 2005,

CONFIRMS, in accordance with Article 300(7) of the Treaty establishing the European Community, that the Protocol will be binding on the Member States of the European Union.

The Secretary-General/High Representative

The President of the Council
of the European Union"