

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

IMPLEMENTATION OF ARTICLE 66.2 OF THE TRIPS AGREEMENT

Decision of the Council for TRIPS of 19 February 2003

The Council for Trade-Related Aspects of Intellectual Property Rights (the "Council for TRIPS"),

Having regard to Article 66.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (the "TRIPS Agreement");

Having regard to the instructions of the Ministerial Conference to the Council for TRIPS contained in paragraph 11.2 of the Decision on Implementation-Related Issues and Concerns (WT/MIN(01)/17), adopted on 14 November 2001;

With a view to putting in place a mechanism for ensuring the monitoring and full implementation of the obligations in Article 66.2, as called for by that Decision;

With a view further to establishing arrangements for annual reports by developed country Members and their annual review by the Council for TRIPS, as also called for by that Decision;

Decides as follows:

1. Developed country Members shall submit annually reports on actions taken or planned in pursuance of their commitments under Article 66.2. To this end, they shall provide new detailed reports every third year and, in the intervening years, provide updates to their most recent reports. These reports shall be submitted prior to the last Council meeting scheduled for the year in question.
2. The submissions shall be reviewed by the Council at its end of year meeting each year. The review meetings shall provide Members an opportunity to pose questions in relation to the information submitted and request additional information, discuss the effectiveness of the incentives provided in promoting and encouraging technology transfer to least-developed country Members in order to enable them to create a sound and viable technological base and consider any points relating to the operation of the reporting procedure established by the Decision.
3. The reports on the implementation of Article 66.2 shall, subject to the protection of business confidential information, provide, *inter alia*, the following information:
 - (a) an overview of the incentives regime put in place to fulfil the obligations of Article 66.2, including any specific legislative, policy and regulatory framework;
 - (b) identification of the type of incentive and the government agency or other entity making it available;

- (c) eligible enterprises and other institutions in the territory of the Member providing the incentives; and
- (d) any information available on the functioning in practice of these incentives, such as:
 - statistical and/or other information on the use of the incentives in question by the eligible enterprises and institutions;
 - the type of technology that has been transferred by these enterprises and institutions and the terms on which it has been transferred;
 - the mode of technology transfer;
 - least-developed countries to which these enterprises and institutions have transferred technology and the extent to which the incentives are specific to least-developed countries; and
 - any additional information available that would help assess the effects of the measures in promoting and encouraging technology transfer to least-developed country Members in order to enable them to create a sound and viable technological base.

4. These arrangements shall be subject to review, with a view to improving them, after three years by the Council in the light of the experience.
