



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

MINUTES OF MEETING

HELD IN THE CENTRE WILLIAM RAPPARD ON 4 OCTOBER 2021

Chair: H.E. Ambassador Dagfinn Sørli

The present document contains the record of the meeting of the Council for TRIPS held on 4 October 2021.

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1 ADOPTION OF AN ORAL STATUS REPORT ON THE CONSIDERATIONS BY THE TRIPS COUNCIL ON THE REVISED "PROPOSAL FOR A WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19" (IP/C/W/669/REV.1)

1. The Chair said that, as foreshadowed at the informal open-ended meeting on 14 September, he had circulated draft language for an oral status report to the General Council on 29 September in document JOB/IP/50, with an invitation to Members to comment on this language by 30 September 2021. Having received comments from delegations, he had circulated a revised draft status report in document JOB/IP/50/Rev.1 on Friday, 1 October, which was the text currently before the Council for adoption. He said the item had also been placed on the agenda of the General Council meeting scheduled for 7-8 October 2021, in the usual fashion.

2. He proposed the Council agree that he would deliver the oral status report to the General Council, circulated in JOB/IP/50/Rev.1, as follows:

At the meeting of the TRIPS Council on 15-16 October 2020, India and South Africa introduced document IP/C/W/669, requesting a waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19, which had been circulated on 2 October 2020 and has since been co-sponsored by the delegations of Kenya, Eswatini, Mozambique, Pakistan, Bolivia, Venezuela, Mongolia, Zimbabwe, Egypt, the African Group, the LDC Group, the Maldives, Fiji, Namibia, Vanuatu, Indonesia and Jordan.

Since the introduction of the document, discussions took place in various formal and informal TRIPS Council meetings. Delegations exchanged views, asked questions, sought clarifications and provided replies, clarifications, and information, including through documents IP/C/W/670, IP/C/W/671, IP/C/W/672, IP/C/W/673 and IP/C/W/674, on the waiver request.

On 21 May 2021 the co-sponsors issued a revised proposal which was circulated in document IP/C/W/669/Rev.1. The revised waiver request was presented at an informal open-ended meeting of the Council on 31 May, and introduced at its formal meeting on 8-9 June 2021. It has since been co-sponsored by Malaysia.

Since the last oral status report delivered on 27 July 2021, discussions continued in small-group consultations, at an informal open-ended meeting on 14 September, and at an informal and formal meeting on 4 October 2021. On 29 September 2021, the co-sponsors circulated a summary of their interventions in document IP/C/W/684.

In the course of discussions on the revised waiver proposal, delegations held focused discussions on the topics of 'scope', both from the perspective of products and of IP rights, on 'duration', 'implementation' and on protection of undisclosed information. Delegations engaged positively and their detailed substantive exchanges helped clarify various aspects and nuances of positions. While delegations remain committed to the common goal of providing timely and secure access to high-quality, safe, efficacious and affordable vaccines and medicines for all, disagreement persists on the fundamental question of whether a waiver is the appropriate and most effective way to address the shortage and inequitable distribution of and access to vaccines and other COVID-related products.

In addition, a proposal for a draft General Council declaration on the TRIPS Agreement and Public Health in the circumstances of a pandemic, issued by the European Union and circulated in IP/C/W/681, has also been discussed in meetings since its circulation on 21 June 2021. Delegations exchanged views, asked questions, sought clarifications and provided replies, clarifications, and information. Disagreement persists on the fundamental question of whether this proposal is the appropriate and most effective way to address the shortage and inequitable distribution of and access to vaccines and other COVID-related products.

This means that the TRIPS Council has not yet completed its consideration of the revised waiver request. The TRIPS Council will therefore continue its consideration of the revised waiver request, including through small-group consultations and informal open-ended meetings, and report back to the General Council as stipulated in Article IX:3 of the Marrakesh Agreement.

In addition, the TRIPS Council will also continue in the same manner its consideration of the other related proposals by Members.

3. The Council so agreed.
4. The Chair thanked all delegations for their engagement and cooperation.

2 OTHER BUSINESS

5. No statements were made under this item.
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