

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

MINUTES OF MEETING

HELD IN THE CENTRE WILLIAM RAPPARD ON 9-10 MARCH 2022

Chair: H.E. Ambassador Dagfinn Sørli and Ambassador Dr. Lansana Gberie

Revision

The original version of this document contained the record of the meeting of the Council for TRIPS held on 9-10 March 2022. This revision adds the record of the resumptions of this meeting on 6 May and 1 June 2022, which were chaired by Amb. Lansana Gberie, and corrects the numbering of headings to reflect the meeting's agenda.

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STATEMENTS AFTER THE ADOPTION OF THE AGENDA

1. The Chair noted that the proposed agenda had been circulated as document [WTO/AIR/IP/41/Rev.1](#). The Secretariat had also circulated an annotated agenda, providing short background information on individual agenda items, in document [JOB/IP/56](#).

2. The Council adopted the agenda as proposed.

3. The representatives of Ukraine; the European Union; the United States; the United Kingdom; Canada; Australia; Norway; New Zealand; Japan; Switzerland; the Republic of Korea; Georgia; and the Russian Federation took the floor.

1 NOTIFICATIONS UNDER PROVISIONS OF THE AGREEMENT

4. The Chair invited the Secretariat to update delegations on the notifications under various provisions of the TRIPS Agreement that had been submitted since the meeting in October 2021, to then offer the floor to delegations wishing to introduce their notifications.

5. The representative of the Secretariat said that the Council had received the following notifications, under Article 63.2 of the TRIPS Agreement:

- a. Australia had notified amendments to its Designs Act that implemented recommendations from a review of its designs systems, providing more flexibility to designers in the early stages of getting registered design protection;
- b. Japan had notified revisions to its Design Act, Patent Act, Trademark Act and Copyright Act;
- c. The Russian Federation had notified amendments to its laws permitting compulsory licensing with regard to patents, industrial designs, and layout-designs, and introducing provisions that allow compulsory licensing of pharmaceutical products for export;
- d. The Kingdom of Saudi Arabia had notified has notified a Law on Commercial Courts that established rules and procedures for commercial courts that included claims and violations arising from the implementation of intellectual property laws;
- e. The United Arab Emirates had notified a new law on the Regulation and Protection of Industrial Property Rights encompassing patent, utility model, industrial design, integrated circuit layout design, as well as undisclosed information;
- f. The United States had notified its Trademark Modernization Act of 2020, which provided, *inter alia*, new procedures to challenge Federal applications and registrations with bogus or inaccurate claims of use;
- g. Trinidad and Tobago had notified a consolidated version of its Trade Mark Act, which modernized numerous aspects of the trademark regime, including definitions, well-known marks, registry organization and border enforcement protection against counterfeit trademark goods;
- h. The United Kingdom had notified a Trade Mark and International Mark Amendment Regulation 2021, addressing questions of retained European Law pertaining to trademarks; and two Orders amending the 2016 Copyright and Performances Order extending further protections to certain countries' nationals in order to implement recent free trade agreements signed by the United Kingdom and in response to countries recently joining the WIPO Performances and Phonograms Treaty;

- i. Switzerland had notified amendments and regulations related to: patents and the Federal Patent Court; drugs and medical devices; Protection of Trademarks and Indications of Source; protection of designations of origin and geographical indications for agricultural products; use of Swiss indications for foodstuffs; copyright and related rights; designs protection; as well as on the protection of the coats of arms of Switzerland, the Swiss Red Cross, and the Names and Emblems of the United Nations Organization and other Intergovernmental Organizations; and
 - j. Brazil had notified amendments to its Industrial Property Act, its Plant Variety Protection Law, and several other laws and regulations in order to promote the ease of doing business.
6. The Chair invited delegations that had provided new or revised notifications to the Council to introduce those notifications. The representatives of Australia; Brazil; Trinidad and Tobago; Japan; Switzerland; the United States; the United Kingdom; the Kingdom of Saudi Arabia; and the Russian Federation took the floor.
7. The Chair invited the Secretariat to introduce the "Annual Report on Notifications and other information flows" (document [IP/C/W/687/Rev.1](#)).
8. The representative from the Secretariat took the floor.
9. The Chair thanked delegations for the information provided on their notifications and welcomed the information provided by the Secretariat. He noted that notifications to the Council were not keeping up with the actual development of laws and regulations relating to TRIPS and emphasized that Article 63.2 of the TRIPS Agreement was not a one-off requirement. It was a core element of the TRIPS transparency arrangements, and a central part of the Council's substantive work. The "Annual Report on Notifications and Other Information Flows" (document [IP/C/W/687/Rev.1](#)), which had been introduced by the Secretariat provided a Member-by-Member overview of each Members' most recent notifications and a number of Members had not notified any of their legislative changes for, sometimes, over ten years.
10. He urged Members to keep up-to-date their notifications by submitting any new or revised laws or regulations to the Council, as well as completing their initial notifications in case any material was still outstanding. The same applied to the Checklist of Issues on Enforcement which had been established by the Council as an element of Members' notification obligations. In this regard, he commended Switzerland for the submission of updates to its responses. However, most of the responses by other Members had not been updated for the last 20 years. Detailed information on individual Members was available from the Annexes of the Annual Notification Report.
11. The Chair recalled that all these notifications could be made through the e-TRIPS Submission System. The Secretariat was available to respond to any question in that regard.
12. The Council took note of the notifications and the statements made.

2 REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

13. The Chair recalled that the Council was preparing for the review of the national implementing legislation of Samoa. As had been agreed at the end of last year, the Council would wait for the notification of Samoa's revised legislation following their 2018 accession to a number of World Intellectual Property Organization (WIPO) treaties¹, before commencing the review. He proposed that the Secretariat remain in contact with Samoa on the progress of its new legislation; and that the Council revert to the arrangements for Samoa's review at its next meeting. While there were no current reviews pending, he said Members should feel free to revert to any matter raised in past reviews, or to make suggestions regarding further reviews. He would further welcome ideas on how to make best use of this agenda item.

¹ Samoa has acceded to the WIPO Madrid Agreement and Protocol in 2018, and to the Patent Cooperation Treaty, the Geneva Act of the Hague Agreement, and the Geneva Act of the Lisbon Agreement in 2019.

14. The Council took note of the information provided and agreed to schedule the arrangements for the review of Samoa's national implementation legislation as proposed by the Chair.

3 IP MEASURES IN THE CONTEXT OF COVID-19

15. The Chair recalled that this agenda item had been discussed in the Council since its informal open-ended meeting in June 2020 and had remained on the Council's agenda at its formal meetings since then. The purpose of this item was to facilitate exchange of views on measures undertaken as the pandemic continued.

16. He referred to the compilation "COVID-19: Measures Regarding Trade-Related Intellectual Property Rights" – available from the WTO website – which contained a non-exhaustive list of IP-related measures taken in the context of COVID-19, compiled by the Secretariat from official sources and verified by the Members concerned.² This list was updated continuously, even if the rate at which new measures are brought to the attention of the Secretariat was slowing down. He thanked those Members that had informed the Secretariat of measures that should be included in this list, as well as any update or information on the expiry – or end of application – of such measures and encouraged others to do the same.

17. The Chair recalled that in earlier meetings of the Council, and at the General Council, a number of Members had asked the Secretariat to provide and compile data on the number of voluntary license agreements regarding COVID-19 vaccine production over time, and on the projected and observed volume of vaccine dose production under these agreements. At the Council's October 2021 meeting, the Secretariat had presented an updated set of data from different sources under this agenda item. The Chair invited the Secretariat to provide a further update on the data compilation.

18. The Secretariat took the floor.

19. The representatives of South Africa; the United States; and China and took the floor.

20. The Chair thanked the Secretariat and the Members for their statements. In view of the continued interest on this agenda item, he proposed that the Council revert to the item at its next meeting, so that exchanges could once again take place, including on the basis of the updated Secretariat document of COVID-19-related IP measures.

21. The Council took note of the statements made and agreed to revert to this item at its next meeting.

4 REVIEW OF THE PROVISIONS OF ARTICLE 27.3(B)

5 RELATIONSHIP BETWEEN THE TRIPS AGREEMENT AND THE CONVENTION ON BIOLOGICAL DIVERSITY

6 PROTECTION OF TRADITIONAL KNOWLEDGE AND FOLKLORE

22. The Chair said that the next three agenda items concerned the Review of the Provisions of Article 27.3(b), the Relationship between the TRIPS Agreement and the Convention on Biological Diversity, and the Protection of Traditional Knowledge and Folklore. Following past practice, he proposed that these three items be addressed together.

23. The Chair recalled that one tool for the review under agenda item 3 was the information provided by Members in response to a list of questions on Article 27.3(b) of the TRIPS Agreement. The "Annual Report on Notifications and other Information Flows" that had been introduced by the Secretariat earlier illustrated that responses had been rather sparse recently. So far, only 28 Members had responded to the list of questions on Article 27.3(b), with the Kingdom of Saudi Arabia being the most recent Member to submit responses. He invited delegations to take a look at Table A.9 of the Annual Report, which provided a Member-by-Member overview of Members' submissions in this area, and to determine whether were yet to submit initial responses, or whether

² [WTO | COVID-19: Measures regarding trade-related intellectual property rights](#)

earlier responses needed updating. He noted that the e-TRIPS Submission System provided an easy and convenient online tool for drafting and submitting responses.

24. The Chair recalled that two long-standing procedural issues under these items had also been discussed extensively, on the record, at every regular meeting of the Council for many years:

- a. First, the suggestion for the Secretariat to update the three factual notes on the Council's discussions on the TRIPS and CBD and related items; these notes were initially prepared in 2002 and last updated in 2006; and
- b. Second, the request to invite the CBD Secretariat to brief the Council on the Nagoya Protocol to the CBD, initially proposed in October 2010.

25. Following suggestions made in small-group consultations held with delegations on 4 and 8 March, the Chair said he did not detect any movement in delegations' views in this regard. Considering that Members' positions on these issues were well known and already extensively recorded in the Council's minutes, he encouraged delegations to focus on solutions when addressing these procedural questions. To resolve the outstanding procedural issues mentioned by a number of delegations, the Chair suggested that the Council ask the incoming Chair to hold consultations on this matter.

26. The representatives of India; China; Bangladesh; Nigeria; Indonesia; Brazil; Tanzania, on behalf of the African Group; South Africa; Japan; the United States; Canada; Chile and Australia took the floor.

27. The Council took note of the statements made and agreed to request the incoming Chair to hold consultations on this matter.

7 NON-VIOLATION AND SITUATION COMPLAINTS

28. The Chair recalled that, at its session of 10 December 2019, the General Council had directed the TRIPS Council to continue the examination of the scope and modalities for non-violation and situation complaints, and to make recommendations to the 12th Ministerial Conference (MC12). It had also been agreed that, in the meantime, Members would not initiate such complaints under the TRIPS Agreement.³ In the run-up to the original date of MC12 the Council had agreed on 5 November 2021 to recommend to the 12th Ministerial Conference to extend the moratorium once again until the next Ministerial Conference, that is to MC13.

29. Against this background, and given that the Council had already agreed on its recommendation to MC12 which was now scheduled June 2022, the Chair invited delegations to share how to the Council's work on this item should be organized.

30. The Chair said that, at recent meetings, and at the small group consultations that had been held in preparation for the present meeting, he had noted that a few delegations had signalled openness to return to substantive discussions in this area. He recalled that one year ago, at the meeting that had taken place in March 2021, his predecessor had made a suggestion on how Members could identify areas of agreement in the non-violation discussions. She had suggested that identifying such areas, or elements, of agreement regarding the general nature of non-violation and situation complaints might help enable delegations to focus their engagement on the areas of disagreement – and thus make at least some progress in framing the questions for ministers. While there had been no appetite to take this approach when he had held follow-up consultations in 2021, he wondered whether delegations were now more at ease to consider this or any other approach that might help identify common ground.

31. The Chair invited Members to share their views and also, ideally, concrete practical guidance on how to best approach this item going forward.

³ See document [WT/L/1080](#).

32. The representatives of Brazil; India; Tanzania, on behalf of the African Group; Bangladesh; Chile; Canada; Nigeria; Indonesia; the United States; South Africa; Switzerland; and Australia took the floor.

33. The Chair thanked the delegations for sharing their views, which would help the incoming Chair and the Secretariat to organize the Council's work going forward, and suggested that the Council request the incoming Chair to hold consultations in this regard.

34. The Council took note of the statements made and agreed to revert this matter at its next meeting, and to request the incoming Chair to hold consultations on this matter.

8 REVIEW OF THE IMPLEMENTATION OF THE TRIPS AGREEMENT UNDER ARTICLE 71.1

35. The Chair recalled that Article 71.1 of the TRIPS Agreement required the Council to conduct a review of the implementation of the Agreement once every two years. As the initial review in 1999 had not been completed, no other review had subsequently been initiated.

36. During the consultations preceding this meeting, he had pointed out to delegations that this item has long been dormant on the Council's agenda, while similar general review mandates in other WTO agreements regularly served as an opportunity to pursue in-depth discussions of particular aspects of implementation, as agreed by Members, often taking place in dedicated thematic sessions.

37. He said that the recent intensive discussions on the role of IP in the pandemic response, and on the practical application of TRIPS flexibilities in different WTO Members, had shown delegations' keen interest in discussing these and other aspects of TRIPS implementation. Equally intensive engagement on national IP systems could be observed in the context of Trade Policy Reviews, where Members had discussed detailed questions of individual approaches to implementation. Other aspects of implementation, such as enforcement, had also been requested as *ad hoc* agenda items in the TRIPS Council in the past. He said that all of this seemed to indicate considerable interest in such discussions among delegations.

38. Considering that the review mandated in Article 71.1 of the TRIPS Agreement seemed to have been intended as a forum for exactly this type of discussion, the Chair wished to explore whether delegations would be willing to consider resuming this review, which was, in fact, mandated by the text of the treaty. This would give a more structured and inclusive home to these and similar discussions on the Council's agenda and could establish a more permanent discussion culture around examples and experiences from implementing the Agreement.

39. The Chair suggested that other practices in the house, such as the reviews of the Sanitary and Phytosanitary Measures (SPS) or Technical Barriers to Trade (TBT) Agreements, could be taken as examples. Resuming the review of the TRIPS Agreement under this item could mean for Members to identify, and agree on, selected topics relevant to TRIPS implementation, which could then be discussed in dedicated sessions over a two-year period as foreseen in Article 71.1.

40. The Chair said that, if Members could consider re-establishing the review function under this mandate, a possible first step would be a discussion in this regard under this agenda item. This could then be followed by consultations on the exact process and possible topics for such a review cycle before the next meeting in June. If Members were able to find a suitable approach and format in such consultations, resuming the review function could then be considered at the Council's next meeting in June 2022.

41. He said that, after having chaired TRIPS Council discussions for one year, it was his personal view that such regular discussions of concrete aspects of TRIPS implementation would be extremely useful to delegations. In his view, they would not only illustrate Members' understanding of the scope on individual TRIPS obligations but would also share concrete technical approaches to their implementation in different domestic legal system and economies.

42. The Council agreed to revert to the matter at its next meeting.

9 REVIEW OF THE APPLICATION OF THE PROVISIONS OF THE SECTION ON GEOGRAPHICAL INDICATIONS UNDER ARTICLE 24.2

43. The Chair recalled that Article 24.2 of the TRIPS Agreement required the Council to keep under review the application of the TRIPS provisions on geographical indications. The principal tool used for the review was the Checklist of Questions in documents [IP/C/13](#) and [IP/C/13/Add.1](#). Since the Council's October 2021 meeting, Switzerland has submitted updated responses which had been circulated in document [IP/C/R/GI/CHE/1](#).

44. The Chair invited Switzerland to introduce their submission.

45. The representative of Switzerland took the floor.

46. The Chair thanked Switzerland for providing detailed and comprehensively updated answers to the list of questions on geographical indications.

47. He said it was unfortunate that only 52 out of 164 Members had responded to the Checklist so far; and that many of these responses were likely to be outdated. In his view, this did not adequately reflect the fact that GI protection was an active area of legal and policy development at the domestic level and in FTAs. The "Annual Report on Notifications and Other Information Flows" circulated earlier by the Secretariat provided a Member-by-Member overview of notifications in this area. He invited delegations to take a look at Table A.9 to determine whether they should submit initial responses to the GI checklist or whether their previous responses might merit updating. He noted that the e-TRIPS Submission System provided an easy and convenient online tool for drafting and submitting responses to the Checklist.

48. In line with the Council's recommendation made in March 2010, the Chair also invited Members to share information regarding GI chapters in their bilateral agreements.

49. The representatives of the European Union; and Sri Lanka took the floor.

50. The Council took note of the information provided and agreed to revert to the matter at its next meeting.

10 FOLLOW-UP TO THE NINETEENTH ANNUAL REVIEW UNDER PARAGRAPH 2 OF THE DECISION ON THE IMPLEMENTATION OF ARTICLE 66.2 OF THE TRIPS AGREEMENT

51. The Chair recalled that the Council had conducted the Nineteenth Annual Review under Paragraph 2 of the Decision on the Implementation of Article 66.2 of the TRIPS Agreement at its meeting in October 2021. At that meeting delegations from developed country Members had briefly presented the updated reports they had submitted under Article 66.2, and the Council had agreed that it would revert to the item at the present meeting to permit continued consideration of the submitted material. He also recalled that, in July 2020, the LDC Group had circulated a new submission entitled "Proposed New Template for Annual Reporting under Article 66.2 of the Agreement on Trade-related Intellectual Property Rights" in document [IP/C/W/664](#).

52. In order to give LDCs more time to absorb the information provided by developed country Members in their reports, and to ensure that these reports were available in the official languages of the WTO, the Secretariat had once again organized a "Workshop on the Implementation of the Article 66.2 of the TRIPS Agreement". Due to the sanitary situation, the workshop had been held in virtual format on 2, 3 and 4 March 2022. The Chair indicated that some capital-based delegates who had participated in that Workshop were present at the meeting.

53. The Chair asked the Secretariat to report on this Workshop.

54. A representative of the Secretariat took the floor.

55. The representatives of Sierra Leone; Chad, on behalf of the LDC Group; Bangladesh; Togo; Nepal; Tanzania on behalf of the African Group; Norway; the European Union; the United Kingdom, South Africa; Japan; Switzerland; the United States; Canada; and Australia took the floor.

56. The Council took note of the statements made and agreed to revert to the matter at its next meeting.

11 TECHNICAL COOPERATION AND CAPACITY BUILDING

57. The Chair recalled that in October 2021, the Council had conducted its annual review of technical cooperation on the basis of reports submitted by developed country Members, and a number of Observer International Organizations. He said that, as some information had only been made available a short time before the meeting, the Council had agreed that Members would have a further opportunity to make comments at the present meeting.

58. The representatives of Bangladesh; and the World Intellectual Property Organization (WIPO) took the floor.

59. The Council took note of the statements made.

12 PROPOSAL FOR A WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19

13 DRAFT GENERAL COUNCIL DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH IN THE CIRCUMSTANCES OF A PANDEMIC

60. Noting that most delegations had made one single statement under these two agenda items in the past, the Chair suggested that these items be once again taken up together.

61. He recalled that the "Proposal for A Waiver from Certain Provisions of The TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19" had been originally submitted by India and South Africa; and circulated as document [IP/C/W/669](#) in October 2020. A revised proposal had been circulated by the co-sponsors in document [IP/C/W/669/Rev.1](#) on 21 May 2021, which is now co-sponsored by 65 delegations.⁴

62. He further recalled that in June 2021, the European Union had submitted a communication on "Urgent Trade Policy Responses to the COVID-19 Crisis: Intellectual Property", circulated in document [IP/C/W/680](#), which had been followed by a "Draft General Council Declaration on the TRIPS Agreement and Public Health in the Circumstances of a Pandemic", circulated in document [IP/C/W/681](#).

63. The Chair recalled that at the last formal meeting on 22 February 2022, the Council had agreed to once again provide a 'Status Report on the consideration by the TRIPS Council of the waiver proposal' to the General Council meeting of 23-24 February 2022. That Status Report had provided a factual overview of the waiver discussions in this Council and had highlighted Members' common goal of providing timely and secure access to high-quality, safe, efficacious and affordable vaccines and medicines for all.

64. It had concluded that,

"[t]he TRIPS Council will therefore continue its consideration of the waiver request 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."

65. The Chair recalled that at the Council's meeting in February 2022, DDG González and a number of delegations involved had also briefly shared information on the high-level consultations concerning these items at ministerial and senior officials' level. A number of other Members had also emphasized the need for transparency and inclusiveness in any process that was intended to lead to a

⁴ India, South Africa, Kenya, Eswatini, Mozambique, Pakistan, the Plurinational State of Bolivia, the Bolivarian Republic of Venezuela, Mongolia, Zimbabwe, Egypt, the African Group, the LDC Group, the Maldives, Fiji, Namibia, Vanuatu, Indonesia, Jordan, Malaysia and Argentina.

consensus- based outcome. The Chair encouraged delegations to provide as much information as possible on their contacts and activities in this regard.

66. The representatives of South Africa; the European Union; the Maldives; Egypt; Bangladesh; Indonesia; Malaysia; Tanzania, on behalf of the African Group; Chile; Colombia; India; the Plurinational State of Bolivia; China; Brazil; Pakistan; Hong Kong, China; Sri Lanka; Australia; Nigeria; the United Kingdom; Norway; Nepal; Switzerland; Chad, on behalf of the LDC Group; Japan; Singapore; Russian Federation; Turkey; Namibia; the United States; Peru; and the Bolivarian Republic of Venezuela took the floor.

67. The Chair thanked the representatives for their interventions and said that in light of the discussion, it was his impression that Members' views on the substance remained relatively unchanged. While he had heard a number of delegations welcoming the efforts of the Director- General, he had also heard some strongly expressed concerns regarding transparency and inclusiveness. Overall, he sensed expectations and hopes among delegations that the current high- level process might result in framing a platform on which the Membership at large may be able to build a consensus-based solution.

68. Regarding the procedural way forward, noting the requests from delegations, the Chair proposed to keep these two agenda items open in order to be able to reconvene the Council at short notice.

69. Finally, the Chair urged delegations to remain fully engaged with a sense of urgency and with the objective to find a path forward towards a consensus-based outcome. Transparency and inclusiveness were central pillars of the WTO's modus operandi. All efforts should be made to keep the entire membership as much as possible informed and involved in the deliberation on items on the Council's agenda.

70. The Council took note of the statements made and agreed to keep the agenda items open with a view to resuming the meeting at short notice as appropriate in light of developments.

71. At the reconvened meeting on 6 May 2022, the Chair suggested to once again take up agenda items 12 and 13 together, as had been the case in past meetings. The Chair put on record that, at an informal meeting of the Council on 3 May 2022, he had shared with Members a briefing that he had received from the Director-General on the outcome of informal discussions among a number of Ministers that had been held without prejudice to these Members' respective positions. On the same day, he had received a communication from the Director-General, containing the text of this outcome, which was subsequently circulated to Members in document [IP/C/W/688](#).

72. He recalled that, at an informal session immediately preceding this formal meeting, he had shared with Members his impressions from the bilateral consultations he had held, and a number of delegations had provided first informal reactions to the circulation of document [IP/C/W/688](#). These interventions had indicated that the majority of delegations needed more time to consult on the document before they would be ready to substantively engage on the text. He indicated that he would consult further with Members after the General Council meeting on 9-10 May, before setting out a process for substantive discussions going forward.

73. The Chair then recalled that, as indicated in his communication dated 28 April 2022, in its last report to the General Council on 23-24 February 2022, the Council had concluded that it would "report back to the General Council as stipulated in Article IX:3 of the Marrakesh Agreement". In line with previous practice, he had circulated draft language for a factual and neutral reflection of the state of play, closely based on previous reports, on 3 May 2022 in document [JOB/IP/57](#) with an invitation for Members to provide comments. An agenda item for this status report had also been placed on the agenda of the General Council meeting scheduled for 9-10 May in the usual fashion. Since no comments had been received on the draft language, delegations had been informed that the Chair would propose the text as circulated for adoption.

74. As the proposed language closely mirrored previous reports, which were by now well known by all delegations, the Chair said he would simply propose that the Council formally adopt the text for the oral status report as circulated in document [JOB/IP/57](#) as a factual reflection of discussions on the TRIPS Waiver request.

75. The Council so agreed.

76. The Chair thanked delegations for their cooperation and said he would deliver this report to the General Council, on 9-10 May, as agreed. He recalled that, given the upcoming opportunities for delegations to place formal statements on the record at the General Council, he had not intended to open the floor under this agenda item, and he thanked delegations for their cooperation in this regard.

77. The representatives of China; Indonesia; Ukraine; Nigeria and the Russian Federation requested their statements from the preceding informal meeting be included in the record of the formal meeting.

78. The Chair then recalled that when the Council agreed to the 2022 meeting dates last October, the summer meeting of the TRIPS Council had been set for 8-9 June 2022. Given that the 12th Ministerial Conference had recently been rescheduled for 12-15 June, and in light of the circulation of the draft outcome text, he suggested moving the date of the Council's summer meeting to 6- 7 July 2022 to allow the Council and delegations to focus on preparations for MC12.

79. The Council so agreed.

80. In closing, the Chair encouraged delegations to prepare for the upcoming discussions on the draft outcome text with a constructive and pragmatic attitude. The fact that a number of active delegations with divergent views had invested months of hard work to come together around a common text meant that Members may now have a realistic chance to reach an agreed outcome on this long-standing issue. It would not be easy, and it was in the nature of multilateral consensus that compromises would be required on all sides. But an agreement by all Members on a pragmatic and practical outcome on the role of IP in the pandemic would send a strong signal that – despite their differences – the WTO community could come together and highlight how the multilateral rules can help address this and future crises.

81. At the reconvened meeting on 1 June 2022, the Chair indicated that the sole purpose of the meeting related to the modalities for adopting the TRIPS Council's oral status report to the General Council meeting on 7 June. He said that he would circulate the draft text for that report to delegations today and proposed that the Council adopt the text of its oral status report *ad referendum*. This would mean that, unless any delegation raised an objection to the draft text of the oral status report by the specified deadline, the report would be deemed to have been adopted. This would help the Council avoid holding another formal meeting before the General Council meeting the following week.

82. The Council so agreed.⁵

14 INTELLECTUAL PROPERTY, INNOVATION AND MICROFINANCE

83. The Chair said this item had been put on the agenda at the request of Australia; Canada; Chile; the European Union; Japan; Singapore; Switzerland; The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; the United Kingdom; and the United States of America. A communication with the same title had been received from the co-sponsors and circulated as document [IP/C/W/686](#).

84. The representatives of Canada; the United States; the European Union; Japan; Singapore; the United Kingdom; Chinese Taipei; Australia; Switzerland; Chile; Chad on behalf of the LDC Group; Brazil; Hong Kong, China; China; and WIPO took the floor.

85. The Council took note of the statements made under this item.

⁵ The text of the Council's Report to the General Council circulated in [JOB/IP/59](#) was subsequently adopted *ad referendum*.

15 INFORMATION ON RELEVANT DEVELOPMENTS ELSEWHERE IN THE WTO

86. The Chair recalled that the purpose of this information agenda item was to keep Members posted of developments in the WTO, which had a TRIPS or intellectual property angle.

87. Regarding dispute settlement, the Chair noted that one request for consultations had been formally submitted since the last meeting. By means of a communication dated 18 February 2022, the European Union had requested consultations with China regarding the *Enforcement of Intellectual Property Rights*. This request has been circulated on 22 February 2022 in document [IP/D/43](#).⁶

88. Regarding developments relating to the TRIPS amendment, the Chair said the delegation of Ecuador had deposited its instrument of acceptance with the Director-General on 9 March 2022. With this most recent addition, 134 Members had now accepted the TRIPS amendment. In order to encourage the remaining 30 Members to expedite action in good time before the current deadline for acceptance, the Director-General and he himself had sent reminder letters to the Ambassadors of these 30 delegations. The attachments to these letters provided details on the benefits of the amendment and explained the steps necessary to deposit an instrument of acceptance. Under the General Council Decision of 23 November 2021 (document [WT/L/1122](#)) the period for acceptance of the Protocol had been extended until 31 December 2023. He encouraged Members that were yet to accept the Amendment to do so expeditiously.

89. The representative of Ecuador took the floor.

90. The Chair invited the Secretariat to provide the regular briefing on IP-related issues considered in the context of individual Members' trade policy reviews, and in the Director-General's Monitoring Report.

91. The representative of the Secretariat took the floor.

92. The Council took note of the information provided and the statements made.

16 OBSERVER STATUS FOR INTERNATIONAL INTERGOVERNMENTAL ORGANISATIONS

93. The Chair said that the updated list of pending requests for observer status in the TRIPS Council by intergovernmental organizations was contained in document [IP/C/W/52/Rev.14](#); and that the information provided by the relevant intergovernmental organizations concerned was available on the Members' website.⁷

94. The Chair recalled that, at its meeting in November 2012, the Council had agreed to grant *ad hoc* observer status on a meeting-to-meeting basis to the European Free Trade Association (EFTA). Since then, this invitation had been renewed at each meeting. The Chair suggested to invite again the EFTA to attend the Council's next formal meeting on an *ad hoc* basis.

95. The Council so agreed.

17 OTHER BUSINESS

96. The Chair noted that the date for the next Council meeting, 8-9 June 2022, was very close to the envisaged dates for MC12, which was planned for the week of 13 June 2022.

97. Considering that the Council had already adopted its recommendation on non-violation and situation complaints, it could be expected that the focus of the Council's attention between now and MC12 would be on the discussions regarding the TRIPS waiver and the related EU proposal.

⁶ Also circulated with document symbol [WT/DS611/1](#).

⁷ https://www.wto.org/english/tratop_e/trips_e/xtrips_e/igo_observer_e.htm

98. He proposed to consider moving the date for the next regular Council meeting to after the Ministerial Conference, so that Council meetings before MC12 could focus entirely on the areas most relevant to MC12.

99. While the Chair emphasized that he was not suggesting that this decision was taken place, but that it might be useful if delegations that had a view on this question could share it now. This would enable the Secretariat and the incoming Chair to make a decision in this regard once the exact dates for MC12 are confirmed.

100. The Council so agreed.

18 ELECTION OF THE CHAIRPERSON

101. The Chair turned to the last agenda item, namely "election of the Chairperson".

102. He noted that the rules of procedure provided that "[t]he election shall take place at the first meeting of the year and shall take effect at the end of the meeting", and that "[t]he Chairperson [...] shall hold office until the end of the first meeting of the following year". While agenda items 12 and 13 remained open, the meeting was therefore not formally closed. Nevertheless, it would be appropriate that the new chair takes over the gavel and presides over subsequent resumptions of the meeting under these items.

103. At its meeting on 23-24 February 2022, the General Council had noted consensus on the Chairpersons for regular and negotiating WTO bodies. On the basis of the understanding reached by the General Council, he proposed that the Council for TRIPS elect H.E. Dr. Lansana GBERIE, Ambassador of Sierra Leone, as its chairperson for the coming year.

104. The Council so agreed.

105. The representatives of Sierra Leone; Chad, on behalf of the LDC Group; Bangladesh; Switzerland; the European Union; and Tanzania, on behalf of the African Group; took the floor.

106. The Chair thanked delegations for their trust and cooperation during his term as TRIPS Council Chair during the past year, and expressed his hope that they would also support the efforts of his successor in addressing the items on the Council's agenda. He wished delegations and the new Chair much success in that endeavour.

107. The meeting was adjourned, with items 12 and 13 remaining open.

108. At the reconvened meeting on 1 June 2022, the meeting was closed.
