



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

MINUTES OF MEETING

HELD IN THE CENTRE WILLIAM RAPPARD ON 14-15 JUNE 2023

Chair: H.E. Ambassador Dr Pimchanok PITFIELD

The present document contains the record of the meeting of the Council for TRIPS held on 14-15 June 2023. The statements made during the meeting will be circulated in an addendum to the present document.

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1 NOTIFICATIONS UNDER PROVISIONS OF THE AGREEMENT NOTIFICATIONS UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT (LAWS AND REGULATIONS)

1. 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 2022 and said she would then offer the floor to delegations wishing to introduce their notifications.

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

- a. A number of the member States of the European Union had notified a significant number of primary and secondary domestic laws relating to the substance and the administration of their respective IP systems. These EU member States were:
 - i. Ireland, which had notified a significant number of laws and regulations relating to the substance and the administration of its IP system;
 - ii. Portugal, which had notified laws on the collective management of copyright and related rights, on copyright exceptions for the benefit of blind people, on the monitoring, control and removal of protected content in a digital environment, and on formality requirements relating to applications for industrial property grants;
 - iii. Slovenia, which had notified consolidated versions of its Copyright and related Rights Act and of its Act regulating Collective Management of these Rights; and
 - iv. the Czech Republic, which had notified an amended Act on Geographical Indications, and an amendment to its Copyright Act.
- b. Ukraine had notified an amended Copyright Act, and an Act to harmonize legislation in the area of Plant Varieties and Seed Production with EU legislation.
- c. The Republic of Moldova had notified a law on Copyright and Related Rights updating and modernizing its copyright legislation and implementing a number of international treaties.
- d. Montenegro had notified amendments to its Law on Trademarks.
- e. Korea had notified a number of amendments and consolidated versions including its Patent Act, its Trademark Act, its Design Protection Act, its Utility Model Act and its Copyright Act, as well as related Enforcement Decrees.
- f. Costa Rica had notified a number of laws and regulations relating *inter alia* to Copyright and related rights, on Patents, on Trademarks, on Protection of Topographies for Integrated Circuits, and on IP Enforcement, as well as the creation of an interinstitutional commission for IP protection.
- g. Japan had notified consolidated versions of the Patent Act, its Trademark Act, and the Designs Act.
- h. Hong Kong, China had notified its Copyright Amendment Ordinance which covers a number of areas, mainly to strengthen copyright protection in the digital environment.

3. Montenegro and Türkiye had notified a contact point for IP enforcement under Article 69.

4. The Chair invited delegations that had provided new or revised notifications to the Council to introduce those notifications. The representatives of the European Union; Japan; Ukraine; Moldova, Republic of; Costa Rica; Hong Kong, China; Korea, Republic of; the Russian Federation and the United States of America took the floor.

5. The Chair thanked delegations for the information provided on their notifications and welcomed the information provided by the Secretariat. She noted that Article 63.2 of the TRIPS

Agreement was not a one-off requirement, but a core element of the TRIPS transparency arrangements and a central part of the Council's substantive work. It obliged Members to notify any new or amended laws in the area of TRIPS. She urged Members to complete any outstanding initial notifications and to keep up to date with notifications on subsequent amendments. The same applied to the Checklist of Issues on Enforcement which was established by the Council as an element of Members' notification obligations.

6. The Chair also noted that the Article 63.2 obligation included the notification of legislative changes made to implement the special compulsory licensing system to export medicines covered by Article 31*bis* of the TRIPS Agreement. A more comprehensive picture of how the special compulsory licensing system had been implemented in Members' domestic law could also help Members' on-going discussions about how this particular TRIPS flexibility worked in practice, and about the causes of any potential delays or hindrances in using the system. Notifying these laws would also help the Secretariat in its efforts to provide informed technical support to Members in this area.

7. The Chair recalled that all these notifications could be made through the e-TRIPS Submission System. E-TRIPS not only facilitated the submission of information by Members – it also permitted digital access, consultation, and analysis of this information through the e-TRIPS Gateway, an easy-to-use interface to search and display information related to the TRIPS Council. The Secretariat was available to respond to any question in that regard.

8. The Council took note of the notifications and the statements made.

2 REVIEWS OF NATIONAL IMPLEMENTING LEGISLATION

9. 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 accession to a number of World Intellectual Property Organization (WIPO) treaties before commencing the review. She 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.

10. While there were no current reviews pending, she said Members should feel free to revert to any matter raised in past reviews, or to make suggestions regarding further reviews. She would further welcome ideas on how to make best use of this agenda item.

11. The Council agreed to schedule the arrangements for the review of Samoa's national implementation legislation as proposed by the Chair.

3 IP AND COVID-19

12. The Chair recalled that, at its last formal meeting, the Council had agreed to discuss the following three topics under this agenda item:

- a. IP-related domestic measures taken by Members in the context of the COVID-19 pandemic. The Chair once again referred to the compilation "COVID-19: Measures Regarding Trade-Related Intellectual Property Rights" on 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, although there had been no recent changes to the document. She encouraged Members to inform the Secretariat of any measures which should be included on the list, as well as any update or information on the expiry – or end of application – of such measures.
- b. Members' proposals under paragraph 24 of the Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics (document [WT/L/1142](#)). Under this provision the Council was mandated to continue or initiate work to analyse lessons learned and challenges experienced during the COVID-19 pandemic. Given that the Council had already initiated discussions on COVID-19-related experiences in the field

of IP under this agenda item, it had been agreed that the Council would treat any proposals that Members might make in this regard under this item.

- c. Communications under paragraph 5 of the Decision on the TRIPS Agreement (document [WT/L/1141](#)). Under this provision Members are required to "communicate to the Council for TRIPS any measure related to the implementation of the Decision, including the granting of an authorization" as soon as possible after the adoption of the measure. It had been agreed that, to the extent that such communications were not already covered by notifications of laws and regulations under item 1, the Council would provide an update on them under this agenda item. In this regard, she noted that no communications under paragraph 5 of the Ministerial Decision had been received to date.

13. The Chair opened the floor for any intervention on the three aspects treated under this agenda item.

14. The representatives of South Africa, Indonesia, the United States of America, Maldives, Djibouti, on behalf of the LDC Group, Colombia, India, the European Union, and the United Kingdom, took the floor.

15. The Chair proposed to revert to the item at the next meeting to ensure that the exchanges could continue, including on the basis of the following:

- a. the updated Secretariat compilation of COVID-19-related IP measures;
- b. any communications that might be received from Members under paragraph 5 of the MC12 TRIPS Decision; and
- c. any proposals Members might wish to make in the context of paragraph 24 of the WTO Declaration on Pandemic Response.

16. The Council took note of the statements made and agreed to revert to this item at its next meeting. In the interim, the Chair will initiate informal consultations to discuss how Members would like to take work forward on this item.

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

17. The Chair proposed to address these three agenda items together. She recalled that one tool for the review under item 4 was the information provided by Members in response to lists of questions on Article 27.3(b). She said that the latest Annual Report on Notifications and other Information Flows circulated by the Secretariat illustrated that responses to that checklist had been rather sparse recently. So far, only 28 Members had responded to the lists of questions on Article 27.3(b), with Saudi Arabia being the most recent Member to respond in 2021. The Chair thus encouraged Members to submit responses to these checklists, and to update their previous submissions if they were out of date.

18. The Chair noted that two long-standing procedural issues had been discussed extensively on the record at every regular meeting of the Council for almost ten years. The first was the suggestion for the Secretariat to update 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. The second was the request to invite the CBD Secretariat to brief the Council on the Nagoya Protocol to the CBD, initially proposed in October 2010.

19. The Chair noted that delegations' positions on these issues were well-known and had already been extensively recorded in the Council's minutes. She therefore suggested that delegations focus

their interventions on suggestions on how to resolve the differences and on how make progress on substantive issues.

20. The representatives of India; Bangladesh; Indonesia; Peru; South Africa; China; Tanzania, on behalf of the African Group; Ecuador; the United States of America; Japan; Nigeria; Thailand; Korea, Republic of; Canada and Brazil took the floor.

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

7 NON-VIOLATION AND SITUATION COMPLAINTS

22. The Chair recalled that the examination of scope and modalities for non-violation and situation complaints under TRIPS was in line with the initial mandate in Article 64.3 of the TRIPS Agreement, which had required recommendations to be submitted to the Ministerial Conference in 1999.

23. She recalled that at the 12th Ministerial Conference, Ministers had adopted a Decision on TRIPS non-violation complaints (document [WT/L/1137](#)), which directed the Council for TRIPS to continue its examination of the scope and modalities for non-violation and situation complaints, and to make recommendations to the 13th Ministerial Conference. The Decision also provided that, in the meantime, Members would not initiate such complaints under the TRIPS Agreement.

24. She noted that, as reported in her communication circulated on 25 May, in her consultations on this matter she had explored delegations' appetite to return to substantive discussions on this issue by providing a factual overview of Members' views on the operation of non-violation complaints, based on existing materials and meeting records. Most delegations who had participated in the consultations had been cautiously receptive to this idea, although a few had reserved their position in this regard. In her view, collecting these elements in a neutral and factual way could be a first step to return to substantive discussions, if Members were so inclined.

25. While she sensed that there was not an enormous appetite for this work – particularly as the discussions on the TRIPS Decision were consuming much of delegations' bandwidth – she recalled that this was a ministerial mandate for the Council that was long overdue, and she encouraged Members to make serious efforts to resolve it.

26. Against this background, it was her suggestion that Members ask the Secretariat to look at Members' previous interventions and submissions under this agenda item, and to compile Members' views on the operation of NVSCs generally – and with respect to the TRIPS Agreement – in a neutral and factual manner. Such a compilation could highlight common elements in Members' views, and thus allow the discussion to focus more on the areas of disagreement. Such a document would, of course, be without prejudice to Members' positions in these discussions. She believed, nevertheless, that it could help the Council return to a substantive engagement with the scope and modalities for such complaints, as mandated by ministers.

27. The delegations of the United States of America; Bangladesh; Switzerland; Peru; Canada; the United Kingdom; China; Colombia; Korea, Republic of; Argentina; Tanzania, on behalf of the African Group; Indonesia; Nigeria; Hong Kong, China; Thailand; South Africa; India; the European Union; and Moldova, Republic of took the floor.

28. The Chair acknowledged certain Members' reservations with regard to the proposed factual compilation and encouraged delegations to engage on the matter of scope and modalities as directed by the Ministerial Decision.

29. The Council took note of the statements made, agreed that the Chair would conduct consultations, and agreed that the Council would revert to these matters at its next meeting.

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

30. The Chair recalled that, under Article 71.1, the Council was required to conduct a review of the implementation of the agreement once every two years. However, as the initial review in 1999 had not been completed, no other review has subsequently been initiated.

31. She reported that, in her consultations held prior to the current meeting, she had explored Members' preferences on how to comply with this mandate going forward. She had clarified that this review was not intended to re-open the substance of the TRIPS Agreement, but rather to establish a long-term process to share experiences on how different parts of the Agreement had been implemented domestically or regionally. She noted, for clarity, that this did not affect Members' rights to make proposals to amend the Agreement, if they so wish – as one Member had pointed out in the informal meeting on 8 June. But it was clear that the mandated regular review of the implementation of the Agreement under Article 71.1 did *not* imply or require any intention or commitment by Members to amend the agreement.

32. Taking inspiration from the review practices in other WTO bodies – such as SPS or TBT – she suggested that Members could agree on a few well-defined areas or themes, and share their domestic experiences in these fields in dedicated thematic sessions over a period of two years, after which the Council could circulate a factual report. This might provide an opportunity for Members to learn and better understand parts of the Agreement without aiming for a particular outcome, and could help strengthen the deliberative function of the Council.

33. She said that, as she had reported in her communication of 25 May, all delegations who had participated in the consultations had been open to considering this approach, although some noted the need to avoid linkages to other issues, to take into account sensitivities, and had cautioned not to begin ambitious or controversial discussions.

34. She said that while she did not necessarily envisage the review to restart under her chairmanship, she felt that setting the path for this important function would open an opportunity for Members to share experiences and review how implementation of the Agreement had worked in their respective economies. She recalled that under item 1, a number of Members had notified amendments to domestic laws in reaction to digital and other new technologies, and she noted that implementation in this area could be a possible topic for the review.

35. She proposed that, if Members agreed, she would continue focused consultations on identifying possible topics and modalities with a view to restarting the review.

36. The delegations of South Africa; Argentina; Colombia; and the United Kingdom took the floor.

37. The Chair thanked Members for their interventions and indicated that she would continue consultations as proposed.

38. The Council took note of the statements made and 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

39. 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 (document [IP/C/13](#) and [Add.1](#)). She said that, of the 164 WTO Members, only 52 had responded to the Checklist and most of the responses were likely to be out of date, because they were submitted well over 10 years ago. This was despite the fact that protection of geographical indications (GIs) was an active area of legal and policy development in a number of countries, as well as in a number of FTAs.

40. She encouraged delegations to consider submitting responses, or updating initial responses, so that important developments were duly reflected in Members' contributions. The e-TRIPS

Submission System was available as an easy and convenient tool to prepare and submit these responses and updates.

41. The Chair suggested that Members, in line with the Council's recommendation made in March 2010, also share information on bilateral agreements related to the protection of GIs which they were party to. She stated that this was an area of considerable activity with direct bearing on the issue, and the sharing of updated information would be very helpful in promoting transparency, and to inform the Secretariat's technical assistance.

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

10 TECHNICAL COOPERATION AND CAPACITY-BUILDING

43. The Chair recalled that the Council had regularly conducted annual reviews of technical cooperation and capacity-building activities at its end-of-year meeting and that these reviews were based on reports submitted by developed country Members, international organizations, and the WTO Secretariat.

44. A representative of the Secretariat stated that this review was usually conducted at the Council's last meeting of the year. Developed country Members were invited to submit information on their activities pursuant to Article 67 of the TRIPS Agreement. Other Members who also engaged in technical cooperation were encouraged to share information if they so wish. Intergovernmental organizations with observer status in the TRIPS Council, as well as the WTO Secretariat, were also invited to report on their relevant activities. The requested written information should be made available four weeks prior to the next meeting, in order to allow timely circulation. In view of the dates of the next TRIPS Council meeting scheduled for 9-10 October 2023, he suggested that written information be submitted by 11 September 2023 by using the e-TRIPS Submission System.

45. The Chair suggested to proceed in line with this practice and conduct the next such review at the October meeting. The Council so agreed.

46. The Chair noted that the documentation provided on this topic had been usually quite extensive, and that in order to ensure a streamlined and systematic approach to the management of this information, the use of the e-TRIPS Submission System was advised for the convenient preparation of such submissions both in capital and at the Geneva missions. The Secretariat was available to provide support and background to delegations for the use of this system and could be contacted through the usual email e-trips@wto.org.

47. The Chair invited the Secretariat to provide an update on their preparations for a workshop on technical cooperation and capacity building foreshadowed at the last meeting.

48. A representative of the Secretariat took the floor (document [RD/IP/53](#)).

49. The Chair urged Members to consult the reports to see what kind of assistance was available, and in which geographical areas, as this was important in the context of the development debate in the WTO. She noted the existence of technical assistance and capacity building activities between developing Members and encouraged all to notify such activities, and to update their relevant contact points and departments.

50. The representatives of Bangladesh; and Djibouti, on behalf of the LDC Group took the floor.

51. The Chair recalled that the Secretariat workshop on technical assistance and capacity building was planned for 11-12 October 2023. The representative of the Secretariat confirmed that it would continue its outreach to Members as the planning for this event progressed and invited anyone with questions to contact the Secretariat.

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

11 PARAGRAPH 8 OF THE MINISTERIAL DECISION ON THE TRIPS AGREEMENT ADOPTED ON 17 JUNE 2022

53. The Chair recalled that under paragraph 8 of the Ministerial Decision on the TRIPS Agreement, adopted on 17 June 2022, Members agreed to make a decision within six months from adoption, on whether to extend this Decision to cover the production and supply of COVID-19 diagnostics and therapeutics. The General Council had decided to extend this deadline and had kept the question of the duration of the deadline extension on its agenda, while substantive discussions should continue in the Council for TRIPS.

54. With respect to these substantive discussions, she said that Members' interventions during the March meeting of the TRIPS Council had illustrated that a wide variety of views persisted in regard to this issue. In her recent consultations on this question, delegations had largely recognized that substantive engagement will be more constructive once all Members have completed their domestic consultation processes but that, in the meantime, fact- and evidence-based discussions should continue. Some had explicitly pointed to the questions posed in papers circulated by Members as a good starting point.

55. In response to these views, she said she had held an informal open-ended meeting of the Council on 8 June 2023, where Members had continued their exchanges on the substance of the matter, including with reference to Members' various submissions in this regard.

56. She said she also explored with delegations the possibility to gather facts and take stock of developments relevant to the COVID-19 pandemic with outside stakeholders, such as international organizations, civil society organizations, business representatives and academia. Delegations were generally supportive of this idea to gather such input and experiences from within the competence of stakeholders, that was relevant to the COVID-19 pandemic. She said she had pointed out that this event could help inform not only the narrow question under paragraph 8 of the MC12 Decision, but also the broader mandate under paragraph 24 of the Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics ([WT/L/1142](#)).

57. The Chair said that, if Members so decided, such a one-day thematic session could be organized after the summer break in late September or early October. Her suggestion would be that she would develop a draft program together with the Secretariat which would then be circulated to Members for comments. In this context, she had well taken note of Members' preference for a balanced composition of participating stakeholders from diverse geographical and organizational backgrounds. It was also clear that external stakeholder participation would be limited to the thematic session itself, and that negotiations and substantive deliberations would remain reserved for Members.

58. She invited Members to continue their substantive discussions and to also share any further thoughts with regard to such an "Informal Thematic Session for Stakeholder Input on IP and COVID-19 and the MC12 Decision".

59. The representatives of South Africa; China; Djibouti, on behalf of the LDC Group; Bangladesh; Indonesia; Nepal; El Salvador; Peru; Tanzania, on behalf of the African Group; the United States of America; India; Switzerland; the European Union; Japan; Thailand; the United Kingdom; Brazil; Korea, Republic of; Cambodia; Singapore; and Hong Kong, China took the floor.

60. The Chair assured Members that the envisaged thematic session was not an attempt to delay a decision, but rather an effort to continue a fact- and evidence-based discussion that could support a decision when all Members would be ready to engage. She also said that, while there had already been a number of substantive submissions on this topic, more written submissions from Members on their experiences or on pertinent questions would be useful to support a robust discussion of the questions before Members.

61. As work at the WTO was expected to accelerate after the summer, she pointed out that a decision under paragraph 8 of the Ministerial Decision did not have to wait until MC13 and could be taken by the General Council at any time, even before the end of the year. Finally, she recalled that paragraph 8 of the Ministerial Decision and paragraphs 23 and 24 of the Ministerial Declaration on Pandemic Response were two separate mandates for Members to discuss. While the thematic session

could provide inputs for both, and she did not exclude that Members would discuss both mandates together, she wished to highlight that the mandates had separate objectives and would have to be looked at separately. Paragraph 8 of the Ministerial Decision was aiming for an eventual decision by Members, while paragraph 24 of the Ministerial Declaration mandated general reflection on experiences during COVID-19, and reporting to the General Council.

62. The Council agreed to hold an Informal Thematic Session for Stakeholder Input as suggested by the Chair.

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

12 INTELLECTUAL PROPERTY AND THE 1998 WORK PROGRAMME ON ELECTRONIC COMMERCE

64. The Chair said this item had been put on the agenda at the request of the delegation of South Africa who had also submitted a communication on this topic, circulated in document [IP/C/W/698](#), in order to allow Members to prepare for this discussion.

65. The representatives of South Africa; China; Tanzania; Djibouti, on behalf of the LDC Group; Indonesia; Australia; India; the European Union; the United States of America; and Switzerland took the floor.

66. The Council took note of the statements made.

13 IP AND INNOVATION: RESEARCH COLLABORATION ACROSS BORDERS

67. The Chair said that this item had been put on the agenda at the request of the delegations of Australia; the European Union; Hong Kong, China; Japan; Singapore; Switzerland; Chinese Taipei; the United Kingdom; and the United States of America. These delegations had also submitted a communication on this topic, circulated in document [IP/C/W/699](#) in order to allow Members to prepare for today's discussion.

68. The representatives of Chinese Taipei; the United States of America; Australia; Singapore; Japan; the United Kingdom; Hong Kong, China; Switzerland; Canada; the European Union; Indonesia; Djibouti, on behalf of the LDC Group; and the World Intellectual Property Organization (WIPO) took the floor.

69. The Council took note of the statements made.

14 INFORMATION ON RELEVANT DEVELOPMENTS ELSEWHERE IN THE WTO

70. 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.

71. Regarding developments relating to the TRIPS amendment, the Chair said that since the meeting in March, the delegation of Namibia had deposited its instrument of acceptance on 4 April 2023. This meant that 137 Members had now accepted the TRIPS amendment. She encouraged the remaining 27 Members to complete their domestic procedures and deposit their instrument of acceptance with the WTO Director-General as soon as possible. The period for acceptance of the Protocol currently ran until 31 December 2023 (document [WT/L/1122](#)).

72. 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.

73. A representative of the Secretariat took the floor.

74. The Council took note of the information provided.

15 OBSERVER STATUS FOR INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

75. The Chair said that there continued to be 14 pending requests for observer status in the TRIPS Council by intergovernmental organizations. The updated list of requests¹, and the information provided by these organizations on their respective work and the reasons for their interest in observer status was available on the Members' website.²

76. The representatives of Indonesia; Colombia; the United States of America; and China took the floor.

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

78. 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.

79. The Council so agreed.

16 OTHER BUSINESS

16.1 Annual Review of the Special Compulsory Licensing System

80. The Chair recalled that at a special meeting in 2017, the Council had taken note of the entry into force of the amended TRIPS Agreement and that, at that time, Members had said this would also be the moment to consider in greater detail how the Special Compulsory Licensing System could be effectively used as a practical procurement tool to respond to public health needs. Members had also proposed a number of accompanying measures, including legislative advice to implement the mechanism into domestic law and capacity-building activities. Since then, some Members had made efforts to use the system in the context of their pandemic response. The next annual review of the System could, therefore, be guided by the issues that Members had already identified in the past, as well as the more recent experiences of Members that were currently using the System.

81. The Chair suggested that, as part of the upcoming annual review, Members might also wish to consider discussing any domestic measures taken to implement and use the Special Compulsory Licensing System under Article 31*bis* of the TRIPS Agreement, including in the context of COVID-19. She encouraged Members to make proposals on how to take this issue forward and expressed her intention to consult with Members on how to prepare for a meaningful review.

16.2 21st Annual Review under Paragraph 2 of the Decision on the Implementation of Article 66.2 of the TRIPS Agreement

82. The Chair recalled that Paragraph 1 of the Decision provided that developed country Members should submit annually reports on actions taken or planned in pursuance of their commitments under Article 66.2 and for this purpose, they must provide new detailed reports every third year and, in the intervening years, provide updates to their most recent reports. As 2023 was an intervening year, developed country Members were expected to provide updates to their reports. Paragraph 2 of the Decision provided that the Council should review these reports at the last meeting of the year.

83. The Chair suggested that developed country Members submit their reports by 11 September 2023 – i.e., the same date as the deadline for submission of Technical Assistance Reports. This submission date was about four weeks before the last TRIPS Council meeting of the year, which was scheduled for 9-10 October 2023, and would therefore allow for timely circulation of the documents. The kind of information to be provided in the reports was specified in paragraph

¹ [IP/C/W/52/Rev.14](#)

² Available at https://www.wto.org/english/tratop_e/trips_e/xtrips_e/igo_observer_e.htm.

3 of the Decision. She stated that, in the past, Members had considered some practical approaches to streamlining their submission and management of this information.

84. The Chair suggested that reporting members use the e-TRIPS Submission System to submit this information, just as with reports under Article 67. Members who had used e-TRIPS to submit their reports in prior years – which was all but one reporting Member – could take advantage of system efficiencies to save time in preparing this year's reports. She said that the Secretariat had created guidance materials and was available to provide practical advice on request.

85. The Chair informed Members that the Secretariat was planning for the 17th Workshop on Technology Transfer back-to-back with the Council's meeting in early 2024. She said that the Secretariat would be in touch with the delegations concerned to prepare for the Workshop.

86. The Council agreed to proceed as indicated and took note of the information provided.

87. The meeting was closed.
