

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

MINUTES OF MEETING

HELD IN THE CENTRE WILLIAM RAPPARD ON 1-2 MARCH 2017

Chairperson: Ambassador Alfredo Suescum (Panama)

The present document contains the record of the Council for TRIPS meeting held on 1-2 March 2017. The statements made during the meeting will be circulated in an addendum to the present document.

Table of Contents

1 ELECTION OF CHAIRPERSON	2
2 NOTIFICATIONS UNDER PROVISIONS OF THE AGREEMENT	2
3 REVIEWS OF NATIONAL IMPLEMENTING LEGISLATION	3
3.1 Follow-up to reviews already undertaken.....	3
3.2 Review of the national implementing legislation of Seychelles	3
3.3 Review of the national implementing legislation of Kazakhstan.....	3
4 REVIEW OF THE PROVISIONS OF ARTICLE 27.3(B)	4
5 RELATIONSHIP BETWEEN THE TRIPS AGREEMENT AND THE CONVENTION ON BIOLOGICAL DIVERSITY	4
6 PROTECTION OF TRADITIONAL KNOWLEDGE AND FOLKLORE	4
7 NON-VIOLATION AND SITUATION COMPLAINTS	5
8 REVIEW OF THE IMPLEMENTATION OF THE TRIPS AGREEMENT UNDER ARTICLE 71.1	5
9 REVIEW OF THE APPLICATION OF THE PROVISIONS OF THE SECTION ON GEOGRAPHICAL INDICATIONS UNDER ARTICLE 24.2	6
10 FOLLOW-UP TO THE FOURTEENTH ANNUAL REVIEW UNDER PARAGRAPH 2 OF THE DECISION ON THE IMPLEMENTATION OF ARTICLE 66.2 OF THE TRIPS AGREEMENT	6
11 TECHNICAL COOPERATION AND CAPACITY BUILDING	6
12 THE UNITED NATIONS SECRETARY-GENERAL'S HIGH LEVEL PANEL REPORT ON ACCESS TO MEDICINES	7
13 WORK PROGRAMME ON ELECTRONIC COMMERCE	8
14 INTELLECTUAL PROPERTY AND INNOVATION: INCLUSIVE INNOVATION AND MSME COLLABORATION	9
15 INFORMATION ON RELEVANT DEVELOPMENTS ELSEWHERE IN THE WTO	9
16 OBSERVER STATUS FOR INTERNATIONAL INTERGOVERNMENTAL ORGANISATIONS	9
17 OTHER BUSINESS	10

1 ELECTION OF CHAIRPERSON

1. The representative of the Secretariat said that Rule 12 of the Council's Rules of Procedure provided that "the election [of the Chairperson] shall take place at the first meeting of the year and shall take effect at the end of the meeting", and that "the Chairperson [...] shall hold office until the end of the first meeting of the following year." In other words, under normal circumstances, the outgoing Chair of the TRIPS Council, Ambassador Mero from Tanzania, would have chaired this meeting and the incoming Chair would have been elected at the end of the meeting.

2. He recalled that Ambassador Mero had informed the Council at its meeting in January 2017 that he had been appointed as Tanzania's Ambassador to the United Nations in New York and would therefore no longer be available to chair this meeting. The General Council was yet to approve the slate of chairpersons for the regular bodies so that the Council was not in a position to elect the incoming Chair at the beginning of its current meeting. Following past practice, the TRIPS Council could proceed with the election of its new Chair at the beginning of its next meeting, based on the slate of names that the General Council would hopefully have approved by then. Situations in which the Chairperson, in this case Ambassador Mero, could no longer perform his functions, were addressed by Rule 14 of the Council's Rules of Procedures. It provided that the Council "shall elect an interim Chairperson to perform those functions pending the election of a new Chairperson".

3. He informed the Council that, following informal contacts with the Secretariat, Ambassador Alfredo Suescum from Panama had kindly agreed to step in and make himself once again available as interim Chairperson at this meeting, should Members decide so. He had served as Chair of the Council in 2013 and as interim Chair in October 2015. The representative of the Secretariat therefore proposed that the Council for TRIPS elect H.E. Ambassador Alfredo Suescum from Panama as its interim Chairperson for the current meeting.

4. The Council so agreed.

5. The representative of the United States took the floor.

2 NOTIFICATIONS UNDER PROVISIONS OF THE AGREEMENT

6. The Chairman invited the Secretariat to provide an update on the legislative measures that had been notified by a number of Members since the Council's meeting in November 2016.

7. The representative of the Secretariat took the floor.

8. The representatives of Switzerland, Ecuador, China, Montenegro, Mexico and Japan took the floor.

9. The Chairman said that, as previous Chairpersons had indicated, notifications made to the Council were not keeping up with the development of legislation and regulations relating to the TRIPS Agreement. He reminded that Article 63.2 was not a one-off requirement, but rather an obligation to notify any new or amended laws. He urged Members to complete outstanding initial notifications and to keep up to date with notifications and subsequent amendments. Equally he reminded delegations that this Council established the Checklist of Issues on Enforcement as one element of Members' notification obligations. He urged Members that were yet to submit their initial responses to the Checklist to do so in due course. He also urged other Members that had already submitted responses in the past to update the information that they had provided.

10. He recalled that, at the Council's meeting in November 2016, the Secretariat had updated delegations on the development of the e-TRIPS online platform, which was a tool for filing and consulting notifications. As this was still work in progress, he suggested that the Secretariat be invited to provide a further update on how the work was progressing at the Council's next meeting in June. He encouraged the delegations which had an interest in testing this system, or liked to provide some feedback, to contact the Secretariat.

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

3 REVIEWS OF NATIONAL IMPLEMENTING LEGISLATION

3.1 Follow-up to reviews already undertaken

12. The Chairman indicated that, at its meeting in November 2016, the Council had been informed that Saint Kitts and Nevis had notified a number of legislative measures, as well as its contact point under Article 69. As reported by the Secretariat under agenda item 2, since then, Saint Kitts and Nevis had also submitted its responses to the Checklist of Issues on Enforcement. Since the Council's meeting in November 2016, Saint Kitts and Nevis had submitted its responses to questions that had been posed earlier by Japan, Canada, Switzerland, the United States and the European Union, circulated in document IP/C/W/623 of 30 January 2017.

13. The representatives of Switzerland and Canada took the floor.

14. Since there were no follow-up questions, the Chairman suggested that the Council remove the review of Saint Kitts and Nevis implementing legislation from the agenda, while any delegations could revert to any matter stemming from this review at any time.

15. The Council so agreed.

3.2 Review of the national implementing legislation of Seychelles

16. The Chairman recalled that Seychelles had agreed to apply the provisions of the TRIPS Agreement as of the date of its accession to the WTO, i.e. 26 April 2015, and without recourse to any transitional periods. In line with the commitments undertaken as part of its accession to the WTO, Seychelles had notified its TRIPS implementing laws and regulations, including the Copyright Act 2014, the Industrial Property Act 2014 and related Regulations, the Customs Management Act 2014 and related Regulations, the Penal Code 1955 and the Amendment Act 2012. These legislative measures had been made available to Members in the document series IP/N/1. In addition, Seychelles had notified the responses to the Checklist of Issues on Enforcement (document IP/N/6/SYC/1) and the contact point under Article 69 of the TRIPS Agreement, (document IP/N/3/SYC/1).

17. The Council had been informed accordingly at its meeting on 7-8 June 2016 when it had decided to initiate the review of Seychelles' implementing legislation. At that meeting, Members had been invited to submit any questions that they might have to Seychelles by 15 December 2016, and Seychelles had been asked to submit its responses by 31 January 2017.

18. The Secretariat had received questions posed by Switzerland to Seychelles on 14 December 2016 (IP/C/W/621). The responses by Seychelles to these questions had been circulated in document IP/C/W/624.

19. He invited Seychelles to provide a brief introductory overview of the structure of its legislation in the areas covered by the TRIPS Agreement and of the changes, if any, that had been adopted in order to make the legislative framework compatible with the Agreement.

20. The representative of Seychelles provided a brief introductory overview of the structure of its legislation in the areas covered by the TRIPS Agreement.

21. The representative of Switzerland took the floor.

22. Since there were no follow-up questions, the Chairman suggested that the Council remove the review of Seychelles' implementing legislation from the agenda, while any delegations could revert to any matter stemming from this review at any time.

23. The Council so agreed.

3.3 Review of the national implementing legislation of Kazakhstan

24. The Chairman recalled that Kazakhstan had agreed to apply the provisions of the TRIPS Agreement as of the date of its accession to the WTO, i.e. 30 November 2015, and without

recourse to any transitional periods. In line with the commitments undertaken as part of its accession to the WTO, Kazakhstan had notified its TRIPS implementing laws and regulations, including the Law on Copyright and Related Rights, the Law on Trademarks, Service Marks and Appellations of Origin of Goods, the Patent Law and other legislative measures that had been circulated in the document series IP/N/1. In addition, Kazakhstan had notified its contact point under Article 69 of the TRIPS Agreement (IP/N/3/KAZ/1).

25. At its meeting on 7-8 June 2016, the Council had been informed accordingly and had decided to initiate the review of Kazakhstan's implementing legislation. It had invited Members to submit any questions that they might have to Kazakhstan by 15 December 2016. Kazakhstan had been asked to submit its responses by 31 January 2017.

26. The Secretariat had received questions posed by Switzerland to Kazakhstan on 14 December 2016 (document IP/C/W/620). Kazakhstan had submitted its responses to these questions shortly before this meeting (document IP/C/W/626).

27. The representative of Kazakhstan provided a brief introductory overview of the structure of its legislation in the areas covered by the TRIPS Agreement.

28. The representatives of Switzerland and the United States took the floor.

29. The Chairman said that as the responses from Kazakhstan to the questions posed by Switzerland had been only submitted shortly before this meeting and given that the United States had announced that it had further questions that it wished to submit to Kazakhstan, he suggested that the Council revert to this matter at its next meeting. In the meantime, he suggested that the United States provide its questions in writing to Kazakhstan with a copy to the Secretariat. Kazakhstan should submit its answers in writing within eight weeks after the meeting.

30. The Council took note of the statements made and agreed to revert to the matter 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

31. The Chairman recalled that, at the Council's meeting in November 2016, Members had exchanged views under these agenda items. The discussions had covered substantive issues, such as the suggested inclusion of a mandatory disclosure requirement in TRIPS, as well as the patentability of life forms. Discussions had also covered two pending procedural proposals – whether the CBD Secretariat should be invited to debrief the Council on the Nagoya Protocol, and whether the WTO Secretariat should update the three factual notes that had been prepared and last updated ten years ago.

32. Since Members had remained divided both on the substantive and procedural issues, no progress could, however, be made. There had also been no unanimous support for a proposal made by some delegations that the CBD Secretariat be asked to debrief the Council when it was meeting in informal mode.

33. He recalled that there had been no more responses or updates to the Illustrative List of Questions on Article 27.3(b), and no notifications or reports of domestic mechanisms to protect genetic resources and traditional knowledge. Despite the importance attached to the Article 27.3(b) review, which had been on the Council's agenda since 1998, the last response or update on the questions had been submitted in 2003, some 14 years ago, and material had been received from fewer than one in six Members. He therefore reminded delegations that the Article 27.3(b) review was an integral part of the TRIPS Agreement. The information provided to the Council clearly did not cover the important developments that many WTO Members had seen in this area over the last decade. Regarding the CBD Secretariat briefing and the updating of the Secretariat notes, there was no substantive signs of evolution towards an outcome.

34. The representatives of Brazil; the Plurinational State of Bolivia; Bangladesh on behalf of the LDC Group; India, Ecuador; Egypt; Indonesia; China; Nigeria on behalf of the African Group; Australia; the United States; Switzerland; the Republic of Korea; Japan; Canada and the European Union and the Chairman took the floor.

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

7 NON-VIOLATION AND SITUATION COMPLAINTS

36. The Chairman recalled that, at MC10, Ministers had directed the Council to continue its examination of the scope and modalities for complaints of the types provided for under subparagraphs 1(b) and 1(c) of Article XXIII of GATT 1994 and to make recommendations to MC11 in December 2017. This instruction mirrored the original mandate in TRIPS Article 64.3. The Council had discussed this matter at its three meetings last year. The discussion had been based in part on the following documents: a communication from the United States on "Non-Violation Complaints under the TRIPS Agreement" (IP/C/W/599); a revised and updated version of "Non-Violation and Situation Nullification or Impairment Under the TRIPS Agreement" (IP/C/W/385/Rev.1) and a draft decision on non-violation and situation complaints for consideration at the forthcoming Ministerial Conference (IP/C/W/607), sponsored by a number of other Members. As indicated in document IP/C/W/385/Rev.1/Add.3, the Kyrgyz Republic had most recently joined the co-sponsors of that document.

37. The previous TRIPS Council Chair, Ambassador Mero from Tanzania, had repeatedly noted that there had not been major changes in Members' positions since the Council had first discussed this issue in the late 1990s. Recent discussions had mostly served to repeat well-known positions. Positions in this regard had hardly evolved, let alone had they explored avenues of compromise.

38. The initial deadline for accomplishing this task had been 1999. The Council had been unable to recommend a permanent solution to this issue to Ministers, after 18 years of debate in this forum. He encouraged Members to share ideas as to how the Council could work towards fulfilling the Ministers' instructions in the remaining few months, and to prepare recommendations for MC11.

39. The representatives of Brazil; China; Chinese Taipei; Bangladesh on behalf of the LDC Group; Argentina; Switzerland; the Russian Federation; Egypt; India; the United States and Nigeria on behalf of the African Group took the floor.

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

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

41. The Chairman recalled that, given the wide range of experience gained in the implementation of the TRIPS Agreement since 1995, there was clearly a wealth of information that could be shared under this agenda item. The required review offered a unique opportunity to discuss the plentiful new developments in the field of intellectual property since the Agreement had entered into force over twenty years ago.

42. As required by Article 71.1, the Council had initiated the first review in 1999. This provision also required that a new review be initiated every two years. The Council had, however, not completed its initial review, and therefore had also not initiated any subsequent review. He invited Members to consider how to take this review forward and to suggest any topics to be taken up under this item.

43. 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

44. The Chairman said that GI protection remained of continuing interest, and was apparently an active area of legal and policy development in some countries. However, to date, only 50 Members out of 164 had provided responses to the Checklist of Questions (documents IP/C/13 and IP/C/13/Add.1), and many past responses were likely to be out of date, since they dated back over a decade. He therefore urged those delegations that had not yet provided responses to the Checklist to consider doing so. He encouraged the other Members to consider the scope for updates to their past responses.

45. In line with the Council's recommendation that had been made in March 2010, he also invited Members to share information on bilateral agreements related to the protection of GIs they were a party to. The principal tool used for the review was the Checklist of Questions. The Chairman said that El Salvador had submitted its responses to the Checklist on 9 December 2016 (document IP/C/W/117/Add.34).

46. The representatives of El Salvador and Switzerland took the floor.

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

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

48. The Chairman recalled that, at its meeting in November 2016, the Council had taken up the fourteenth annual review of developed country Members' reports on their implementation of Article 66.2 of the TRIPS Agreement. In concluding the item, the Chairman had indicated that delegations would be provided an opportunity at the present meeting to make further comments on the information submitted for that meeting that they had not yet been able to study.

49. The representative of Bangladesh on behalf of the LDC Group took the floor.

50. The Council took note of the statement made.

11 TECHNICAL COOPERATION AND CAPACITY BUILDING

51. The Chairman recalled that, at its meeting in November, the Council had taken up its annual review of technical cooperation. Given that some information from Members and intergovernmental organizations had been made available only a short time before the review, the Chairman had indicated that Members would be offered a further opportunity to make comments on that material at this meeting.

52. Reverting to the discussions that had taken place at the Council's additional meeting on 30 January, 2017, he recalled that the meeting had been especially convened in order to take note of the entry into force of the TRIPS amendment which made the special compulsory licensing mechanism to export medicines a permanent part of the Agreement.

53. At that meeting, the Chairman, Ambassador Mero, had looked at the way ahead. In particular, he had noted that it was now important "to look into how to make this new procurement tool work effectively so that it delivers concrete results in practice." He had also referred delegations to the Council's report on the annual review of the System that was circulated in IP/C/76, as well as to Annex II to the WTO Secretariat's annual report on its technical cooperation activities circulated in document IP/C/W/618. He had noted that both documents provided useful information resources for future considerations.

54. The Chairman's call for further work to fully exploit the potential of the System to deliver affordable medicines to countries in need had been echoed by Director-General Azevêdo in his address to this Council, as well as by a number of delegations who had said that they stood ready to support such efforts. Furthermore, some Members had already made certain suggestions at that meeting regarding possible actions that could be undertaken in this regard.

55. These included the provision of legislative and other assistance to countries that were looking into implementing the System in their domestic laws. In this regard, he drew Members' attention to a Staff Working Paper on Special Compulsory Licences for Export of Medicines: Key Features of WTO Members' Implementing Legislation that was released in July 2015. While the paper would benefit from an update, it provided a useful survey of the key features of the System as they had been addressed by implementing measures adopted by more than 50 WTO Members. It was available on the WTO's webpage dedicated to TRIPS and public health, in the section on Implementing Compulsory Licences for Export of Medicines.¹ In case of interest, the Secretariat could also make the link to the document available.²

56. He indicated that, under agenda item 2, he had already urged Members in general to submit initial notifications and regularly update legislative measures that had been notified. In this context, he particularly encouraged Members to notify changes made to their laws or regulations to implement Article 31*bis* of the TRIPS Agreement. Apart from being a specific TRIPS obligation, this would help other Members who were looking into implementing the System in their domestic laws.

57. Other suggestions that had been made at the meeting in January included the sharing of experiences among Members regarding the implementation and use of the System, as well as the establishment of a mechanism that would serve to effectively coordinate the technical assistance provided by international organisations. And the need to raise awareness among officials from IP offices and procurement agencies on the ground about how to use the System in their day-to-day operations had also been emphasized. While this meeting and this agenda item might not be the place to address these suggestions in a detailed manner, he said that they could be usefully considered as part of the preparations for the Council's annual review of the System at its last meeting in October. The Secretariat would take due account of these suggestions in its forthcoming capacity building activities on which it would report to the Council at that meeting.

58. He then took up a proposal that had been made by the Ambassador of Brazil at the Council's meeting in January with respect to possible awareness raising activities. Specifically, he had asked for a presentation by the WTO Secretariat at this meeting on how to notify under the System.

59. The Chairman suggested that the Secretariat be given an opportunity to provide an overview of the notification requirements as they apply to the use of the System.

60. The representative of the Secretariat took the floor.

61. The representative of Brazil took the floor.

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

12 THE UNITED NATIONS SECRETARY-GENERAL'S HIGH LEVEL PANEL REPORT ON ACCESS TO MEDICINES

63. The Chairman recalled that Brazil, China, India and South Africa had requested that this item be added to the agenda of the Council's meeting in November 2016. To introduce the item, they had also submitted a communication (document IP/C/W/619).

64. In the course of that discussion, the delegation of South Africa had requested that this item be continued as an ad hoc item at the next meeting and the Council so agreed.

65. Since this was a continuation of the discussion had held at the Council's meeting in November 2016, he briefly summarized what had been said at that meeting. According to the co-sponsors, the request to add this item to the Council's agenda had been intended to facilitate an exchange of views on the recommendations of the High Level Panel, as well as to share national experiences regarding the use of TRIPS flexibilities. At the meeting in November 2016,

¹ https://www.wto.org/english/tratop_e/trips_e/pharmpatent_e.htm.

² https://www.wto.org/english/res_e/reser_e/ersd201507_e.pdf

some delegations had welcomed the discussion of the report in this Council while others had said that they needed more time to consider the recommendations. Some delegations had expressed concern about the narrow scope of the report and had noted that it had neither been mandated nor endorsed by Members of the United Nations.

66. The representatives of India; Bangladesh on behalf of the LDC Group; Brazil; South Africa; China; Indonesia; Nigeria on behalf of the African Group; Egypt; the United States; Japan; Canada; the Republic of Korea; Norway; the European Union; Switzerland; Australia; Chinese Taipei; and Chile took the floor.

67. The representative of the World Health Organization took the floor.

68. The Council took note of the statements made.

13 WORK PROGRAMME ON ELECTRONIC COMMERCE

69. The Chairman informed the Council that, to prepare the discussion under this item, Brazil had submitted a communication on Electronic Commerce and Copyright (document JOB/IP/19) which had been co-sponsored by Argentina. He suggested that Brazil introduce the agenda item and discuss the issues that it was proposing for consideration, and that the Council then turn to three other submissions related to the Work Programme on E-Commerce which the respective co-sponsors might wish to introduce.

70. He recalled the most recent mandate in the field of e-commerce and the state of play of the work. At MC10 in December 2015, Ministers had decided to "continue the work under the Work Programme based on the existing mandate and guidelines and on the basis of proposals submitted by Members in the relevant WTO bodies". They had also instructed the General Council to hold periodic reviews "based on the reports that may be submitted by the WTO bodies entrusted with the implementation of the Work Programme and report to the next session of the Ministerial Conference" (document WT/MIN(15)/42 – WT/L/977).

71. In June 2016, the TRIPS Council had resumed discussions on e-commerce. This discussion had been based on Canada's written submission circulated in document IP/C/W/613. Canada had shared its national experience to fight the selling of counterfeit products over the internet. At the Council's meeting in November 2016, Canada had called for a continuation of the sharing of national experiences and practices as this would support the Council to respond to the Ministerial mandate. In line with the addendum to its earlier communication (document IP/C/W/613/Add.1) Canada had also said that it wished to consult with other delegations on how to advance the Work Programme on E-Commerce in this Council. It had been joined by a number of other delegations.

72. The Chairman also referred to three other communications under this item: a communication on Electronic Signatures that had been co-sponsored by the delegations of Argentina, Brazil and Paraguay (document JOB/IP/20); a communication on Trade Policy, the WTO and the Digital Economy that had been circulated at the request of the delegations of Canada; Chile; Colombia; Côte d'Ivoire; the European Union; the Republic of Korea; Mexico; Montenegro; Paraguay; Singapore and Turkey (JOB/IP/21 of 13 January 2017); and a communication on Electronic Commerce and Development, recently circulated in document JOB/IP/22 at the request of the delegations of Brunei Darussalam; Colombia; Costa Rica; Hong Kong, China; Israel; Malaysia; Mexico; Nigeria; Pakistan; Panama; Qatar; Seychelles; Singapore and Turkey.

73. The representatives of Brazil, Argentina, Paraguay, Bangladesh on behalf of the LDC Group, Switzerland, the United States, Norway, the European Union, Singapore, Chinese Taipei, Canada, the Republic of Moldova, Mexico, Australia, Turkey, Colombia, the Russian Federation, Chile, the Republic of Korea, India and New Zealand took the floor.

74. The Chairman said that, in light of the discussions and the earlier exchange of views at the Council's meetings in June and November 2016, there seemed to be a continuing interest of delegations in discussing issues related to intellectual property and e-commerce. He therefore encouraged Members to consider how to carry forward issues related to e-commerce in the TRIPS Council. An in-depth debate would, indeed, constitute a sound basis for the Council to contribute to the periodic review that the General Council had been requested to hold, as well as to provide

input for the General Council report to the next Ministerial Conference. Such a discussion would be an opportunity to create a clear and inclusive factual picture of the current state of affairs as the foundation for informed dialogue between Members.

75. The Council took note of the statements made.

14 INTELLECTUAL PROPERTY AND INNOVATION: INCLUSIVE INNOVATION AND MSME COLLABORATION

76. The Chairman said that this item had been put on the agenda at the written request of the delegations of Australia, the European Union, Japan, Switzerland and the United States. Since the circulation of the initial proposed agenda, the item had also been co-sponsored by the delegation of Chinese Taipei. He also recalled two communications from the initial co-sponsors that had been circulated for consideration under this agenda item. The first contribution (document IP/C/W/622) set out the proposed items for an exchange of experiences among delegations in the course of this year with respect to the role of IPRs as a driver for more inclusive innovation that promoted the participation of micro, small and medium-sized enterprises in local and global trade. The second communication (document IP/C/W/625) introduced more specifically the agenda item of today's meeting regarding inclusive innovation and MSME collaboration. The delegation of Chinese Taipei had recently joined the co-sponsors of these documents.

77. The representatives of Australia, the United States, Chinese Taipei, Japan, the European Union, Switzerland, India, Colombia, Canada, Argentina, Guatemala, Mexico, Israel, Dominican Republic, the Russian Federation, Brazil, New Zealand, Bangladesh on behalf of the LDC Group and Nigeria on behalf of the African Group took the floor.

78. The Council took note of the statements made.

15 INFORMATION ON RELEVANT DEVELOPMENTS ELSEWHERE IN THE WTO

79. The Chairman recalled that this item had been used in the past to provide information, for example, about new accessions to the WTO or the status of acceptances of the Protocol Amending the TRIPS Agreement. In this regard, he informed the Council that the delegation of Oman had deposited its instrument of acceptance with the WTO Director-General on 1 March 2017. It had thus become the 113th Member that had accepted the amended TRIPS Agreement. This should encourage other WTO Members that were yet to accept the TRIPS Amendment to do so by the end of this year when the current deadline for the acceptance of the Protocol Amending the TRIPS Agreement expired.

80. Under this item, the WTO Secretariat had also provided an overview of the wide range of IPR-related issues that are regularly considered as part of individual Members' trade policy reviews at the Council's meetings in June and November 2016. He suggested that the Secretariat be given an opportunity to provide a further update regarding recent TPR reviews.

81. The representative of the Secretariat took the floor.

82. The Council took note of the statement made.

16 OBSERVER STATUS FOR INTERNATIONAL INTERGOVERNMENTAL ORGANISATIONS

83. The Chairman indicated that there remained 13 pending requests for observer status in the TRIPS Council by intergovernmental organizations. The updated list was contained in document IP/C/W/52/Rev.13. Delegations had been informed at the Council's meeting in November 2016 that the Secretariat had made available the information that had been provided by all 13 intergovernmental organizations concerned on the Members' website.³ It covered the nature of their respective work and the reasons for their interest in observer status. This should help delegations better understand each of the pending requests.

³ Available at https://www.wto.org/english/tratop_e/trips_e/xtrips_e/igo_observer_e.htm.

84. At the Council's meetings in 2016, a number of interested delegations had reiterated their support for granting permanent observer status to the South Centre, the CBD Secretariat and the International Vaccine Institute. Other delegations had signalled that they could agree to grant permanent observer status to the African Regional Intellectual Property Organization, the African Intellectual Property Organization, the Cooperation Council of the Arab States of the Gulf, and the European Free Trade Association. These four organisations currently enjoyed an ad hoc observer status on a meeting-to-meeting basis.

85. The previous Chair had repeatedly urged Members to assess the pending requests on their own merits, in particular the competence and interest that the requesting entity had in matters dealt with by the TRIPS Council.

86. The representatives of the United States, Nigeria on behalf of the African Group, India, Bangladesh on behalf of the LDC Group, Brazil, the European Union, South Africa, Egypt, China, the Plurinational State of Bolivia, Cuba, Bolivarian Republic of Venezuela and Indonesia took the floor.

87. The Chairman suggested that, since it was not possible to reach an agreement to grant permanent observer status to ARIPO, OAPI, GCC and EFTA, the Council again invite these four organizations to attend its next meeting on an ad hoc basis. This was in line with the agreement reached at the Council's meetings in June 2010 and November 2012 to grant them ad hoc observer status on a meeting-by-meeting basis.

88. The Council so agreed.

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

17 OTHER BUSINESS

90. The Chairman noted that no delegation had flagged its intention to take up any matter under this item.
