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Council for Trade-Related Aspects of Intellectual Property Rights

MINUTES OF MEETING

HELD IN THE CENTRE WILLIAM RAPPARD ON 17-18 OCTOBER 2019

Chair: H.E. Ambassador Lundeg Purevsuren

The present document contains the record of the meeting of the Council for TRIPS held on 17-18 October 2019. 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

1. The Chair invited the Secretariat to report on notifications that the Council had received since its meeting in June 2019.

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

a. Canada had notified an act that implemented the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in the trademark area; new Industrial Design Regulations that facilitated Canada's accession to the Hague Agreement concerning the international Registration of Industrial Designs; and amendments resulting from the College of Patents and Trademark Agents Act, which has an effect on various intellectual property laws;

b. Mexico had notified the General Declaration on Protection of the Appellation of Origin *Raicilla*;

c. Mauritius had notified amendments to its Copyright Act which made provisions on phonograms; lengthened the period of copyright protection; and introduced provisions regarding the Mauritius Society of Authors;

d. Japan had notified amendments to its Trademark, Patents and Designs Acts aimed at ensuring the confidentiality of documents that contain trade secrets during certification process; as well as a revised Unfair Competition Prevention Act that provides civil remedies against acts of unfair competition with respect to protected data; and

e. Chinese Taipei had notified amendments to its Patent and Copyright Acts.

3. He added that, under Article 69, Maldives, Indonesia, Afghanistan and Kazakhstan had provided information on contact points for the exchange of information and cooperation on trade in infringing goods. The European Union and Kazakhstan had provided updates to their previous responses to the Checklist of Issues on Enforcement.

4. The Chair invited delegations that had notified new or revised legislative measures, or submitted updates to their contact points, to introduce their notifications. He also invited other delegations to comment on them.

5. The representatives of Mexico; Canada; Chinese Taipei; Japan; Mauritius; and Brazil took the floor.

6. The Chair noted that notifications to the Council were not keeping up with the actual development of laws and regulations relating to TRIPS. He emphasized that Article 63.2 was not a one-off requirement. It was a core element of the TRIPS transparency arrangements, a central part of the Council's substantive work, and obliged Members to notify any new or amended laws. He urged Members to complete any outstanding initial notifications and to keep up to date notifications of subsequent amendments. The same applied to the Checklist of Issues on Enforcement, which had been established by the Council as an element of Members' notification obligations. The e-TRIPS platform made it much easier to fulfil these transparency obligations.

7. The Chair encouraged Members to notify legislative changes made to implement the special compulsory licensing system to export medicines covered by the new Article 31bis of the TRIPS Agreement. More than 50 WTO Members, including many of the world's major exporters of medicines, had adopted implementing legislation that allowed them to use the System as exporters and/or importers. But only 19 Members, including the European Union, had formally notified such measures to the TRIPS Council. The notification of all relevant laws and regulations could assist Members in preparing for the potential use of the System. It would also help the Secretariat in its efforts to provide informed technical support to Members in this area.

8. The Chair invited the Secretariat to provide an update on the e-TRIPS system.

9. A representative of the Secretariat briefed Members on the development of e-TRIPS.

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

2 REVIEW OF NATIONAL IMPLEMENTING LEGISLATION

11. The Chair recalled that the Council was preparing for the review of the national implementing legislation of Samoa. Since the June meeting, the Secretariat had been in contact with the delegation of Samoa regarding the submission of their remaining notifications. In the course of these contacts, Samoa had informed the Secretariat that they were in the process of revising their laws once again, as they had just acceded to four WIPO treaties. In light of the substantial revisions that were to be expected, he suggested to wait for the notification of the revised domestic laws of Samoa, before commencing the review in this Council. 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.

12. He noted that there were currently no reviews pending under this item. Members should, however, revert to any matter raised in past reviews, or make suggestions regarding further reviews. Any ideas how to make best use of this agenda item would be most welcome.

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

3 REVIEW OF THE PROVISIONS OF ARTICLE 27.3(B)

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

5 PROTECTION OF TRADITIONAL KNOWLEDGE AND FOLKLORE

14. The Chair proposed that, following past practice, agenda items 3, 4 and 5 be addressed together. He noted that, Ukraine had recently submitted its responses to the List of Questions on Article 27.3(b), which had been circulated in document IP/C/W/125/Add.26. He invited Ukraine to introduce its submission.

15. The representative of Ukraine took the floor.

16. The Chair encouraged delegations to submit responses to the List of Questions or update their previous responses; as well as notify any relevant changes in legislation.

17. He noted that two longstanding procedural issues under these items had been discussed extensively on the record, at every regular meeting of the Council for almost nine 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.

18. Positions on these issues were well-known and already extensively recorded in the Council minutes. In addressing these procedural questions, he encouraged delegations to focus on suggestions as to how to resolve them.

19. The representatives of South Africa; Bangladesh; India; Ecuador; Indonesia; the Plurinational State of Bolivia; Zimbabwe; Brazil; Nigeria; Australia; Thailand; Chile; China; Canada; Japan; Switzerland; and the United States of America took the floor.

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

6 ANNUAL REVIEW OF THE SPECIAL COMPULSORY LICENSING SYSTEM (PARAGRAPH 7 OF THE ANNEX TO THE AMENDED TRIPS AGREEMENT AND PARAGRAPH 8 OF THE DECISION ON THE IMPLEMENTATION OF PARAGRAPH 6 OF THE DOHA DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH)

21. The Chair recalled that the review of the Special Compulsory Licensing System had been conducted pursuant to paragraph 6 of the 2003 Decision on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health. Since the entry into force of the Protocol Amending the TRIPS Agreement on 23 January 2017, the review also responded to the requirements that had now been incorporated into the amended TRIPS Agreement.

22. Paragraph 7 of the Annex to the amended TRIPS Agreement and paragraph 8 of the 2003 Waiver Decision required the Council to review the functioning of the System annually, with a view to ensuring its effective operation. They also required the Council to report annually on the System's operation to the General Council. In the case of the Waiver Decision, the review was also deemed to fulfil the requirements of Article IX:4 of the WTO Agreement.

23. He suggested that: (i) he would brief the Council on the status of acceptances of the Protocol Amending the TRIPS Agreement; (ii) he would offer the floor to delegations for an exchange of views about the functioning of the System; and (iii) the Council would consider the draft report to the General Council.

24. He noted that the current period for accepting the Protocol Amending the TRIPS Agreement ran until 31 December 2019. To date, the amended TRIPS Agreement was binding for 128 WTO Members. In other words, 36 Members were yet to accept the Protocol Amending the TRIPS Agreement. He encouraged those Members to complete their domestic procedures as soon as possible.

25. When the TRIPS Amendment entered into force in January 2017, Members had noted that it would be useful to consider how to make this new procurement tool work effectively in practice. He encouraged delegations to engage in a constructive discussion, which could also build on earlier reviews. As previous Chairs and he himself had indicated on past occasions, delegations might find two documents particularly helpful to facilitate their considerations: (i) the Council's Annual Review of 2016, circulated as IP/C/76; and (ii) the Secretariat's 2016 Report on Technical Cooperation Activities, circulated as IP/C/W/618. Annex II of that report summarized key issues that delegations might wish to consider supporting the practical use of the System. He invited delegations to exchange views about the functioning of the System.

26. The representatives of India; Brazil; South Africa; Canada; the United States of America; Japan; and Zimbabwe took the floor.

27. The Chair noted that a draft report had been prepared by the Secretariat. It was modelled on previous years' reports and had been circulated as JOB/IP/34. It contained factual information on the implementation and use of the System. It also included a list of Members who were yet to accept the Protocol Amending the TRIPS Agreement. As with previous reports, an extract from the Council's minutes on this agenda item would be attached to the report in Annex 1.

28. The Council also had to decide whether to extend the period for acceptance of the Protocol, which currently ran until the end of 2019. Since 36 Members had yet to accept the Protocol, he suggested that the Council once again extend the period for acceptance for another two years, until 31 December 2021. A draft decision for the General Council had been included in Annex 2 of the Draft Report. He invited delegations to comment on the draft report and, to clearly indicate whether they agreed to the 2-year extension of the period of acceptance.

29. The representatives of Barbados and India took the floor.

30. The Chair proposed that the Council agree to: (i) adopt the draft report, on the understanding that the record of today's discussion would be attached to it as Annex 1; and (ii) to submit, for the General Council's adoption, a decision to extend until 31 December 2021 the period for the acceptance by Members of the Protocol Amending the TRIPS Agreement.

31. The Council took note of the statements made and so agreed.

7 NON-VIOLATION AND SITUATION COMPLAINTS

32. The Chair recalled that, at the 11th Ministerial Conference, in December 2017, 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 the next Ministerial Conference. It was also agreed that, in the meantime, Members would not initiate such complaints under the TRIPS Agreement. At the General Council meeting of 26 July 2018, the Chair had also noted that the 2019 deadlines for the two moratoria on Electronic Commerce and on TRIPS non-violation and situation complaints would be maintained, notwithstanding the decision to hold the 12th Ministerial Conference in June 2020.

33. At the TRIPS Council's meetings held since MC11, there had been some encouraging signs. A number of delegations had indicated their readiness to engage in a constructive discussion on scope and modalities in case non-violation and situation complaints were to apply to TRIPS. Also, at the Council's meeting in June 2019, some delegations had given examples of what such modalities could look like. Since that meeting, the Chair had consulted with delegations in various formats, including at an informal meeting the previous Monday, to see whether there was any appetite to discuss a possible recommendation; however, there had been no signs of engagement at this time.

34. The issue had also been discussed at the General Council meeting, on 16 October. At the request of Chile, Colombia, New Zealand and Panama, the General Council had considered a recommendation to extend the moratorium until the 12th Ministerial Conference in Nur-Sultan, in order "to continue discussing this issue among the WTO Members within the TRIPS Council". The co-sponsors had suggested that the General Council should take such a decision at its December 2019 meeting. The Chair of the General Council had encouraged Members to engage in substantive discussions in the TRIPS Council.

35. The Chair said that since the October meeting was the last regular TRIPS Council meeting of 2019, it would be the right moment for the Council to make a recommendation on how the Ministerial Conference should decide on TRIPS non-violation complaints. He encouraged delegations to engage in a constructive examination of scope and modalities for such complaints. A constructive discussion would help to move beyond the binary question of whether or not non-violation and situation complaints should apply to TRIPS at all. He opened the floor for any concrete suggestions regarding the possible way forward, particularly, proposals on what a permanent solution to this issue could look like, and what recommendation the Council should make.

36. The representatives of Chile; Bangladesh; Colombia; Thailand; Mexico; Nigeria; Panama; Indonesia; Ecuador; New Zealand; India; the Russian Federation; Canada; Brazil; Singapore; Guatemala; Norway; Argentina; the European Union; Hong Kong, China; Chinese Taipei; Plurinational State of Bolivia; Switzerland; China; South Africa; and the United States of America took the floor.

37. The Chair noted that the Council was not yet ready to agree on a recommendation. He suggested that the agenda remain open, while he continued to consult Members. Once there was an indication that Members were in a position to reach consensus, he would reconvene the Council at short notice, so that a recommendation could be made to the General Council, and through it to the Ministerial Conference, in a timely manner.

38. The Council so agreed.

39. The Chair said that the last General Council meeting of 2019 was scheduled for 9-11 December. Therefore, any recommendation, which could be included in the TRIPS Council's Annual Report or its addendum, would need to be submitted to the General Council in time for that meeting. He asked delegations to bear that in mind.

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

40. The Chair recalled that Article 71.1 required the TRIPS Council to conduct a review once every two years. However, as the Council had not completed its initial review in 1999, no subsequent

review had been initiated since then. Periodic reviews could represent a useful opportunity for Members to share information and experiences in implementing the TRIPS Agreement.

41. 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

42. The Chair said that Article 24.2 of the TRIPS Agreement required the Council to keep under review the application of the TRIPS provisions on geographical indications (GIs). The principal tool used for the review was the Checklist of Questions (IP/C/13 and Add.1). Of the 164 WTO Members, fewer than 50 had responded to the Checklist. Many of the earlier responses were also likely to be outdated, because they were submitted well over 10 years ago. This did not reflect that GI protection was an active area of legal and policy development in some countries, as well as in several FTAs.

43. He encouraged delegations to respond to the Checklist, or to update their initial responses, so that important developments are duly reflected in their contributions. The e-TRIPS Submissions System was an easy and convenient tool to prepare and submit these responses and updates. Also, in line with the Council's recommendation made in March 2010, he invited Members to share information on bilateral agreements related to the protection of GIs they are party to.

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

10 SEVENTEENTH ANNUAL REVIEW UNDER PARAGRAPH 2 OF THE DECISION ON THE IMPLEMENTATION OF ARTICLE 66.2 OF THE TRIPS AGREEMENT

45. The Chair recalled that, as provided by a TRIPS Council Decision on the Implementation of Article 66.2 of February 2003, developed country Members were to submit annual reports on actions taken or planned in pursuance of their commitments under Article 66.2. They were to provide new detailed reports every third year and updates in the intervening years.

46. In June 2019, the Council had requested developed country Members to submit the first set of updates to the sixth set of reports in time for the October meeting, and the Secretariat had since circulated a reminder. The Council had received updated reports from the United States, Switzerland, Australia, Japan, Canada and Norway. The documents were being circulated (IP/C/W/656 and addenda). In addition, the Council had received an Advance Working Copy of the report from the European Union and some of its member States. It had been made available as a room document (RD/IP/34) on documents online; and, would also be circulated as an addendum to document IP/C/W/656, once finalised.

47. Paragraph 2 of the Council's Decision on the Implementation of Article 66.2 explained that the annual review should provide Members with an opportunity to pose questions in relation to the information submitted and request additional information; discuss the effectiveness of the incentives provided in promoting and encouraging technology transfer to least developed country Members in order to enable them to create a sound and viable technological base; and to consider any points relating to the operation of the reporting procedure established by the Decision.

48. Some of the information by developed country Members has been received only very recently, and most of it was, so far, available only in its original language. Therefore, Members would have an opportunity to make further comments at the next meeting of the Council. This would give Members a chance to study the information recently circulated and any additional information subsequently received.

49. For the same reasons it had been decided to once again hold the Article 66.2 Workshop in February 2020, back-to-back with the TRIPS Council’s next meeting. The dates of the workshop would be 4-6 February 2020. This would give LDC delegations sufficient time to absorb the information provided by developed-country delegations in their reports and also to ensure that these reports were available in the official languages of the WTO. The Workshop would comprise two days of sessions on 4-5 February 2020, and a reporting and review segment within the formal meeting of the TRIPS Council on 6 February 2020. The Chair invited delegations from developed-country Members to introduce their reports.

50. The representatives of Canada; the United States of America; the European Union; Japan; Australia; Switzerland; Norway; and Bangladesh took the floor.

51. The Chair suggested that Members be given an opportunity to continue considering the information provided at the next meeting.

52. 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

53. The Chair recalled that the Council had agreed, at its meeting in June 2019, to hold the annual review of technical cooperation at the present meeting. Developed-country Members had been requested to update information on their technical and financial cooperation activities relevant to the implementation of the TRIPS Agreement. Other Members, who had also provided technical cooperation, were encouraged to share information on these activities. The Secretariat had issued an airgram on 21 June 2019 reminding developed-country Members of this request. Intergovernmental organizations, observers to the Council, and the WTO Secretariat had also been invited to provide information.

54. The Council had received information from the following developed-country Members: Switzerland, Japan, the United States of America, Norway, Australia, and Canada. Their reports were being circulated in document IP/C/W/655 and addenda. The Council had also received an Advance Working Copy of the report from the European Union and some of its member States. It had been made available as a room document RD/IP/35, on documents online, and would also be circulated as an addendum to document IP/C/W/655 once finalized. The following intergovernmental organizations had also submitted updated information: the GCC, WHO, WCO, UNCTAD, ARIPO and WIPO. Their reports had been being circulated in document IP/C/W/654 and addenda. Updated information on the WTO Secretariat's own technical cooperation activities in the TRIPS area was available in document IP/C/W/658. He invited developed-country Members to introduce their reports on technical cooperation activities.

55. The representatives of Canada; Japan; the European Union; the United States of America; Norway; Australia; Benin, on behalf of West African Economic and Monetary Union (WAEMU); and Bangladesh took the floor.

56. The Chair invited the WTO Secretariat to inform the Council of its recent technical cooperation activities.

57. The representative of the WTO Secretariat took the floor.

58. The Chair invited the representatives of intergovernmental organizations to introduce their reports.

59. The representatives of the Secretariats of the WHO, GCC, WIPO, ARIPO, UNCTAD, and the WCO took the floor.

60. The Chair noted that most of the valuable information provided by Members and IGO observers had been received only very recently; and, that most of it was, so far, available only in its original language. He suggested that Members have an opportunity, at the next meeting of the Council, to make further comments on the information submitted for the meeting.

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

12 AN INCLUSIVE APPROACH TO TRANSPARENCY AND NOTIFICATION REQUIREMENTS

62. The Chair indicated that this item had been put on the agenda at the request of the African Group, Cuba, India and Oman. These delegations had also submitted a communication on this topic, which had been circulated in document JOB/IP/33/Rev.2, in order to allow Members to prepare for the discussion. He invited the co-sponsors to introduce their communication.

63. The representatives of South Africa, India, the European Union; China; Brazil; and Japan took the floor.

64. The Council took note of the statements made.

13 INTELLECTUAL PROPERTY AND INNOVATION: PUBLIC-PRIVATE COLLABORATIONS IN INNOVATION – IP COMMERCIALIZATION

65. The Chair said that the item had been put on the agenda at the request of Australia; Canada; Chile; the European Union; Hong Kong, China; Japan; Singapore; Switzerland; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; and the United States of America. Since the circulation of the revised draft agenda, this item had also been co-sponsored by Korea. These delegations had also submitted a communication on this topic, circulated in document IP/C/W/657 and Add.1, in order to allow Members to prepare for the present discussion. He invited the co-sponsors to introduce the item.

66. The representatives of Switzerland; the United States of America; Chinese Taipei; the European Union; Japan; Australia; Hong Kong, China; Singapore; Canada; Korea; China; Brazil; Costa Rica; Norway; South Africa; and Ukraine took the floor.

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

14 INTELLECTUAL PROPERTY AND THE PUBLIC INTEREST: R&D COSTS AND PRICING OF MEDICINES AND HEALTH TECHNOLOGIES

68. The Chair noted that the item had been put on the agenda at the request of South Africa. A communication on this topic had been circulated in document IP/C/W/659. It included questions to guide the discussion. He invited South Africa to introduce the item.

69. The representatives of South Africa; India; the European Union; China; Chinese Taipei; Brazil; Switzerland; Japan; the United States of America; and the WHO took the floor.

70. The Council took note of the statements made.

15 INFORMATION ON RELEVANT DEVELOPMENTS ELSEWHERE IN THE WTO

15.1 Dispute Settlement

71. The Chair said that Korea had requested consultations with Japan regarding *Measures related to the exportation of Products and Technology to Korea*. The request had been circulated on 16 September 2019 in document IP/D/42.[1]

15.2 IPR-Related Issues in Trade Policy Reviews and the Director-General's Monitoring Reports

72. The Chair invited the Secretariat to report on IP-related issues that had been considered in the context of individual Members' trade policy reviews.

73. The representative of the Secretariat took the floor.

74. The Council took note of the information provided.

16 OBSERVER STATUS FOR INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

75. The Chair said that there were still 14 pending requests for observer status in the TRIPS Council by intergovernmental organizations. The updated list was available in document IP/C/W/52/Rev.14. 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] He encouraged Members to try

[1] Also circulated with document symbol WT/DS590/1.
[2] Available at https://www.wto.org/english/tratop_e/trips_e/xtrips_e/igo_observer_e.htm.

to resolve the differences among themselves. He stood ready to assist. He invited Members and Observers to share any views or developments.

76. The representatives of Bangladesh; the Bolivarian Republic of Venezuela; South Africa; the United States of America; and China took the floor.

77. 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, the invitation had been renewed at each meeting. He suggested that EFTA again be invited to attend the Council's next formal meeting on an *ad hoc* basis.

78. The Council took note of the statements made and agreed to invite EFTA to attend the next meeting on an *ad hoc* basis

17 ANNUAL REPORT

79. The Chair noted that the draft Annual Report of the Council had been circulated in document JOB/IP/35. It still needed to be updated in order to reflect the discussions at the present meeting. He invited delegations to share their comments on the draft report.

80. He suggested that the Council agree that the Secretariat be requested to update the draft to reflect the discussions at the present meeting. The revised draft would be faxed to Members. Delegations would have one week to comment on the updated parts of the draft report.

81. The Council so agreed.

18 OTHER BUSINESS

18.1 Dates for TRIPS Council Meetings in 2020

82. The Chair said that, considering that the 12th Ministerial Conference was scheduled to take place in Nur-Sultan in early June 2020, the Council meetings would be earlier than usual in order to be able to conclude in time for the Ministerial. The Secretariat had therefore reserved meeting rooms for the following dates in 2020:

a. Thursday and Friday, 6-7 February;

b. Thursday and Friday, 14-15 May; and

c. Tuesday and Wednesday, 13-14 October.

83. He enquired whether those dates were acceptable.

84. The Council so agreed.

18.2 Work Programme on Electronic Commerce

85. The Chair recalled that, at MC 11, Ministers had agreed that the Work Programme on Electronic Commerce should continue, based on the existing mandate from 1998. They had instructed the General Council to periodically review the work on the basis of reports to be submitted by the relevant WTO bodies. The Chair of the General Council would report to the next General Council meeting in December. In the TRIPS Council, there had been no discussion on e-commerce since its meeting in June 2018. In the informal consultations in May, September and October 2019, no delegation had indicated any intention to propose e-commerce discussions in the TRIPS Council.

86. The Chair recalled the mandate under the Ministerial Decision on E-commerce and invited delegations to share any thoughts on how to pursue this mandate.

87. The representatives of Norway and South Africa took the floor.

88. The Chair said that in any update on the TRIPS Council's work on e-commerce, he would report the state of play to the General Council during its review of the Work Programme.

89. The Chair said that, since the beginning of the meeting, Mexico had requested to make a statement under Other Business on an issue that it would like to put on the agenda at the next meeting of the Council. If that was agreeable to the Council, he would offer the floor to Mexico, so that delegations could better prepare for the discussion.

90. The representative of Mexico took the floor.

91. The Chair suggested that, if Mexico was planning to add that issue to the agenda of the next TRIPS Council meeting, it should contact the Secretariat, in writing, within the applicable deadline.

92. The Chair recalled that the Council had completed discussions under all agenda items, except one. As agreed, he suspended the meeting, with the agenda item 7 on Non-violation and Situation Complaints remaining open. He would be in touch with delegations to see when it might be appropriate to reconvene the meeting in order to agree on a recommendation to the Ministerial Conference. He encouraged all delegations to use the time to engage in constructive discussions on some of the longstanding issues on the Council's agenda. He remained available for any informal consultations that delegations might find useful in the meantime.