

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

MINUTES OF MEETING

HELD IN THE CENTRE WILLIAM RAPPARD ON 10-11 MARCH 2021

Chair: H.E. Ambassador Xolelwa Mlumbi-Peter

The present document contains the record of the meeting of the Council for TRIPS held on 10 and 11 March 2020. 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 October 2020.

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

- a. The Republic of Korea had notified a revised Copyright Act, a revised enforcement decree of the Copyright Act, and an amended Administrative Procedures Act;
- b. Albania had notified amendments to the Copyright and related rights Act resulting from the Stabilization and Association Agreement (SAA) and other strategic partnership documents with the European Union; as well as a decision on fees for services by the Copyright Directorate;
- c. Sweden had notified amendments and consolidated versions of the Copyright Act, the Patents Act, the Design Protection Act, the Act protecting Typographies for Semiconductor Products, the Plant Breeder's Rights Act and the Trademarks Act, enacting new levels of penalties for intentional serious infringements, and introducing new crime classifications;
- d. Croatia had notified a revised Patent Act amending the grant procedure and introducing a new concept of utility model; a revised Trademarks Act, introducing changes to the graphical representation of marks, clarifying the relationship between trademarks and geographical indications, as well as collective and guarantee marks, and assuring appropriate legal protection in relation to counterfeit goods in transit through the territory European Union;
- e. Italy had notified a legal framework concerning the prohibition of ambush marketing and misleading advertising on the occasion of sport events or trade fairs of national or international relevance;
- f. Ukraine had notified a law introducing a two-tier system of state management of intellectual property, establishing the National Intellectual Property Authority (NIPA) under the Ministry for Development of Economy, Trade and Agriculture;
- g. Japan had notified an amended Patent Act that upgraded the litigation system and entailed consequential amendments to the Design Act and the Trademark Act; and a revised Copyright Act that aimed at improving protection against *inter alia* pirated copies on the internet; and
- h. The United Kingdom had notified over 100 pieces of legislation which included its "EU exit" legislation in a number of intellectual property areas, as well as primary and secondary intellectual property laws from different areas since the 1990s.

3. Furthermore, the United Kingdom had also notified its contact points for IP enforcement under Article 69 and for technical cooperation under Article 67. Macao, China had also updated its contact point under Article 67. The Plurinational State of Bolivia had made a notification under Article 31*bis* and paragraph 1(b) of the Annex to the TRIPS Agreement, indicating its intention to use the special compulsory licensing mechanism, also known as the "paragraph 6 system", as an importing Member.

4. He added that the "Annual Report on Notifications and Other Information Flows"(IP/C/W/676), which was also listed under agenda item 1, reflected the submission rates and trends in Members' notifications since 1996. He suggested that the Secretariat be given the floor to provide a more detailed introduction.

5. The representatives of the United Kingdom; Republic of Korea; Ukraine; and Japan took the floor.

6. The Chair thanked Members for the information provided on their respective notifications. She invited the Secretariat to present the "Annual Report on Notifications and other Information Flows".

7. A representative of the Secretariat took the floor.

8. The Chair recalled that, notifications to the Council were not keeping up with the actual development of laws and regulations relating to TRIPS. Article 63.2 was not a one-off requirement, as it obliges Members to notify any new or amended laws so that the Council can exercise its monitoring function. The "Annual Report on Notifications and Other Information Flows" provided a Member-by-Member overview of their most recent notifications. It illustrated that a number of Members had not notified any of their legislative changes for sometimes over ten years.

9. She urged Members to update their notifications by submitting any new or revised laws or regulations to the Council, as well as completing their initial notifications in case any material was still outstanding. This applied also to the Checklist of Issues on Enforcement which had been established by the Council as an element of Members' ongoing notification obligations. All of these notifications could be made through the e-TRIPS Submission System. The Secretariat was available to answer any question in that regard.

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 had been preparing for the review of the national implementing legislation of Samoa. As noted at the last meeting, Samoa was in the process of reviewing its laws, following its recent accession to a number of WIPO treaties.¹ In light of the substantial revisions that were to be expected as a consequence, the Council had agreed to wait for the notification of the revised domestic laws of Samoa, before commencing the review.

12. She proposed that the Secretariat remain in contact with Samoa on the progress of its new legislation and that the Council revert to the review at its next meeting.

13. She noted that there were currently no reviews pending under this item. Members should feel free to revert to any matter stemming from previous reviews, or to seek further information on implementation of the Agreement in future. Any ideas how to make best use of this agenda item would be most welcome.

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

3 IP MEASURES IN THE CONTEXT OF COVID-19

15. The Chair recalled that this agenda item had been discussed in the Council since its informal open-ended meeting on 19 June 2020 and had been on the Council's agenda at its formal meetings since then. In light of broad support for a continuation of these exchanges at the preceding meetings, the item was on the agenda to facilitate exchange of views on measures undertaken as the pandemic persists.

16. As one basis for the Council's exchange, she referred to the compilation "COVID-19: Measures Regarding Trade-Related Intellectual Property Rights" that was available from the WTO website and 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. This list was updated continuously, even if the rate at which new measures are brought to our attention had slowed considerably since the last meeting. She encouraged Members to inform the Secretariat of any measures that should be included on this list, as well as any update or information on the expiry, or end of application, of such measures. She invited Members to inform the Council on their measures.

17. The representatives of Chile; Canada; the European Union; Ecuador; South Africa; China; the Russian Federation; and Indonesia took the floor.

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

18. The Chair proposed that, in view of the continued interest on this agenda item, the Council agree to revert to the item at its next meeting, so that the exchanges can once again take place, including on the basis of the updated Secretariat document of COVID-19 related IP measures.

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

4 REVIEW OF THE PROVISIONS OF ARTICLE 27.3(B)

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

6 PROTECTION OF TRADITIONAL KNOWLEDGE AND FOLKLORE

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

21. She recalled that one tool for the review under item 3 was the information provided by Members in response to a list of questions on Article 27.3(b). The "Annual Report on Notifications and other Information Flows" that had been introduced, under agenda item one, illustrated that responses to this checklist had been rather sparse recently. She was pleased to announce that, since the October 2020 meeting, the Council had received responses from the delegation of the Kingdom of Saudi Arabia. She encouraged delegations to submit responses to this Checklist or update their previous responses, as well as notify any relevant changes in legislation. She invited the delegation of Saudi Arabia to introduce their responses.

22. The representative of the Kingdom of Saudi Arabia took the floor.

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

- a. 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.

24. Members' positions on these issues were well known and already extensively recorded in the Council's minutes. She encouraged delegations to focus on suggesting solutions, when addressing these procedural questions.

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

26. The Chair suggested that the Council ask that the incoming Chair should hold consultations with a view to resolving the outstanding procedural issues.

27. The Council took note of the statements made and agreed to request the incoming chair to hold consultations to resolve the outstanding procedural issues.

7 NON-VIOLATION AND SITUATION COMPLAINTS

28. The Chair recalled that, on 10 December 2019, the General Council had directed the TRIPS Council to continue its examination of the scope and modalities for non-violation and situation complaints (NVSCs) and to make recommendations to the 12th Ministerial Conference (MC12). It was also agreed that, in the meantime, Members would not initiate such complaints under the

TRIPS Agreement.² The issue had been discussed at each formal meeting of the Council, as well as at informal consultations. She had held the most recent informal consultations with a small group of the most active Members on 10 February 2021.

29. At that meeting, she had reiterated a suggestion she had already made at the Council meeting in July 2020 and had shared her impression that a number of common understandings regarding TRIPS non-violation could in fact be harvested from the past discussions among delegations. While it was clear that delegations disagreed about the merits of applying NVSCs to the TRIPS Agreement, there seemed to be a number of statements about the general nature of the remedy, the conditions for invoking NVSCs, and some elements of the scope of their application that both sides seemed to subscribe to and cite as arguments in their favour. Identifying such areas or elements of agreement regarding the nature of non-violation and situation complaints generally might help enable delegations to focus their engagement on the areas of disagreement. If the TRIPS Council was able to provide such information to MC12, this could enable ministers to determine more detailed modalities or other guidance for discussions, and thus narrow the focus of the Council's work.

30. In the consultations, she had suggested two ways how the Council could go about identifying areas of agreement on non-violation and situation complaints:

- a. Delegations could be invited to identify areas or elements of agreement, which could be collected by the Secretariat, and which could form the starting point of the Council's considerations. The Council could agree on a timeframe for submission of those to the Secretariat; or
- b. The Chair could identify elements of agreement, on the basis of the records of the TRIPS Council meetings, and present a list for the consideration of delegations.

31. From the reactions, her impression was that of most delegations present in the consultations could in principle support such an approach of identifying areas of agreement. Some delegations had indicated support for the second option, namely that a list of areas of agreement could be prepared by the Chair, based on the records of the Council's meetings.

32. Given that MC12 had now been scheduled to take place in the week of 28 November 2021, in Geneva, there were only eight months - and two Council meetings - left before the Council is due to report again on this issue. It was therefore important that discussions begin soon to focus on concrete suggestions for the Council's recommendation for the Ministerial.

33. She invited delegations to consider her suggestion that the Chair be invited to identify elements of agreement regarding TRIPS NVSCs, on the basis of the records of the TRIPS Council meetings and Members' submissions, and to present such a list for the consideration of Members. She emphasized that such an exercise would have no impact on Member's positions on this issue, nor would it presume any particular form of recommendation of the Council to MC12. Such a list of elements of agreement might, however, produce a new basis for discussion and thus allow the Council to illuminate Members' differences in a more concrete and precise manner.

34. As her chairmanship was concluding, she would not wish to presume the intentions of the incoming chair. However, as this was one of the most protracted issues on the Council's agenda, and in light of the limited time available until MC12, she thought it would be beneficial for her successor to be able to start operating straight away by pursuing such a concrete course of action that has already been supported by Members in the Council. She encouraged Members to support her successor in finding ways out of the deadlock that had stalled progress on this item for the last two decades.

35. The representatives of Nigeria; South Africa; Chile; India; Bangladesh; Brazil; Indonesia; the European Union; Ecuador; Cameroon; Switzerland; China; Canada; Australia; and the United States of America took the floor.

² See document WT/L/1080.

36. The Council took note of the statements made and agreed to request the incoming Chair to consult on the way forward and the approach to MC12.

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

37. 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.

38. 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

39. The Chair said that Article 24.2 of the TRIPS Agreement required the Council to keep under review the application of the provisions on geographical indications (GIs). The principal tool used for the review was the Checklist of Questions.³ She recalled that, of the 164 WTO Members, fewer than 50 had responded to the Checklist. Many of the earlier responses were also likely to be outdated. This did not adequately reflect the fact that GI protection had been an active area of legal and policy development at domestic level and in free trade agreements (FTAs). The "Annual Report on Notifications and Other Information Flows" provided a Member-by-Member overview of Members' notifications in this area. She invited delegations to check whether their responses to the GI checklist might merit updating.

40. She encouraged delegations to provide responses to the Checklist or to update earlier responses. The e-TRIPS Submission System provided an easy and convenient online tool to provide responses to the Checklist. In line with the Council's recommendation of March 2010, she also invited Members to share information regarding GI chapters in their bilateral agreements.

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

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

42. The Chair recalled that, at the Council's meeting in October 2000, the Eighteenth Annual Review under Paragraph 2 of the Decision on the Implementation of Article 66.2 of the TRIPS Agreement had been on the agenda. At that meeting, delegations had briefly presented the updated reports submitted by developed country Members under Article 66.2. Since that meeting, the Council had received a further submission of an updated report from the delegation of New Zealand. At that meeting, the Council agreed that it would revert to the item at this meeting to permit continued consideration of the submitted material.

43. In July 2020, the LDC Group had circulated a submission entitled "Proposed New Template for Annual Reporting under Article 66.2 of the Agreement on Trade-related Intellectual Property Rights".⁴

44. In order to give LDCs more time to absorb the information provided by developed countries in their reports, and to ensure that these reports were available in the official languages of the WTO, the Secretariat had organized a Workshop on the Implementation of the Article 66.2 of the TRIPS Agreement. Due to the sanitary situation, the Workshop had been held in virtual format on 2, 4 and 5 March 2021. Some of the capital-based delegates who participated in the Workshop would take part in the discussions under this agenda item. She invited the Secretariat to report on the Workshop.

45. A representative of the Secretariat took the floor.

³ Documents IP/C/13 and IP/C/13/Add.1.

⁴ Document IP/C/W/664.

46. The representatives of the United States of America; Australia, the United Kingdom; Switzerland; Canada; Japan; the European Union; Norway; China; Bangladesh, on behalf of the LDC Group; and Mozambique took the floor.

47. The Council took note of the statements made.

11 TECHNICAL COOPERATION AND CAPACITY BUILDING

48. The Chair recalled that, at its meeting in October 2020, the Council had conducted its annual review of technical cooperation, on the basis of reports submitted by developed country Members, and a number of Observer International Organizations. Since some information had been made available shortly before the meeting, it had been agreed that Members would have a further opportunity to make comments at this present meeting. She invited the Secretariat to provide a brief update on the TRIPS gateway page on the WTO website.

49. The representative of the Secretariat took the floor.

50. The representatives of Chile and Bangladesh took the floor.

51. The Council took note of the statements made.

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

52. The Chair recalled that the "Proposal for A Waiver from Certain Provisions of The TRIPS Agreement for the Prevention, Containment and Treatment of Covid-19" had been circulated by India and South Africa on 2 October 2020.⁵ It had since been co-sponsored by the delegations of Kenya, Eswatini, Mozambique, Pakistan, the Plurinational State of Bolivia, the Bolivarian Republic of Venezuela, Mongolia, Zimbabwe, Egypt and, most recently, by the African Group and the LDC Group.

53. At its previous meeting in February 2021, the Council had agreed to once again provide a "Status Report on the consideration by the TRIPS Council of the waiver proposal" to the General Council meeting of 1-2 March 2021. That Status Report had provided a factual overview of the waiver discussions in the Council and highlighted Members' common goal of providing timely and secure access to high-quality, safe, efficacious and affordable vaccines and medicines for all. It had reported that Members had exchanged views, asked questions, sought clarifications and provided replies, clarifications, and information, including through new documents, but had not been able to reach consensus, including on whether it was appropriate to move to text-based negotiations. Delegations had indicated a need for further discussions on the waiver request and views exchanged by delegations. The report had concluded that "[t]he TRIPS Council will therefore continue its consideration of the waiver request and report back to the General Council as stipulated in Article IX:3 of the Marrakesh Agreement."

54. The co-sponsors had signalled their openness to discuss the scope and duration of the waiver, as well as other questions delegations might have, in the context of text-based negotiations. Other delegations had emphasised a need for more discussions and were not ready to move towards text-based discussions. Members had also recognized the challenge arising from limited manufacturing capacity of vaccines and the inability of existing manufacturers to meet global demand. Members needed to engage in a candid and good-faith and evidence-based discussion on what was required to scale up global production in these unprecedented times of a public health crisis. She encouraged Members to engage in a result-oriented process that would contribute to an effective solution to boosting productive capacity for products that were essential to deal with COVID-19 across the world. Swift action was required urgently to help scale up COVID-19 vaccine production and distribution. The Council needed to shift gears and move towards a solution-oriented discussion. The world was in desperate need for solutions. She urged delegations to work together and engage with this purpose in mind.

⁵ Document IP/C/W/669

55. At the General Council meeting of 1 March 2021, the Director-General had said we need to do things differently. She had said "it cannot be business as usual. We have to change our approach from debate and rounds of questions to delivering results". She noted that she was not sensationalizing when she reminded delegations that it was a literally a life and death issue. People were dying at that very moment. She urged delegations to demonstrate their commitment to the overarching goals of universal and equitable access to COVID-19 medical products, not only in words, but through action. She wanted to remind Members of the heightened public interest and concern in this regard, that the world was watching, and that the Council should not fail.

56. There were a number of declarations and letters from civil society regarding the WTO's role in the COVID-19 pandemic, which had been made available on the WTO COVID-19 website under the section "Business/Society response".⁶ The previous day, she had received a letter from 'Global Nurses United', which would also be made available on that COVID-19 webpage.

57. She encouraged delegations to also address two issues in their interventions:

- a. First, the practical question on how the Council should organize the consideration of this matter going forward. The next regular meeting of the TRIPS Council was scheduled for 8-9 June 2021. She encouraged delegations to share their views on how to consider the matter in the meantime, so that the Secretariat and the Chair can make any appropriate arrangements so that the Council can move swiftly to a balanced outcome and a landing zone on this urgent matter. The Secretariat had identified dates for possible additional meetings, which the incoming chair could use, depending on delegations' views; and
- b. Secondly, whether and how to capture a number of shared understandings with respect to TRIPS flexibilities that had been highlighted. While Members were still discussing the waiver request, Members might wish to capture and communicate such shared understandings on the role of IP in the context of a pandemic, which could provide valuable elements for the broader understanding of the TRIPS Agreement; and might also provide positive guidance to prepare for future pandemics.

58. The representatives of India; Maldives; Zimbabwe; Qatar; Pakistan; Egypt; Nepal; Bangladesh; Vanuatu; Cuba; South Africa; Brazil; Ukraine; China; Nigeria; Mozambique; Jamaica; Tanzania, on behalf of the African Group; Chile; El Salvador; Cameroon, on behalf of the ACP Group; Colombia; New Zealand; Mongolia; Namibia; Canada; the United Kingdom; Switzerland; Japan; the European Union; Chinese Taipei; Indonesia; Singapore; Australia; the United States of America; and the World Health Organization took the floor.

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

13 EXTENSION OF THE TRANSITION PERIOD UNDER ARTICLE 66.1 OF THE TRIPS AGREEMENT FOR LEAST DEVELOPED COUNTRY MEMBERS

60. The Chair recalled that the transition period for least-developed country Members had been extended twice; most recently, by the TRIPS Council decision of 11 June 2013⁷, and was currently set to expire on 1 July 2021, which was in less than four months' time. Regarding extensions of this period, the second sentence of Article 66.1 of the TRIPS Agreement provided that "The Council for TRIPS shall, upon duly motivated request by a least developed country Member, accord extensions of this period."

61. The LDC Group had circulated its request for an extension on 1 October 2020.⁸ Since then, she had held small-group consultations on this issue on 22 December 2020 and on 10 February 2021. From these consultations, her impression was that delegations were in principle favourable to extending the transition period for LDCs. As regards the specific modalities of such extension, some delegations expressed full support for the extension as requested, some expressed a preference for

⁶ https://www.wto.org/english/tratop_e/covid19_e/covid19_business_e.htm

⁷ Document IP/C/64.

⁸ Document IP/C/W/668.

extending the period for a limited number of years, and others had additional questions on how the request for a transition period for graduated LDCs related to Article 66.1.

62. She reminded delegations of the limited time remaining before the current transition period expired and urged them to focus their interventions on any specific outstanding questions they might have, and to consider making concrete suggestions on possible outcomes, with a view to adopting a decision on extension at the next TRIPS Council meeting in June 2021.

63. The representatives of Chad, on behalf of the LDC Group; Bangladesh, on behalf of the LDC Group; the United Kingdom; South Africa; Chile; Tanzania, on behalf of the African Group; Turkey; China; India; Australia; Switzerland; the United States of America; Egypt; the European Union; Chinese Taipei; Tunisia; Japan; Indonesia; Nepal; and the Holy See took the floor.

64. The Chair proposed that the Council request the incoming Chair to hold consultations on this matter, with a view to working towards a concrete outcome for the June meeting.

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

14 INTELLECTUAL PROPERTY AND INNOVATION: MAKING MSMEs COMPETITIVE IN GREEN TECH

66. The Chair said that this item had been put on the agenda at the request of Australia; Canada, Chile; the European Union; Japan; Singapore; Switzerland; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; the United Kingdom, and the United States. A communication with the same title had been circulated.⁹

67. The representatives of Switzerland; the United States of America; Australia; Singapore; the United Kingdom; Japan; the European Union; Chad, on behalf of the LDC Group; Canada; India; Norway; Brazil; Ecuador; and China took the floor.

68. The Council took note of the statements made.

15 INFORMATION ON RELEVANT DEVELOPMENTS ELSEWHERE IN THE WTO

69. The Chair said that the delegation of The Gambia had deposited its instrument of acceptance on 20 October 2020. Also, on 1 January 2021, the United Kingdom had confirmed its continued acceptance of the protocol amending the TRIPS Agreement. Chad had completed its domestic acceptance procedures. Upon deposit of the original instrument, Chad would be added to the list of Members having accepted the amendment. This meant that, to date, 132 Members had accepted the TRIPS amendment. Under the General Council Decision of 10 December 2019,¹⁰ the period for acceptance of the Protocol had been extended until 31 December 2021. She encouraged the remaining 32 Members who are yet to accept the Amendment to do so expeditiously.

70. She 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.

71. The representative of the Secretariat took the floor.

72. The Council took note of the information provided.

⁹ Document IP/C/W/675.

¹⁰ Document WT/L/1081.

16 OBSERVER STATUS FOR INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

73. The Chair said that the updated list of pending requests for observer status in the TRIPS Council by intergovernmental organizations¹¹ was available and that the information provided by the relevant intergovernmental organizations was posted on the Members' website.¹²

74. 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. She suggested that EFTA be invited to attend the next formal meeting on an *ad hoc* basis.

75. The Council agreed to invite EFTA to attend the next meeting on an *ad hoc* basis.

17 OTHER BUSINESS

76. No statements were made under this agenda item.

18 ELECTION OF THE CHAIRPERSON

77. The Chair said that the Council's rules of procedure provided that "[t]he election shall take place at the first meeting of the year and shall take effect at the end of the meeting", and that "[t]he Chairperson [...] shall hold office until the end of the first meeting of the following year".¹³

78. At its meeting on 4 March 2021, the General Council had noted consensus on the Chairpersons for regular and negotiating WTO bodies. On the basis of the understanding reached by the General Council, she proposed that the Council for TRIPS elect H.E. Mr. Dagfinn SØRLI, Ambassador of Norway, as its Chairperson for the coming year.

79. The Council so agreed.

80. The Chair thanked delegations for their trust and cooperation during her term as TRIPS Chairperson. She hoped that Members would also support the efforts of her successor, in addressing the three urgent items on the Council's agenda: (i) the conclusion of discussions on the extension of the LDC transition period; (ii) the continuing discussions on the TRIPS waiver request; and (iii) the preparation of any recommendations on TRIPS non-violation for MC12. She wished delegations and the incoming Chair much success in this endeavour.

¹¹ Document IP/C/W/52/Rev.14

¹² https://www.wto.org/english/tratop_e/trips_e/xtrips_e/igo_observer_e.htm

¹³ Rule 12 of the Rules of Procedure for Meetings of the Council for TRIPS in IP/C/1.