



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

**MULTILATERAL SYSTEM OF NOTIFICATION AND REGISTRATION OF GEOGRAPHICAL
INDICATIONS FOR WINES AND SPIRITS**

REPORT BY THE CHAIRMAN, AMBASSADOR DACIO CASTILLO (HONDURAS)

1. This report on the negotiations on the establishment of a multilateral system of notification and registration of geographical indications (GIs) for wines and spirits ("GI Register") in the Special Session of the Council for TRIPS is submitted on my own responsibility and is without prejudice to the positions of delegations and to the outcome of the negotiations.
2. Since my last written report circulated on 3 December 2015 as document TN/IP/23, there has been limited activity in the context of the TRIPS Special Session. In this period, I have detected no substantial developments in Members' approaches to the substance or the process of the GI Register negotiations.
3. In the course of the past year, I have held a number of informal conversations with individual delegations. On 8 June, I held informal group consultations with the most active Members of the Joint Proposal Group and the supporters of TN/C/W/52. I reported on these consultations to the wider membership in an informal open-ended meeting of the TRIPS Special Session on 11 July 2016. After further informal contacts I held another informal group consultation with the same group of delegations on 5 December 2016.
4. In those meetings and consultations, I reminded delegations that the time since the Nairobi Ministerial was passing quickly, reiterating the Director-General's call to "move from reflection to action" and to turn their minds "towards identifying concrete outcomes for the 11th Ministerial Conference." Against that background, I asked delegations how they saw the GI Register in the context of the overall landscape of WTO negotiations, what procedural approach would be most useful to advance the work of the TRIPS Special Session, and whether any initiative by the Chair or the Secretariat might be considered useful to progress the issue.
5. In response to these questions, delegations have largely reiterated known, well established positions. The delegations speaking in support of TN/C/W/52 recalled Members' commitment in the Nairobi Ministerial Declaration to advance work on TRIPS, and confirmed the continued relevance of their W/52 alliance. They reiterated the importance they attach to the three TRIPS issues (the GI Register, and the implementation issues of GI extension and TRIPS/CBD). Some argued that these should be discussed together and in parallel in the TRIPS Special Session, which had an important role to play in negotiations. Many of these delegations indicated their interest in exchanging experiences and practices in national and international legislation on this issue in meetings of the TRIPS Special Session, and to hold workshops and seminars in this regard in 2017. While the current context is still seen as unfavourable to negotiations in this area, a number of these delegations indicated that they were considering new approaches and proposals for early 2017 in discussions among themselves, with a view to preparing for the resumption of negotiations in the TRIPS Special Session when this would be realistic and appropriate.
6. The delegations supporting the Joint Proposal reiterated their proposal for a voluntary GI Register and emphasized that the TRIPS Special Session must respect the mandate that is limited to a register for wine and spirit GIs. Some argued that due to the divergence of views on the extent of the mandate there was little likelihood for a realistic outcome in this area, and they were

therefore not in favour of intensifying work in the TRIPS Special Session, or using this forum for exchanges of national experiences in this regard. Others also recalled they did not see it as their role to make proposals or engage, in the absence of any initiative from the other side. A number of delegations in this group nevertheless declared themselves open to considering new ideas and proposals as long as they could be confident that these would respect the mandate of the TRIPS Special Session.

7. In light of the above, it is my assessment that the situation has not evolved much since my report in December 2015. The traditional differences on the substance and the scope of the negotiations continue to dominate the habitual exchanges between the two groups, and delegations on both sides remain hesitant to engage in substantive work in the TRIPS Special Session in the context of the current overall negotiating landscape. I do, however, detect increasing indications by delegations with an active interest in these negotiations that they are considering to propose concrete new approaches and ideas to overcome the deadlock of positions. I note that most delegations have declared themselves open to consider such new proposals and ideas that can appropriately be pursued in the TRIPS Special Session.

8. While the way forward is far from clear, I nevertheless remain hopeful that a renewal of discussions in the New Year may begin to rebuild trust in the TRIPS Special Session and, on that basis, may permit delegations to make a realistic assessment of the prospects for a meaningful outcome in the GI Register negotiations ahead of MC11.

9. Mindful of the approaching Ministerial Conference in December 2017 and the tight schedule for any work to be done next year, I will remain in contact with delegations and make every effort to support initiatives that can advance the work of this negotiating group after the winter break.
