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**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. There has only been limited activity in the context of the TRIPS Special Session since my last written report circulated on 7 December 2016 as document TN/IP/24, and I have not detected any substantial developments in Members' approaches to the substance or the process of the GI Register negotiations in that period.
3. Since the beginning of the year, I have held a number of informal conversations with individual delegations. Following the Director General's call in September 2017 for a "moment of truth", in which Members should decide what can – and what cannot – be achieved at Buenos Aires, the TRIPS Special Session, on 18 October, held its first formal meeting since 2014. The purpose of that formal meeting was to provide an opportunity for delegations to put their views on record ahead of the 11th Ministerial Conference (MC11).
4. At that meeting, as had been foreshadowed in informal group consultations, I encouraged delegations to respond to two questions:
 - a. What role do delegations see for the work of the TRIPS Special Session in the preparations for the Buenos Aires Ministerial Conference; and
 - b. How do delegations see the GI Register negotiations continuing after MC11.
5. In response, delegations largely reiterated known positions and showed little appetite to raise the profile of the GI negotiations at MC11. The supporters of the modalities proposal in TN/C/W/52 emphasized the importance they attached to parallel progress on all three TRIPS issues, including the GI Register negotiations. Some delegations referred to GI-related developments in WIPO and many bilateral agreements as evidence of an "emerging global consensus" on the importance of GIs in and outside the WTO. The LDC Group indicated that it was in internal deliberations on whether to join the W/52 coalition.
6. At the same time, these delegations saw the current negotiating environment as not conducive to substantive engagement, and felt that in the absence of a general negotiating momentum there was no urgency, and thus no need to raise the profile of GI negotiations at the Buenos Aires Ministerial Conference. Beyond MC11, these delegations reiterated their demand for parallel progress on all three TRIPS issues, and some indicated that they would take the necessary initiatives to keep these issues on the table in the WTO.
7. The delegations supporting the Joint Proposal TN/IP/W/10/Rev.4 reiterated their view that the long-standing divergence of views in this area, and the *demandeurs'* disregard for the mandate, made it unlikely that further work could yield results by MC11. Most delegations were nevertheless open to continued work in the Special Session after MC11, as long as it

respected the mandate limited to a register for wine and spirit GIs. One delegation in this group opposed any intensification of work and discounted any likelihood of consensual outcomes in the TRIPS Special Session.

8. In light of the above, it is my assessment that the situation has not evolved since my last report in December 2016. While GIs have been an area of considerable activity in bilateral and regional contexts in recent years, that momentum has not translated into substantive engagement in this negotiating group, which has not engaged in the substance of its mandated work on a GI Register for wine and spirit GIs since several years now.

9. The traditional differences on the substance and the scope of the negotiation mandate for the TRIPS Special Session continue to dominate the occasional exchanges between the two groups. While the supporters of the TN/C/W/52 modalities appear to have rallied to confirm their commitment to keeping the TRIPS issues alive and on the table after MC11, they showed no immediate ambition to raise these topics at Buenos Aires and have made no proposals for ministerial action in this regard. The Joint Proposal Group, while not considering themselves *demandeurs* in this negotiation, have – for the most part – signalled their openness to continue the mandated work of the Special Session after the Ministerial Conference.

10. Against this background, while it is clear that the negotiations in the TRIPS Special Session are not currently a priority for delegations, it seems likely that a number of Members would wish to have the future continuation of this work reflected in any outcome of the 11th Ministerial Conference.
