



**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 as document TN/IP/26 on 20 December 2018, there has been little activity in the TRIPS negotiations on a multilateral register for wine and spirit GIs. While there had been some signs of active reflection on the part of the *demandeurs* in the past, these have not resulted in any concrete initiative or declaration in the TRIPS Special Session. I have also not been able to detect any movement in Members' positions over the course of this year.
3. Since the beginning of the year I have held a number of informal conversations with individual delegations and organised a small group consultation with the most active delegations on 1 May. I also held an informal open-ended meeting on 4 December 2019 to provide an opportunity for Members to share their views in an open-ended meeting. I reported the state of play in the TRIPS Special Session to the informal HODs/TNC meetings on 3 May and 6 December 2019.
4. In all these meetings, I highlighted once again that the lack of activity in the TRIPS Special Session stands in stark contrast with considerable activity on GIs in bilateral and regional trade agreements that create multiple new protection regimes for GIs, and to the active development of domestic systems of GI protection in a number of WTO Members. This general momentum has unfortunately not translated into increased initiative in this negotiating group, which has not engaged in the substance of its mandated work on a GI Register for wine and spirit GIs for several years now.
5. I once again invited delegations to reflect on whether a discussion of the recent developments in bilateral trade agreements and domestic GI protection systems could be relevant or useful to the TRIPS Special Session, and might help reinvigorate its work. Given the pace of these developments, such a discussion might cast new light on some of the negotiating positions, some of which date from around 2008.
6. At these meetings, delegations supporting the modalities proposal contained in TN/C/W/52 reiterated their demands for parallel advances on all three TRIPS issues¹ and confirmed that they viewed the WTO as the right forum to discuss these questions. As they judged the current difficult negotiating context as not conducive to engaging substantively at this time, however, they continued to reflect on these issues and periodically re-assess the situation in this regard.
7. Equally, the delegations supporting the Joint Proposal TN/IP/W/10/Rev.4 reiterated their position that work in the TRIPS Special Session must respect the negotiating mandate that is limited to wine and spirit GIs. Most delegations in this group declared themselves open to considering new concrete proposals within the mandate, but they did not see merit in engaging in this area in the absence of prospects for progress. One delegation emphasised its view that the longstanding divergence of

¹ GI extension, the GI register, and the relationship between the TRIPS and the CBD.

views made convergence unlikely and that it therefore opposed any intensification of work in any of the Doha negotiating groups.

8. In light of the above, I feel compelled to report once again that the situation remains unchanged, and that there is no appetite for substantive engagement in the TRIPS Special Session on either side of the debate. Despite considerable advances in the area of GIs outside the WTO, Members' positions in the TRIPS Special Session have not benefited from substantive engagement with such developments. As in the past years, I did not detect any willingness on the part of delegations to reconsider their traditional positions, or to restart discussions in the TRIPS Special Session at this time.

9. It is my personal view that this state of affairs represents a lost opportunity for useful multilateral work in the area of GIs. I am aware that the increasing number of bilateral agreements on GIs, and the impending entry into force of the Geneva Act of the Lisbon System, are signs of success for the legitimate users of the individual GIs protected under these systems. However, this increasing multiplicity of protection systems also means, that to establish the exact nature and scope of protection of an individual GI in a given jurisdiction is becoming *more* difficult, not less. The relevance and need for accurate information on GI protection are reflected in the increasing number of initiatives for GI registers by business associations that struggle to collect and present this information that is so important for traders and users of GI-protected products. At a time when Members are increasingly considering how to enhance transparency, this strikes me as a compelling area where a combined effort to improve information can deliver concrete benefits for businesses and producers across the Membership.

10. I believe that in this context, a reliable multilateral register for wine and spirit GIs, that reflects the actual details of protection in individual jurisdictions, could effectively complement bilateral and plurilateral GI developments, and make a real contribution to addressing the practical needs of traders in products that are covered by the GIs in such a register.

11. Although recent experience is discouraging, it remains my hope that delegations will eventually return to substantive discussions in the TRIPS Special Session and work towards a useful multilateral contribution in this area. As always, I stand ready to help them once they do.
