



**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 ALFREDO SUESCUM (PANAMA)

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 appointment as Chair of the TRIPS Council in Special Session in July 2020, I held informal consultations with ten interested delegations to canvass their thoughts and suggestions on how the Special Session could proceed in fulfilling its mandate, as set out in the first sentence of paragraph 18 of the Doha Ministerial Declaration (document WT/MIN(01)/DEC/1), which reads as follows: "With a view to completing the work started in the Council for Trade-Related Aspects of Intellectual Property Rights (Council for TRIPS) on the implementation of Article 23.4, we agree to negotiate the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits by the Fifth Session of the Ministerial Conference."
3. These ten delegations were mainly from either the W52 Group or the Joint Proposal Group. In essence, the W52 Group proposed to establish a register system under which once a GI is registered, there would be a rebuttable presumption in all Members that the GI is eligible for protection. On the other hand, the Joint Proposal Group advocated to set up a voluntary database for registered GIs, which would be consulted by Members in their decisions on GI protection.
4. In these consultations, I invited the delegations to share their views on two specific questions: (1) are there any changes in their delegations' positions? If not, what steps would they propose to take in fulfilling the negotiating mandate? (2) how do recent developments in multilateral, bilateral and regional agreements and in domestic GI protection systems bear on the work of the Special Session?
5. In response to the first question, all delegations indicated that their positions remained unchanged. The delegations from the W52 Group continued to emphasise the importance they attached to the GI register and the linkage and parallelism among the issues of GI register, GI extension, and the relationship between TRIPS and the CBD. The Joint Proposal Group reiterated that the Special Session's mandate should be strictly limited to the GI register for wines and spirits. The delegations generally indicated their readiness and willingness to reflect on new approaches to reinvigorate the work of the Special Session and fulfil its mandate. However, most of the delegations made no concrete proposals on next steps. None suggested new approaches.
6. Responding to the second question, the delegations concurred that there were many new developments outside the WTO, including multilateral, bilateral and regional agreements regarding GI protection. There were suggestions that the Special Session schedule meetings to share information and experiences; that the WTO Secretariat conduct a study on the relationship between the TRIPS Agreement and the Geneva Act of the Lisbon System; and that the WIPO Secretariat be invited to brief on the state of play in the WIPO international registration system.

7. However, some delegations remained to be convinced that such information sharing exercises were an appropriate or useful step. Other delegations indicated that developments outside the WTO did not necessarily have a bearing on the work of the Special Session, as the Special Session had its own mandate. Concerns were also raised on whether the Special Session was an appropriate forum for such information sharing, given the nature of the Special Session as a negotiating body.

8. On 22 October 2020, I held an informal open-ended meeting to report the whole membership on those consultations. I also shared with delegations my sense of the current situation that while there was a common desire to fulfil the existing mandate, the positions and creativity of delegations in these negotiations had not changed. No comments were made at the meeting.

9. Regarding next steps, I will hold consultations with individual interested Members in early 2021, and will invite delegations to share their views on the three suggestions: that the Special Session schedule meetings to share information and experiences on the diverse ways in which GIs have been protected through bilateral and/or regional agreements; that the WTO Secretariat conduct a study on the relationship between the TRIPS Agreement and the Geneva Act of the Lisbon System; and that the WIPO Secretariat be invited to brief on the state of play with the WIPO international registration system. In order to resume the substantive work on the GI register, I will also invite delegations to reflect on how, when or where the other side's concerns might be addressed without necessarily conceding nor agreeing to them, and to reflect on new approaches to achieve their objectives.
