



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

MINUTES OF MEETING

HELD IN THE CENTRE WILLIAM RAPPARD
ON 23 MARCH 2012

Chairperson: Ambassador Yonov Frederick Agah (Nigeria)

1 CONFIRMATION OF CHAIRMAN-DESIGNATE AS CHAIRMAN OF THE TRIPS SPECIAL SESSION

1.1. The Chairman recalled that at the General Council Meeting of 24 February 2012, the Chairperson had noted consensus among Members to appoint him as Chair of the Special Session for the Council for TRIPS. He, therefore, proposed that the Special Session formally confirm his appointment as Chairperson.

1.2. The Special Session confirmed the appointment of Ambassador Yonov Frederick Agah of Nigeria as Chairman.

1.3. The Chairman thanked his predecessor Ambassador Darlington Mwape of Zambia for the advancement of the Group's work. He understood that the delegations preferred to adopt a bottom-up approach in the work of the Special Session, which he would continue to encourage and support. He thanked delegations for the confidence they had expressed and said he would endeavour to help delegations make progress in this negotiating group by striving for those results that would enjoy consensus among Members.

2 OTHER BUSINESS

2.1. The Chairman said that he had closely followed the work of his predecessors as Chairs of this negotiating group. The Secretariat had also briefed him on the different negotiating approaches and challenges that the group had witnessed in the past. That said, he recalled that the Ministers at the Eighth Ministerial Conference (MC8) had committed themselves to, *inter alia*, the advancement of negotiations, where progress could be achieved, which included a focus on those elements of the Doha Work Programme that allowed Members to reach provisional or definitive agreements based on consensus earlier than the full conclusion of the single undertaking. Therefore, he intended to hold, over the subsequent weeks, a process of informal consultations with delegations, both individually and in groups, in order to determine how best to operationalize the elements of the outcome of MC8 that related to the work of the Special Session. It was his expectation that he would be able to share the views he would have heard during the consultations with the Special Session in the next meeting.

2.2. The representative of Chile, on behalf of the Joint Proposal Group, congratulated the Chair on his election as Chairperson of the Special Session of the Council of TRIPS. He said that the present negotiation had been on-going for a number of years and recalled that in 2005 a group of developing and developed countries had submitted document TN/IP/W/10, entitled "Proposed Draft TRIPS Council Decision on the Establishment of a Multilateral System of Notification and Registration for Geographical Indications for Wines and Spirits". This joint proposal had been submitted to fulfil the mandate of facilitating the protection of GIs for wines and spirits through the

establishment of a multilateral system that would be voluntary, simple, transparent, would not have legal effects for non-participating members, would respect the different systems of protection of GIs, would respect the principle of territoriality, would preserve the balance of the Uruguay Round and limit itself to the protection of geographical indications for wines and spirits.

2.3. He said that the Joint Proposal Group had shown considerable flexibility not only in its substantive contributions to the negotiation process – details of which were contained in document TN/IP/W/10/Rev.4 – but also in its willingness to meet in different formats. The group had been able to modify its own proposal to include elements that had not explicitly been part of the original text (for example provisions of Special and Differential Treatment) and had worked hard to restructure the joint proposal to fully include the 6 elements for developing the text which had been proposed by the former Chair, Ambassador Mwape. He also noted that during the negotiating process new delegations had sponsored the joint proposal, and other delegations had expressed support for core elements of the proposal, for instance voluntary participation, as was reflected in the Draft Composite Text (document: JOB/IP/3.Rev1).

2.4. While it was clear that the complexities of the Doha Round affected the work of the Special Session in the previous year, he said that the main obstacle to making further progress was the intention of some Members to modify and broaden the scope of the mandate of this negotiation. The mandate was an essential element in the discussion, as the starting point of what the Special Session was to do and the basis of its negotiation. He emphasized that the mandate of Article 23.4 of the TRIPS Agreement and Paragraph 18 of the Doha Ministerial Declaration was clearly limited to the establishment of a system of notification and registration of GIs for wines and spirits. This had also been the understanding of past Chairs of the Special Session, as had been reflected in various official documents including the report of the previous Special Session Chair to the Trade Negotiation Committee.

2.5. With respect to the Chair's proposal to hold consultations he said that the Joint Proposal Group were willing to meet bilaterally with the Chair and would appreciate the opportunity to express their view about the process and to provide information about the merits of their proposal. However, the Joint Proposal Group was not ready at the current stage to engage in substantive negotiations unless those negotiations were carried out in accordance with the mandate that all Members had agreed on, namely to establish a system for facilitating protection for GIs for wines and spirits.

2.6. The representative of the European Union welcomed the Chairman and said his delegation would fully support and collaborate with him to work on a meaningful outcome of this important negotiation which should certainly reflect the content of the mandate: namely the need to facilitate the protection of geographical indications. He noted that the European Union had worked hard together with others in the past to deliver on this promise and that his delegation was available to further elaborate, explain and also negotiate in this area on the basis of its proposals. The European Union looked forward to working with the Chair in the context of bilateral and collective group consultations and fully supported his approach in that regard.

2.7. The Special Session took note of the statements made.
