

TRIP's actual situation of the negotiations

Three topics are being discussed; none of them progressed during the past year except for some technical understandings.

- Concerning the relationship between the TRIPS agreement and the CBD (Convention on Biological Diversity), which consist in the inclusion of a mandatory requirement for the disclosure of the country providing/source of genetic resources, and/or associated traditional knowledge for which a definition will be agreed, in patent applications, and a requirement of patent applications not to be processed without completion of the disclosure requirement. This issue is still controversial as some members (mainly US) are of the view that it there is no mandate to negotiate it, will most of the developing members are favoring the inclusion of the disclosure requirements of genetic resources and traditional knowledge within the patent procedures, aiming at: (1) The conservation of biological diversity, (2) The sustainable use of the components of biological diversity, (3) The fair and equitable sharing of benefits arising from the use of genetic resources
- On the issue of creating a multilateral system for notifying and registering geographical indications for wines and spirits, views of members diverge between those (mainly EC) calling for a strong mechanism mandating each member to provide that domestic authorities will consult the register and take its information into account when making decisions regarding registration and protection of trademarks and GIs, while others (developing countries) focus on the administrative and financial costs for individual governments resulting from the implementation of a multilateral register and whether it would outweigh the potential benefits. Other member (mainly US) calls for a softer mechanism not that will just be consulted as a database.
- On GI's extension Views of members also diverge, main opposition comes from the US, Canada, Australia and New Zealand claiming that there is no mandate to negotiate this topic in the DDA. The initial position of Egypt was in favor of the extension of the protection for Geographical Indicators (GIs), this was also the position of the African group, however a divergence occurred during June 2008, when South Africa expressed (within the group) their preference to maintain the current coverage of GI's without extension, they gave at the time some explanation about costs and benefits and potential losses of production and export opportunities if the coverage was extended. Later on the concerned Egyptian authorities took a formal position against the extension of GI's, however it was not divulgated yet.

Results of the meetings of senior officials

- The Special Session of the Council of TRIPs held several meetings on senior officials' level in order to take stock of the work done during the meetings of the special sessions of TRIPs to identify a work program to intensify the negotiations during the upcoming months. He pointed out that the sole topic in the scope of the negotiations is the "multilateral register for wines and spirits", and he urged to achieve progress in order to keep up with the developments that may occur on agriculture and NAMA. He mentioned regarding the multilateral register, that two controversial issues must be addressed in order to reach an agreement: (1) the legal implications of activating the multilateral register, (2) the nature of the register (mandatory or voluntary).
- No tangible progress was achieved so far, however the chair issued an informal report (doc TN/IP/19) that reflects his own views and without prejudice to the position of members, in which he mentioned the main areas of divergences and the possible ways to go forward.