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Intellectual Property Issues Remain In Play In WTO Negotiations

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posted by William New @ 4:22 pm

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By William New

Intellectual property issues may not be ‘make-or-break’ for the current round of trade-liberalisation negotiations at the World Trade Organization, but they continue to be a factor.

At last week’s opening to the Trade Negotiations Committee (TNC), WTO Director General Pascal Lamy said consultations on IP issues are continuing, a WTO session chairman reported some movement among members, and in the higher profile talks on agriculture, the European Union continues to raise its wish for agreement on geographical indications (GIs), which are products named for places.

By raising an issue, a WTO member effectively makes it a priority, something for which the member might deal in negotiations. The EU told a 24 July agriculture negotiations meeting - an informal “special session” - that it wants to see agreement on the establishment of a multilateral GI register and the extension of GI protections to other products, according to an informed source in Geneva.

In the 26 July meeting of the TNC, which oversees the negotiating process, Lamy reported on progress in consultations on extension, and the relationship of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the United Nations Convention on Biological Diversity.

Lamy [told the gathering](#):

“I would like to update you briefly on the issues of geographical indications (GI) extension and the relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD). After the General Council’s meeting in February, DDG [Deputy Director General Rufus] Yerxa held consultations on my behalf in open-ended

and other formats on arrangements for further work on these issues. In the light of these consultations, he encouraged delegations to meet among themselves with a view to finding more common ground. More recently, he has consulted with delegations in various formats, largely to keep in touch with processes of discussion that have taken place between interested delegations. Mr. Yerxa stands ready to pursue these consultations, on my behalf, whenever developments in the negotiations make it appropriate to do so.”

Lamy urged members to study new draft texts on agriculture and industrial goods during their August break and come back in September “ready to engage in intensive negotiations.”

Meanwhile, in his [report \(TN/IP/17\)](#) dated 23 July on the TRIPS special session on the creation of a GI register, session Chairman Manzoor Ahmad of Pakistan said there may be some movement on the issue. “There is little to report of a formal nature,” he said, but the last few months “have seen more sign than had been evident earlier” of consultations among some delegations. The consultations would serve to improve understanding of each other’s positions, he said, but added, “it is my understanding that the major differences dividing delegations remain essentially unchanged,” particularly on the legal effect of a registration.

The membership is mandated to come up with a register, but it is disputed whether the registration would be voluntary ([IPW, WTO/TRIPS, 14 February 2007](#)).

Ahmad said the technical work has been done, which will help negotiators when they are ready, and he will keep in “close contact” with delegations “with a view to resuming work aimed at bridging the main differences as soon as possible.”

Nevertheless, Ahmad cautioned that in order for progress to be made, “it will be necessary for all delegations to be creative in finding new flexibility.”

A separate IP issue still under consideration is a proposed TRIPS amendment adding a requirement for patent filers to disclose the origin of genetic resources in their applications. Concern about IP enforcement also remains on the agenda of some members. The next TRIPS Council meeting is in October.

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