

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

SPECIAL SESSION OF THE COUNCIL FOR TRIPS

Report by the Chairman, Ambassador Manzoor Ahmad,
to the Trade Negotiations Committee

1. This report on the negotiations on the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits is submitted on the Chairman's own responsibility.
2. Prior to the sixteenth meeting of the Special Session held on 16-17 March 2006, the Chairman circulated, on his own responsibility, a list of priority concerns raised by delegations for discussion at that meeting. The five priority concerns were: participation; notification; registration; legal effects/consequences of registration; and fees and costs. It was suggested that, in discussing each of these areas, the following issues might be explicitly addressed as appropriate: the impact of the proposals on the principle of territoriality; their impact on the existing balance of rights and obligations; their impact on developing countries; their impact on national systems/jurisdictions; and the issue of administrative burden.
3. At the 16-17 March 2006 meeting, the Chairman first recalled that Ministers in Hong Kong had agreed that the negotiations of the Special Session should be intensified in order to complete them within the overall time-frame for the conclusion of the negotiations that were foreseen in the Doha Declaration. He further recalled that, at the TNC meeting of 6 February, the TNC Chairman had noted that there appeared to be a shared intention on the part of all Members to move ahead across the whole of the DDA, making progress on all issues, and a willingness to do so by moving "in concert". He drew Members' attention to the Timelines for 2006 paper (JOB(06)/13), which indicated that a working document of the Special Session needed to be on the table by July 2006. This fully reflected his own assessment that, bearing in mind the end-of-year deadline for the Doha negotiations as a whole, it would be necessary to have, before the summer break, a working document which could be used as the basis of the final product and in respect of which there would be a good degree of understanding amongst Members as to where the remaining difficulties to be resolved lie. In order to achieve this by July, it would be desirable to have made progress in unblocking well in advance of that time the key difficulties that have impeded the work so far. The Chairman's report of November 2005 (TN/IP/14), which was taken note of in the Hong Kong Ministerial Declaration, referred to important differences remaining on the two key issues of legal effects and participation. While recognizing that additional work would be required on a range of other points, including on questions of costs and administrative burdens for WTO Members, including for developing countries, that report noted that it would be difficult to make major headway on these issues, together with other details of the mechanism to be established, without greater convergence on the two key issues of legal effects and participation.

4. At the 16-17 March 2006 meeting, the delegations of Costa Rica and Nicaragua asked to be added as co-sponsors of the "Joint Proposal" made by Argentina, Australia, Canada, Chile, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Japan, Mexico, New Zealand, Paraguay, Chinese Taipei and the United States in TN/IP/W/10 and Add.1.

5. The Chairman noted that the discussion at that meeting was rich and focused on the priority concerns raised by delegations, and invited them to think further on how certain concerns or fears could be allayed. He further noted that, in some areas, Members were still far apart, namely on registration, legal effects/consequences of registration and participation, whereas in some others, such as notification, there seemed to be more common ground. On issues such as fees and costs, more work would be required to clarify the issues and the differences.

6. The next formal meeting of the Special Session is scheduled to take place on 12-13 June 2006, back-to-back with the regular session of the Council for TRIPS. The Chairman will organize consultations in a variety of formats in the period prior to the June meeting, starting in April, to find a way of changing gear in these negotiations so that the Special Session is able to make progress on the issues that need to be clarified in order to be in a position to produce the working document to be tabled by July.
