

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

FOURTH SPECIAL SESSION OF THE COUNCIL FOR TRIPS

Report by the Chairman, Ambassador Eui-yong Chung,
to the Trade Negotiations Committee

I. STATUS OF WORK

1. The Special Session of the Council for TRIPS held its fourth meeting on 28 November 2002. The agenda items were: negotiation of the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits; observer status for intergovernmental organizations; and other business.

2. No new or revised proposals were presented. The Special Session worked on the basis of the Chair's informal note of points and issues for discussion (JOB(02)/49 of 4 June 2002). As for previous meetings, the discussion was structured along the four sets of issues identified by the Chair: definition of the term "geographical indications" and eligibility of geographical indications for inclusion in the system; the purpose of the notification and registration system; what is meant by a "system of notification and registration"; and participation. Under the third set of issues, the Special Session discussed the "mechanics" of a notification and registration system, including such matters as procedures for notification, opposition, registration and modification as well as issues of costs and the possible role of the Secretariat. The International Bureau of WIPO was invited to be represented in an expert capacity for these discussions. It was agreed that the proposals and points made in the written communications as well as in the oral interventions would be compiled by the Secretariat, to be made available early next year.

3. The Special Session also discussed the suggestions made by the Chairman about the future work to be undertaken in 2003. The Chairman recalled the roadmap he had outlined at the first meeting of the Special Session in March 2002, and indicated that in the absence of a common basis for negotiations emerging from delegations, he as the Chair would have to put forward, on his own responsibility and without prejudice to Members' positions, such a paper. He suggested that he might table such a paper in early spring 2003 (e.g., by the second meeting in 2003 of the Special Session). Views were divided as to the timing of such a paper: some expressed concerns that this might be premature; others preferred an earlier tabling. The Chair recalled again that the deadline given by Ministers to negotiate the establishment of a multilateral system of notification and registration of geographical indications for wines and spirits was the Fifth Session of the Ministerial Conference.

4. In regard to observer status for intergovernmental organizations, there were no developments.

II. OUTSTANDING ISSUES

5. Although there seems to be some degree of commonality of views on a few points (e.g., the definition to be used for the purposes of the multilateral system is the definition contained in Article 22.1 of the TRIPS Agreement; the purpose of the system is to facilitate the protection provided by the provisions of the TRIPS Agreement relating to geographical indications and not to enhance that protection), positions remain polarized between a proposal for a database to which Members would have regard when deciding what geographical indications to protect nationally and a proposal for a system which, once a name has been registered at the multilateral level, would create a presumption of protectability at the national level in a Member unless the notified name has been opposed by that Member.

III. FUTURE WORK

6. The Chairperson envisaged three formal meetings before the Cancún Ministerial Conference: in February, in April and in late June or early July 2003. An open-ended informal meeting would be convened before the first meeting in order to discuss the contents laid out in the Secretariat's compilation of points and issues raised by delegations.
