

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

FIFTH 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 fifth meeting on 21 February 2003 on the basis of the agenda set out in WTO/AIR/2024. 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. Discussions regarding the first agenda item were structured along the headings of the WTO Secretariat's factual compilation of issues raised and points made by delegations so far (TN/IP/W/7), which in turn reflected the points identified in the earlier Chairman's List of Points and Issues for Discussion (JOB(02)/49): 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" (procedures, costs, possible role of the Secretariat); and participation. The purpose of the discussion was to seek to advance the substance of the negotiations pursuant to the Special Session's mandate, using the factual compilation as a means for reference to issues raised and points made so far in the communications and interventions. The discussion was extensive and, in spite of some repetition of positions, there were useful comments, suggestions and new ideas on various points. It was agreed that, on the basis of the points made, including those to be received by 15 March 2003, a revised version of the factual compilation would be circulated. The International Bureau of WIPO was invited to be represented in an expert capacity in the discussions on the third set of issues.

3. With regard to observer status for intergovernmental organizations, there were no developments.

II. OUTSTANDING ISSUES

4. Positions remain quite divided. Although there are points where some common ground might exist, such as the mechanics of notification, there are others where the differences are more profound such as opposition, legal effect of registration and participation.

III. FUTURE WORK

5. The Chairman recalled that the Special Session had a mandate to negotiate the establishment of a multilateral system by the Fifth Session of the Ministerial Conference. It would therefore be necessary for the Special Session to step up considerably the intensity of the work. With this in mind, the Chairman indicated that he intended to have intensive consultations in the weeks following the

fifth Special Session with delegations in a variety of formats, it being understood that transparency of this process would be ensured with open-ended meetings whenever necessary.

6. The Chairman expressed the hope that what would emerge from these consultations would be guidance on the negotiating text that he would, if necessary, be prepared to put on the table on his own responsibility and without prejudice to the outcome of the negotiations. It continued to be his intention to make this text available in good time prior to the next meeting of the Special Session (24-25 April 2003). He took note of the comments made on the timing of such a text: some delegations cautioned against premature circulating of the text, while others asked that the text be tabled in the first half of March 2003.
