

TRIPS Council (24-25 Oct 2011) will discuss Para 6 implementation, Australia's tobacco plain packaging bill 2011 and enforcement

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The following WTO airgram WTO/AIR/3815/REV.1 contains the agenda for the upcoming WTO Council for TRIPS meeting to be held in Geneva from Monday, 24 October 2011 to Tuesday, 25 October 2011. Paragraph 3 and agenda items G, N and O will be of interest to readers of this blog. It should be noted that in the original document, the text is capitalized. Item G covers Review under Paragraph 8 of the Decision on the implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health. Ukraine requested that the TRIPS Council discuss Australia's Tobacco Plain Packaging Bill 2011 under agenda item N. Australia, Canada, EU, Korea, Japan, New Zealand, Singapore, Switzerland and the US have made a written request to the WTO to discuss 'enforcement of intellectual property rights (Part III of the TRIPS Agreement)' under agenda item O. Here below is the airgram in full.

WTO/AIR/3815/REV.1 14 OCTOBER 2011

SUBJECT: COUNCIL FOR TRIPS

1. THE NEXT MEETING OF THE COUNCIL FOR TRIPS WILL BE HELD ON 24 25 OCTOBER 2011. THE MEETING WILL START AT 10 A.M. ON MONDAY, 24 OCTOBER.
2. PLEASE NOTE THAT THE VENUE OF THE MEETING HAS BEEN CHANGED. BOTH THE FIRST DAY AND THE SECOND DAY OF THE MEETING WILL BE HELD IN THE CENTRE WILLIAM RAPPARD.
3. AUSTRALIA, CANADA, THE EUROPEAN UNION, KOREA, JAPAN, NEW ZEALAND, SINGAPORE, SWITZERLAND, AND THE UNITED STATES HAVE MADE A WRITTEN REQUEST TO ADD AN ADDITIONAL ITEM TO THE AGENDA (INCLUDED AS ITEM O). FOLLOWING THIS REQUEST, THE FOLLOWING ITEMS ARE PROPOSED FOR THE AGENDA; ITEM N IS INCLUDED UPON THE EARLIER WRITTEN REQUEST OF UKRAINE:
 - A. NOTIFICATIONS UNDER PROVISIONS OF THE AGREEMENT
 - B. REVIEWS OF NATIONAL IMPLEMENTING LEGISLATION
 - C. TRANSITIONAL REVIEW UNDER SECTION 18 OF THE PROTOCOL ON THE ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA

- D. REVIEW OF THE PROVISIONS OF ARTICLE 27.3(b)
- E. RELATIONSHIP BETWEEN THE TRIPS AGREEMENT AND THE CONVENTION ON BIOLOGICAL DIVERSITY
- F. PROTECTION OF TRADITIONAL KNOWLEDGE AND FOLKLORE
- G. REVIEW UNDER PARAGRAPH 8 OF THE DECISION ON THE IMPLEMENTATION OF PARAGRAPH[sic] 6 OF THE DOHA DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH
- H. NON-VIOLATION AND SITUATION COMPLAINTS
- I. REVIEW OF THE IMPLEMENTATION OF THE TRIPS AGREEMENT UNDER ARTICLE 71.1
- J. REVIEW OF THE APPLICATION OF THE PROVISIONS OF THE SECTION ON GEOGRAPHICAL INDICATIONS UNDER ARTICLE 24.2
- K. NINTH ANNUAL REVIEW UNDER PARAGRAPH 2 OF THE DECISION ON THE IMPLEMENTATION[sic] OF ARTICLE 66.2 OF THE TRIPS AGREEMENT
- L. TECHNICAL COOPERATION AND CAPACITY-BUILDING
- M. LETTER FROM THE CHAIR OF THE GENERAL COUNCIL CONCERNING WAYS TO IMPROVE THE TIMELINESS AND COMPLETENESS OF NOTIFICATIONS AND OTHER INFORMATION FLOWS
- N. AUSTRALIA'S TOBACCO PLAIN PACKAGING BILL 2011
- O. ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS (PART III OF THE TRIPS AGREEMENT)
- P. INFORMATION ON RELEVANT DEVELOPMENTS ELSEWHERE IN THE WTO
- Q. OBSERVER STATUS FOR INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS
- R. ANNUAL REPORT
- S. OTHER BUSINESS

4. IN ORDER TO FACILITATE THE PARTICIPATION OF RELEVANT EXPERTS, IT IS PLANNED THAT THE COUNCIL COMMENCE DISCUSSION OF ITEM G ON THE MORNING OF THE SECOND DAY OF THIS MEETING, TUESDAY 25 OCTOBER, IN LINE WITH THE PROCEDURE AGREED FOR THIS ANNUAL REVIEW IN 2010.

5. IT IS RECALLED THAT PARAGRAPH 19 OF THE DOHA MINISTERIAL DECLARATION PROVIDES THAT THE COUNCIL, IN UNDERTAKING THE WORK PROVIDED FOR IN THAT PARAGRAPH, SHALL BE GUIDED BY THE OBJECTIVES AND PRINCIPLES SET OUT IN ARTICLES 7 AND 8 OF THE TRIPS AGREEMENT AND SHALL TAKE FULLY INTO ACCOUNT THE DEVELOPMENT DIMENSION.

6. ANY MEMBER WISHING AN ADDITIONAL ITEM TO BE PLACED ON THE PROPOSED AGENDA IS INVITED TO INFORM THE SECRETARIAT OF THIS SUFFICIENTLY IN ADVANCE SO THAT A REVISED AIRGRAM CAN BE ISSUED TEN CALENDAR DAYS PRIOR TO THE MEETING.

7. MEMBERS OF THE WTO, OTHER GOVERNMENTS WITH OBSERVER STATUS AND INTERNATIONAL ORGANIZATIONS WITH OBSERVER STATUS ARE REQUESTED TO INFORM THE SECRETARIAT OF THE NAMES OF THEIR REPRESENTATIVES AS SOON AS POSSIBLE.

Keywords: TRIPS / Australia / Tobacco / Bill 2011