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The IP Negotiations Monitor summarizes the latest developments in multilateral and regional fora where intellectual property negotiations are taking place, and informs on upcoming meetings and events.

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WORLD TRADE ORGANIZATION (WTO)

TRIPS Council

The regular session of the Council for Trade Related Aspects of Intellectual Property Rights (TRIPS Council) took place from **7 to 8 June 2016** in Geneva, Switzerland. The session was chaired by Ambassador Modest Jonathan Mero from Tanzania. The TRIPS Council received notifications from the European Union (EU), Fiji, Mexico, Japan, Kazakhstan and Seychelles with regard to their national laws. Discussions were held under standing agenda items on reviews of national implementing legislation, review of Article 27.3(b), relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD), protection of traditional knowledge and folklore, non-violation and situation complaints, review of the TRIPS Agreement under Article 71.1, review of the application of the provisions of the section on geographical indications under Article 24.2, technical cooperation and capacity building, IP and innovation: sustainable resource and low emission technology strategies; work programme on electronic commerce, information on relevant developments elsewhere in the WTO, and observer status for international intergovernmental organizations.

New EU Trademark Directive

During discussions on the new EU Trademark Directive 2015/2436, developing countries raised concerns about possible seizures of generic medicines transiting through Europe. The new regulation allows trademark owners to prevent the entry of infringing goods and their placement in all customs situations, including in situations of transit when such goods are not intended to be placed on the market of an EU member State. Developing countries pointed out that freedom of transit is a basic tenet of the WTO agreements and in this context the new EU Trademark Directive failed to make a distinction between goods in-transit that pose a risk of diversion into the EU market and those that do not pose such a risk. Developing countries also raised concern that the new EU Trademark Directive placed an undue burden on the proprietor of legitimate goods in transit to prove that they do not infringe any trademark right, and that there are no safeguards against the abuse of enforcement procedures by trademark owners.

Non-violation and situation complaints

There has been no change in the discussions on this agenda item. Currently there is a moratorium on the application of non-violation and situation complaints to disputes arising under the TRIPS Agreement, until end of 2017. Most WTO

Members agree that the moratorium should become a permanent solution. The few countries that support the application of non-violation and situation complaints under the TRIPS Agreement have not made proposals on the scope and modalities.

The relationship between TRIPS and CBD, and traditional knowledge and folklore

Developing countries reiterated their support for the proposal to amend the TRIPS Agreement to introduce a mandatory disclosure requirement for the origin and/or source of genetic resources and associated traditional knowledge utilized in a patent application. There were no new developments.

E-commerce

The issue of e-commerce was placed on the agenda of the TRIPS Council on an ad hoc basis, at the request of Canada. Canada proposed discussions in the TRIPS Council to allow members to share national experiences on IP and e-commerce issues. It was agreed that this issue will be an *ad hoc* agenda item if any member proposes it in future sessions of the TRIPS Council.

IP-Innovation

Under the agenda item on IP and innovation, Japan gave a presentation on sustainable resource and low emission technology strategies.

The next session of the TRIPS Council will take place from **8 to 9 November 2016** in Geneva.

Working Group on Trade and Transfer of Technology

The fifty-second session of the Working Group on Trade and Transfer of Technology (WGTTT) was held on **14 June 2016** in Geneva, Switzerland. The session was chaired by Ambassador Luis Enrique Chávez Basagoitia from Peru. The report of the meeting was not available at the time of this report.

Future WTO Meetings

The next regular session of the TRIPS Council will take place from **8 to 9 November 2016** in Geneva, Switzerland.

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

International Conference on Intellectual Property and Development

An International Conference on Intellectual Property and Development organized by WIPO took place from **7 to 8 April 2016** in Geneva, Switzerland. Academics, members of governments from developed and developing countries as well as representatives from international organizations participated in the conference.

In his opening address, the Director General of WIPO, Dr. Francis Gurry, noted that intellectual property creates the possibility of market exchange by making access a “saleable commodity”. He said this also raises questions about the cost of access which raises the pervasive question of finding the right balance in the field of IP, between creating the appropriate incentives to enable market exchange and ensuring the social exchange of the benefit that is derived from innovation and from creative and cultural works.

Delivering the introductory remarks Ambassador Pedro D'Alloto of Argentina recalled the tension around IP among different stakeholders and stressed that it is essential that the IP system evolves in a balanced manner.

The keynote address of the conference was delivered by Mr. Rob Davies, Minister of Trade and Industry of South Africa. Mr. Rob Davies stressed the need for Africa to pursue structural transformation of its economic base and build a more diversified productive capacity through industrialisation and whether and how IP protection can be designed to support these objectives. Recalling the history of the evolution of the IP system during the phase of industrial development in the developed countries, Mr. Davies observed that all successful catching-up episodes occurred under condition of weak IPR regimes that permitted easier knowledge acquisition and imitation. He reiterated that countries have taken different paths in pursuing economic development and they have used IP protection in different ways and at different times to support their development effort. He recalled that patents are unlikely to foster innovation in developing countries at early stages of industrialization and that evidence on the extent to which patent protection contributes to encouraging innovation is, at best, inconclusive. Therefore, there is no unambiguous evidence that stronger IPRs foster industrial development and countries may require different approaches and policies depending on their level of industrial development. In this context, he stressed on the

need for a cautious approach to the reform of IPR and the need to strengthen capacity to assess the costs and benefits of IPR reform in the specific contexts where the reform is being considered or undertaken. Mr. Davies also stressed on the importance of exploiting the TRIPS flexibilities to craft a greater developmental role for IP protection in respect of industrialization.

The substantive panels in the conference were organized around five The five themes were – social development and the role of IP, economic development and the role of IP, cultural development and the role of IP, practices and strategies for designing a dynamic IP system, and the role of WIPO and other key actors. The final panel focused on current challenges and future perspectives.¹

Committee on Development and Intellectual Property

The Seventeenth session of the Committee for Development and Intellectual Property (CDIP) took place from **11 to 15 April 2016** in Geneva, Switzerland. The session was chaired by Ambassador Luis Enrique Chávez Basagoitia from Peru.

The CDIP welcomed the Director General's report on the Implementation of the Development Agenda and took note of the evaluation report of the project on strengthening and development of the audio-visual sector in Burkina Faso and certain African countries.

The CDIP also took note of a mapping of South-South cooperation activities within WIPO and requested the Secretariat to present a new document at the nineteenth session of the CDIP, taking into account the suggestions made by Delegations. Developing countries observed that the mapping exercise revealed that no activity was conducted in respect of sharing South-South experience in the area of traditional knowledge and genetic resources. Developing countries also stressed that a roadmap for mainstreaming South-South cooperation should be prepared by the WIPO Secretariat.

The CDIP also took note of the options regarding a mechanism for updating the WIPO database on flexibilities and requested the Secretariat to present the financial implications of each option, and explore the possibility of a third option in light of observations made by member States. Developing countries stated that the database should exclude references to TRIPS plus

¹ The speeches and presentations made at the International Conference on IP and Development are available on the WIPO website at http://www.wipo.int/meetings/en/details.jsp?meeting_id=28522.

provisions which undermine the use of TRIPS flexibilities. Further, the committee approved phase II of a project on strengthening and development of the audio-visual sector in Burkina Faso and certain African countries.

The CDIP also took note of a document mapping WIPO's activities related to the SDGs and decided that interested member States should provide written submissions to the Secretariat as regards the SDGs they deem relevant to WIPO's work, together with an explanation / justification of their views by 10 July 2016. The Secretariat will compile all inputs received from the Member States and submit them to the eighteenth session of the Committee.

Similarly, the CDIP took note of a document on mapping of activities related to technology transfer and decided that interested Member States should submit specific proposals for possible action for discussion at the eighteenth session of the Committee by 10 July 2016.

Ecuador submitted a proposal for a pilot project to accelerate technology transfer, research and development in order to improve the technical capacity to absorb local science and technology generated by universities and the productive sector. The CDIP decided to continue the consideration of this document at its eighteenth session.

The CDIP approved a *Project on the Use of Information in the Public Domain for Economic Development* and a project on *Cooperation on Intellectual Property Rights Education and Professional Training with Judicial Training Institutes in Developing and Least Developed Countries*.

The CDIP decided to continue discussions on the *Report on an External Review of WIPO Technical Assistance in the Area of Cooperation for Development*. The CDIP also agreed to an informal proposal by Spain with the following elements: 1) the WIPO Secretariat will compile its existing practices, tools and methodologies for providing technical assistance; 2) the WIPO Secretariat shall provide a regular forum for member States to share experiences regarding technical assistance and capacity building including a one-day seminar on the margins of the nineteenth session of the CDIP and web forum; 3) the WIPO Secretariat should continue to improve internal coordination and collaboration with UN agencies, relevant international organizations, as well as national and regional IP offices on issues related to technical assistance and identify new proposals in that regard and report back to the CDIP; 4) the WIPO Secretariat should assess the existing tools and methodologies for measuring the impact, effectiveness and efficiency of

technical assistance activities; 5) WIPO should consider following an established balanced peer review process for studies commissioned by WIPO that are used in technical assistance; 6) the WIPO Secretariat should be requested to prepare a document regarding WIPO's existing practices for the selection of consultants for technical assistance and regularly update and upgrade the online roster of experts and consultants for technical assistance; and 7) the WIPO Secretariat should be asked to reflect and report on possible improvements on WIPO's webpage section for communicating WIPO's activities on technical assistance.

The CDIP also considered a number of proposals with reference to the WIPO General Assembly decision on CDIP related matters – reporting to the General Assembly on implementation of the Development Agenda and discussions on IP and development within the CDIP- and agreed to continue discussions on these proposals in its eighteenth session. At present, member States can make interventions on the activities of any committee at their last session prior to the WIPO Assemblies that they perceive as relevant to the implementation of the Development Agenda recommendations. The statements are open for discussion by member States and a summary report or compilation of the statements is prepared and submitted to the General Assembly.

WIPO Conference on the Global Digital Content Market

The WIPO Secretariat organized a Conference on the Global Digital Content Market from **20 to 22 April 2016** in Geneva, Switzerland. The objective of the conference was to raise the level of information about developments in the digital content market. Representatives from governments, academia, the music, film, broadcasting and publishing industries and civil society organizations from various countries participated in the conference. The conference featured sessions dedicated to these industries, as well as sessions on collective management and emerging models and markets.

Opening the conference, the Director General of WIPO Dr. Francis Gurry expressed that copyright is the central mechanism in the creation of a market for creative works to facilitate market exchange of creative works and for financing the production of creative works. He noted that an important issue in this context is whether the balances built into the copyright system are being preserved in the new digital value chain, and how the territorial copyright system is scoping with the reality of the global value market created by technology? Thus, he stressed on the need for transparency and understanding of developments in this regard.

The keynote address the Conference was delivered by Jaron Lanier, a renowned writer, composer and technology futurist. He observed that if consumers of digital content are expected to pay for access to the digital content, then there should also be opportunities for them to benefit from the digital content market. However, the opportunities for users to benefit from the digital content market have been shrinking due to the increasing concentration in the digital content market. In this context, he called for broadening the concept of intellectual property to enable people from whom data is mined to make money based on their intellectual property over the data generated by their activity on the Internet.

Specific panel discussions were held on four creative sectors – music, film, broadcasting and publishing. The panellists pointed to challenges of creating a level playing field for all players in the digital content market. Performers and artists across the world are not satisfied with the way in which the profits generated from streaming of their content are distributed. Making it easy to upload user generated content and share digital content fairly was also identified as a major challenge. Ensuring fair remuneration for artists for their digital content was stressed and emerging technologies (such as Blockchain, platforms for creating and sharing interactive creative content) to facilitate fair distribution of the revenues across the value chain were discussed. Speakers also pointed to the need to explore ways in which unauthorized uploading through legal services like YouTube can be controlled and prevented. Speakers referred to the need to safe harbour laws that protect intermediaries from legal suits from content creators. Crowdsourcing content creation and means of curbing digital piracy was also discussed. Speakers from the publishing sector also stressed on the importance of libraries in curating content sourced from multiple sources, facilitating access to digital content and providing feedback to the publishing community about readership demand. Speakers pointed to complicated questions regarding copyright in respect of libraries and referred different licensing models being explored by the publishing industry to facilitate libraries to play their disseminating role while safeguarding against free riding by readers, and pointed to the importance of libraries being financed by the State. Subscription based platforms for accessing published works were also discussed. A panel discussion on the architecture of the digital global market discussed machine readable licenses for accessing digital content and machine readable identifiers of ownership of digital content. The role of collective management organizations was also discussed.

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Implications

The Thirty-Fifth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) took place from **25 to 27 April 2016** in Geneva, Switzerland. The session was chaired by Mr. Adil El Maliki from Morocco. The SCT discussed the draft text of the Design Law Treaty (DLT) with regard to the proposal by the African Group for including a disclosure requirement as to the origin or source of industrial designs inspired by traditional knowledge, traditional cultural expressions or genetic resources. In this regard, the Committee considered a non-paper issued by the Chair proposing a new Article 2 to the draft DLT to clarify that nothing in the DLT will curtail the freedom of a Contracting Party to prescribe requirements regarding the eligibility for registration of an industrial design. The non-paper also included an interpretative note to Article 3 (2) to clarify the requirements under national law to disclose the source of expressions of tradition used in industrial designs. However, delegations were unable to reach consensus on these proposals. Moreover, there was no agreement regarding whether the provision of technical assistance should be included as an article under the DLT. Disagreement continued on whether the text of the DLT was mature to convene a Diplomatic Conference.

The SCT also discussed a proposal by US, Japan and Israel on the protection of new technological designs such as graphical user interface (GUI) and icon designs. The SCT requested the WIPO Secretariat to conduct a questionnaire survey among member States to explore this issue and report to the next session of the SCT.

The SCT agreed to continue discussions on the protection of country names against registration and use as trademarks in its next session. The SCT also considered a report by the Secretariat updating on trademark-related aspects of the Domain Name System and requested the Secretariat to continue to inform member States regarding future developments in the Domain Name System.

The SCT also agreed to allocate sufficient time at its next session for discussions on issues relating to geographical indications.

Standing Committee on Copyright and Related Rights

The Thirty-second session of the Standing Committee on Copyright and Related Rights (SCCR) took place from **9 to 13 May 2016** in

Geneva, Switzerland. The session was chaired by Mr. Martin Moscoso Villacorta from Peru.

Discussions focused on three key agenda items: (i) protection of broadcasting organizations; (ii) limitations and exceptions for libraries and archives; and (iii) limitations and exceptions for educational and research institutions and for persons with other disabilities.

With regard to the protection of broadcasting organizations, member States are aiming to reach agreement on the scope, objectives and object of protection for a new treaty. The SCCR considered a revised consolidated text prepared by the Chair on definitions, object of protection and rights to be granted. Delegations requested clarifications on the text and also offered textual suggestions. The SCCR requested that the textual proposals and clarifications with regard to definitions and object of protection be integrated in the consolidated text. Accordingly, the SCCR agreed that discussions on these issues will continue on the basis of a revised consolidated text prepared by the Chair for the next meeting of the SCCR.

Discussions on limitations and exceptions for libraries and archives were based on an informal chart prepared by the Chair, focusing on the substantive aspects of each specific issue related to limitations and exceptions for libraries and archives. These issues include preservation, right of reproduction and safeguarding of copies, legal deposit, library lending, parallel importations, cross-border uses, orphan works, retracted and withdrawn works, and works out of commerce. Delegations expressed their views and concerns on these issues and also discussed suggestions for alternative approaches. The SCCR agreed to continue discussions on this agenda item in its next session. The Chair proposed holding regional meetings on the subject of limitations and exceptions for libraries and archives, but the regional groups could not arrive at an agreement on this proposal.

On limitations and exceptions for educational and research institutions, and persons with other disabilities, the SCCR heard a presentation by Prof. Daniel Seng on a draft study on copyright limitations and exceptions for educational activities. The completed study will be submitted at the next session of the SCCR. The WIPO Secretariat also provided an update on the process of conducting a scoping study on limitations and exceptions for persons with disabilities other than print disabilities that will be submitted to the next session of the SCCR. Some members requested that the Chair prepare a chart similar to the chart on issues relating to limitations and exceptions for libraries and archives. The Chair agreed to prepare such a chart based on the study by Prof. Seng.

The SCCR also discussed a proposal by the Group of Latin American and Caribbean Countries (GRULAC) for analysis of copyright related to the digital environment. Many members welcomed the future consideration of the topics raised in the proposal, and it was also proposed that this topic be added as a standing agenda item to the SCCR agenda. The SCCR further welcomed the future consideration of a proposal by Senegal and Congo to include the resale right (*droit de suite*) in the agenda of future work in the SCCR. It was proposed that an external study on this topic by Prof. Sam Ricketson be presented at the next session of the SCCR. Some members suggested commissioning an SCCR study on this topic.

Patent Cooperation Treaty (PCT) Working Group

The Ninth session of the Patent Cooperation Treaty (PCT) Working Group took place from **17 to 20 May 2016** in Geneva, Switzerland. The session was chaired by Mr. Maximiliano Santa Cruz from Chile. The Working Group discussed and took note of various matters pertaining to the PCT system including PCT statistics, the report of the Meeting of International Authorities, online services relating to the PCT system made available by the International Bureau of the WIPO, and experience of work sharing among Offices using the WIPO CASE, pilot projects relating to work sharing the results of the PCT user survey, possible measures reduce exchange rate fluctuation risks in relation to PCT fee income, and the process and timeline for the extension of appointments of existing International Authorities. The Working Group also discussed the national phase entry of the ePCT system and agreed that the International Bureau should issue a circular informing Offices about the ePCT system and request for comments on specific aspects of the system.

Brazil submitted a proposal on the PCT fee policy to stimulate patent filing by universities and public funded research institutions from developing and least developed countries. While several developing countries supported the proposal and cited examples of positive influence of fee reductions on universities and public research institutions at the national level, many developed countries objected to the proposal and questioned whether PCT fees were an impediment to filing patent applications. In this context, the Working Group requested the WIPO Secretariat to work with the Chief Economist of WIPO to produce a supplementary study on the impact of PCT fee reductions on universities and public funded research institutions.

Seminar on Intellectual Property and Genetic Resources

The World Intellectual Property Organization organized a seminar on intellectual property and genetic resources from **26 to 27 May 2016** in Geneva, Switzerland.² The objective of the seminar was to build regional and cross-regional knowledge and consensus on issues related to intellectual property and genetic resources with a focus on unresolved issues. The seminar was comprised of four roundtable discussions on – the relationship between IP and genetic resources and other relevant international instruments, policy objectives relating to IP and genetic resources, disclosure requirement relating to genetic resources and associated traditional knowledge, and databases and other defensive measures relating to genetic resources and associated traditional knowledge. The seminar did not have any formal outcome but the discussions were reported to the WIPO Intergovernmental Committee (IGC) on Genetic Resources, Traditional Knowledge and Folklore by rapporteurs selected from representatives of member States.

On the relationship of IP and genetic resources with other international instruments, the first roundtable pointed out that the present international legal landscape relevant to IP and genetic resources is piecemeal and fragmented. The UPOV, WTO and WIPO instruments promoted technology development through IP and trade which brought in huge imbalances through market oriented approaches, aggravated by industry consolidations. The CBD and the FAO Plant Treaty and the Nagoya Protocol attempted to address these imbalances. However, the mechanisms explored have not been very effective and are being reviewed. The IGC could play a critical role in complementing these approaches. It was also pointed out that WIPO has a major role to play in implementing the Sustainable Development Goals and particularly in respect of Target 15.6 of the SDGs which calls for promoting fair and equitable sharing of benefits arising from the utilization of genetic resources. The panel stressed the importance of small farmers and indigenous and local communities in respect of fair and equitable benefit sharing. The IP system should recognize key access and benefit-sharing concepts such as the right to regulate at the national level on access to and utilization of genetic resources, the principle of prior and informed consent on mutually agreed terms. It was also pointed out that the patent system left many issues unresolved such as

extension of the scope of subject matter, insufficient prior art searches, uncertainty among users regarding validity of patents, disclosure requirement of origin or source of genetic resources and associated traditional knowledge in patent applications.

The second round table on policy objectives relating to IP and genetic resources discussed the US perspective on the role of the patent system in promoting innovation by generating incentives and the risks of having a disclosure requirement that could reduce innovation through the loss of patent rights due to uncertainties, delays and expenses. A second policy objective that was presented was that of providing relevant prior art to patent examiners and the use of databases. It was also observed that national laws outside the patent system could also prevent misappropriation. It was also pointed out that the original objective of the IGC was to stop biopiracy and misappropriation through the IP system. Erroneous granting of patents could be corrected outside the IGC. The ABS laws come from customary international law and human rights law which are outside the IP system. These rights have been reaffirmed by the CBD and the Nagoya Protocol. Enhanced transparency within the IP system is required to serve as an information and knowledge sharing tool to enable States to implement their ABS laws and the role of the patent office in this context was also discussed.

The roundtable on the disclosure requirement pointed out that the patent disclosure requirement enhanced transparency of the patent system, increased trust between providers and users of genetic resources, allow traceability of genetic resources and help examiners to find relevant prior art. An overview of recent legal developments relating to disclosure requirement in national laws was provided.

The roundtable on databases and other defensive measures discussed the experience of the Traditional Knowledge Digital Library (TKDL) from India. It pointed to two views regarding databases – one view being that databases provided adequate protection to TK, while the other view considered databases only as a first step. The importance of databases for enabling prior art search was also discussed. WIPO's potential role in facilitating access to databases was also pointed out. The wariness of traditional and local communities to digitize their knowledge and the need to prevent abuse of access to the databases was also discussed.

² The presentations made at the Seminar on Intellectual Property and Genetic Resources are available on the WIPO website at http://www.wipo.int/meetings/en/details.jsp?meeting_id=35602.

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

The Thirtieth session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) took place from **30 May to 1 June 2016** in Geneva, Switzerland. The session was chaired by Mr. Ian Goss from Australia. The IGC engaged in text-based negotiations for an international instrument on intellectual property and genetic resources based on a consolidated document WIPO/GRTKF/IC/30/4 and developed a second revision of the consolidated document which will be transmitted to the Thirty-fourth session of the IGC for further discussion at that session. The text-based negotiations were focused on key definitions and concepts in the consolidated document. Most countries agree that the text must include a requirement in patent applications for the mandatory disclosure of the source and/or origin of the GRs and associated traditional knowledge utilized. Discussions currently are focusing on the specific elements of the disclosure requirement. However, the United States and Japan oppose the disclosure requirement and instead suggest that the text refers to the use of databases and other preventive measures to reduce the granting of erroneous patents. These mechanisms would operate outside the patent system. Most countries expressed disappointment that the IGC could not narrow down further the divergences in the consolidated text.

Standing Committee on the Law of Patents

The Twenty-fourth session of the Standing Committee on the Law of Patents (SCP) took place from **27 to 30 June 2016** in Geneva, Switzerland. The session was chaired by Mrs. Bucura Ionescu from Romania.

As the SCP could not arrive at an agreement on the future work of the Committee in its previous session, discussions continued on the basis of five agenda items from the previous session – exceptions and limitations to patent rights, quality of patents including opposition systems, patents and health, confidentiality of communications between clients and their patent advisors, transfer of technology and a proposal by GRULAC for a revision of the WIPO Model Patent Law of 1979.

The SCP agreed that the non-exhaustive list of will be open for further discussion and elaboration in its next session and that the next session of the SCP its work will be limited to fact-finding and not lead to harmonization at this stage. In this context, the SCP agreed that on exceptions and limitations to patent rights the WIPO Secretariat will prepare a document for the next session of the SCP

compiling information to be submitted by member States and observers regarding their practical experiences on the effectiveness of and associated challenges to exceptions and limitations in addressing development issues. It was also agreed that a sharing session will be organized among member States on case studies, including court cases, on exceptions and limitations that have been effective in addressing development issues or economic strengthening. On quality of patents, the SCP agreed that the Secretariat will circulate prior to the next session of the SCP a draft questionnaire regarding how each member State understands "quality of patents", and implementation of collaboration and cooperation between patent offices in search and examination of patent applications. Member States and regional patent offices will be invited to comment on the questionnaire. A compilation of the responses to the questionnaire will be submitted at the Twenty-sixth session of the SCP. It was also agreed that the Secretariat will update the information contained in the paper on opposition systems and other administrative revocation (SCP/18/4) and invalidation mechanisms, based on inputs from member States and regional patent offices. The updated document will be published on the SCP electronic forum. Further, the SCP agreed to continue a sharing session on examples and cases relating to the assessment of inventive step and address specific issues relevant to the determination of inventive step, including but not limited to the elements proposed by Spain at the SCP in document SCP/24/3.

In respect of patents and health, the SCP agreed to organize a sharing session among member States on national experiences relating to the use of health-related patent flexibilities with a view to explore the issues that would be examined in a study to be submitted at the Twenty-sixth session of the SCP. This study will be prepared by the Secretariat in consultation with independent experts, the WHO and the WTO. The study will address the constraints faced by developing countries and LDCs in making full use of patent flexibilities and their impact on access to affordable and especially essential medicines for public health purposes. It was also agreed that the SCP will continue to hold further discussions on the feasibility study on the disclosure of International Nonproprietary Names (INN) in patent applications, specifically where the INN is known to the applicants at the time of filing. In this regard, members and regional patent offices will be invited to make presentations to clarify issues and raise their concerns. The Secretariat was also invited to make a presentation of the PATENTSCOPE Chemsearch which facilitates patent search using INN.

The SCP also agreed that the WIPO Secretariat should prepare a compilation of court cases regarding aspects of client-patent advisor privilege including limitations and difficulties encountered. It was also agreed that a sharing session on the relationship between patent systems and transfer of technology as well as examples and cases presented by experts from different regions will be organized with a view to deepening the understanding of the impact of sufficiency of disclosure on transfer of technology. The Secretariat will update the WIPO webpage on transfer of technology.

Differences continued between developed and developing countries regarding the proposal by GRULAC for a revision of the WIPO Model Patent Law of 1979. The SCP agreed to continue discussions on this proposal at its next session.

Future WIPO Meetings

The Twenty-Fifth session of the Program and Budget Committee (PBC) of WIPO will take place from **29 August to 2 September 2016** in Geneva, Switzerland.

The Eleventh session of the WIPO Advisory Committee on Enforcement (ACE) will take place from **5 to 7 September 2016** in Geneva, Switzerland.

FOOD AND AGRICULTURE ORGANIZATION (FAO)

International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

No inter-sessional meeting of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) was held during the reporting period.

Future ITPGRFA Meetings

The Fifth Meeting of the Ad Hoc Open-Ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-Sharing will take place from **11 to 14 July 2016** in Geneva, Switzerland.

A Global Consultation on Farmers' Rights will take place from **27 to 30 September 2016** in Bali, Indonesia. Farmers' Rights are critical to ensuring the conservation and sustainable use of plant genetic resources for food and agriculture and thus enhance food security. The enormous number of different crop varieties grown by farmers around the world through the traditional practice of saving and exchanging seeds is

essential for crop diversity and agricultural sustainability. Therefore, it is critical that the rights of farmers to save and exchange seeds to develop new varieties are supported through seed laws and *sui generis* laws on plant variety protection, rather than being restricted through laws that favour the proprietary rights of plant breeders over the farmers' rights.

Commission on Genetic Resources for Food and Agriculture (CGRFA)

Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture

The Eighth session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture (ITWG-PGR) took place from **8 to 10 June 2016** in Rome, Italy. The session was chaired by Mr. Don Mc Glashan from Jamaica.

The Working Group discussed implementation and monitoring of the Second Global Plan of Action for Plant Genetic Resources for Food and Agriculture, preparation of the third report on the State of the World's Plant Genetic Resources for Food and Agriculture, access and benefit-sharing for plant genetic resources for food and agriculture, review of the CGRFA's multi-year work programme from 2018-2027, reports received from international organizations and instruments, and evaluation of FAO's contribution to the conservation and sustainable use of PGRFA. The Working Group recommended that the CGRFA should request the FAO to continue to provide support to countries in their efforts to conserve PGRFA, strengthen their crop improvement and plant breeding capabilities, strengthening national seeds systems for the delivery of quality seeds and planting materials particularly to smallholder farmers, development and revision of national seed policies and laws, and access and benefit-sharing of PGRFA. The Working Group also recommended that the Secretaries of the CGRFA and the Governing Body of the ITPGRFA should strengthen collaboration to promote coherence in the development and implementation of their respective programmes of work with regard to access and benefit-sharing.

Ad Hoc Intergovernmental Technical Working Group on Aquatic Genetic Resources for Food and Agriculture

The First session of the *Ad Hoc* Intergovernmental Technical Working Group on Aquatic Genetic Resources for Food and Agriculture took place from **20 to 22 June 2016** in Rome, Italy.

The Working Group discussed the preparation of the first report on the State of the World's Aquatic

Genetic Resources for Food and Agriculture, the report of the first session of the Committee on Fisheries Advisory Working Group on Aquatic Genetic Resources and Technologies, access and benefit-sharing for aquatic genetic resources, and review of the CGRFA's multi-year work programme.

Ad Hoc Intergovernmental Technical Working Group on Animal Genetic Resources for Food and Agriculture

The Ninth session of the *Ad Hoc* Intergovernmental Technical Working Group took place from **6 to 8 July 2016** in Rome, Italy. The meeting discussed implementation and update of the Global Plan of Action for Animal Genetic Resources, the funding strategy for implementation of the global action plan, access and benefit-sharing for animal genetic resources, and review of the CGRFA's multi-year work program.

Future CGRFA Meetings

The Third Session of the Team of Technical and Legal Experts on Access and Benefit-Sharing will take place from **13 to 15 September 2016** in Rome, Italy.

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV)

No meeting of the UPOV bodies was held during the reporting period.

Future UPOV Meetings

A Seminar on Propagating and Harvested Material in the Context of the UPOV Convention will take place on **24 October 2016** in Geneva, Switzerland.

The Seventy-Third session of the Administrative and Legal Committee (CAJ) of UPOV will take place on **25 October 2016** in Geneva, Switzerland.

A Symposium on Possible Interrelations between the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the International Convention for the Protection of New Varieties of Plants (UPOV) will take place on **26 October 2016** in Geneva, Switzerland.

The First meeting of the Working Group on a Possible International System of Cooperation will take place on **27 October 2016** in Geneva, Switzerland.

WORLD HEALTH ORGANIZATION (WHO)

Open-ended Intergovernmental Meeting on the Draft Framework of Engagement with Non-State Actors

The Open-ended Intergovernmental Meeting on the draft Framework of Engagement with Non-State Actors (FENSA) took place from **25 to 27 April 2016** in Geneva, Switzerland. The meeting was chaired by Mr. Julio Mercado from Argentina. The objective of the meeting was to finalize the text of the WHO's Framework of Engagement with Non-State Actors (FENSA) and the draft of the resolution for the adoption of the FENSA by the World Health Assembly. However, the member States were unable to conclude negotiations. Rather, some of the previously agreed paragraphs of the FENSA text were re-opened. The most contentious area of the negotiations was on the provisions pertaining to the Private Sector Policy which was also being negotiated along with the overarching FENSA framework. Developed countries re-opened many of the previously agreed provisions in the Private Sector Policy on the grounds of cost effective implementation of FENSA. As the negotiations could not be concluded in this meeting, member States agreed to continue negotiations on FENSA during the World Health Assembly.

Open-ended Meeting of Member States on the Follow-up of the Report of the WHO Consultative Expert Working Group on Research and Development: Financing and Coordination

The Open-ended Meeting of Member States on the Follow-up of the Report of the WHO Consultative Expert Working Group on Research and Development: Financing and Coordination took place from **2 to 4 May 2016** in Geneva, Switzerland. The meeting was chaired by Mr. Bhanu Pratap Sharma from India. The meeting was convened pursuant to resolution WHA 66.22 of the World Health Assembly to assess progress and continue discussions on the remaining issues in relation to monitoring, coordination and financing for health, taking into account all relevant analyses and reports, including the report of the WHO Consultative Expert Working Group on Research and Development: Financing and Coordination (CEWG). In this context, the meeting discussed progress in implementation of resolution WHA 66.22, CEWG-relevant research and development related WHO initiatives, the UN Secretary General's High-Level Panel on Access to Medicines, progress in the implementation of the various elements of the strategic work plan agreed under resolution WHA 66.22.

The key issue for discussion in the meeting was on how to take forward the "remaining issues" in

relation to monitoring, coordination and financing for health. However, member States were unable to reach agreement on the remaining issues and even the draft resolution or decision text that was discussed at the meeting was silent on the most critical of the remaining issues identified in the report of the CEWG – to start negotiations for a binding international R&D treaty/agreement or convention. Though Brazil had proposed that another meeting of member States should be held before the 2017 World Health Assembly to discuss the R&D treaty in the light of the findings of the UN High Level panel on Access to Medicines and the UN High Level Meeting on AMR, there was no agreement on this proposal. The draft resolution called for expediting the establishment of Global Observatory on Health R&D with sustainable funding, and to establish a WHO Expert Advisory Committee on Health R&D as a mechanism for priority setting of global R&D. The draft resolution also called upon member States to take into account the establishment of a voluntary pooled fund based on a proposal by the WHO Secretariat to use the WHO Special Programme for Research and Training in Tropical Diseases (TDR) to host such a mechanism. However, member States could not arrive at an agreement on the draft resolution and agreed to continue discussions in a drafting group during the World Health Assembly.

World Health Assembly

The 69th World Health Assembly (WHA) of the WHO was held from the **23 to 28 of May 2016** in Geneva, Switzerland. The Assembly was presided over by Dr. Ahmed Mohammed Obaid al-Saidi, Minister of Health of Oman. Committee A of the Assembly was chaired by Mr. Martin Bowles from Australia and Committee B was chaired by Dr. Phusit Prakongsai from Thailand.

The following are some of the key issues discussed at the WHA.

Framework of Engagement with Non-State Actors

The World Health Assembly adopted the WHO Framework of Engagement with Non-State Actors (FENSA) on the last day of the Assembly by resolution WHA 69.10. Resolution WHA 69.10 also replaced WHO existing policies relating to the engagement with NGOs and the private sector. However, member states could not agree on a comprehensive conflict of interest policy and instead requested the Director General to include measures pertaining to the application of existing WHO policies on conflict of interest in the Guide to staff. The resolution also requested the independent Expert Oversight Advisory Committee to monitor implementation of the FENSA in its report to the programme, Budget and Administrative Committee (PBAC) of the

Executive Board. The resolution further requests the Director General to conduct an evaluation of FENSA implementation in 2019 and submit the results of the evaluation along with any revisions to the FENSA to the Executive Board meeting in January 2020.

The adoption of the FENSA marked the conclusion of a process initiated in 2011 as part of the WHO reforms. The negotiations on the outstanding issues in the draft FENSA took place during the WHA in a drafting group, following the previous negotiations in the Open-ended Intergovernmental Meeting in April 2016 on the draft FENSA where some of the agreed provisions on the Private Sector Policy under FENSA were re-opened. During the negotiations at the WHA, the provision relating to a specialised central unit to analyse information provided by a WHO technical unit on the non-State actors (NSA) it proposes to engage with was deleted. It is understood that risk assessment and due diligence for engagement with NSAs will be done by a specialised unit but not by a central specialised unit. Reference to an Engagement Coordination Group for resolving differences between a technical unit and a specialised unit was also deleted and replaced by a Secretariat mechanism. A new provision was added to provide discretion to the technical units to classify certain engagements as "low risk" due to its repetitive nature or because it does not involve policies, norms and standard setting which would merit a simplified due diligence and risk assessment. Under the Private Sector Policy, a proposal to create a pooled fund with contributions from multiple private sector sources in order to avoid perceptions of conflict of interest was deleted.

Antimicrobial resistance

The Assembly took note of the report by the WHO Secretariat on the progress in implementation of the WHO Global Action Plan on Antimicrobial Resistance and the options for establishing a global development and stewardship framework to support the development, control, distribution and appropriate use of antimicrobial medicines, diagnostic tools, vaccines and other interventions. Member States also made suggestions regarding the UN High-Level meeting on antimicrobial resistance. Developing countries stressed that antimicrobial resistance (AMR) must be recognized and addressed as a global development issue and that sustainability and access must be integrated to the AMR framework. Developing countries stressed the need for financial and technical assistance as well as for capacity building. Access to vaccines and medicines were highlighted as key elements to ensure the successful implementation of the global action plan (GAP). Under the proposed

options for a stewardship framework developing countries asserted the need to ensure that issues of access are balanced with appropriate use and scientific knowledge of the pursuit of the “One Health approach.” They emphasized that the One Health approach could not be taken as a one-size fits all approach and that access and affordability must be at the forefront. They also reaffirmed the importance of flexibilities of the Trade-related Aspects of Intellectual Property Rights Agreement (TRIPS) as a tool for countries to ensure access. Developing countries also called for policy coherence and that the principles of the Consultative Expert Working Group on Research and Development: Financing and Coordination (CEWG) are fully applied (affordability, effectiveness, efficiency, equity and de-linkage) to AMR.

Substandard/spurious/falsely-labelled/ falsified/counterfeit medical products

The WHA took note of the report of the discussions in the Member State Mechanism on Substandard/Spurious/Falsely-Labelled /Falsified/Counterfeit Medical Products. Member States emphasised the importance of sharing information relating to SSFFC, and the importance of developing a working definition of SSFFC.

Follow-up of the report of the Consultative Expert Working Group on Research and Development: Financing and Coordination

The World Health Assembly adopted resolution WHA 69.23 on the follow-up of the report of the Consultative Expert Working Group on Research and Development: Financing and Coordination. The resolution requests the 2017 session of the WHA to discuss whether to consider convening another open-ended meeting of member States in order to assess progress and continue discussions on the remaining issues (such as the negotiation for a binding R&D treaty) in relation to monitoring, coordination and financing for health R&D, taking into account relevant analyses and reports. The resolution agreed to streamline the establishment of a Global R&D Observatory. In this regard it requests the Director General to expedite the development of norms and standards for classification of health R&D, including common reporting formats, building on existing resources, in consultation with member State experts and other relevant stakeholders. The resolution further requests the Director General to submit terms of reference and a work plan to the Executive Board meeting in January 2017. The resolution requests the Director General to mobilise resources for implementation of the work plan under resolution WHA 66.22 through the WHO's financing dialogues. In respect of prioritisation and coordination of R&D, the resolution requests the Director General to establish a WHO Expert

Committee on Health R&D to provide technical advice on prioritisation of health R&D for Type II and Type III diseases and specific R&D needs of developing countries in relation to Type I diseases as well as potential areas where market failure exists based, inter alia, on the analyses provided by the Global Observatory on Health R&D. With regard to financing of R&D, the resolution requests the Director General to present a business plan for a voluntary pooled fund hosted by the WHO TDR programme, based on a report prepared by the consultancy firm McKinsey for the WHO TDR programme. The business plan should describe how the WHO Global Observatory on Health R&D, the WHO Expert Committee on Health R&D and the Scientific Working Group of a pooled fund will work together in line with core principles of affordability, effectiveness, efficiency, equity and the principle of de-linkage. The plan should also provide options for sustainable funding. The resolution also requests the Director General to promote policy coherence within WHO on its R&D related activities such as those in relation to the R&D Blueprint for Emerging Pathogens and the Global Action Plan on Antimicrobial Resistance in terms of the core principles of affordability, effectiveness, efficiency, equity and the principle of de-linkage identified in resolution WHA 66.22.

Addressing the global shortages of medicines, and the safety and accessibility of children's medication

The WHA discussed the challenges pertaining to shortage of medicines based on a paper submitted by the WHO Secretariat, which proposed market-oriented solutions such as a minimum global price or advanced market commitments for a set of essential medicines, to address the problem of shortage of medicines. A draft resolution seeking to provide a mandate to the Secretariat to work towards an international agreement to address the issue of medicines shortage was considered by an informal drafting group. However, the final resolution WHA 69.25 adopted by the Assembly provided a very limited mandate to the Secretariat. According to the resolution adopted by the WHA, the Secretariat is asked to develop definitions of medicines and vaccines shortages and stock-outs while taking due account of access and affordability, develop an assessment of the magnitude of the problem of shortages of medicines and vaccines, and develop a global medicines shortage notification system that would include information to better detect and understand the causes of medicines shortage.

UNITED NATIONS HUMAN RIGHTS COUNCIL (UNHRC)

The 32nd session of the United Nations Human Rights Council took place from **13 June to 1 July 2016** in Geneva. The Human Rights Council adopted by consensus two important resolutions reaffirming that access to medicines and enhancing capacity building in public health are fundamental elements for achieving the full realization of the right to health. Members agreed to hold panel discussions during the next sessions. A panel discussion on access to medicines will be held at the 34th session of the Human Rights Council in March 2017. A panel discussion on enhancing capacity-building in public health will be held at the 35th session of the Human Rights Council in June 2017.

The draft resolution 32/L.23 entitled “Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health” was tabled by Brazil, China, Egypt, India, Indonesia, Senegal, South Africa and Thailand. The resolution was also supported by 72 cosponsors. As one of main outcomes, the resolution decided to convene at the thirty-fourth session of the Human Rights Council, a panel discussion to exchange views on good practices and key challenges relevant to access to medicines as one of the fundamental elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, taking into account all relevant reports, and that the discussion shall be fully accessible to persons with disabilities. The resolution reaffirms the need for access to affordable, safe, efficacious and quality medicines for all as a primary human right and underscores that improving such access could save millions of lives every year. The resolution also calls upon Member States and other stakeholders to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health. The resolution also recalled that the Doha Ministerial Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health confirms that the Agreement does not and should not prevent members of the World Trade Organization from taking measures to protect public health. It also called upon States to promote access to medicines for all, including through the use, to the full, of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights which provide flexibility for that purpose, recognizing that the protection of intellectual property is important for the development of new medicines, as well as the concerns about its effects on prices.

A second draft resolution 32/L.24 entitled “Promoting the right of everyone to the enjoyment of the highest attainable standard of physical and mental health through enhancing capacity-building in public health” was also adopted by consensus. It recognizes the need for strengthening capacity building for public health and was introduced by China with numerous co-sponsors. The resolution reaffirms that strengthening public health is critical to the development of all Member States, and that economic and social development are enhanced through measures that strengthen capacity-building in public health, including training, recruitment and retention of sufficient public health personnel, and systems of prevention of and immunization against infectious diseases. The resolution also recognizes the importance of substantially increasing health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries, Small Island developing States and landlocked developing countries. The resolution provides that a panel discussion will be held with the participation of States, relevant United Nations agencies, funds and programmes, academics and experts and non-governmental organizations, with the objective of exchanging experiences and practices on realizing the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by enhancing capacity-building in public health. The High Commissioner is tasked to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its thirty-sixth session.

CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

Compliance Committee under the Nagoya Protocol on Access and Benefit-sharing

The first meeting of the Compliance Committee under the Nagoya Protocol on Access and Benefit-sharing took place from **6 to 8 April 2016** in Montreal, Canada. The meeting was chaired by Mr. Kaspar Sollberger from Switzerland. One of the objectives of the meeting was to identify and consider the need for and modalities of support, including possibly through a flexible mechanism to provide advice or assistance to Parties, in particular developing country Parties, and, where appropriate and applicable, indigenous and local communities to address challenges related to compliance with the provisions of the Nagoya Protocol, with a view to making effective use of the compliance mechanism. Recognizing that the Protocol had only recently entered into force, the Committee agreed that its current focus should be on supporting Parties in implementing the Protocol and complying with their obligations. The

Committee invited Parties to share difficulties and challenges related to the implementation of the Protocol and to include such information in their national reports. The Committee noted that there were a number of existing mechanisms that can support implementation, such as capacity-building and the ABS Clearing-House. It recognized the importance of capacity-building initiatives and the development of guidelines in supporting the implementation of the Nagoya Protocol. The Committee agreed that, at its next meeting, it would review systemic issues of general non-compliance on the basis of the analysis of the interim national reports and the information on the ABS Clearing-House that the Executive Secretary had been requested to prepare in paragraph 6 of decision NP-1/3. It underlined the importance of the timely submission of the interim national reports. The participants also discussed future work that the Committee could undertake on the basis of the information in the ABS Clearing-House.

Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol

The second meeting of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol took place from **15 to 17 June 2016** in Montreal, Canada. The meeting was chaired by Mr. Ntambudzeni Nephumembe from South Africa. The Committee reviewed the current status and scope of capacity-building and development support for the implementation of the Nagoya Protocol with a view to identifying major overlaps and gaps and options for addressing them. The Committee also reviewed the existing capacity building and development tools and resources supporting the implementation of the Nagoya Protocol.

Informal Advisory Committee to the Access and Benefit-sharing Clearing House

The second meeting of the Informal Advisory Committee to the Access and Benefit-sharing Clearing House took place from **20 to 22 June 2016** in Montreal, Canada. The meeting discussed a report on progress in the implementation and administration of the Access and Benefit-sharing Clearing-House, technical issues related to the internationally recognized certificate of compliance and the checkpoint communiqué, modalities of operation and intervals to review the implementation and operation of the ABS Clearing-House, and priorities for future implementation and administration of the ABS Clearing-House.

Future CBD Meetings

The second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing will take place from **4 to 17 December 2016** in Cancun, Mexico.

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

Technology and Executive Committee (TEC)

The twelfth meeting of the UNFCCC Technology and Executive Committee took place from **5 to 8 April 2016** in Bonn, Germany. The meeting was chaired by Ms. Duduzile Nhlengethwa Masina from Swaziland. TEC members exchanged views on the evolution of technology development and transfer activities under the UNFCCC, and the outcomes of the Paris climate change conference, with a view to informing the discussion by the TEC on the development of its next rolling workplan. Some TEC members pointed to the need for coherence between the Technology Facilitation Mechanism of the UN in relation to the Sustainable Development Goals (SDG) and the Technology Mechanism of the UNFCCC. TEC members exchanged views on possible areas of collaboration between the TEC and the Climate Technology Centre and Network (CTCN), including on research, development and demonstration (RD&D), and on the possibility for a joint meeting between the TEC and the Advisory Board of the CTCN. The TEC also discussed and commented on a background paper by the UNFCCC Secretariat on the guidance for implementation of Technology Action Plans (TAP) by developing countries. TEC also took note of possible areas of collaboration with the Green Climate Fund (GCF) and the Global Environment Facility (GEF), and agreed on a revised draft agenda for a workshop on linkages between the Technology Mechanism and the Financial Mechanism scheduled to be held in May 2016. The TEC further requested its task force on climate technology financing to provide inputs for a workshop on long-term finance organized by the UNFCCC Secretariat. It also agreed on inputs for Technical Expert Meetings (TEM) on mitigation organized by the UNFCCC Secretariat with regard to the transportation and renewable energy sectors. The TEC also held a thematic dialogue on enablers and barriers to South-South cooperation on technologies for adaptation to deepen the understanding of the topic and share experiences among countries. The TEC also agreed on its rolling workplan for 2016-2018 with three workstreams: 1) analysis of technology issues and providing policy recommendations; 2) catalysing support and facilitating and promoting

technology cooperation and partnership to scale up implementation of actions; and 3) working in collaboration with the CTCN to promote coherence and synergy within the Technology Mechanism.

Future TEC Meetings

The thirteenth meeting of the UNFCCC Technology and Executive Committee will take place on the week of **5 to 9 September 2016** in Bonn, Germany.

INTERNET GOVERNANCE

Commission on Science and Technology for Development

The Chairman of the UN Commission on Science and Technology for Development (CSTD), Mr. Peter Major, has announced his decision on the composition of a working group to develop recommendations on how to further implement enhanced cooperation as envisioned in the Tunis Agenda of the World Summit on the Information Society (WSIS) and invited members of the CSTD to provide feedback on this proposal by **8 February 2016**. The establishment of the working group was recommended by the UN General Assembly Resolution A/RES/70/125 (Outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society). The working group is composed of 22 member states (4 from each region of the CSTD and Tunisia and Switzerland as hosts of WSIS) and five representatives each from the business community, civil society, representatives from the technical or academic community, and intergovernmental organizations.

Open Consultations and the Multi-stakeholder Advisory Group (MAG) Meeting for the 2016 Internet Governance Forum (IGF)

The meeting of the First Open Consultations and the Multistakeholder Advisory Group (MAG) for the 2016 Internet Governance Forum (IGF) took place from **4 to 6 April 2016** in Geneva, Switzerland. The open consultation and MAG meetings were chaired by Ms. Lynn St. Amour, President of the NGO Internet Society (ISOC). The open consultations took stock of the 2015 Internet Governance Forum (IGF) to set expectations for IGF 2016, discussed the outcomes of the December 2015 high-level meeting of the UN General Assembly on the overall review of the implementation of the outcomes of WSIS, and related Internet governance initiatives and processes. The MAG meeting discussed preparations for IGF 2016, the

role and responsibilities of MAG, the IGF-MAG modalities, and possible 2016 IGF intersessional activities.

The World Summit on Information Society (WSIS) Forum

The World Summit on Information Society (WSIS) Forum took place from **2 to 6 May 2016** in Geneva, Switzerland. The Forum was chaired by Mr. Daniel Sepulveda from the United States of America. The Forum comprised of High-Level Policy Sessions of the High-level Track (HLT) and more than 150 specific sessions under the overarching theme of "WSIS Action Lines: Supporting the Implementation of SDGs." One of the thematic workshops was on "Enhanced Cooperation and Internet Governance", co-organized by the National Law University of Delhi, Global Digital Partners and the University of Zurich. The panel discussed possible topics that could be explored by the new CSTD Working Group on Enhanced Cooperation. WSIS Action Line Facilitators also developed a document linking specific WSIS Action Lines to the Sustainable Development Goals.

OECD Ministerial Meeting on the Digital Economy: Innovation, Growth and Social Prosperity

The OECD held a Ministerial Meeting on the Digital Economy: Innovation, Growth and Social Prosperity from **21 to 23 June 2016** in Cancun, Mexico. The meeting was chaired by Mr. Ildefonso Guajardo Villarreal from Mexico. The objective of the ministerial meeting was to move the digital policy agenda forward by helping policymakers and other stakeholders lay the groundwork to seize the benefits of the digital economy while at the same time better navigating the potential trade-offs. Discussions took place on four thematic issues: Internet openness and innovation, building global connectivity, consumer trust and market growth, and new markets and new jobs in the digital economy.

Future Meetings

The Internet Governance Forum (IGF) will take place tentatively from **6 to 9 December 2016** in Guadalajara, Mexico.

FREE TRADE AGREEMENTS

Regional Comprehensive Economic Partnership (RCEP)

The twelfth and thirteenth rounds of negotiations for a Regional Comprehensive Economic Partnership (RCEP) Agreement between Australia, China, India, Japan, New Zealand,

South Korea and the ten ASEAN countries was held from **22 to 29 April 2016** in Perth, Australia and from **12 to 18 June 2016** in Auckland, New Zealand. These rounds of negotiations were chaired by Mr. Iman Pambagyo, Deputy Permanent Representative of Indonesia to the WTO. In-depth talks were held in areas of trade in goods, trade in service, investment, intellectual property, economic and technological cooperation, competition, e-commerce, and legal terms, etc.

Leaked text proposals on RCEP from Japan and Korea in 2015 suggest that RCEP provisions on IP could go beyond the obligations under the TRIPS Agreement and the existing IP laws of many RCEP countries such as extending the term of patent monopolies, restrictions on the use of clinical trial data to support marketing approval of generic medicines, enabling seizure of generic medicines in transit on grounds of IP infringement in the country of transit, and determination of damages for patent infringement based on valuation of the patent by the right holder.

Future RCEP Negotiations

An RCEP Trade Ministers' Meeting will take place on **5 August 2016** in Laos.

The fourteenth round of RCEP negotiations will take place from **15-19 August 2016** in Vietnam.

Transatlantic Trade and Investment Partnership (TTIP)

The thirteenth round of negotiations for the Transatlantic Trade and Investment Partnership (TTIP) was held from **25 to 29 April 2016** in New York, USA. The discussions in this round continued to focus on regulatory cooperation in various sectors including pharmaceuticals, investment protection and sustainable development. In respect of IP, the US presented three further IPR text proposals: on cooperation, plant varieties and IPR border measures. The parties identified elements of convergence in the respective new trade secret laws and discussed the way forward for possible text based negotiation. A major issue of concern is that IP provisions in TTIP may increase the prices for new medicines and make them unaffordable for public health services in TTIP countries. Another issue of contention is geographical indications where the EU is seeking the US to agree to a list of EU GIs that should be protected with rules to prevent other producers from misusing them and also to enforce those rules effectively.

Future TTIP Negotiations

The fourteenth round of negotiations for the TTIP will take place from **11 to 15 July 2016** in Brussels, Belgium.

OTHER DEVELOPMENTS

Annual Multi-stakeholder Forum on Science, Technology and Innovation for the Sustainable Development Goals (STI Forum)

The first annual Multi-stakeholder Forum on Science, Technology and Innovation for the Sustainable Development Goals (STI Forum) took place from **6 to 7 June 2016** in New York, USA. The Forum was co-chaired by H.E. Ambassador Macharia Kamau from Kenya and Dr. Vaughan Turekian from the United States of America. The objective of the STI Forum is to discuss STI cooperation around thematic areas for the implementation of the SDGs. More than 600 participants representing 81 governments and more than 350 scientists, innovators, technology specialists, entrepreneurs and civil society representatives participated in the Forum. The Forum stressed that enabling access to technologies will be a critical element of a strategy to fully mobilize the potential of STI for the SDGs. In this context, it emphasised the need for STI capacity building and STI policy coherence in order to accelerate technology transfer, technology diffusion and innovation in a manner that is commensurate with the SDG ambition. The STI Forum experimented with ways to promote networking and matchmaking, as per its mandate. Innovators selected among a large number of respondents to an open call for action had a chance to present their innovations, and other participants expressed interest in helping some of them access funding. It was recommended that open calls for innovation could be a recurrent feature of future forums, to help sourcing, funding and deploying technology solutions to specific SDG challenges. In this context, the Forum could facilitate access to funding for outstanding innovations with the greatest SDG impacts. It was also recommended that in between annual sessions of the Forum, the 10 Member Group and the UN Interagency Task Team may promote activities that catalyse and enable stakeholder engagement in the technology facilitation mechanism, fostering the inclusion of existing initiatives and organizations that also promote STI for sustainable development. Further, it was recommended that the STI Forum should serve as a catalyst for multistakeholder partnerships on STI. Discussions also focused on how the Forum could become more action oriented and an outcome of an annual programme of result oriented activities.