

# IP NEGOTIATIONS MONITOR

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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

No session of the Council for Trade Related Aspects of Intellectual Property Rights (TRIPS Council) was held during the reporting period.

### 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)

### Program and Budget Committee: Twenty-Fifth Session

The twenty-fifth session of the WIPO Program and Budget committee (PBC) took place from **29 August to 2 September 2016** in Geneva, Switzerland. The session was chaired by Ambassador Janis Karklins from Latvia.

The PBC is one of the main bodies in which member States carry out their oversight function of the WIPO Secretariat's activities in implementing the program and budget, as approved by member States.

The agenda of the twenty-fifth session of the PBC included Audit and Oversight, Program Performance and Financial Reviews, Proposals, Items Referred to the PBC by the 2015 Assemblies of WIPO Member States, and Progress Reports on Major Projects and Administrative Matters.

### Audit and Oversight

The agenda items under the topic Audit and Oversight includes Report by the WIPO Independent Advisory Oversight Committee (IAOC), Report of the Selection Panel for the Appointment of the New Members of the WIPO IAOC, Report by the External Auditor, Annual Report by the Director of the Internal Oversight Division (IOD), and Progress Report on the Implementation of the Joint Inspection Unit's (JIU) Recommendations.

Having reviewed the report by the WIPO IAOC, the PBC recommended to the WIPO General Assembly (GA) to take note of the report. Recognizing the revision of the Internal Oversight Charter as a high priority for member States, the PBC took note of the discussions regarding the timeline to revise the Internal Oversight Charter, and directed the IAOC to (i) propose forward looking amendments to the WIPO Internal Oversight Charter with a view to ensure it is a

model within the UN System for the efficiency, independence and transparency of investigatory processes involving allegations against senior officials; (ii) hold consultations with relevant stakeholders during the revision process; and (iii) put forward these amendments for consideration and possible decision at the upcoming fifty-sixth session of the WIPO Assemblies.

Taking note of the IAOC selection panel report, the PBC recommended to the GA the approval of the recommendations of the Selection Panel for selection of five new members of the WIPO IAOC, which appear in paragraph 33 of the Selection Panel's Report.

The PBC recommended to the GA and other Assemblies of the Member States of WIPO to take note of the report by the External Auditor.

The PBC also took note of the annual report of the Director of IOD as well as comments and views expressed by delegations and Groups.

Moreover, the PBC:

took note of the *Progress Report on the Implementation of the JIU Recommendations*<sup>1</sup>;

welcomed and endorsed the Secretariat's assessment of the status of the implementation of recommendations under JIU/REP/2015/5 (Recommendation 2), JIU/REP/2015/4 (Recommendation 1), JIU/REP/2014/9 (Recommendation 1), JIU/REP/2012/12 (Recommendation 4), JIU/REP/2011/3 (Recommendation 3 and 9), and JIU/REP/2010/7 (Recommendation 7) as set out in the present report;

took note of the Secretariat's assessment of the status of the implementation of the recommendation under JIU/REP/2010/3 (Recommendation 17); and

called on the Secretariat to propose assessments for the open recommendations made by the JIU for Member States' consideration.

### Program Performance and Financial Reviews

The agenda items under the topic Program Performance and Financial Reviews includes Program Performance Report for 2014/15, Annual Financial Statements 2015; Status of the Payment of Contributions as at June 30, 2016, Financial Management Report (FMR) for the 2014/15 Biennium, and Annual Report on Human Resources.

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<sup>1</sup> Document WO/PBC/25/6.

The PBC reviewed the Program Performance Report for 2014/15, and recognized its nature as a self-assessment of the Secretariat and recommended that the Assemblies of the Member States of WIPO acknowledge the contribution made by various programs in 2014/15 to the achievement of the expected results.

The PBC took note of the IOD Validation Report on the Program Performance Report for 2014/15.

The PBC recommended to the GA and other Assemblies of the Member States of WIPO to approve the annual financial report and financial statements 2015 and the financial management report for the 2014/15 Biennium.

The PBC also took note of the Status of the Payment of Contributions as at June 30, 2016.

### Proposals

The PBC discussed proposals on opening of new WIPO external offices, the Medium-Term Strategic Plan (MTSP) of WIPO, proposals on After-Service Health Insurance (ASHI) liability, review of allocation methodology for the income and budget by union, and further update on a proposal concerning hedging strategy for PCT income.

Two of these new agenda items were highlighted by delegations: a proposed MTSP for 2016-2021 and the opening of new WIPO external offices.

The MTSP is developed by the WIPO Secretariat every four years. Member States do not need to approve the MTSP, but must give guidance to the Director General to ensure that the vision for the organization, the strategic goals and its subsequent implementation is generally in line with that of Member States.

During the discussion on the MTSP for 2016-2021, delegations from developing countries asked the Secretariat to specify the proposed "strategic outcomes" and the "outcome indicators" and requested a comparison of changes between the MTSP for 2010-2015 and the new proposed MTSP for 2016-2021. Furthermore, delegations noted the importance of consistency of the development agenda incorporation in the MTSP for 2016-2021 with the United Nations Sustainable Development Goals.

The United States (US) called to attention that the Geneva Act of the Lisbon Agreement and Lisbon system as a global IP system to protect geographic indications are not administered by WIPO. However, the US's view was not shared by France, Portugal and Iran.

The PBC recommended the Assemblies of the Member States of WIPO take note of the MTSP for 2016-2021 and also note the comments of member States on the document, as contained in the Annex to the MTSP.

On the issue of opening of new WIPO external offices during the 2016/17 biennium, the PBC (i) did not reach consensus on the opening of new external offices; (ii) decided to continue informal consultations in advance of the upcoming fifty-sixth session of the WIPO Assemblies; and (iii) recommended further consideration of the matter at the fifty-sixth session of the WIPO Assemblies. Eighteen WIPO member States have proposed to host external offices in the 2016/17 biennium, prior to the PBC. During the PBC candidate countries were narrowed down to Algeria and Nigeria from the African region, and Colombia from the GRULAC region. However, no consensus was reached regarding candidate countries from other regions.

The PBC reviewed the MTSP 2010-2015, and recognized its nature as a self-assessment of the Secretariat and recommended that the Assemblies of the Member States of WIPO acknowledge the programs' contribution made in 2010-2015 towards the achievement of the nine Strategic Goals of the Organization.

The PBC recommended to the Assemblies of the Member States of WIPO and of the Unions, each as far as it is concerned, to request the Secretariat: (i) to continue to participate in the Finance and Budget Network's ASHI Working Group; and (ii) to monitor the specific proposals to be made by the Secretary-General to the United Nations General Assembly at its 71st session and, based on these proposals, present concrete measures to the PBC at its 26th session, recalling WIPO's membership in the United Nations Common System.

The PBC also considered the potential alternative methods for the allocation of income and expenditure to the Unions but did not reach consensus on the issue. The PBC decided to continue informal consultations in advance of the upcoming 56th session of the WIPO Assemblies, and recommended further consideration of the matter in the WIPO Assemblies.

The PBC took note of the further update on proposal concerning hedging strategy for PCT income, in particular paragraph 23 and 24.

### Governance Issues

The PBC requested the Secretariat to prepare a presentation on the 2003 constitutional reform, for presentation at the 26th session of the PBC, in

order to contribute to further discussions on the matter.

### Progress Reports on Major Projects and Administrative Matters

Progress Reports on Major Projects and Administrative Matters include the Final Report on the Construction Projects and Progress Report on the Implementation of an Enterprise Resource Planning (ERP) System in WIPO.

The PBC took note of the contents of the final report on the construction project, including the return of final unspent project balances to the Reserves of the Organization as per paragraph 4 and 5. The PBC also took note of the progress report on the implementation of a comprehensive integrated ERP system.

### Advisory Committee on Enforcement: Eleventh Session

The eleventh session of the WIPO Advisory Committee on Enforcement took place from **5 to 7 September 2016** in Geneva, Switzerland. The session was chaired by Ms. Amanda Lotheringen from South Africa.

The ACE was established by the WIPO General Assemblies in 2002 with a mandate to carry out technical assistance and coordination in the field of enforcement, without engaging in any norm-setting activity.

Following the decision made at the tenth session of the ACE, the eleventh session discussed national experiences on the following agenda items:

- A. exchange of information on national experiences on awareness building activities and strategic campaigns as a means for building respect for IP among general public, especially the youth, in accordance with the Member States' educational and any other priorities;
- B. exchange of information on national experiences relating to institutional arrangements concerning IP enforcement policies and regimes, including mechanism to resolve IP disputes in a balanced, holistic and effective manner;
- C. exchange of information on national experiences in respect of WIPO's legislative assistance, with a focus on drafting national laws of enforcement that take into account the flexibilities, the level of development, the difference in legal tradition and the possible abuse of enforcement procedures, bearing in mind the broader societal interest

and in accordance with Member States' priorities; and

- D. exchange of success stories on capacity building and support from WIPO for training activities at national and regional levels for Agencies and national officials in line with relevant Development Agenda Recommendations and the ACE mandate.

Under Agenda Item B, Pakistan, Portugal, Russia, Thailand and United Kingdom presented their national experiences on establishment of specialized IP courts. However, South African Law Commission Review found that specialized IP courts are not feasible and affordable for developing countries like South Africa.

Under Agenda Item C, there were no documents available or presentations made by member states. Several delegations from developing countries expressed disappointment that there was no document for discussion and requested the Secretariat to prepare for the twelfth session of the ACE a document on legislative assistance provided in the area of IP enforcement. The Secretariat agreed to the preparation of an information document for the next session of the ACE.

At the end of the meeting, it was agreed to adopt the current work program as the future work of the twelfth session of the ACE.

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

The thirty-first session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) took place from **19 to 23 September 2016** in Geneva, Switzerland. The session was chaired by Mr. Ian Goss from Australia.

The IGC is, in accordance with its mandate<sup>2</sup>, undertaking text-based negotiations with the objective of reaching agreement on a text of an international legal instrument, which will ensure the effective protection of traditional knowledge, traditional cultural expressions and genetic resources.

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<sup>2</sup> Assemblies of Member States of WIPO Fifty-fifth Session (October 5 to 14, 2015) Decision on Agenda Item 17: *Matters Concerning the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore*, available at [http://www.wipo.int/export/sites/www/tk/en/igc/pdf/igc\\_mandate\\_1617.pdf](http://www.wipo.int/export/sites/www/tk/en/igc/pdf/igc_mandate_1617.pdf).

This session of the IGC aimed to address the core issues of *The Protection of Traditional Knowledge: Draft Article3*, including policy objectives, use of terms, subject matter, beneficiaries of protection, and scope of protection. Discussions took place both in plenary and informal mode in order to reach a common understanding and narrow existing gaps. The IGC presented two revision documents of the draft text to reflect member States' discussions.

The Committee decided that the second revision of the draft text shall be transmitted to the thirty-second session of the IGC, in accordance with the IGC's mandate for 2016-2017 and the work program for 2017, as contained in the report<sup>4</sup> of the forty-seventh session of WIPO General Assembly.

Furthermore, the thirty-first session of IGC proposed an indicative list of outstanding/pending issues to be solved at the thirty-second session of IGC. The IGC also decided to transmit to the next session of the IGC an "Indicative List of Outstanding/Pending Issues to be Tackled/Solved at the Next Session".

### Future WIPO Meetings

The fifty-sixth series of meetings of Assemblies of the Member States of WIPO will take place from **3 to 11 October 2016** in Geneva, Switzerland. South Centre's side event "The Future WIPO Development Agenda" to this WIPO Assemblies will take place on **4 October 2016** in Geneva, Switzerland.

The thirty-sixth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) took place from **17 to 19 October 2016** in Geneva, Switzerland.

The eighteenth session of the Committee on Development and Intellectual Property (CDIP) took place from **31 October to 4 November 2016** in Geneva, Switzerland.

The thirty-third session of the Standing Committee on Copyright and Related Rights (SCCR) took place from **14 to 18 November 2016** in Geneva, Switzerland.

The thirty-second session of the WIPO IGC will take place from **28 November to 2 December 2016** in Geneva, Switzerland.

## FOOD AND AGRICULTURE ORGANIZATION (FAO)

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

#### *Ad Hoc Open-Ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-Sharing*

The Fifth Meeting of the Ad Hoc Open-Ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-Sharing took place from **11 to 14 July 2016** in Geneva, Switzerland.<sup>5</sup> The Working Group was co-chaired by Mr. Modesto Fernandez from Cuba and Mr. Javad Mozafari from Iran.

The co-chairs presented the *Second Draft Revised Standard Material Transfer Agreement, Co-Chairs' Proposal*,<sup>6</sup> including a full draft of the revised Standard Material Transfer Agreement (SMTA). The Working Group considered the co-chairs' proposal, agreed to work on the basis of the text and identified that there were no major problems that still needed to be addressed in the SMTA Articles.

The topics for discussion in the meeting included a subscription system to be included in SMTA, genetic sequence data (dematerialization), government donation to the benefit sharing fund, and the scope of the Multilateral System (MLS).

To examine whether a subscription system should be the only way to access the MLS, the meeting discussed the revision of the subscription system, access and payment rates, crop and user categories, termination clause, compliance with subscription system, monitoring and dematerialization, and voluntary benefit sharing. Participants also discussed how to manage cases where MLS germplasm is returned to its country of origin; a process referred to as "repatriation", and described a number of practical cases. It was agreed that the issue merited further consideration. Participants raised the issue regarding the implications of the seeds and information thereof that are used by a company for development but not commercialized. Participants also raised the issue that it is not clear under current SMTA whether genetic sequence data is included as subject matter.

The discussions focused on issues such as government donations to the benefit sharing fund

3 WIPO/GRTKF/IC/31/4.

4 See document WO/GA/47/19.

<sup>5</sup> The report of this meeting is available at <http://www.planttreaty.org/sites/default/files/a-mr221e.pdf>.

<sup>6</sup> IT/OWG-EFMLS-5/16/3.



and the inclusion of a broader range of collections of seeds in Contracting Parties in the MLS.

With a view to finalizing the revised SMTA, which would include a subscription system, the Working Group provided a number of recommendations to the Co-Chair:

- Consider the scope of the subscription, a termination clause, access mechanisms, options for online systems and subscription payment rates;
- Improve legal certainty and clarity on the process for future amendments to the SMTA;
- Explore the balance between public subscription information and subscribers' confidentiality;
- Examine feasibility of the system and consistency of the revised SMTA with the text of the ITPGRFA;
- Monitor implementation of the subscription system.

The Working Group recognized that currently there is no consistent practice regarding the restoration of accessed material to the provider or the competent authority of the territory from which they were originally collected. It recalled the opinion of the *Ad Hoc* Technical Advisory Committee on the Standard Material Transfer Agreement and the Multilateral System, agreed to seek legal advice and bring the matter to the attention of the Governing Body.

In consideration of measures to enhance the functioning of the Multilateral System, the Working Group recognized the importance of liaising with the *Ad Hoc* Advisory Committee on the Funding Strategy and welcomed the opportunity to interact with it in November 2016.

Regarding the scope of the Multilateral System vis-à-vis the scope of the Treaty, some delegations thought expanding the scope of Annex I would increase the attractiveness of the Multilateral System, other delegations thought that expanding the scope of the Multilateral System would require building commitment and trust between Contracting Parties and with stakeholder groups.

A number of legal questions related to the consistency of the revised SMTA with the text of the ITPGRFA, raised by the Working Group, are expected to be resolved at the next meeting.

### *Global Consultation on Farmers' Rights*

A Global Consultation on Farmers' Rights took place from **27 to 30 September 2016** in Bali, Indonesia. It was convened by the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and co-organized and co-sponsored by Indonesia and Norway. The objective of the consultation was to engage Contracting Parties to the ITPGRFA and relevant organizations to exchange views, experiences and best practices on the implementation of farmers' rights as set out in Article 9 of the ITPGRFA and discuss ways to enhance implementation of farmers' rights at the global and national level.

According to Article 9 of the ITPGRFA, governments are to protect and promote farmers' rights, but can choose the measures to do so according to their needs and priorities. Measures may include the protection of traditional knowledge, equitable benefit sharing, participation in decision-making, and the right to save, use, exchange and sell farm-saved seeds and propagating material.

A report of the consultation will be made available on the website of the FAO ITPGRFA.<sup>7</sup>

### **Future ITPGRFA Meetings**

The Third meeting of the Ad hoc Technical Committee on Sustainable Use will take place from **24 to 25 October 2016** in Geneva, Switzerland.

The Sixth 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 **15 to 19 November 2016** in Rome, Italy.

### **Commission on Genetic Resources for Food and Agriculture (CGRFA)**

#### *Team of Technical and Legal Experts on Access and Benefit-Sharing*

The Third Session of the Team of Technical and Legal Experts on Access and Benefit-Sharing (ABS Expert Team) took place from **13 to 15 September 2016** in Rome, Italy. The report of the meeting was not available at the time of publication of this report.

The meeting aimed to discuss the outputs of the CGRFA's Intergovernmental Technical Working Groups (ITWGs) on forest, plant, aquatic, and animal genetic resources for food and agriculture

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<sup>7</sup> <http://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/414974/>

with regard to access to genetic resources and the fair and equitable sharing of benefits arising from their utilization. It aimed to develop consolidated input for the consideration of sub-sector specific elements for ABS regarding genetic resources for food and agriculture at the sixteenth session of the CGRFA to be held in early 2017.

#### ***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 was chaired by Ms. Deidre Januarie from Namibia.

The agenda of the meeting included implementation and update of the Global Plan of Action for Animal Genetic Resources, Review of the Funding Strategy for the Implementation of the Global Plan of Action for Animal Genetic Resources, access and benefit-sharing for animal genetic resources, and review of the CGRFA's Multi-Year Programme of Work.<sup>8</sup>

With regard to access and benefit-sharing for animal genetic resources, the Working Group discussed a document on *Elaboration of subsector-specific elements for access and benefit-sharing for genetic resources for food and agriculture*<sup>9</sup>, and a document on *Elements to Facilitate Domestic Implementation of Access and Benefit-sharing for Different Subsectors of Genetic Resources for Food and Agriculture*.<sup>10</sup> It recommended the Team of Technical and Legal Experts on Access and Benefit-Sharing to consider the existing use and exchange practices typical of the livestock sector, with regard to the utilization of animal genetic resources, and also recommended the CGRFA to request its Secretary to continue collecting information and experiences submitted by Members concerning use and exchange practices of animal genetic resources, and to continue strengthening information exchange and collaboration with other relevant bodies.

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

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

<sup>8</sup> CGRFA/WG-AnGR-9/16/REPORT.

<sup>9</sup> CGRFA/WG-AnGR-9/16/4.

<sup>10</sup> The document is available at <http://www.fao.org/3/a-i5033e.pdf>.

#### **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)**

##### **Meeting on Substandard/Spurious/Falsely-labelled/ Falsified/Counterfeit Medical Products**

The meeting of the Steering Group of the Member State Mechanism on Substandard/Spurious/Falsely-Labelled/ Falsified/Counterfeit Medical Products took place from **28 to 29 September 2016** in Geneva, Switzerland. The Steering Group discussions included consideration of a draft on working definitions of SSFFC medical products proposed by the working group on refining the working definitions of SSFFC medical products, established by the Member State Mechanism, and a draft study of the public health and socioeconomic impact of SSFFC medical products. The Steering Group also discussed WHO participation in the global steering committee for quality assurance of health products, medicines in transit, update on WHO Regulatory Systems Strengthening programme, and the review of the MSM by the World Health Assembly in 2017. The report of the Steering Group was not available at the time of publication of this report.

##### **REPORT OF THE UNITED NATIONS SECRETARY-GENERAL'S HIGH-LEVEL PANEL ON ACCESS TO MEDICINES**

The United Nations Secretary-General's High-Level Panel on Access to Medicines published its report titled *Report of the United Nations*



*Secretary-General's High-Level Panel on Access to Medicines: Promoting Innovation and Access to health technologies* on **14 September 2016** in New York. In November 2015, the UN Secretary-General Ban Ki-moon had announced the creation of High-Level Panel, calling to "review and access proposals and recommend solutions for remedying the policy incoherence between the justifiable rights of inventors, international human rights law, trade rules and public health in the context of health technologies." The High-Level Panel was co-chaired by Madame Ruth Dreifuss from Switzerland and Mr. Festus Gotebanye Mogae from Botswana.

The report calls on governments, the United Nations entities and others including the WTO, to take action on the report's recommendations. The report notes that access to medicines, vaccines, diagnostics and medical devices is a matter of concern for all countries. It signals that significant progress can be made by the global health community on access to medicines by taking concerted action.

Some of the key recommendations of the report are the following:

- WTO Members should take full use of the policy space available in Article 27 of the TRIPS Agreement by adapting and applying rigorous definitions of invention and definitions of invention and patentability that are in the best interest of the public health of the country and its inhabitants. This includes amending laws to curtail the evergreening of patents and awarding patents only when genuine innovation has occurred.
- Governments should adopt and implement legislations that facilitate the issuance of compulsory licenses.
- WTO Members should revise the paragraph 6 decision in order to find a solution that enables swift and expedient export of pharmaceutical products produced under compulsory license.
- Governments and private sector must refrain from explicit or implicit threats, tactics or strategies that undermine the right of WTO Members to use TRIPS flexibilities.
- Governments engaged in bilateral and regional trade and investment treaties should ensure that these agreements do not include provisions that interfere with their obligations to fulfil the right to health.
- Universities and research institutions that receive public funding must prioritize public health objectives over financial returns in their patenting and licensing practices.

- Stakeholders, including governments, the biomedical industry, institutional funders of healthcare and civil society should test and implement new and additional models for financing and rewarding public health R&D.
- The UN Secretary-General should initiate a process for governments to negotiate global agreements on the coordination, financing and development of health technologies, including negotiations for a binding R&D Convention that delinks the costs of R&D from end prices to promote access to good health for all.
- Governments should establish a Working Group to begin negotiating a Code of Principles for Biomedical R&D.
- Governments must review the situation of access to health technologies in their countries in the light of human rights principles and States' obligations to fulfil them, with assistance from the Office of the UN High Commissioner for Human Rights.
- Governments should require the disclosure to drug regulatory and procurement authorities of information pertaining to the cost of R&D, production, marketing and distribution of health technology, and any public funding received in the development of health technology, including tax credits, subsidies and grants.
- Governments should make publicly available all data on clinical trials, as well as the information and databases on patent information status and data on medicines and vaccines.

## **UNITED NATIONS GENERAL ASSEMBLY**

The seventy-first session of United Nations General Assembly was held from **19 to 23 September 2016** in New York, United States. The session was presided over by Ambassador Peter Thomson from Fiji. The session tackled antimicrobial resistance, progress on the Sustainable Development Goals and address movements of refugees and migrants.

### **High-Level Meeting on Antimicrobial Resistance (AMR)**

The High-Level Meeting on Antimicrobial Resistance was held on **21 September 2016** in New York, United States, at the sides of the United Nations General Assembly. The High-Level Meeting discussions led to the adoption of a *political declaration of the high-level meeting of*

*the General Assembly<sup>11</sup> on antimicrobial resistance* by the high level segment of the meeting.

The adoption of the political declaration provides recognition of the critical nature of antimicrobial resistance at the highest political level. The declaration recognizes the World Health Organization (WHO) Global Action Plan on AMR as the blue print of action, it also acknowledges that the lack of access to health services and antimicrobial medicines continues to affect more people than resistance and this constitutes a major challenge for developing countries. The document clear states that research and development efforts should be guided by need and by the principles of affordability, effectiveness, efficiency and equity and that they should be de-link from the price and volume of sales. There are two calls for action in the text. The first one calls upon the WHO “together with Food and Agriculture Organization (FAO) of the United Nations and the World Organization for Animal Health (OIE), to finalize a global development and stewardship framework.” Preliminary discussions on this framework have taken place in Geneva at the WHO in the early 2016 but this call for action gives an explicit mandate to continue the negotiations that will define and structure how this framework would look like. The second call for action has requested the Secretary-General (SG) to establish an ad hoc interagency coordination group co-chaired by the Executive Office of the SG and the WHO.

During the opening segment of the high level meeting there were interventions by the President of the General Assembly, the Secretary General of the UN, the Director General of WHO, FAO and OIE respectively. The President of the General Assembly Mr. Peter Thomson emphasized the large impact that AMR will have and how it will affect the implementation of the Sustainable Development Goals and remarked on the importance of affordable and accessible medicines and vaccines. The UN Secretary-General Mr. Ban Ki-moon stressed the fundamental threat that AMR poses to human health, food production and development and how this could put the achievement of the Sustainable Development Goals (SDGs) in jeopardy. He further remarked that tackling AMR will require long time commitments from everyone and coordination, cooperation and sustain financing.

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<sup>11</sup> The declaration is available at [http://www.un.org/pga/71/wp-content/uploads/sites/40/2016/09/DGACM\\_GAEAD\\_ES\\_CAB-AMR-Draft-Political-Declaration-1616108E.pdf](http://www.un.org/pga/71/wp-content/uploads/sites/40/2016/09/DGACM_GAEAD_ES_CAB-AMR-Draft-Political-Declaration-1616108E.pdf); <http://www.un.org/pga/71/event-latest/high-level-meeting-on-antimicrobial-resistance/>.

This high level meeting convened participation of member States, non-governmental organization, representatives of civil society, the private sector and academic institutions. The meeting summoned strong national, regional and international political commitment in addressing AMR. It emphasized the important role and the responsibilities of governments, as well as the roles of non-State actors, the private sector and relevant inter-governmental organization, particularly the WHO, the FAO and the World Organisation for Animal Health (OIE) in establishing, implementing and sustaining a cooperative global, multi-sectoral and cross-sectoral approach.

The high level meeting held two parallel segments. The first segment gave the space to countries to provide statements endorsing the political declaration. The second segment held two panels: (1) relevance of addressing AMR for the achievement of the Sustainable Development Goals, in particular the health-related goals; and (2) addressing the multi-sectoral implications and implementation challenges of AMR in a comprehensive manner. It was expected that after the meeting, AMR will remain high on the development agenda. National multi-sectoral efforts would be amplified and used to catalyse global and whole-of-society responses to combat AMR.

## **CONVENTION ON BIOLOGICAL DIVERSITY (CBD)**

### **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 thirteenth meeting of the UNFCCC Technology and Executive Committee took place from **6 to 9 September 2016** in Bonn, Germany. The report or the decision to this meeting is not available during the reporting period.

The TEC is part of Technology Mechanism that was established by decision 1/CP.16<sup>12</sup> of the Conference of the Parties (COP). Following the decision made by the COP, the TEC and the

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<sup>12</sup> Decision 1/CP.16, paragraph 117.

Climate Technology Centre and Network (CTCN) prepare joint annual reports to the COP, through the subsidiary bodies, on their respective activities and the performance of their respective functions.

The agenda items of this meeting included update on relevant meetings, events and initiatives and matters relating to the CTCN, discussions on technology needs assessment, climate technology financing, future work on South-South cooperation on technologies for adaptation, mitigation, innovation and research, development and demonstration, and emerging and cross-cutting issues. The meeting also discussed the joint annual report of the TEC and CTCN.

The TEC discussed the technology related outcomes of the Bonn Climate Change Conference held in May 2016. The TEC was informed that the Subsidiary Body for Implementation (SBI) initiated a process for elaborating the scope and modalities for the period assessment of the Technology Mechanism in supporting implementation of the Paris Agreement and invited parties and observers to submit their views on scope and modalities regarding this by 25 January 2017. The Subsidiary Body for Scientific and Technological Advice (SBSTA) had initiated discussions on the scope and elements of the new technology framework under Article 10 of the Paris Agreement. Consultations were held between the TEC, CTCN, the Global Environment Facility (GEF) and the Green Climate Fund (GCF) on the linkages between the Technology Mechanism and the Financing Mechanism. The TEC also discussed the Technical Expert Meetings on mitigation and adaptation in which the TEC had actively participated in accordance with the Paris Agreement. Further, the TEC received an update on the Technology Facilitation Mechanism under the UN Sustainable Development Goals. The TEC was also given an overview of the intended nationally determined contributions to mitigation and adaptation goals. The TEC was also briefed about issues related to technology for the Conference of the Parties meeting (COP22) in Marrakech in 2016. The TEC also received information about the activities of the CTCN. The TEC also discussed possible options for linking the Technology Needs Assessment (TNA) processes and the Nationally Determined Contributions (NDC) as well as national adaptation plans.

### **Future TEC Meetings**

No information on the future meetings is available during the reporting period.

## **INTERNET GOVERNANCE**

### **Commission on Science and Technology for Development**

#### **Working Group on Enhanced Cooperation (WGEC 2016-2018)**

The first meeting of the Working Group on Enhanced Cooperation (WGEC) took place on 30 September 2016 in Geneva, Switzerland. This is the first meeting of the renewed WGEC established pursuant to the decision of the UN General Assembly in 2015 with the mandate to develop recommendations on how to further implement enhanced cooperation on the Tunis Agenda, taking into consideration the work that has been done on this matter so far. The Tunis Agenda adopted at the second World Summit on Information Society (WSIS) in Tunisia recognized the need for enhanced cooperation to enable governments, on an equal footing, to carry out their roles and responsibilities in international public policy issues pertaining to the Internet. To facilitate discussions on enhanced cooperation, four meetings of the first round of the WGEC was held from 2013 to 2014 pursuant to a mandate from the 2012 UN General Assembly. The first round of the WGEC meetings developed a mapping of public policy issues pertaining to the Internet and a set of draft recommendations. The agenda of the first meeting of the renewed WGEC includes nominations for the Chair of the WGEC, setting goals and targets to meet the mandate of the UN General Assembly resolution, agreeing on the working methods of WGEC, and agreeing on topics, format and date for the next meeting of the WGEC. The report of the first meeting of the WGEC was not available at the time of this publication.

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

The meeting of the second Open Consultations and the Multistakeholder Advisory Group (MAG) for the 2016 Internet Governance Forum (IGF) took place from **12 to 14 July 2016** in New York, United States.<sup>13</sup> It was co-chaired by Ms. St. Amour from United States and Mr. Victor Lagunes, Chief Information Officer, Office of the President of Mexico. The community received brief updates of the programming progress from multi-stakeholders. The meeting advanced preparations for the IGF 2016 annual meeting and took stock of the ongoing IGF community

<sup>13</sup> The summary report of this meeting is available at <http://www.intgovforum.org/cms/documents/igf-meeting/igf-2016/magmeetings/811-summary-2nd-oc-and-mag-meeting-12-14july-finalv2/file>.

intersessional activities and other relevant Internet governance related fora.

### **Future Meetings**

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

The World Summit on the Information Society Forum 2017 will be held from **12 to 16 June 2017** in Geneva, Switzerland.

further discussions are needed on IPR Border Enforcement. The two parties also touched on trade secrets, SMEs and designs. The EU recalled the protection of Geographical Indications is a key priority in TTIP.

### **Future TTIP Negotiations**

No information was available on the future TTIP negotiations at the time of this publication.

## **FREE TRADE AGREEMENTS**

### **Regional Comprehensive Economic Partnership (RCEP)**

The Fourth Regional Comprehensive Economic Partnership (RCEP) Ministerial Meeting was held in Lao People's Democratic Republic on **5 August 2016**.

The fourteenth round of negotiations for the RCEP Agreement between Australia, China, India, Japan, New Zealand, South Korea and the ten ASEAN countries was held from **15 to 19 August 2016** in Ho Chi Minh City, Viet Nam. The information regarding the meeting was not publicly available at the time of this publication.

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**

The fifteenth round of RCEP negotiations will take place from **10 to 22 October 2016** in Tianjin, China.

### **Transatlantic Trade and Investment Partnership (TTIP)**

The fourteenth round of negotiations for the Transatlantic Trade and Investment Partnership (TTIP) between European Union (EU) and the United States (US) was held from **11 to 15 July 2016** in Brussels. Regarding intellectual property rights, negotiators discussed the proposals on International Agreements, General Provisions, Cooperation and Plant Varieties. Reportedly,