



## DEVELOPMENT, INNOVATION AND INTELLECTUAL PROPERTY PROGRAMME (DIIP)

Monthly Update

February 2017

### HIGHLIGHTS

- New Research Paper by Prof. Carlos M. Correa **Mitigating the Regulatory Constraints Imposed by Intellectual Property Rules under Free Trade Agreements.**

IP provisions in FTAs may have implications on a wide range of public policy areas.

A vast academic literature has addressed the “flexibilities” available under the TRIPS Agreement and the negative impact of FTAs in relation to access to medicines. For example, the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard to Physical and Mental Health noted that the TRIPS Agreement and FTAs have had an adverse impact on prices and availability of medicines, making it difficult for countries to comply with their obligations to respect, protect and fully implement the right to health. He recommended developing countries and LDCs to review their laws and policies and amend them to make full use of the flexibilities available to them.

This paper explores the extent to which this recommendation to use “to the fullest extent possible, remaining public health related flexibilities available” may be effectively implemented in the context of FTAs. The basic question addressed in this paper is whether contracting parties to FTAs can mitigate their adverse effects through interpretation and implementing regulations.

This paper is available from: <https://www.southcentre.int/research-paper-74-february-2017/>.

- **A Briefing for Developing Countries on Global Trends and Linkages to Geneva Multilateral Processes**, was held on 13 February at Palais des Nations, Geneva. Dr. Viviana Munoz presented the state of play at the World Health Organization and the World Intellectual Property Organization. More information of the event is available at: <https://www.southcentre.int/south-centre-conference-13-february-2017>.



SOUTH CENTRE

Research  
Paper  
February 2017

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### MITIGATING THE REGULATORY CONSTRAINTS IMPOSED BY INTELLECTUAL PROPERTY RULES UNDER FREE TRADE AGREEMENTS

Carlos M. Correa



## PUBLICATIONS

### *IP Negotiations Monitor*

- **IP Negotiations Monitor – Issue No. 20, February 2017.** The IP Negotiations Monitor summarizes the latest developments in multilateral and regional fora where intellectual property negotiations take place, and informs on upcoming meetings and events. This issue includes coverage of developments in WTO, WIPO, WHO, UPOV, FAO, CBD, UNFCCC, the Joint United Nations Programme on HIV/AIDS (UNAIDS). It also gives updates on the Internet Governance Forum, the United Nations General Assembly and Free Trade Agreements. The monitor is available from: <https://www.southcentre.int/ip-negotiations-monitor-20-january-2017/>.

### *Background Notes*

- Matrix of Key Issues in the World Intellectual Property Organization.
- Matrix of Key Issues in the WTO TRIPS Council.
- Background Note on Proposal to Permanently Exclude Non-Violation and Situation Complaints from the WTO TRIPS Agreement.
- Comments by the South Centre on WTO document IP/C/W/622 Intellectual Property and Innovation 2017: Inclusive Innovation and MSMEs
- Intellectual Property Elements in the Electronic Commerce Proposals at WTO General Council, TRIPS Council and Work Programme on Electronic Commerce.

### *SouthNews Article*

- Mirza Alas Portillo, **Countries Reaffirm Commitment to Fight Antimicrobial Resistance at WHO Board Meeting.** SouthNews, 2 February 2017.

### *Press Release*

- Growing Coalition to Intensify Efforts to Address Global Antimicrobial Resistance. Available from: <https://www.southcentre.int/press-release-3-february-2017/#more-9469>.

## EVENTS/MEETINGS

- 16 February, *Annual Strategy and Planning Meeting on the work of the World Intellectual Property Organization (WIPO)*, held at the South Centre.
- 21 February, Working Lunch Meeting at the South Centre for the *33rd session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)* held from 27 February to 3 March 2017 at WIPO Headquarters in Geneva.
- 22 February, *Annual Strategy and Planning Meeting on WTO TRIPS issues*, held at the South Centre.

## **PARTICIPATION IN EXTERNAL EVENTS**

- 6 February, *Informal consultation on the Working Group on a UN declaration on the rights of peasants and other people working in rural areas*, held at Palais des Nations, Geneva. Dr. Viviana Munoz participated.
- 14-16 February, *2nd meeting of the Standing Group of Legal Experts on the enhancement of the Multilateral System of the ITPGRFA*, held in Rome, Italy. Prof. Carlos Correa participated. Possible legal solutions to outstanding issues to be considered by the Ad Hoc Open Ended Working Group were discussed.
- 21-23 February, ‘*Séminaire national sur la propriété intellectuelle dans une perspective de développement*’ (National Seminar on Intellectual Property from a Development Perspective) organized by Ministry of Industry and Trade in collaboration with the Agricultural Investment Promotion Agency and the WTO Chair’s Programme in Tunis. The seminar was attended by officials from various ministries and governmental agencies, namely those competent in the area of R&D, public health and agriculture. Discussions centred on TRIPS flexibilities, UPOV and the ongoing negotiations of an FTA with the EU. Prof. Carlos Correa participated and gave several presentations.
- 27 February to 3 March 2017, *33rd session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)* held on at WIPO Headquarters in Geneva. The DIIP Team participated.

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