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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

A regular session of the WTO Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS) took place on **13 June 2017** in Geneva, Switzerland. The session was chaired by Ms. Irene Young from Hong Kong, China.

The agenda of this session of the TRIPS Council included discussions on the standing agenda items on 1) relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD), 2) review of the provisions of Article 27.3 (b) of TRIPS, 3) protection of traditional knowledge and folklore, 4) non-violation and situation complaints, 5) review of the implementation of the TRIPS Agreement under Article 71.1, 6) review of the application of the provisions of the section on geographical indications under Article 24.2, and 7) technical cooperation and capacity building. The TRIPS Council also discussed IP and innovation focusing on inclusive innovation of small and medium-sized enterprises (MSMEs) growth, and IP and public interest with a focus on compulsory licensing.

The TRIPS Council took note of three instruments of acceptance of the Protocol Amending the TRIPS Agreement to introduce a new Article 31*bis* enabling medicines to be exported on the basis of a compulsory license to countries with insufficient capacity to manufacture a medicine, based on paragraph 6 of the Doha Declaration on TRIPS and Public Health. The instruments of acceptance were submitted by Sierra Leone, Fiji and Saint Vincent and the Grenadines. Currently, 116 WTO members have accepted the Protocol amending the TRIPS Agreement.

There was no progress on discussions on the issue of TRIPS-CBD relationship, review of Article 27.3 (b), and the protection of traditional knowledge and folklore, with members reiterating their current positions. The US continued to oppose an existing proposal by some developing country members that the CBD secretariat be invited to provide a presentation in the TRIPS Council on the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, and also opposed a proposal for the WTO Secretariat to update the factual document on the status of discussions. The US also opposed a suggestion for an informal presentation on this issue. South Africa suggested that holding a side event at a future session of the TRIPS Council meeting might be a solution to overcome the current difficulty.

Non-violation and Situation Complaints

The TRIPS Council also could not arrive at any agreement on the question of applicability of non-violation and situation complaints to disputes arising under the TRIPS Agreement. Divergent positions were reiterated on the issue of non-violation and situation complaints under TRIPS. Most WTO members insisted they would like the moratorium to be transformed into a permanent waiver. The United States and Switzerland, on the contrary, reiterated their position that the moratorium should not be extended and that non-violation and situation complaints become applicable to disputes arising under the TRIPS Agreement. The chair called on members to come up with concrete proposals that would permit the Council to move beyond positions of principle and recommend a permanent solution to ministers.

IP and Innovation

Discussions on IP and innovation took place based on an *ad hoc* agenda item with the focus on inclusive innovation and growth of MSMEs, based on guiding questions proposed by Australia, Canada, the European Union, Japan, Singapore, Switzerland, Chinese Taipei and the US. The proponents asked members to exchange experiences and examples of successful measures promoting inclusive innovation and MSME growth, particularly how IP frameworks and innovation policy or programmes have assisted MSMEs to successfully grow, create economic growth and employment, and foster participation in the global trading system and value chains. India noted that the formal IP system based on exclusion and proprietary knowledge is not compatible with the diffusion of knowledge. India also specified that the evidence does not support the assertion that increasing patent monopolies drives innovation. It stressed that innovation needs to be driven by public interest and IP is only one among many factors that contributes to innovation.

IP and the Public Interest

The TRIPS Council also agreed to an *ad hoc* agenda item on IP and the public interest based on a proposal by Brazil, China, Fiji, India and South Africa, and undertook discussions on the subject of compulsory licensing. The proponents said there was growing concern about an imbalance between IP and the public interest. They cited health technologies as an example, where patents, without sufficient use of balancing exceptions and limitations to protect the public interest, allowed companies to maintain high prices and exacerbate the crises of access around the world, with many patients unable to afford medicines, and forced governments with constrained health budgets to ration care. They

therefore invited members to exchange views and experiences on measures within the IP system to promote the public interest, including but not limited to compulsory licensing, patentability criteria, IP and competition, and the regulatory review exception.

India described the difficulty for developing countries to make use of compulsory licenses, for reasons including capacity constraints, and political and economic pressures from states and corporations, echoing the recent findings of the United Nations Secretary General's High-Level Panel on Access to Medicines. Brazil stressed that a flexible policy space is necessary for each member state to develop and adapt the set of IP regulations which are most fitting to reality, adding that exceptions and limitations to IP rights give the necessary flexibility to increase societal welfare without prejudicing the legitimate interests of patent owners.

Brazil also mentioned that respect for IP and the promotion of the public interest are not mutually exclusive.

However, the United States focused on the potential negative effects of the co-sponsors' view of public interest, and said that it could discourage members to establish and maintain robust domestic IP regimes. It said that compulsory licensing diminishes the patent monopoly, undermining the incentive for innovation and investment. The EU and Switzerland also mentioned that the current regime under the TRIPS Agreement provides an adequate balance between IP owners and the public interest.

E-commerce

The TRIPS Council discussed issues related to the work programme on e-commerce under the agenda item on "Other business." Singapore introduced a communication on behalf of ASEAN presenting a report of a panel discussion on whether e-commerce trade rules can help MSMEs from developing countries? The Chair noted that the TRIPS Council had discussed issues related to IP and e-commerce at its recent meetings, where a series of issues were identified that would merit further consideration as part of a continued exchange of views and experiences.

Future WTO Meetings

The 11th WTO Ministerial Conference will take place from **10 to 13 December 2017** in Buenos Aires, Argentina.

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Standing Committee on Copyrights and Related rights (SCCR)

The thirty-fourth session of the WIPO Standing Committee on Copyright and Related Rights (SCCR) took place from **1 to 5 May 2017** in Geneva, Switzerland. The session was chaired by Mr. Daren Tang Heng Shim from Singapore.

The SCCR discussed a revised draft consolidated text relating to protection of broadcasting organizations, focused on definitions, object of protection, rights to be granted and other issues such as beneficiaries of protection, limitations and exceptions, obligations concerning technological protection measures, obligations concerning rights management information, and term of protection (SCCR/34/3). Based on the comments and proposals on this text, the Chair prepared a revised consolidated text (SCCR/34/4). Discussions will continue on the basis of the revised consolidated text at the next session of the SCCR.

On exceptions and limitations for libraries and archives, discussions were based on an informal chart prepared by the Chair which addressed the following topics – limitations on liability of libraries and archives, technological measures of protection, contracts, and the right to translate works (SCCR/34/5). The SCCR agreed to continue discussions on these topics at its next session and on the possibility of the informal chart becoming a working document. The SCCR also agreed to update the study on copyright limitations and exceptions for libraries and archives by Professor Kenneth Crews (SCCR/30/3) and to continue collection of data and information relating to limitations and exceptions for museums with the results to be presented at the next session of the SCCR. The SCCR also requested the WIPO Secretariat to propose a draft action plan for limitations and exceptions for libraries and archives at the next session for the SCCR for its adoption for the future work of the SCCR.

On limitations and exceptions for educational and research institutions and for persons with other disabilities, the SCCR considered an informal chart prepared by the Chair based on a study on copyright limitations and exceptions for educational activities (SCCR/33/6) by Professor Daniel Seng. An update of the study was presented by Prof. Seng. The SCCR agreed to continue discussions on these topics at its next session and on the possibility of the informal chart becoming a working document. The SCCR also heard a presentation on the progress of a scoping study on limitations and exceptions for persons

with disabilities other than print disabilities by Professor Caroline Ncube and Professor Blake Reid and a questionnaire distributed to member States. The SCCR requested the WIPO Secretariat to propose a draft action plan for limitations and exceptions for educational and research institutions, and persons with other disabilities, at the next session for the SCCR for its adoption for the future work of the SCCR.

The SCCR was also given a presentation by Dr. Guilda Rostama on the methodology and preliminary report of the scoping study on the impact of digital developments on the evolution of national legal frameworks over the last ten years. The SCCR also took note of a summary of a brainstorming exercise conducted as part of the preparation process of the scoping study. The completed scoping study will be presented at the next session of the SCCR. The SCCR could not agree on a request by some members and observers that the topic of analysis of copyright related to the digital environment be made a standing agenda item.

The SCCR also took note of the summary of the International Conference on Artist's Resale Right that took place on 28 April 2017, and the progress report of an ongoing study on the economic implications of the resale right by Professor Kathryn Graddy. However, the SCCR could not agree to a request by some members and observers for making the topic of resale right a standing agenda item.

The WIPO Secretariat also gave a briefing to the SCCR on the implementation of the Marrakesh Treaty and the activities of the Accessible Books Consortium (ABC).

PCT Working Group

The tenth session of Patent Cooperation Treaty (PCT) Working Group took place from **8 to 12 May 2017**, in Geneva, Switzerland. The session was chaired by Mr. Maximiliano Santa Cruz, from Chile.

The PCT working Group took note of the reports of the Meeting of the International Authorities (MIA) under the PCT, status of implementation of the PCT online services, implementation of a pilot programme on the electronic transmission of search copies through the International Bureau, and implementation of a pilot project by the European Patent Office (EPO) to facilitate electronic transmission of search copies from receiving offices for patent applications to the EPO as an international searching authority (ISA). It also took note of the evaluation of a survey conducted in 2016 on patent examiner trainings, coordination of patent examiner trainings, a new

initiative by the EPO to issue a provisional opinion on the patentability of an invention when issuing a partial search report, implementation of a pilot project on collaborative search and examination. Further, the Working Group also took note of the work of the PCT Minimum Documentation Task Force, and the report of the Task Force on PCT Sequence Listing.

The Working Group also took note of a progress report on the International Bureau's analysis of issues relating to the possible implementation of a hedging strategy for PCT fees against fluctuating exchange rates, and the introduction of a "netting structure" for PCT fee transactions. It invited the International Bureau to prepare a draft model agreement for all participating receiving Offices and International Authorities for the transfer of filing fees and search fees from the receiving Offices to the International Bureau and for the transfer of search fees after netting from the International Bureau to the International Authority concerned.

The Working Group discussed a proposal by Brazil for a 50 per cent PCT fee reduction for universities from certain countries, notably developing and least developed countries (PCT/WG/10/18) and also took note of a second supplement to a 2014 study by the International Bureau of WIPO on PCT fee elasticity. The proposal by Brazil was supported by many developing countries who stressed that application of fee reduction to PCT system will promote technology dissemination and applicability of PCT system. However, developed countries objected to the proposal and raised doubts on whether PCT fees were an impediment to filing patent applications. They also insisted on inclusion of universities and research institutes from their countries to the proposal and determine how the PCT system will work under such fee reduction. The Working Group requested the International Bureau to send a Circular before the end of July 2017 inviting interested parties to propose issues to be discussed in a workshop to be held on this matter at the next session of the Working Group.

The Working Group, sitting as the Committee on Technical Cooperation (CTC), endorsed the designation of the Intellectual Property Office of the Philippines (IPOP HL) as an International Searching Authority and International Preliminary Examining Authority (ISA) under the Patent Cooperation Treaty for approval by the PCT Union Assembly during the General Assembly of the WIPO Member States in October 2017.

The PCT Working Group also considered a proposal by the Republic of Korea to enable the applicant to provide an English translation of the title of the invention at the time of filing the patent

application, if filed in another language. The Working Group requested the Republic of Korea to develop a detailed proposal in cooperation with the International Bureau.

The Working Group also requested the International Bureau to issue a circular to invite comments on drafting of abstracts for potential modifications to the PCT Applicant's Guide and the International Search and Preliminary Examination Guidelines, and requested interested offices to share their guidelines for preparing abstracts with the International Bureau, to be taken into account in preparing the Circular.

The Working Group further requested the International Bureau to consult offices via a Circular for appropriate technical standards for effective exchange of national classification symbols.

The International Bureau was also invited to seek feedback through a Circular on a refined draft application form for appointment of an office as an International Searching and Preliminary Examining Authority under the PCT and to determine whether the matter can be brought directly to the Assembly for approval or would require further consideration in the Working Group or the Quality Sub-Group of the Meeting of International Authorities.

The Working Group also invited the WIPO Secretariat to convene a workshop on the issue of incorporation by reference of correct elements or parts contained in the priority application, ideally during the next session of the Working Group.

The Working Group approved amendments to the PCT Regulations relating to transmittal by the receiving Office of earlier search or classification results to the International Searching Authority.

Committee on Development and Intellectual Property (CDIP)

The nineteenth session of the Committee for Development and Intellectual Property (CDIP) of the World Intellectual Property Organization (WIPO) took place from **15 to 19 May 2017** in Geneva, Switzerland. The session was chaired by Ambassador Walid Doudech from Tunisia.

The CDIP discussed the report of the Director-General of WIPO on the implementation of the Development Agenda, the evaluation report of a project on IP and design management for business development in developing countries and LDCs, progress report on new WIPO activities related to using copyright to promote access to information and creative content, possible improvements of the WIPO technical

assistance webpage, report on the recommendations of the independent review of the implementation of the Development Agenda recommendations, mapping of South-South cooperation activities within WIPO, report on WIPO's contribution to the implementation of the sustainable development goals (SDGs) and its associated targets, the way forward to address SDGs in future CDIP sessions, a proposal by South Africa for a project on IP management and transfer of technology, the decision of the WIPO General Assembly regarding the implementation of the coordination mechanism and implementation of the mandate of the CDIP on IP and development, and a joint proposal by US, Australia and Canada on activities related to technology transfer.

The CDIP took note of the report of the Director-General on the implementation of the Development Agenda. The CDIP also took note of the evaluation report of a project on IP and design management for business development in developing countries and LDCs and considered a second phase of the project. It requested the WIPO Secretariat to consider the feasibility of implementing the proposed activities under a project or as part of the regular activities of WIPO and report back to the next session of the CDIP.

The CDIP also took note of the progress report on new activities related to using copyright to promote access to information and creative content. The progress report focused on 6 new activities, with particular focus on education and research, software development and public sector information. The activities are: 1) a project on providing legal and technical support for the creation of databases to make education and research resources available on an open access basis; 2) applicability of open licensing to content produced by international organizations; 3) development of a training module on software licensing including open source software; 4) integrating open source licensing in WIPO copyright-related courses and training programmes; 5) preparation of information for WIPO internal use on copyright policies and legal provisions for different copyright approaches to public sector information; and 6) conference for LDCs on copyright and the management of public sector information. In 2014, the fourteenth session of the CDIP requested the Secretariat to work with interested member States to prepare an implementation plan for the first activity, and had also agreed that the CDIP will consider the activity regarding organizing a conference for LDCs after considering progress on the other activities. The progress report by the Secretariat suggested that member States be re-invited to voluntarily participate in the project aimed at creating a centralized database that will make IP related education and research resources available on an

open access basis. The Secretariat also proposed that the CDIP agree to the organization of a global meeting, aimed at raising awareness to selected LDCs, on topics related to public sector information and copyright. The CDIP approved the way forward proposed by the WIPO Secretariat regarding these activities.

On technical assistance, the discussions in the CDIP were based on activities proposed in an informal proposal by Spain, as agreed at the seventeenth session of the CDIP. Accordingly, the CDIP discussed a report by the WIPO Secretariat with suggestions for possible improvements to WIPO's webpage on technical assistance. The Secretariat proposed streamlining the existing information on technical assistance and capacity building available on WIPO's webpages within a specific webpage on technical assistance and capacity building. The Secretariat proposed to cluster the technical assistance and capacity building activities into eight categories – Development Agenda, IP training, legislative and policy advice, support for IP offices, IP strategies, platforms and databases, seminars and workshops, and raising awareness. During the discussions on this proposal in the CDIP, developing countries such as Indonesia, Brazil and Tunisia stressed on the need to introduce “flexibilities” as a separate category of technical assistance on the webpage. The CDIP requested the WIPO Secretariat to implement the proposed improvements, by taking into account the observations made by delegations, and report to the CDIP.

The WIPO Secretariat also gave a presentation to the CDIP on the peer review process for studies commissioned by WIPO that are used in technical assistance. The Secretariat acknowledged that the peer review process is less critical than scientific peer review processes as generally the identity of the peer reviewer is disclosed to the authors in the peer review process for studies commissioned by WIPO.

The CDIP adopted some of the recommendations of the independent review of the implementation of the Development Agenda recommendations. However, there was significant disagreement between developed and developing countries on recommendations 5 and 11 of the independent review. Recommendation 5 of the independent review recommends WIPO to consider linking the DA recommendations to Expected Results contained in the WIPO Program and Budget. Recommendation 11 of the independent review recommends establishing a mechanism to report on the agreed recommendations contained in the evaluation reports and on the mainstreamed outcomes of the DA projects. In its response to both these recommendations the Secretariat stated that the approach currently in place

satisfies the intent behind this recommendation. Developed countries were supportive of the views of the Secretariat. The CDIP agreed to continue discussions on these recommendations at its next session. The CDIP also agreed to adopt recommendations 1 and 2 of the independent review at its next session.

The CDIP also decided that the WIPO Secretariat will report annually on the progress concerning the adopted recommendations addressed to it and seek clarifications on how to proceed concerning recommendations that need decisions by member States. It was also agreed that the CDIP and the member States will continue to discuss the recommendations that are still not adopted, the modalities and implementation strategies for the adopted recommendations, define reporting and review processes, and review progress.

The CDIP also took note of a report by the WIPO Secretariat on mapping of South-South cooperation activities within WIPO. The mapping contains a list of activities undertaken by WIPO, which the Secretariat considers to adopt a South-South cooperation approach, where both the beneficiary and host countries were developing countries or LDCs and where all or the majority of experts were from a developing country or an LDC. Brazil suggested that activities relating to protection of traditional knowledge and genetic resources should be included in the activities adopting a South-South cooperation approach.

The CDIP took note of the first annual report by the WIPO Secretariat on WIPO's contribution to the Sustainable Development Goals (SDGs). Developing countries stressed on the need for more detailed information in the future on the nature of the information provided by WIPO in the interagency cooperation for implementing the SDGs. The Secretariat took note of suggestions for improvements in future reports and for future work on this subject.

The CDIP also agreed to continue discussions on the way to address SDGs in future CDIP sessions.

The CDIP agreed to continue discussions at its next session on a proposal by the African Group for the biennial organization of an international conference on IP and development. The proposal was supported by developing countries but developed countries questioned the necessity for such a conference.

The CDIP adopted the proposal by South Africa for a project on “Intellectual Property Management and Transfer of Technology: Promoting the Effective Use of Intellectual Property in Developing Countries, LDCs and Countries with Economies in Transition.” The project will be

implemented as a pilot project in four countries including South Africa to assist players in the innovation value chain including funders of research, developers of IP, managers of IP and users of IP to develop clear understanding of IP protection strategies, effective management and enforcement of IP rights, use of IP tools to access relevant technologies, and use IP for concluding commercialization.

The CDIP concluded its discussions on the implementation of the WIPO General Assembly decision on CDIP related matters. The 2013 WIPO General Assembly had requested the CDIP to discuss the implementation of the CDIP mandate and the implementation of the coordination mechanisms. Developed and developing countries had been unable to agree on the nature of the coordination mechanism, particularly on whether the WIPO Program and Budget Committee (PBC) and the Committee on WIPO Standards (CWS) should be considered relevant bodies to report to the General Assembly on the implementation of the Development Agenda. There was also disagreement on whether a standing agenda item on IP and development should be included in the CDIP to implement the third pillar of the mandate of the CDIP relating to discussions on IP and development. At the end of this session of the CDIP, the Committee took note of the conclusion of its discussions by reaffirming the right of every member State to express its views in all WIPO committees and agreed to include a new item on "IP and development" on the agenda of the CDIP to discuss IP and development issues, as agreed by the CDIP.

On transfer of technology, the CDIP continued its discussions on an outstanding element from a joint proposal from the US, Canada and Australia that was submitted at the eighteenth session of the CDIP. This outstanding element was a proposal that WIPO should investigate taking up a market-based approach to facilitate innovation and commercialization by providing a means for public sector patent holders to signal their licensing intent and promote their key areas of technology on a single platform. The CDIP agreed to continue discussions on this proposal at its next session. It was also decided that the Secretariat will prepare and make available at its next session a compilation of existing national, regional and international technology exchange and technology licensing platforms, as well as challenges relating thereto that particularly confront developing countries and LDCs.

Committee on WIPO Standards (CWS)

The Fifth Session of the Committee on WIPO Standards (CWS) took place from **29 May to 2**

June 2017 in Geneva, Switzerland. The session was chaired by Ms. Katja Brabec from Germany.

The CWS took note of a report by the WIPO Secretariat of a survey on the use of WIPO Standards by IP Offices, and also the decision of the 2016 WIPO General Assembly in relation to the CWS, including Development Agenda related matters, and issues relating to a number of WIPO Standards.

It was decided during the session that the International Bureau will continue its effort to provide technical advice and assistance for capacity building, follow-up on the requests for technical assistance, continue to support the implementation of WIPO Standards through WIPO software solutions for IP Offices, and continue its efforts to raise awareness about WIPO Standards.

The CWS agreed to create a new Task on "Envisaging developing a WIPO standard assisting Industrial Property Offices (IPOs) in providing better "quality at source" in relation to applicant names and a new task force on Name Standardization. The Korean Intellectual Property Office (KIPO) and the International Bureau of WIPO were designated as co-leaders of the Name Standardization Task Force.

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

The thirty-fourth session of Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) took place from **12 to 16 June 2017** in Geneva, Switzerland. The session was chaired by Mr. Ian Goss from Australia.

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

The focus of the discussions in this session of the IGC was on the draft articles on protection of traditional cultural expressions based on a consolidated revised text from the thirty-third session of the IGC. The IGC developed a new revised text of the draft articles which will be submitted to the 2017 WIPO General Assembly. The focus of the discussions on the draft text on TCEs included provisions on policy objectives, subject matter and scope of protection, beneficiaries, as well as exceptions and limitations.

The core issue in the draft text is the scope of protection for TCEs. While developing countries prefer to adopt a tiered approach that would allow different kinds of protection for different kinds of TCEs, developed countries, particularly the US, expressed a preference for more discussion on this approach.

The IGC also took stock of the progress in the work of the IGC under its current mandate. The IGC took note of the progress made under the draft texts on each subject matter under the IGC while narrowing the gaps on the core issues under those texts. However, the IGC also considered that more work needs to be done on the existing texts. Thus, the IGC recommended that the WIPO General Assembly decide that the IGC should continue its work during the 2018-2019 biennium and requested the General Assembly to decide on a mandate and a work programme. In this regard, the IGC transmitted the current texts on genetic resources (Consolidated Document Relating to Intellectual Property and Genetic Resources – WIPO/GRTKF/IC/34/4), traditional knowledge (Protection of Traditional Knowledge: Draft Articles – WIPO/GRTKF/IC/34/5) and traditional cultural expressions (Protection of Traditional Cultural Expressions: Draft Articles – WIPO/GRTKF/IC/34/8).

Future WIPO Meetings

The twenty-sixth session of the WIPO Standing Committee on the Law of Patents (SCP) will take place from **3 to 6 July 2017** in Geneva, Switzerland.

The twenty-sixth session of the WIPO Program and Budget Committee (PBC) will take place from **10 to 14 July 2017** in Geneva, Switzerland.

The twelfth session of the WIPO Advisory Committee on Enforcement (ACE) will take place from **4 to 6 September 2017** in Geneva, Switzerland.

The twenty-seventh session of the WIPO Program and Budget Committee (PBC) will take place from **11 to 15 September 2017** in Geneva, Switzerland.

WORLD HEALTH ORGANIZATION (WHO)

World Health Assembly

The 70th session of the World Health Assembly took place from **22 to 31 May 2017** in Geneva, Switzerland. The Assembly was presided over by Dr. Veronika Skvortsova, Minister of Healthcare of the Russian Federation. Committee A of the Assembly was chaired by Dr. Hanan Mohamed

Al-Kuwari from Qatar. Committee B of the Assembly was chaired by Dr. Molwyn Joseph from Antigua and Barbuda.

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

Election of the new Director General

The World Health Assembly elected Dr. Tedros Adhanom Ghebreyesus from Ethiopia as the next Director-General of the WHO.

Research and Development for Potentially Epidemic Diseases

The Health Assembly took note of a progress report by the WHO Secretariat on a blueprint for research and development preparedness and response for potentially epidemic diseases (R&D blueprint). The WHO Secretariat started work on developing the R&D blueprint in June 2015. The overall goal of the R&D blueprint is to reduce delays between the identification of an outbreak and the deployment of effective medical interventions.

The progress report referred to specific activities in relation to the Middle East respiratory syndrome coronavirus (MERS-CoV) and the Zika virus; activities to support potential platforms for rapid development of vaccines, diagnostics and other medical technologies; revision of epidemic threats and list of pathogens prioritized by the WHO; activities to increase coordination in R&D during epidemics including a global coordination framework and principles for such collaboration, which include the development of global norms and agreements for sharing of data and samples. During the discussions on this topic, developed countries stated that the global coordination should be focused on key target stakeholders such as funders of preparedness research and should also take advantage of existing global networks of funders for preparedness research. Developing countries stressed that the R&D blueprint norms and principles being developed on the sharing of data and samples should be shared with member States for approval and that member States should be informed of relevant ongoing processes in the WHO, particularly the discussion on the relationship between the Nagoya Protocol and public health. India also expressed concern that the R&D blueprint report did not recognize the principle of delinkage of the price of medical products from the cost of research.

Implementation of the International Health Regulations (IHRs)

The WHA took note of an annual report by the WHO Secretariat on the implementation of the

International Health Regulations (2005) and discussed a global implementation plan aimed at *inter alia* accelerating implementation of the International Health Regulations (IHR) by States Parties, strengthening WHO capacity for implementation of the IHR, and improving monitoring and evaluation and reporting of core capacities under the IHR. The Assembly adopted a decision WHA 70(11) on *Implementation of the International Health Regulations (2005)* which requests the WHO Director-General to develop a draft five-year global strategic plan to improve public health preparedness and response, based on the guiding principles for such an action plan in the global implementation plan submitted by the WHO Secretariat. The Decision requests the Director-General to develop the global action plan through consultations with member States and submit the draft global action plan to the WHA in 2018 at the Executive Board session in January 2018.

Antimicrobial Resistance

The World Health Assembly took note of a progress report by the WHO Secretariat on the implementation of the Global Action Plan on Antimicrobial Resistance (AMR) that was adopted by the Assembly in 2015. The report showed that 67 countries have completed their National Action Plans (NAPs) on AMR and 62 countries are in the process of doing so. However, the report as well as member State interventions during the Assembly suggested that implementation remains the biggest challenge for operationalization of the NAPs. Some developing countries stressed on the need for technical and financial support to adequately implement the NAPs.

Discussions also took place on the need to complete the Global Framework for Development and Stewardship to Combat Antimicrobial Resistance to support the development, control, distribution and appropriate use of new antimicrobial medicines, diagnostic tools, vaccines and other interventions, while preserving existing antimicrobial medicines, and promoting affordable access to existing and new antimicrobial medicines and diagnostic tools, taking into account the needs of all countries, in line with the AMR Global Action Plan. The WHO Secretariat presented a draft road map with several initiatives that have taken place and asked for further guidance from member States. It was agreed that consultations would take place in the second part of the year to advance this framework. Developing countries observed that the current draft Stewardship Framework does not provide enough attention to the elements emphasized in the United Nations Political Declaration on AMR, adopted in September 2016, in particular issues around access and affordability of existing and new antibiotics, the need for diagnosis and

delinkage models. Developing countries also stressed that there should not be any unbalanced emphasis in the Stewardship Framework focusing only on controlling the production, distribution and sale of antibiotics and that there is also a need to focus on the interrelated issues of research and development and affordable access to new and existing antibiotics and diagnostics in tackling the challenge of AMR, including in HIV, TB and malaria. The interconnected issues of antibiotic stewardship, R&D in new antibiotics, and access to new and existing antibiotics and that this should be reflected in a balanced manner in any eventual global framework on AMR. They stressed that delineation of such a framework should be done through an intergovernmental process and not left to the WHO experts. Developing countries also called for expanding the Global Antimicrobial Resistance Surveillance System (GLASS) to include animal health, agriculture and the environment.

Review of the Pandemic Influenza Preparedness (PIP) Framework

The World Health Assembly discussed a report from the PIP Framework Review Group comprised of eight experts, and a report by the WHO Secretariat of its consultations with the secretariat of the Convention on Biological Diversity (CBD) on the question of access to pathogens and fair and equitable benefit-sharing in the interest of public health. The recommendations of the Review Group addressed issues relating to improvements to the PIP Framework. The PIP Framework sets out international rules in WHO with regard to access to influenza viruses of pandemic potential (IVPP) and fair and equitable sharing of benefits arising from their use.

The Assembly adopted Decision WHA 70(10) which requests the Director-General to expeditiously take forward the recommendations of the PIP Framework Review Group's report and conduct a thorough a deliberative analysis of the issues regarding the Review Group's recommendations on seasonal influenza and genetic sequence data. The decision also requests the DG to continue to strengthen regulatory capacities and carry out burden-of-disease studies, encourage manufacturers and other relevant stakeholders to engage in the PIP Framework efforts including concluding the Standard Material Transfer Agreement 2 and making timely annual contributions to the PIP Partnership Contributions. Further, it requests that the External Auditor should perform an audit of the PIP Partnership Contribution funds. The decision also requests the DG to continue consultations with the CBD Secretariat and other international organisations as appropriate. A

progress report on the implementation of this Decision will be submitted to the WHA in 2018.

Addressing the Global Shortage of and Access to Medicines and Vaccines

The WHA took note of a report by the WHO Secretariat on the global shortage of and access to medicines and vaccines. The report presented two proposed definitions of shortage of medicines from a demand and supply side perspective, based on a request by the 2016 WHA for the DG to develop necessary technical definitions of shortages and stock-outs of medicines and vaccines, taking due account of access and affordability. Further, the report included information on the work of the WHO Secretariat on ensuring access to affordable, high-quality, essential medicines, pursuant to the agreement reached in the Executive Board meeting in January 2017 on holding discussions on the report of the UN Secretary-General's High Level Panel on Access to Medicines (UNHLP).

During the discussions, India, the United States and Colombia had proposed to add this topic on the agenda of the Executive Board meeting in January 2018. This proposal was supported by a number of member States. India also stressed on the need of using TRIPS flexibilities and knowledge sharing to address the issue of shortage of medicines. On the issue of access to medicines, South Africa proposed that the UNHLP report should be a separate agenda item in 2018. This was opposed by the United States. Some other developed countries like Japan and the United Kingdom also expressed support only for a broad discussion on access to medicines and vaccines. The DG suggested that member States appeared to have agreed to include the UNHLP within the agenda item on this topic for the Executive Board meeting in January 2018. The Chair saw no objection to this suggestion and the matter was so decided.

Evaluation and Review of the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property

The Health Assembly took note of a report by the WHO Secretariat on the evaluation and review of the Global Strategy and Plan of Action on public health, innovation and intellectual property (GSPOA). In January 2017 the Executive board had adopted the terms of reference for an expert group for a programme review, which will be guided by a comprehensive evaluation that assessed the status implementation of the elements of the GSPOA and identified achievements, gaps and remaining challenges, and report to the Assembly in 2018. The programme review will be conducted by a panel of 18 experts. The programme review is mandated

to assess the implementation and continued relevance of the GSPOA, its achievements, gaps and remaining challenges, and make recommendations on improvements to be made in the next stage of implementation of the GSPOA until 2022.

Some developed countries said that the approach in the comprehensive evaluation of categorizing countries in terms of their income levels rather than categorizing them as developing or developed countries, will enable addressing the challenges in a targeted fashion for countries in need. They stressed that it is important that the expert panel for the programme review be guided by this differentiated approach of the external evaluation team. Developing countries requested WHO to support member States in implementation of the GSPOA, including implementation of the flexibilities in the TRIPS Agreement. Some developing countries noted with concern the uneven implementation of the GSPOA across low and middle income countries and pointed to the need for the Secretariat to safeguard the budget and mobilize additional resources for implementation of GSPOA.

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

The Health Assembly took note of a report by the WHO Secretariat on the follow-up of the report of the Consultative Expert Working Group on Research and Development: Financing and Coordination (CEWG).

The 2013 WHA adopted the CEWG report and authorized exploration of a number of parallel but interlocking initiatives as part of a strategic workplan, including the establishment of a Global Observatory on health R&D, a WHO Expert Committee on Health R&D, a voluntary pooled funding mechanism to support R&D, and implementation of specific health R&D demonstration projects. The report by the WHO Secretariat to the 2017 WHA proposed terms of reference and a costed workplan for the Global Observatory on Health R&D, as well as goals and an operational plan for a voluntary pooled fund to support R&D. The Secretariat sought the guidance of the Assembly on these proposals.

During the discussions on this topic in the Assembly, member States generally supported the establishment of the Global Observatory and the Expert Committee on health R&D. However, some member States also expressed concern about the financial sustainability of these mechanisms. Some countries also regretted the low level of funding for the six R&D demonstration projects under implementation and observed that

this line of work may need to be annulled if financial support is not foreseeable.

The Secretariat stated that it will inform the TDR board that the Assembly decided not to pursue the proposal for a voluntary pooled fund any further. It also noted that no new financial pledge was made to support the R&D demonstration projects and thus the Secretariat will inform the entities implementing these demonstration projects not to expect any further financial support.

Member State mechanism on substandard/spurious/falsely-labelled/falsified/counterfeit medical products

The World Health Assembly adopted Decision WHA 70 (21) to endorse the definitions of substandard and falsified medical products proposed by the Member State Mechanism on substandard/spurious/falsely-labelled/falsified/counterfeit medical products and requested the DG to replace the term "substandard/spurious/falsely-labelled/falsified/counterfeit medical products" with the terms "substandard and falsified medical products" in the name of the Member State Mechanism and in all future documentation on the subject of medical products of this type. The MSM during its fifth meeting on 23-25 November 2016 had agreed to recommend to the World Health Assembly to drop the term "counterfeit" to refer to quality-compromised medical products. The MSM had also agreed that the "term 'counterfeit' is now usually defined and associated with the protection of intellectual property rights", acknowledging the definition of "trademark counterfeit goods" included in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Cancer prevention and control in the context of an integrated approach

The Health Assembly discussed a report by the WHO Secretariat outlining the disease burden and trends in relation to cancer, and a review on the current situation regarding national cancer control plans; reviewing the main elements comprising cancer control (from prevention to palliative care) and summarizing WHO activities, and other international efforts, to meet the global challenge posed by cancer. The report mentioned a range of recommended actions for member States at the country level and actions for the Secretariat. The Assembly also adopted a resolution WHA 70.12 on cancer prevention and control.

The Secretariat report on this subject also included a draft resolution which urged member States to progress on a wide range of national cancer control policy issues and urged the DG to provide appropriate support including publishing a

world report on cancer. The draft resolution has been the subject of negotiations on the build-up for the Assembly with Colombia coordinating the process. The resolution was adopted by the Assembly.

Framework of Engagement with Non-State Actors (FENSA)

The Health Assembly took note of a progress report by the WHO Secretariat on the implementation of the WHO Framework of Engagement with Non-State Actors (FENSA) that was adopted by the Assembly in 2016. The WHA also took note of a report by the Secretariat proposing a set of criteria and principles for secondments from nongovernmental organizations, philanthropic foundations and academic institutions. FENSA disallows any secondment to the WHO from the private sector, as well as secondments from NGOs, philanthropic foundations and academic institutions to managerial and sensitive positions in the WHO. The DG was requested by the 2016 WHA resolution adopting FENSA to prepare a set of criteria and principles for secondments from NGOs, philanthropic foundations and academic institutions to non-managerial and non-sensitive posts. During the discussions on this issue, developing countries raised concerns that the proposed criteria and principles for secondments only restricted secondments to managerial positions but excluded sensitive positions from its scope. The WHO Secretariat assured member States that sensitive positions will be included within the criteria for secondments. Member States also raised concerns about non-inclusion of any conflict of interest policy and safeguard against the indirect entry of private sector personnel in WHO positions.

Future WHO Meetings

The 142nd session of the Executive Board of the WHO will take place from **22 to 27 January 2018** in Geneva, Switzerland.

FOOD AND AGRICULTURE ORGANIZATION (FAO)

International Treaty on Plant Genetic Resources (ITPGRFA)

Ad Hoc Advisory Committee on the Funding Strategy

The ninth meeting of the *ad hoc* Advisory Committee on the Funding Strategy took place from **20 to 22 June 2017** in Rome, Italy. The meeting was co-chaired by Mr. Pierre du Plessis

from Namibia and Mr. Alwin Kopse from Switzerland.

The objective of the meeting was to review the funding strategy for the Plant Treaty in the 2016-2017 biennium. The Co-chairs presented an annotated outline for a new framework for the overall funding strategy. The committee reviewed the outline and made several improvements to it and recommended to the Governing Body to update the funding strategy. The objective of the funding strategy is to enhance the availability, predictability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under the Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

The committee was also given a presentation on the main outcomes and recommendations of an independent evaluation of the second project cycle of the Benefit-Sharing Fund.

Scientific Advisory Committee on the Global Information System of Article 17 of the Treaty

The second meeting of the Scientific Advisory Committee on the Global Information System of Article 17 of the Treaty took place from 13 to 14 June 2017 in Rome, Italy. The meeting was co-chaired by Mr. Axel Diederichsen from the North America region and Mr. Kuldeep Singh from the Asia region.

Article 17 of the Treaty requires Contracting Parties to cooperate to develop and strengthen a global information system to facilitate exchange of information on scientific, technical and environmental matters related to plant genetic resources for food and agriculture. The Scientific Advisory Committee was established by the Governing Body in 2015 to advise the Secretary of the Treaty on general recommendations on the development of the global information system and its components, discovery of new areas of work and their potential impact on the global information system (GLIS), selection of pilot activities for the system, and further update the programme of work on the global information system adopted by the Governing Body in 2015.

This session of the committee received an update from the Treaty Secretariat of the major activities undertaken under the programme of work of the GLIS. In this regard, the committee took note of the development of a web-based Platform to assign Digital Object Identifiers (DOI) to PGRFA and advised the Secretary of the Treaty to interact with existing databases and systems to facilitate the adoption of DOIs. It also advised the Secretary to take into account that the DivSeek initiative could act as a collaborator to GLIS.

The committee also discussed a review of the guidelines for DOIs developed by the Treaty Secretariat and agreed that use of the DOIs and the guidelines should be voluntary. It also agreed that the DOI system is a central element of the GLIS.

The Treaty Secretariat presented a report on developments related to promoting transparency of the rights and obligations of users for accessing, sharing and using PGRFA associated information and ways to exercise those rights and obligations under GLIS. The report summarised developments within the *Ad Hoc* Open-Ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-Sharing and the Convention on Biological Diversity (CBD) about genomic information. The committee could not reach consensus on how to deal with genetic sequence information and suggested that the Governing Body invite Contracting Parties and other stakeholders to provide views and information about on-going processes in the CBD and the CGRFA. The committee also advised the Secretariat to consider the conditions of access and use of information in external databases linked through the DOI system and their implications for possible future GLIS standards relating to access and use of information.

Future ITPGRFA Meetings

No meeting of the ITPGRFA or its subsidiary bodies took place during the next reporting period.

Commission on Genetic Resources for Food and Agriculture (CGRFA)

No meeting of the Commission on Genetic Resources for Food and Agriculture or its subsidiary bodies took place during the reporting period.

Future CGRFA Meetings

The ninth session of the Intergovernmental Technical Working Group on Animal Genetic Resources for Food and Agriculture will take place from **6 to 8 July 2017** in Rome, Italy.

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

Working Group on a Possible International System of Cooperation

The second meeting of the Working Group on a Possible international System of Cooperation

(WG-ISC) took place on **5 April 2017** in Geneva, Switzerland. The meeting was chaired by Mr. Peter Button, the Vice Secretary-General of UPOV.

The Working group discussed a document on the needs of plant variety protection (PVP) Offices and agreed to add capacity building of PVP Offices for examination of distinctiveness, uniformity and stability (DUS) in plant varieties in a PVP application, to include use and exchange of DUS reports by PVP Offices and organise a presentation at the third session of the Working Group on existing arrangements for DUS cooperation.

The Working Group also discussed a document on the International System of Cooperation and agreed to organize a presentation by members of the Working Group on existing quality assurance mechanisms in members of UPOV. It also agreed that the UPOV Office will give a presentation on key elements of the explanatory notes on novelty and the role of the PLUTO database, and Working Group members will give presentations on examples of implementation of the novelty provisions, at the third meeting of the Working Group. Similar presentations will be made on the issue of priority. It was also agreed that the consideration of a preliminary observation office will not be a priority. The Working Group also agreed to defer discussions on variety denominations and await the outcome of the Working Group on Variety Denomination (WG-DEN). With regard to cooperation in administrative matters, the WG-ISC agreed to organize presentations by members at the third meeting of the Working Group on the mutual recognition of documents produced by other members of UPOV and noted that some members did not charge for take-over of DUS reports. The Working Group also agreed with the needs of Offices in relation to facilitating applications.

The Working Group also agreed that the electronic application form (EAF) project will involve substantial work by the UPOV Office and so it would not be appropriate to consider this issue.

Consultative Committee

The ninety-third session the UPOV Consultative Committee took place on **6 April 2017** in Geneva, Switzerland. The session was chaired by Mr. Raimundo Lavignolle from Argentina.

The Consultative Committee recommended to the UPOV Council the adoption of two explanatory notes on essentially derived varieties and propagating material. It also recommended the adoption of revised guidance for the preparation

of laws based on the 1991 Act of the UPOV Convention.

The Consultative Committee also discussed the draft Program and Budget of the Union for the 2018-2019 biennium and the procedure to appoint the new external auditor of UPOV for a term of six years from January 2018.

The Consultative Committee also took note of the developments at the second meeting of the Working Group on a Possible international System of Cooperation (WG-ISC).

The Consultative Committee also agreed to invite APBEBES and other observers who had made submissions on the interrelation of UPOV with the Plant Treaty, to participate as observers during the discussions on this issue at the ninety-fourth session of the Consultative Committee.

UPOV Council

The Thirty-Fourth extraordinary session of the UPOV Council took place on **6 April 2017** in Geneva, Switzerland. The session was chaired by Mr. Raimundo Lavignolle from Argentina.

The Council adopted two explanatory notes on essentially derived varieties (revision) and propagating material under the UPOV Convention. It also adopted a revised guidance for the preparation of laws based on the 1991 Act of the UPOV Convention. The Council also took note of the work of the ninety-third session of the UPOV Consultative Committee and agreed to amendments to the calendar of meetings for 2017.

The Council also welcomed the publication of "The socio-economic benefits of UPOV membership in Viet Nam; An ex post assessment on plant breeding and agricultural productivity after 10 years".

The Council welcomed the adoption by the Technical Committee (TC) of 5 new Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability (Test Guidelines) and 9 revised Test Guidelines and 4 partially revised Test Guidelines.

Future UPOV Meetings

The seventy-fourth session of the Administrative and Legal Committee will take place from **23 to 24 October 2017** in Geneva, Switzerland.

The ninety-fourth session of the UPOV Consultative Committee will take place on **25 October 2017** in Geneva, Switzerland.

The fifty-first ordinary session of the UPOV Council will take place on **26 October 2017** in Geneva, Switzerland.

INTERNET GOVERNANCE

Working Group on Enhanced Cooperation (WGEC)

The third meeting of the Working Group on Enhanced Cooperation (WGEC) of the Commission on Science and Technology for Development (CSTD) took place from **3 to 5 May 2017** in Geneva, Switzerland. The meeting was chaired by Ambassador Benedicto Fonseca from Brazil.

The WGEC is mandated to develop recommendations on how to further implement “enhanced cooperation”, as contained in the Tunis Agenda for the Information Society adopted at the World Summit on the Information Society in 2005, taking into account the work of the previous WGEC from 2013-2014.

The WGEC discussed the recommendations made in various contributions from WGEC members on how to further implement enhanced cooperation on public policy issues relating to the Internet, the working methods, and how to ensure the full involvement of all relevant stakeholders, taking into account all their views and expertise.

At the suggestion of the Chair, a voluntary group of WGEC members proposed consideration of the recommendations in three categories: 1) proposals that might have consensus, 2) proposals that might achieve consensus with further amendments, and 3) proposals that would require long term discussions. Some WGEC members preferred focusing immediately on recommendations on institutional frameworks. The WGEC agreed to the suggestion by the Chair to the recommendations in category 1 followed by recommendations on institutional frameworks. The WGEC could not reach consensus on any of these recommendations and agreed to continue discussions at its next meeting. The Chair invited the proponents of the recommendations to reflect on the discussions and consolidate their proposals in advance of the fourth meeting of the WGEC and encouraged them to undertake intersessional work. The Chair also noted that some of the areas where it may be possible to combine or merge proposals are capacity building and institutional mechanisms.

Future WGEC Meetings

The fourth meeting of the WGEC will take place from **25 to 27 September 2017** in Geneva, Switzerland.

UNITED NATIONS HUMAN RIGHTS COUNCIL

The thirty-fifth regular session of the United Nations Human Rights Council took place from **6 to 23 June 2017** in Geneva, Switzerland. The session was chaired by Ambassador Joaquin Alexander Maza Martelli from El Salvador.

The HRC adopted a new resolution (A/HRC/35/L.18/Rev.1) on the right of everyone to the highest attainable standard of physical and mental health in the implementation of the 2030 Agenda for Sustainable Development. The resolution was proposed by 21 countries – Argentina, Belgium, Brazil, Bulgaria, Colombia, Ecuador, Egypt, Haiti, Honduras, Luxembourg, Malta, Mozambique, Paraguay, Peru, Portugal, Romania, Spain, Timor-Leste, Qatar, Thailand and Turkey.

Open-ended Intergovernmental Working Group on a United Nations Declaration on the Rights of Peasants and Other People

The fourth session of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas took place from **15 to 19 May 2017** in Geneva, Switzerland. The session was chaired by Ambassador Nardi Suxo Iturri from Bolivia.

The proposed Declaration seeks to assert the rights of peasants and other people working in rural areas in an effort to combat discrimination against peasants and rural populations. While some States object the institution of rights in this declaration, key articles in the text are well understood and strongly defended by right holders as fundamental for the promotion and protection of their rights.

During this session the discussions were focused on elaborating the core legal issues in the draft Declaration. Some States continued to oppose proposed elements of the rights of peasants to land and collective rights. Some States also sought to limit collective rights to indigenous peoples.

The Chair emphasized the need to advance the negotiations and to finalise the draft in a forthcoming fifth Session of this Open-ended Intergovernmental Working Group.

Future HRC Meetings

The thirty-sixth session of Human rights council will take place from **11 to 29 September 2017** in Geneva, Switzerland.

SUSTAINABLE DEVELOPMENT GOALS

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

The 2017 Multi-stakeholder Forum on Science, Technology and Innovation for the SDGs (STI Forum), took place from **15 to 16 May 2017** in New York, USA. The forum was co-chaired by Ambassador Macharia Kamau from Kenya and Dr. Vaughan Turekian from the US.

Science, technology and innovation cooperation around thematic areas for the implementation of the Sustainable Development Goals (SDG) were discussed during the session with the focus on SDGs 1, 2, 3, 5, 9, and 14. Participants discussed lessons learned in improving the impact of STI on the SDGs, highlighting the cross-cutting nature of STI, national STI plans and policies for achieving the SDGs, and STI capacity building for achieving the SDGs.

FREE TRADE AGREEMENTS

Regional Comprehensive Economic Partnership (RCEP)

The Eighteenth Round of RCEP Negotiations took place from **2 to 12 May 2017** in Manila, Philippines. This round was chaired by Mr Ramon M. Lopez from the Philippines.

The RCEP is a regional free trade agreement including ten ASEAN member states and countries who are ASEAN's free trade agreement partners – Australia, China, India, Japan, Republic of Korea and New Zealand. Its negotiations were launched on 20 November 2012, aiming to achieve a modern, comprehensive, high-quality and mutually beneficial economic partnership to cover trade in goods, trade in services, investment, economic and technical cooperation, intellectual property, competition, dispute settlement and other issues.

A specific chapter on IP is being negotiated in a Working Group on Intellectual Property which is chaired by Mr. Derek Loh from Singapore.

The Meeting noted the increasing interest in the RCEP negotiations, and the growing expectations of RCEP contributing to open regionalism.

The negotiations made progress across the Working Groups on Trade in Goods and Trade in Services and their respective Sub-Working Groups, as well as the Working Groups on Investment, Intellectual Property, Competition, e-Commerce, and Legal and Institutional Issues.

Future RCEP Negotiations

The next round of the RCEP TNC (Trade Negotiation Committee) and related meetings will be held from **18 to 28 July 2017** in Hyderabad, India.

JUDICIAL DECISIONS

Supreme Court of the United States of America

The US Supreme Court adopted a rule of international exhaustion of patent rights for the US in a decision on 30 May 2017 in *Impression Products vs. Lexmark International*. The Supreme Court held that there is no geographical distinction regarding the place of sale in US law to limit the exhaustion of patents to first sales in the United States. Thus a patent right to put a product for sale is exhausted in the US when the patent holder authorizes a sale of the product either in the US or abroad.

The application of a doctrine of international exhaustion of patent rights will broaden the scope for parallel importation in the US of products similar to the patented product. This can be significant in the area of pharmaceuticals where an application of the international exhaustion rule will enable the parallel importation of generic medicines in the US even when a patent is in force in the US.