



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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Inside

WORLD TRADE ORGANIZATION (WTO)	2
TRIPS Council.....	2
Future WTO Meetings	3
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)	4
Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.....	4
Future WIPO Meetings	4
WORLD HEALTH ORGANIZATION (WHO)	4
Executive Board	4
Future WHO Meetings	6
FOOD AND AGRICULTURE ORGANIZATION (FAO)	6
International Treaty on Plant Genetic Resources (ITPGRFA).....	6
Future FAO Meetings	6
CONVENTION ON BIOLOGICAL DIVERSITY (CBD)	6
The Nagoya Protocol on Access and Benefit-Sharing.....	6
Future CBD Meetings	7
UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)	7
Technology Executive Committee (TEC).....	7
INTERNET GOVERNANCE	7
Working Group on Enhanced Cooperation (WGEC)	7
World Summit on Information Society (WSIS) Forum.....	8
Internet Governance Forum (IGF).....	8
UNITED NATIONS HUMAN RIGHTS COUNCIL	9
Future Human Rights Council Meetings	9
FREE TRADE AGREEMENTS	9
Regional Comprehensive Economic Partnership (RCEP)	9
Comprehensive and Progressive Trans-Pacific Partnership (TPP)	9
EU-Mercosur Association Agreement	9

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 **27 to 28 February 2018** 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) notification of laws and regulations under the TRIPS Agreement, 2) review of national implementing legislation, 3) relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD), 4) review of the provisions of Article 27.3 (b) of TRIPS, 5) protection of traditional knowledge and folklore, 6) non-violation and situation complaints, 7) review of the implementation of the TRIPS Agreement under Article 71.1, 8) review of the application of the provisions of the section on geographical indications under Article 24.2, and 9) 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 regulatory review exception ("Bolar exception") to patent rights.

Relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD), review of the provisions of Article 27.3 (b) of TRIPS, and protection of traditional knowledge and folklore

Members reaffirmed their previous positions on the themes, including the proposal for a mandatory disclosure requirement of origin for genetic resources in a new Article 29 bis of TRIPS, the review of Article 27.3(b) to prohibit patents on life forms, and the protection of traditional knowledge (TK). Developing countries have proposed the introduction of a new Article 29 *bis* in the TRIPS Agreement incorporating a requirement for patent applicants to mandatorily disclose the source or country of origin of genetic resources and associated traditional knowledge used in a patent application. Many developing countries also advocate for the amendment of Article 27.3(b) of TRIPS to prohibit patents on life forms. During this session of the TRIPS Council, no consensus was reached on whether the Secretariat of the CBD should be invited to debrief the TRIPS Council about the Nagoya Protocol on Access and Benefit-Sharing or if the WTO Secretariat should update the factual notes on the three aforementioned topics.

IP, Innovation and MSMEs

Co-sponsored by Australia, EU, Japan, Switzerland, Chinese Taipei and the United States, a discussion was held on the role of IP for micro, small and medium sized enterprises (MSMEs), especially for IP-intensive industries. The societal value of IP in the new economy was also introduced as a topic for discussion, and figures were presented.

A report by the European Union Intellectual Property Office (EUIPO) indicated that IP-intensive industries generate more than a fourth of jobs and 42 per cent of the EU economy (2011-2013), paying also higher wages. The United States cited its Commerce Department report ("Intellectual Property and the US Economy: 2016 Update"), indicating such industries support at least 45 million jobs and contributes to 38.2 per cent of its economy. Other members, such as Norway, Japan, Switzerland, Canada, Colombia, El Salvador and Australia, shared similar experiences.

On the other hand, according to sources, India and South Africa stated that IP in itself is not sufficient to promote innovation. India mentioned that intellectual property rights may provide an incentive, but are neither a necessary nor a sufficient condition, and skills, information and capital market prospects also play an important role in innovation. India also stated that, there is a need for calibrated approaches to IP protection, in order to avoid a system that may be more costly than effective. South Africa stressed that patents can in fact stifle innovation, and that the positive relationship between IP and innovation is inconclusive.

IP and Public Interest

Bolivia, Brazil, Chile and South Africa, with the support of China, presented a paper on the importance of TRIPS flexibilities to promote access to health technologies. The discussion was focused on the regulatory review exception ("Bolar exception") and its importance for public health, comparing different national experiences.

El Salvador, Costa Rica, Chile, Singapore, China, and Indonesia stressed how the regulatory review exception provides a balance between users and right holders, thus addressing both the protection of innovators and the public interest. The increasing burden of disease and the cost of medicines were also mentioned to highlight the importance of the Bolar exception, including fostering competition and ensuring public health. This view was supported by other member States, such as India and South Africa.

Brazil mentioned that the Bolar exception can stimulate competition and ensure adequate treatment for those suffering from diseases. The delegation mentioned that, without such exception, generic entry is delayed by three or more years. Brazil also argued that the Protocol of Amendment to the TRIPS Agreement demonstrates the need to have mechanisms that ensure remuneration of IPR holders while allowing Governments to adopt measures necessary to the public interest.

According to sources, the United States of America argued, on the other hand, that patents are not an intrinsic barrier to access, and one should focus on other issues outside of the IP system, such as tariffs, procurement and pricing policies, and other national policies. The European Union stated that a broad interpretation of the Bolar exception could weaken fundamental IP rights.

Technology Transfer (Art. 66.2)

The Least-Developed Country (LDC) members of the WTO called upon developed countries to fully implement technology transfer under Article 66.2 of TRIPS. According to sources, the LDCs argued that there is a continued lack of clarity in notifications by developed countries on the nature of incentives they provide to enterprises in their territories for promoting transfer to technology to LDCs. In some cases, the incentives do not identify LDCs as recipients and do not result in proper technology transfer. Therefore, they requested the TRIPS Council to demand developed countries to adequately specify such incentives. Also, they demanded that the Council should agree on ways to provide the needed incentives, and define the meaning of the expression “incentives to enterprises and institutions in their territories” used in Article 66.2.

The United States replied that its annual submissions are clear and opposed limiting the scope of future reports to LDCs only, and stressed technology transfer occurs more effectively on voluntary and mutually agreed terms. The US affirmed that it could not support the LDCs proposal, and that it would harm long-standing and beneficial reporting requirements. The EU stressed its commitment to Article 66.2 obligations, but reminded that technology transfer needs to be accompanied by other policies, including training. This view was echoed by Japan. The EU also stated that governments do not own the majority of technologies subject to transfer and that they cannot force the private sector to do so.

Non-violation and Situation Complaints

Non-violation and situation complaints refer to the possibility of bringing a dispute to WTO Dispute Settlement Body based on an action or situation by another member which deprived the claimant of an expected benefit, even if no obligation has been violated. Currently, there is a moratorium on the applicability of such complaints under the TRIPS Agreement. The TRIPS Council is mandated in terms of the decision of the 11th WTO Ministerial Conference (WT/MIN(17)/66) to discuss the scope and modalities of applying non-violation and situation complaints to the TRIPS Agreement.

This was the first TRIPS Council session after the 11th WTO Ministerial Conference, which decided to extend such moratorium on “non-violation and situation” complaints for two more years. Members reaffirmed their stated positions on this issue. Generally speaking, the US and Switzerland seek to apply WTO non-violation rules to TRIPS, whereas other WTO members including developing countries consider that non-violation and situation complaints should not apply to TRIPS.

In 2002, a group of developing countries made a proposal to make the moratorium on “non-violation and situation” complaints permanent (IP/C/W/385).

e-TRIPS online platform

The WTO Secretariat updated delegations on the future launch of an online platform called e-TRIPS, which will allow filing and consulting notifications and submissions of materials related to TRIPS Council.

Future WTO Meetings

The 89th Meeting of the TRIPS Council will take place from **5 to 6 June 2018** in Geneva, Switzerland.

The 90th Meeting of the TRIPS Council will take place from **8 to 9 November 2018** in Geneva, Switzerland.

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

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

The thirty-fifth session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) took place from **19 to 23 March 2018** in Geneva, Switzerland. The session was chaired by Mr. Ian Goss from Australia.

This was the first session of the IGC after its mandate was renewed for the 2018-2019 biennium by the 2017 WIPO General Assembly. The current mandate of IGC has the objective of “reaching an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property which will ensure the balanced and effective protection of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs)”. This should include text-based negotiations, with a focus on narrowing existing gaps and reaching a common understanding on core issues.

The thirty-fifth session of the IGC was focused on text-based negotiations for an international instrument on genetic resources and associated traditional knowledge. WIPO/GRTKF/IC/35/4 document served as the agreed basis for discussions. Plenary, informal negotiations and contact groups were convened as different negotiation strategies to advance discussions on key terms and disclosure of origin for genetic resources requirements. The Indigenous Panel also addressed the issue on Monday.

During discussions, the Indigenous Caucus presented specific questions on the use of database, especially for secret traditional knowledge and its relation to the public domain, repatriation, and the inter-relation of genetic resources and a series of spiritual and collective dimensions of indigenous rights recognized by international legal instruments. Furthermore, the issue of digitalized databases was brought by the International European Association and the delegation of Nigeria, and was noted by the Chair to be taken into consideration for further discussions.

IGC negotiations on genetic resources have long had two main approaches, which were reaffirmed at its last session: (i) the creation of a mandatory disclosure requirement, proposed by the Like-Minded Countries Group, the Asia-Pacific Group, the African Group, the GRULAC – Group of Latin American and Caribbean Countries, and the Indigenous Caucus, and (ii) defensive

measures/“no new disclosure requirement”, such as databases, proposed by Group B (including the United States of America, Japan, Republic of Korea, Switzerland and Australia) and the European Union.

A new draft text, “Consolidated Document Relating to Intellectual Property and Genetic Resources Rev. 2”, based on discussions and written with the help of the Facilitator (Mr. Paul Kuruk) and the Friend of the Chair (Mrs. Margo Bagley), received support from the Plenary and was transmitted to the Thirty-Sixth session of the IGC.

Future WIPO Meetings

The thirty-ninth session of the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) will take place from **23 to 26 April 2018** in Geneva, Switzerland.

The twenty-first session of the WIPO Committee on Development and Intellectual Property will take place from **14 to 18 May 2018** in Geneva, Switzerland.

The thirty-sixth session of the WIPO Standing Committee on Copyright and Related Rights (SCCR) will take place from **28 May to 1 June 2018** in Geneva, Switzerland.

The thirty-sixth session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) will take place from **25 to 29 June 2018** in Geneva, Switzerland.

An *ad hoc* expert group of the IGC on the issue intellectual property and genetic resources will meet on **24 June 2018** in Geneva, Switzerland.

WORLD HEALTH ORGANIZATION (WHO)

Executive Board

The 142nd session of the Executive Board (EB) of the World Health Organization (WHO) took place from **22 to 27 January 2018** in Geneva, Switzerland. The session was chaired by Dr. Assad Hafeez from Pakistan as the President of the Executive Board.

The EB discussed a series of issues, including: the reform of WHO governance, the thirteenth General Programme of Work (GPW), the public health preparedness and response for health emergencies, the global shortage of and access to medicines and vaccines, the review of the

global strategy and plan of action on public health, innovation, and intellectual property (GSPOA), the preparation for a high-level meeting of the General Assembly on ending tuberculosis, the pandemic influenza preparedness framework for the sharing of influenza viruses and access to vaccines and other benefits, and the engagement with non-state actors and non-state actors in official relations with WHO. The EB agreed to defer discussions on WHO reforms with regard to proposals on governance reforms and prioritization of proposals for additional agenda items in the provisional agenda of the EB, for discussion at the 143rd session of the EB in May 2018.

The WHO Director-General, Dr. Tedros Adhanom Ghebreyesus, presented his report to the EB. The DG stressed on his vision for transformation of the WHO with a focus of prioritizing universal health coverage (UHC) and WHO response to health emergencies and preparedness for the same, the role of WHO in building capacity of countries and strengthening WHO Country offices. The DG called for greater flexible and non-earmarked funding to the WHO from member States to support this transformation.

The EB discussed a revised draft of the thirteenth WHO General Programme of Work for 2019-2023. Member States generally welcomed the GPW and sought clarifications regarding areas for further strengthening WHO accountability, evaluation, transparency and the vision for strengthening WHO Country offices. After two further revisions of the draft GPW, the EB recommended the World Health Assembly to adopt the GPW. The EB noted, however, that its approval does not imply approval of the financial estimate contained in draft GPW. The draft resolution also recommends the Assembly to request the DG to use the GPW as the basis for strategic direction of planning, monitoring and evaluation of WHO work during the period 2019-2023 and to develop programme budgets in consultation with member States, based on a realistic assessment of income and WHO capacity. The DG is also requested to provide guidance and support to the WHO Regional and Country offices on the implementation of the GPW and report to the Health Assembly in 2022 on the potential extension of the GPW to 2025 to align it with the wider UN planning cycle.

The EB also adopted important decisions relating to access to medicines and research and development, as follows: the EB adopted decision EB142(1) recommending the World Health Assembly to endorse a five-year global strategic plan to improve public health preparedness and response, and that WHO member States and the Director-General shall continue to report annually

to the Health Assembly on the implementation of the International Health Regulations (2005).

The EB adopted document EB142(3) which recommended the World Health Assembly to adopt a decision requesting the Director-General to elaborate a roadmap report, in consultation with member States, outlining the programming of WHO work on access to medicines and vaccines, including activities, actions and deliverables for the period 2019-2023, and submit the roadmap report to the 2019 Health Assembly through the 144th session of the EB.

The EB discussed the recommendations of an expert review panel for the overall programme review of the GSPOA and a report by the DG providing an estimate of the funding requirements for the implementation of those recommendations. There was disagreement between developed and developing countries on whether all the recommendations of the review panel should be adopted. Developed countries were of the view that some of the recommendations were not part of the GSPOA recommendations and went beyond the same. After drafting group deliberations, the EB adopted a compromise decision EB142(4) recommending the World Health Assembly to adopt a decision urging member States to implement the recommendations of the review panel that are addressed to member States and are consistent with the GSPOA, also urging member States to further discuss the recommendations of the review panel not emanating from the GSPOA, requesting the DG to implement the recommendations prioritized by the review panel that are addressed to the Secretariat on the basis of an implementation plan, and to report on progress on implementation to the Health Assembly in 2020.

The EB also adopted draft resolution EB142.R3 which requests the Director-General to continue supporting the United Nations Secretary-General and the General Assembly in the preparation of the High-level Meeting of the General Assembly on ending tuberculosis in 2018, to support the implementation of the Moscow Declaration to End TB, to urgently support high multidrug-resistant TB (MDR-TB) burden countries in their national emergency response and to address MDR-TB as a major threat to public health by supporting implementation of the Global Action Plan on Antimicrobial Resistance (AMR).

The EB also adopted decision EB142 (7) stating that till the end of 2022 the current proportional division of the Partnership Contribution resources between pandemic preparedness and response (70 per cent for pandemic preparedness and 30 per cent for response activities) shall continue, and that the DG shall continue to be able to

temporarily modify the allocation of these resources to respond to pandemic influenza emergencies. The Partnership Contribution is an annual contribution to the WHO by influenza vaccine, diagnostic and pharmaceutical manufacturers who use the WHO Global Influenza Surveillance and Response System (GISRS).

Future WHO Meetings

The Seventy-first session of the World Health Assembly of the WHO will take place from **21 to 26 May 2018** in Geneva, Switzerland.

The 143rd session of the Executive Board of the WHO will take place from **28 to 29 May 2018** in Geneva, Switzerland.

FOOD AND AGRICULTURE ORGANIZATION (FAO)

International Treaty on Plant Genetic Resources (ITPGRFA)

No meetings of the subsidiary bodies of the International Treaty on Plant Genetic Resources took place during the 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 FAO Meetings

A meeting of the ITPGRFA Ad Hoc Technical Expert Group on Farmers' Rights will take place from **29 to 31 May 2018** in Rome, Italy.

The third meeting of the ITPGRFA Scientific Advisory Committee on Article 17 (SAC-GLIS-3) will take place from **19 to 20 June 2018** in Rome, Italy.

CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

The Nagoya Protocol on Access and Benefit-Sharing

Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources

The meeting of the Ad Hoc Technical Expert Group (AHTEG) on Digital Sequence Information (DSI) on Genetic Resources took place from **13 to 16 February 2018** in Montreal, Canada. The session was co-chaired by Ms. Alejandra Barrios Perez from Mexico and Ms. Marie Nyman from Sweden.

The AHTEG was created by decision XIII-16 from the Thirteenth Meeting of the Conference of the Parties (COP) to the CBD, which mandated the Executive Secretary of the CBD to commission a fact-finding and scoping study to clarify terminology and concepts and to assess the extent and the terms and conditions of the use of DSI on genetic resources in the context of the CBD and the Nagoya Protocol. The decision also requested the Subsidiary Body on Scientific, Technical and Technological Advice to consider the outcomes of the ad hoc technical expert group and to make a recommendation for the consideration of the Conference of the Parties.

The Executive Secretary of the CBD prepared the abovementioned fact-finding and scoping study. It was peer reviewed by various Parties, non-Parties (United States) and other organizations and stakeholders (including environmental NGOs, academia, public institutions, other United Nations organizations, and industry representatives). AHTEG also considered different views and information submitted by Parties, non-Parties, organizations and other stakeholders relating to potential implications of the use of DSI on genetic resources for the objectives of the CBD.

During the meeting, discussions were held on the terminology of digital sequence information (DSI) with different views, including whether the definition would fall into the concept of "genetic resources" and the adequacy of such expression. Various types of DSI were also recognized and debated, as well as their relation to the objectives of the CBD and Nagoya Protocol. Experts agreed that further discussion on the terminology is still required.

The AHTEG also recognized the importance of DSI to biodiversity, and discussed its impacts on access and benefit-sharing, highlighting various issues with divergent positions on topics such as databases and traceability, e.g., the definition of a publicly accessible database, its possible

relation to intellectual property rights, the barriers that might be created by a traceability requirement, and the need for a mandatory traceability.

A comprehensive report of the meeting and its outcomes was adopted and will be submitted to the Twenty-second meeting of the Subsidiary Body on Scientific, Technical and Technological Advice

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

The third meeting of the Informal Advisory Committee on Capacity-building for the Implementation of the Nagoya Protocol took place from **20 to 22 March 2018** in Montreal, Canada.

The Informal Advisory Committee was established to provide advice to the Executive Secretary on matters of relevance to the assessment of the effectiveness of the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol. It is an expert-based meeting. Participants are nominated by Parties, with due regard to equitable geographic representation and gender balance, and also includes representatives of indigenous peoples and local communities and relevant organizations.

The Committee discussed and updated existing developments concerning capacity-building initiatives and resources supporting the implementation of the Nagoya Protocol. It also shared lessons learned in the process, including different access and benefit-sharing tools and the effectiveness of the ABS Clearing-House.

It also addressed elements to evaluate the strategic framework for capacity-building and development to support the effective implementation of the Nagoya Protocol. The CBD Executive Secretary prepared a document for discussion on this matter.

The final report of the committee is not yet available.

Future CBD Meetings

The second meeting of the Compliance Committee under the Nagoya Protocol on Access and Benefit-sharing will take place **from 24 to 26 April 2018** in Montreal, Canada.

The Twenty-second meeting of the Subsidiary Body on Scientific, Technical and Technological Advice will be held from **2 to 7 July 2018** in Montreal, Canada.

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

Technology Executive Committee (TEC)

The sixteenth meeting of the Technology Executive Committee (TEC) of the UNFCCC took place from **13 to 16 March 2018** in Bonn, Germany. The session was chaired by Mrs. Claudia Octaviano Villasana from Mexico.

The committee is the policy arm of the UNFCCC Technology Mechanism. It addresses issues to support countries to enhance climate technology development and transfer.

At this meeting, the TEC promoted a thematic dialogue on incubators and accelerators in climate innovation, with presentations focusing on concrete examples across the world and reflections on financing mechanisms.

The TEC further discussed the implementation of the remaining activities in the current rolling workplan for 2016-2018: (a) technology needs assessments; (b) climate technology financing; (c) technologies for mitigation; (d) technologies for adaptation; (e) innovation and research, development and demonstration, including in-session thematic dialogue on incubators and accelerators; (f) emerging and cross-cutting issues.

The workplan was also updated to address (i) monitoring and evaluation of the impacts of TEC implementation, (ii) enhancement of communication and outreach strategy of TEC, and (iii) incorporation of the outcomes from previous discussions.

INTERNET GOVERNANCE

Working Group on Enhanced Cooperation (WGEC)

The fifth meeting of the Working Group on Enhanced Cooperation (WGEC) of the Commission on Science and Technology for Development (CSTD) took place from **29 to 31 January 2018** in Geneva, Switzerland. The meeting was chaired by Ambassador Benedicto Fonseca Filho from Brazil.

The Chair presented a second draft of the Working Group's Report to be submitted to the twenty-first session of the Commission on Science and Technology for Development. The main goal was to pursue further implementation of enhanced cooperation as envisioned in the Tunis

Agenda for the Information Society. After several disagreements among delegations until the very end of the last day, participants could not agree on the outcome document.

Member States could not agree on whether the WGEC should recommend a way forward as a group under existing mechanisms within the General Assembly, the ECOSOC, and other UN bodies, and also its relation to the role of IGF, if any at all.

There was also disagreement on the very consensual nature of an outcome document, the mandate provided by the UNGA, the relation with Tunis Agenda for the Information Society, apart from different textual proposals. Some countries, especially Cuba and Saudi Arabia, proposed the creation of new institutional mechanisms for cooperation between states. Cuba also highlighted threats to its sovereignty through Internet's current global governance. Other parties, such as the United States and the European Union had reservations to the process. At the end of the meeting, Chair Fonseca observed that there was not even a common understanding of what was the purpose of the discussions at the WGEC.

World Summit on Information Society (WSIS) Forum

The World Summit on Information Society (WSIS) Forum 2018 took place from **19 to 23 March 2018** in Geneva, Switzerland. The Forum was chaired by H.E. Eng. Majed Sultan Al Mesmar from the United Arab Emirates.

The theme of WSIS 2018 was "Leveraging ICTs to build information and knowledge societies for achieving the SDGs". More than 2800 stakeholders were registered, and more than 250 workshops and space talks were organized. Access and digital divides, cybersecurity and privacy, Internet of Things (IoT) and Artificial Intelligence (AI), and multilingualism and cultural diversity were among the main topics of discussion.

According to a Geneva Internet Platform (GIA) report, at least two major trends can be pointed out: (i) differences between development issues and digital policy discussions are narrowing, such as debates on how to use IoT and Big Data in favour of SDGs, and (ii) themes traditionally "on the outer margins" of WSIS became central, such as cybersecurity, privacy, e-commerce and their relation to sustainable development. The WSIS Forum also discussed, among others: the role of women's entrepreneurship and specific needs of micro, small, and medium enterprises (MSMEs) in e-commerce, discussions on the internet as a

"global public good" and its ethical consequences, risks in opportunities involving cybersecurity, the role of human rights (including an attempt to portray intellectual property under this framework), and the legal uncertainties related to these topics (especially cybercrime and harmonization of norms, abuse of dominant position by concentration of providers of Internet services, and the impacts to labour law).

Internet Governance Forum (IGF)

Open Consultations and Multistakeholder Advisory Group

The first Open Consultations and Multistakeholder Advisory Group (MAG) meeting of the Internet Governance Forum (IGF) 2018 preparatory cycle took place from **20 to 22 March 2018** in Geneva, Switzerland. The meeting was chaired by Mrs. Lynn St. Amour from the United States of America. The objective of the meeting was to discuss and provide insights to the outline of IGF 2018.

In this regard, the MAG proposed changes to IGF 2018 preparations, including: reducing number of parallel tracks, less duplicative sessions, increased thematic coherence across the IGF agenda, and more integration of the intersectoral activities in the programme themes. A clearer link to UN 2030 Agenda for Sustainable Development was proposed, and the balance between current and emergent issues was highlighted by participants.

A number of emergent themes were raised by MAG members, especially the impact of Internet on inequality and unemployment, as well as labour issues, but also its potential inclusion. In the global south, participants argued, access and connectivity are a priority over themes such as artificial intelligence (AI).

The following topics are to be considered for IGF 2018 preparation: Poverty and Discrimination, Governing Stability, Government Roles, AI, IoT, Digital 4.0, Cybersecurity, Data, Impact of New Digital Technologies in Traditional Industries, Digital Gaps with Focus on Economic and Gender, Human Rights – risks and benefits of new technologies, Government & Smart Cities, Societal Challenges (e.g. cyberbullying), Youth, Gender, Education.

Continuing discussions on promoting a bottom-up and multi-step approach were made, with a particular importance to regional bodies (such as Latin American and Caribbean IGC, West African IGC, Arab Regional IGF, and the European Dialogue on Internet Governance – EuroDIG).

Further (digital and physical) meetings are expected to be held before IGF 2018. A Call for issues is open until **13 April 2018**.

IGF 2018

Dates and venue for IGF 2018 have not yet been published by the Secretariat.

UNITED NATIONS HUMAN RIGHTS COUNCIL

The thirty-seventh regular session of the United Nations Human Rights Council took place from **26 February to 23 March 2018** in Geneva, Switzerland. The session was chaired by Ambassador Vojislav Šuc from Slovenia.

No IP related issues were discussed during this session of the Human Rights Council.

Future Human Rights Council Meetings

The Fifth 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 will take place from **9 to 13 April 2018** in Geneva, Switzerland.

FREE TRADE AGREEMENTS

Regional Comprehensive Economic Partnership (RCEP)

The Twenty First Round of RCEP negotiations took place from **2 to 9 February 2018** in Yogyakarta, Indonesia.

The RCEP is a regional free trade agreement including ten ASEAN member states and countries that are ASEAN free trade agreement partners – Australia, China, India, Japan, Republic of Korea and New Zealand. RCEP 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. According to sources, a main issue of contention is a provision requiring parties to grant patent term extensions for delays in marketing regulatory approvals. On this topic, Japan and South Korea

are strong demandeurs, whereas countries such as India have reservations.

Comprehensive and Progressive Trans-Pacific Partnership (TPP)

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP or TPP11, replacing the former TPP) was signed on **8 March 2018** in Santiago, Chile. Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam are parties to the CPTPP (after the withdrawal of the United States). The CPTPP provides a number of TRIPS-Plus measures, such as copyright protection for 70 years after the death of an author, sound trademarks protection (article 18.18), and stronger compliance mechanisms. Cooperation on traditional knowledge and patent procedures are also part of the new Treaty. The CPTPP suspends several provisions from the original TPP (signed in 2016, but not ratified), such as patent term adjustment, patent-term restoration and data protection for small molecule drugs and biologics.

EU-Mercosur Association Agreement

The thirty-second negotiation round of the Trade Part of the EU-Mercosur Association Agreement took place from **21 February to 2 March 2018** in Asunción, Paraguay. The EU-Mercosur negotiations were re-launched in May 2010 before negotiations were paused in 2012. Since the end of 2017 the conclusion of the negotiations has been expected.

According to sources, the current draft of the intellectual property chapter contains TRIPS-Plus provisions such as exclusivity of data submitted to obtain market authorisation, mandatory adoption of regional or national exhaustion of intellectual property rights, and extension of the period of protection for medicinal product patents.

The main discussion concerns the mutual recognition of geographical indications, as the parties “substantially advanced on their work on textual provisions and exchanged on the respective lists of geographical indications to be protected through the agreement, concentrating on a number of geographical indications where prior use exists in the territory of Mercosur countries”, as reported by the European Commission.