

**Council for Trade-Related Aspects of
Intellectual Property Rights**

PROCEDURES FOR NOTIFICATION OF, AND POSSIBLE ESTABLISHMENT OF A
COMMON REGISTER OF, NATIONAL LAWS AND REGULATIONS
UNDER ARTICLE 63.2

Decision of the Council for TRIPS of 21 November 1995

These procedures will be reviewed by the Council, in the light of experience, at the end of 1997, *inter alia* to identify any elements which have proved unduly burdensome in relation to the usefulness of the information provided.

Section 1: General

1. Each Member shall notify to the TRIPS Council, through the WTO Secretariat, its laws and regulations pertaining to the subject matter of the TRIPS Agreement (the availability, scope, acquisition, enforcement and prevention of the abuse of intellectual property rights), in accordance with the guidelines set out below.

2.1 As of the time that a Member is obliged to start applying a provision of the TRIPS Agreement, the corresponding laws and regulations shall be notified without delay (normally within 30 days, except where otherwise provided by the TRIPS Council).

2.2 Any subsequent amendments of a Member's laws and regulations shall be notified without delay after their entry into force (normally within 30 days where no translation is required and within 60 days where translation is necessary).

3. A Member who has amended a law or regulation to bring it into conformity with provisions of the TRIPS Agreement in advance of its obligation under the TRIPS Agreement to start applying those provisions will use its best endeavours to notify such law or regulation as soon as possible after its entry into force.

4. Where, on the date of its initial notification of a law or regulation relating to a provision of the TRIPS Agreement, a Member has already communicated the law or regulation in question to the International Bureau of WIPO in a language or languages consistent with these guidelines, that Member would be free, if it so wishes, to provide the WTO Secretariat with a statement to the effect that the full text can be found in the WIPO collections, instead of sending the full text to the WTO Secretariat. The WTO Secretariat would seek from the International Bureau of WIPO a copy from its collections which would then be treated in accordance with Sections 2 and 3 below.

5. Wherever possible, notifications shall be made in machine-readable as well as hard copy form.

Section 2: Main dedicated intellectual property laws and regulations

6. Each Member shall notify in a WTO language the texts of its main laws and regulations dedicated to intellectual property. These laws and regulations would include the main laws and regulations on the availability, scope and acquisition of each of the categories of intellectual property covered by the TRIPS Agreement, together with such other main laws and regulations as are dedicated to intellectual property, such as those on border enforcement.

7. These laws and regulations will be immediately circulated in the relevant WTO language by the WTO Secretariat to Members of the TRIPS Council as Council documents. Translation into other WTO languages will only be undertaken by the WTO Secretariat on the request of a Member made in the TRIPS Council and within the limits of the WTO Secretariat's resources.

8. Where an authentic national text of a law or regulation is not available in a WTO language, copies of the authentic text of that law or regulation in a national language shall be notified, in addition to the translation into a WTO language. Such copies shall be available in the WTO Secretariat for consultation by interested delegations.

Section 3: Other laws and regulations

9. This heading relates to all national laws and regulations which are not dedicated to intellectual property rights as such but which nonetheless pertain to the availability, scope, acquisition, enforcement and prevention of abuse of intellectual property rights (notably laws and regulations in the areas of enforcement and the prevention of abusive practices) as well as those laws and regulations dedicated to intellectual property which are not considered "main laws and regulations" falling under Section 2 above.

10. Each Member shall notify these laws and regulations in a national language to the WTO Secretariat. They shall also provide in a WTO language a listing of these laws and regulations, together with a brief description of the relevance of each law and regulation to the provisions of the TRIPS Agreement.

11. This listing will be distributed as a TRIPS Council document to the Members of the TRIPS Council. The copies of the laws and regulations in question will be available for consultation in the WTO Secretariat by interested delegations. Copies will only be distributed as Council documents if a request is made in the TRIPS Council. If such a request is made and where the law and regulation in question has not been notified in a WTO language, the notifying Member shall make available a copy of the law or regulation, or relevant part of the law or regulation, in a WTO language. Members agree to keep such requests to a minimum and, wherever possible, to seek the translation of a particular part of a legislative instrument, rather than request the whole text to be translated.

12. In regard to the provisions of the TRIPS Agreement on enforcement, each Member shall, in addition, provide, as soon as possible after the date of its application of these provisions, responses to the attached checklist of issues contained in document IP/C/5

indicating how its national legislation responds to the requirements of the TRIPS Agreement identified in the checklist. These responses shall identify the relevant provisions of national laws and regulations. The responses will be circulated as a document of the TRIPS Council.