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## **1 ARTICLE 71**

### **1.1 Text of Article 71**

#### **Article 71**

##### *Review and Amendment*

1. The Council for TRIPS shall review the implementation of this Agreement after the expiration of the transitional period referred to in paragraph 2 of Article 65. The Council shall, having regard to the experience gained in its implementation, review it two years after that date, and at identical intervals thereafter. The Council may also undertake reviews in the light of any relevant new developments which might warrant modification or amendment of this Agreement.

2. Amendments merely serving the purpose of adjusting to higher levels of protection of intellectual property rights achieved, and in force, in other multilateral agreements and accepted under those agreements by all Members of the WTO may be referred to the Ministerial Conference for action in accordance with paragraph 6 of Article X of the WTO Agreement on the basis of a consensus proposal from the Council for TRIPS.

### **1.2 General**

1. The Council for TRIPS took up the issue of the review of implementation of the TRIPS Agreement under Article 71.1 at its meeting on 21 March 2000.<sup>1</sup>

2. In paragraph 19 of the Doha Ministerial Declaration, adopted on 14 November 2001, Ministers "instruct[ed] the Council for TRIPS, in pursuing its work programme including under the review of Article 27.3(b), the review of the implementation of the TRIPS Agreement under Article 71.1 and the work foreseen pursuant to paragraph 12 of this Declaration, to examine, *inter alia*, the relationship between the TRIPS Agreement and the Convention on Biological Diversity, the protection of traditional knowledge and folklore, and other relevant new developments raised by Members pursuant to Article 71.1."<sup>2</sup> In paragraph 44 of the Hong Kong Ministerial Declaration, Ministers "[took] note of the work undertaken by the Council for TRIPS pursuant to paragraph 19 of the Doha Ministerial Declaration and agree[d] that this work shall continue on the basis of paragraph 19 of the Doha Ministerial Declaration and the progress made in the Council for TRIPS to date".<sup>3</sup> They instructed the General Council to report on its work in this regard to their next Session.<sup>3</sup>

Current as of: February 2019

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<sup>1</sup> [IP/C/M/26](#), Section J.

<sup>2</sup> The text of the Declaration can be found in [WT/MIN\(01\)/DEC/1](#).

<sup>3</sup> The text of the Declaration can be found in [WT/MIN\(05\)/DEC](#).