

APPENDIX 2

GUIDE TO TRIPS DOCUMENTS

A General

The TRIPS Agreement includes a set of transparency mechanisms, which require members to furnish extensive information about their IP laws and policies, and details about how IPRs are administered and enforced in their territories; these laws are also reviewed in detail in the TRIPS Council. In addition, the TRIPS Council has itself established a series of reporting processes concerning specific aspects of members' IP systems. The operation of these transparency mechanisms in the years since 1995 has yielded a uniquely comprehensive and systematic body of information that now covers some 130 jurisdictions (essentially all WTO members other than LDC members, for whom these provisions do not yet apply).

The various notifications and reports gathered under the TRIPS Agreement are described more fully in Appendix 1. The very purpose of these mechanisms is to enable understanding of national IP laws and policies; and, in practice, TRIPS notifications and related TRIPS Council review materials are a useful and geographically broad resource for those – delegates, analysts, researchers, policymakers – seeking detailed information on a wide range of questions of IP law, practice and policy, and the policy choices taken by a wide range of countries, as well as specific matters such as incentives for technology transfer and technical assistance programmes.

Other working documents and minutes of the Council's regular and special sessions also provide a wealth of information on members' policy positions and international debate on IP and related matters. Beyond the work of the TRIPS Council itself, WTO trade policy reviews, accession negotiations and notifications of regional trade agreements all provide a flow of information with continuing practical relevance to TRIPS. And dispute settlement panel and Appellate Body reports dealing with the TRIPS Agreement shed light on the interpretation of its provisions.

This Appendix provides a brief guide to WTO TRIPS documents and explains how these documents are organized. The guide concentrates on TRIPS Council materials, but also describes relevant documents from other areas of the WTO's work.

The e-TRIPS platform

In the first decades of the WTO's operation, the sole means of distributing and accessing the wide range of information gathered about TRIPS was through official WTO documents. The subsequent introduction of the online e-TRIPS platform provides an alternative, more user-friendly and accessible means of access to these materials, as well as a wider range of tailored search and reporting tools, including the graphs and charts used in these appendices. Figure A2.1 provides a screenshot of the e-TRIPS Gateway, the principal access point for all this material. The e-TRIPS Gateway is available at e-trips.wto.org, and queries about its use can be sent to e-trips@wto.org.

Figure A2.1 Screenshot of the e-TRIPS Gateway, providing online access to the full range of TRIPS transparency material, at e-trips.wto.org

The screenshot shows the E-TRIPS Gateway (BETA) website. At the top left is the World Trade Organization logo. The title "E-TRIPS GATEWAY (BETA)" is centered, with language options "English French Spanish" on the right. A navigation bar includes "Home", "Browse", "Search", "Types of documents", "Tools", and "Contact us". Below the navigation bar is a welcome message: "Welcome to the e-TRIPS Section on Types of Documents". The main content is organized into several sections:

- TRIPS Notifications:** A grid of six blue buttons: "Laws or Regulations under Art. 63.2", "Checklist of Issues on Enforcement under Art. 63.2", "Notifications related to the use of the Special Compulsory Licensing System", "Contact point for IP enforcement under Art. 69", "Contact point on technical and financial cooperation", and "Other Notifications".
- TRIPS Review Materials:** A row of three blue buttons: "Review of TRIPS Implementing Legislation", "Review under Art. 24.2 – checklist", and "Review of Provisions of Art. 27.3(b) – checklist".
- TRIPS-related Reports:** A row of two blue buttons: "Developed Country Members' Reports on Art. 66.2 (Technology Transfer to LDCs)" and "Developed Country Members' Reports on Technical Cooperation Activities under Art. 67".
- TRIPS Council:** A row of two blue buttons: "TRIPS Council Minutes" and "TRIPS Council Special Session Minutes".

B Document symbols

WTO documents are grouped into several collections, usually identified by letters which appear as the first characters in document symbols. Thus documents on dispute settlement are in the 'DS' collection and on trade negotiations in the 'TN' collection. TRIPS documents are comprised within the collection bearing the symbol IP/-. These general collections are then sub-divided into a number of document series. Each document is given a symbol that is made up of a combination of letters, numbers and suffixes. In some cases, documents bear more than one symbol – for instance, documents regarding dispute settlement under the TRIPS Agreement are in both the 'DS' and 'IP' collections.

Letters are used to identify collections, series, types and the status of documents. So 'IP/C/...' denotes a TRIPS Council document, and 'IP/C/W/...' a Council working document (see section H below).

The following suffixes denote a document's status vis-à-vis a first document:

- Add. = Addendum
- Corr. = Corrigendum
- Rev. = Revision
- Suppl. = Supplement

Numbers are used to indicate sequential order. Three-letter ISO standard codes are also used to identify members (e.g. POL for Poland, and ZWE for Zimbabwe). All documents are numbered in chronological order of issue and some documents may have more than one symbol. Here are some examples:

- [IP/C/M/61/Corr.1](#): first corrigendum to this document containing a correction to the minutes of a meeting of the TRIPS Council
- [IP/C/W/368/Rev.1](#): a first revision of a document earlier prepared by the Secretariat ([IP/C/W/368](#)) concerning the Council's discussions on the relationship between the TRIPS Agreement and the Convention on Biological Diversity

The working languages of the WTO Secretariat are English, French and Spanish. All formal documents (i.e. documents bearing a symbol) are produced and disseminated in the three working languages of the WTO. Most official documents are not generally circulated simultaneously by the WTO in the three languages. Most documents are first disseminated in English (or in their original language of submission when the English version is not available) and then distributed in the other working languages after the translation process is complete. Some document series, however, are always distributed simultaneously in the three working languages of the Organization. These

include documents relating to dispute settlement circulated in the WT/DSnumber/-series.

Official TRIPS documents are generally circulated as unrestricted documents, meaning that they are publicly available as soon as they have been circulated. However, minutes of meetings are initially circulated as restricted documents but become publicly available forty-five days after the date of circulation.⁷

C TRIPS notifications

Notifications under TRIPS Article 63.2 cover the substantive IP law of many members in all of the areas covered by the TRIPS Agreement, as well as information on enforcement mechanisms which are often not dealt with in the substantive legislation. While there is no guarantee that this information is complete or up to date for any particular member, it is an invaluable resource for understanding the wide range of options that members have chosen in giving effect to TRIPS in their legal systems.

Contact points are established to provide a convenient means of getting in touch with national officials responsible for:

- Technical cooperation in the implementation of TRIPS provisions; and
- International cooperation with a view to eliminating international trade in goods infringing IPRs under TRIPS Article 69.

In addition, members notify the Council when they elect to avail themselves of certain possibilities provided for in the Agreement that relate to their substantive obligations.

These notifications are described in detail in Appendix 1. Table A2.1 summarizes the documents or other sources where the notified information can be found.

Table A2.1 WTO Document Series for TRIPS notifications

Series	Notification type
IP/N/1/-	Notification of laws and regulations under Article 63.2 of the Agreement Notifications relating to specific areas of IP law are provided in the following document sub-series:
	IP/N/1/-/C/ Copyright and related rights

⁷ See the General Council's decision of 14 May 2002 on 'Procedures for the Circulation and Derestriction of WTO Documents', [WT/L/452](#).

Series	Notification type
	IP/N/1/-/T/ Trademarks
	IP/N/1/-/G/ GIs
	IP/N/1/-/D/ Industrial designs
	IP/N/1/-/P/ Patents (including plant variety protection)
	IP/N/1/-/L/ Layout-designs (topographies) of integrated circuits
	IP/N/1/-/U/ Undisclosed information
	IP/N/1/-/I/ Industrial property (general)
	IP/N/1/-/E/ Enforcement
	IP/N/1/-/O/ Other
IP/N/2/-	Notification under Articles 1.3 and 3.1 of the Agreement
IP/N/3/-	Notification of contact point for the purpose of cooperation aimed at the elimination of trade in infringing goods
IP/N/4/-	Notification under Article 4(d) of the Agreement
IP/N/5/-	Notification under the provisions of the Berne Convention and the Rome Convention incorporated into the TRIPS Agreement but without being explicitly referred to therein
IP/N/6/-	Responses to the Checklist of Issues on Enforcement
IP/N/7/-	Notification of contact points on technical and financial cooperation
IP/N/8/-	Notification under paragraph 1(b) of Article 31 <i>bis</i> of the TRIPS Agreement or paragraph 1(b) of the decision of 30 August 2003 on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (2003 Decision)
IP/N/9/-	Notification under paragraph 2(a) of Article 31 <i>bis</i> of the TRIPS Agreement or paragraph 2(a) of the 2003 Decision
IP/N/10/-	Notification under paragraph 2(c) of Article 31 <i>bis</i> of the TRIPS Agreement or paragraph 2(c) of the 2003 Decision
<p>Notifications of state emblems made under Article 6<i>ter</i> of the Paris Convention, as incorporated into the TRIPS Agreement, are available, pursuant to the WIPO–WTO cooperation agreement, on the WIPO ‘Article 6<i>ter</i> Express’ database: www.wipo.int/ipdl/en/6ter.</p>	

Current practice regarding notifications of IP laws and regulations (the IP/N/1/- series) is for a document to be circulated providing full details of the notified legal text as well as a link to a permanent URL where the text of the law itself is notified. A revision to an IP/N/1/- document is a revision of the information reported in that document, not

a revision of the notified law. When a member notifies the text of a law that itself has been revised, this is considered a subsequent notification, so the details are circulated in a new notification that carries a new document symbol.

D Reviews of national legislation

As described in Appendix 1, each WTO member undergoes a review of its national legislation after the main, substantive obligations of the TRIPS Agreement come into effect for it. This review, a peer-review process among members within the TRIPS Council, has produced a unique record of information about national IP policies and explanations of legal and technical details, as well as some indications of why particular choices were taken. This material therefore supplements the legal texts, and provides accessible insights into the laws and regulations, as well as enforcement mechanisms.

After the completion of a review, the record of the introductory statement made by the delegation subject to review, the questions put to it and the responses given in the review, are circulated in the IP/Q/- series of documents.

The records of the reviews of developed country members' legislation were circulated in the following document series:

- IP/Q/- copyright and related rights
- IP/Q2/- trademarks, GIs and industrial designs
- IP/Q3/- patents, layout-designs of integrated circuits, undisclosed information and the control of anti-competitive practices in contractual licences
- IP/Q4/- enforcement.

Given that the totality of the legislation of each developing country and newly acceded member has been reviewed at a single review meeting, the records of these reviews have been circulated in single documents with all four document symbols.

E Dispute settlement

A request for consultations under the DSU that relates to the provisions of the TRIPS Agreement is circulated in the IP/D/- series of documents. The request is also given a WT/DSnumber/- symbol. The notification of a mutually agreed solution or the adoption by the DSB of the panel or Appellate Body report, as well as certain other actions, are circulated in addenda to this document. All other documents relating to that particular dispute are circulated exclusively under the WT/DSnumber/- series of documents.

The Dispute Settlement Gateway on the WTO website provides easy access to dispute settlement documents at www.wto.org/disputes. They can be searched by agreement, including the TRIPS Agreement. A useful resource on the legal interpretation and application of the WTO agreements by the Appellate Body, dispute settlement panels and other WTO bodies is the *WTO Analytical Index: Guide to Law and Practice*. It provides information on jurisprudence and practice relating to each provision of the WTO agreements and is available online at www.wto.org/analyticalindex.

F Reports and decisions

Annual reports and certain other reports by the TRIPS Council are circulated in the IP/C/- series of documents. The Council's decisions are also circulated in this series. For example:

- [IP/C/2](#) contains an early decision by the TRIPS Council on its notification procedures for laws and regulations under Article 63.2;
- [IP/C/85](#) contains the annual report of the TRIPS Council for 2019; and
- [IP/C/84](#) contains the TRIPS Council's annual report for 2019 to the General Council on the review of the special compulsory licensing system for medicines.

G Minutes

The minutes of meetings of the TRIPS Council are circulated in the IP/C/M/- series of documents. They remain restricted for a period of forty-five days after their circulation. Up until the 72nd session of the Council, each session's minutes were combined with a full record of statements made by delegations participating in the meeting. From the 73rd session (June 2013), the minutes are contained in one document, and the record of statements are circulated in a separate addendum. Thus:

- [IP/C/M/73](#) records the proceedings of the TRIPS Council session in June 2013; and
- [IP/C/M/73/Add.1](#) reproduces the statements made under each agenda item.

H Working documents

The working documents of the TRIPS Council are circulated in the IP/C/W/- series of documents. Such working documents include submissions by WTO members and observers to the Council, and background notes prepared by the WTO Secretariat. For example:

- [IP/C/W/349](#), [IP/C/W/349/Rev.1](#) and [IP/C/W/349/Rev.2](#) are successive revisions of a summary note prepared by the Secretariat on non-violation and situation complaints under the TRIPS Agreement.

I Members' reports on specific issues

The specific reviews that the TRIPS Council has undertaken in line with the built-in agenda on GIs (Article 24.2) and biotech patenting and related issues (Article 27.3(b)), as well as reviews on issues such as incentives for technology transfer (Article 66.2) and technical cooperation (Article 67), have produced detailed reports and surveys of practical information provided by members on each of these issues in response to decisions taken by the Council.

These reports were originally circulated as working documents in the IP/C/W/- series. However, the increasing complexity of these symbols led to the introduction of an additional, separate document series for reports submitted from 2020. Thus the Council 'report' series (IP/C/R/-) comprises the latest reports by members responding to a decision by the Council; the symbol takes the format:

- IP/C/R/[MEMBER]/-

This series comprises reports filed by individual members from 2020 onwards relating to GIs (Article 24.2), biotech patenting and related issues (Article 27.3(b)), incentives for technology transfer (Article 66.2) and technical cooperation (Article 67). If the Council agrees on future reporting requirements, these would also be covered in the same series.

Reports filed prior to 2020 are available as documents in the regular working document series, as follows:

- GIs (Article 24.2)
 - [IP/C/W/117](#), addenda, supplements and revisions: information provided by members on their application of the TRIPS provisions on GIs; and
 - [IP/C/W/253/Rev.1](#): Secretariat summary of the information provided by members.
- Biotech patenting and related issues (Article 27.3(b))
 - [IP/C/W/125](#), addenda, supplements and revisions: information provided by members on their application of the provisions of TRIPS Article 27.3(b); and
 - [IP/C/W/273/Rev.1](#): Secretariat summary of the information provided by members.

- Incentives for technology transfer (Article 66.2)
 - The tri-annual new reports and the intervening updates by members on the incentives they provide were circulated in the IP/C/W/- series of documents. The document number was different each year.
- Technical cooperation (Article 67)
 - The information from developed country members, intergovernmental organizations and the WTO Secretariat on their technical cooperation activities in the area of TRIPS was circulated in the IP/C/W/- series of documents. The document number was different each year.

J TRIPS Council Special Session

TRIPS Article 23.4 calls upon the TRIPS Council to negotiate a multilateral system of notification and registration of GIs for wines, eligible for protection in those members participating in the system, with a view to facilitating the protection of GIs for wines. This built-in mandate was extended by the Doha Ministerial Declaration in 2001 to cover spirits also. Currently, the negotiation of the system is taking place in the Special Sessions of the TRIPS Council, a negotiating group established during the Doha Round.

The documents of the Special Session are circulated in the TN/IP/- series of documents as follows:

- TN/IP/M/- series: minutes of the regular meetings of the Special Session, which are restricted for a period of forty-five days after their circulation;
- TN/IP/- series: reports by the Special Session; and
- TN/IP/W/- series: working documents of the Special Session.

K Trade Policy Review documents

The WTO Trade Policy Review Mechanism provides for regular reviews of individual WTO members' trade policy settings, but is entirely distinct from the work of the TRIPS Council. These reviews produce extensive information about members' IP laws and policies alongside other areas of trade policy. The material is circulated through various documents:

- WT/TPR/G/- series: reports by governments on their own trade policy settings;
- WT/TPR/S/- series: reports by the Secretariat on members' trade policy settings; and

- WT/TPR/M/- and Add- series: minutes of the Trade Policy Review Body meetings and questions and answers by WTO members.

Each of these documents provides up to date information about individual members' IP laws and policies, within the context of a broader coverage of their overall trade policy settings.

L Accession documents

When a country joins the WTO, it undertakes negotiations with existing WTO members. In the course of these negotiations, an acceding member provides extensive information about its IP system, alongside all other areas of trade policy; acceding members also enter into undertakings that may relate to their implementation of the TRIPS Agreement. Documents in the WT/ACC/- series contain the record of these proceedings, including the Working Party reports that summarize the information provided and commitments entered into by a member on joining the WTO. These documents therefore contain extensive information about the acceding member's IP laws, and their administration and enforcement, as well as any specific undertakings they enter into. This material can be readily accessed in a dedicated database, the Accessions Intelligence Portal, at www.wto.org/accessions.