APPENDIX 2

GUIDE TO TRIPS DOCUMENTS

A. GENERAL

TRIPS includes a set of transparency mechanisms, which require Members to furnish extensive information about their intellectual property 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. 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 LDCs, for whom these provisions do not yet apply).

The very purpose these mechanisms is to enable understanding of national IP laws and policies; and in practice the 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. 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 these matters. Furthermore, 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. It is limited to those sets of documents that are circulated to the regular or special sessions of the TRIPS Council. It should be noted that also other WTO documents may include useful information on Members IP policy. These include reports from the periodic reviews of individual countries’ trade policies.

WTO documents are grouped into a number of collections that are usually identified by letters which appear as the first characters in document symbols. TRIPS documents are circulated in a document collection with a symbol IP/. This and other collections are 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.

Letters are used to identify collections, series, types and the status of documents. The following suffixes are used in the symbol to denote the status of a document:

- Add. Addendum
- Corr. Corrigendum
- Rev. Revision
- Supp. Supplement

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

- IP/N/1/SGP/1/Rev.1: first revision of this document containing a revised edition of Singapore's Copyright Act
- 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/117/Add.33: the thirty-third addendum to this document containing information provided by Members on their application of the TRIPS provisions on geographical indications

The official 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 official 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 official languages after the translation process is complete. Some document series, however, are always distributed simultaneously in the three official languages of the Organization. These include documents relating to dispute settlement circulated in WT/DSnumber/-series of documents.

Official TRIPS documents are generally circulated as unrestricted documents, i.e. 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 45 days after the date of circulation.¹

Official WTO documents are available on the WTO Documents Online database.²

The notifications under the TRIPS Agreement discussed in greater detail in Appendix 1 can serve as a useful source of information on the IP policy choices taken by a wide range of countries, as well as specific matters such as incentives for technology transfer. All of this material is now available on the WTO website (see details in the Annex). This section briefly describes several of the main sources of information from a user’s point of view.

B. TRIPS NOTIFICATIONS

Notifications under TRIPS Article 63.2 cover the substantive IP law of many countries 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 country, it is an invaluable resource for understanding the wide range of options that countries have chosen in implementing TRIPS-consistent legislation.

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
- International cooperation with a view to eliminating international trade in goods infringing IPRs under TRIPS Article 69

In addition, Members notify the Council in the event that they wish to avail themselves of certain possibilities provided for in the Agreement that related to the substantive obligations.

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

¹ The General Council’s decision of 14 May 2002 on "Procedures for the Circulation and Derestriction of WTO Documents" can be found in document WT/L/452.

² From the WTO homepage at http://www.wto.org/, follow the links "documents" and "documents online".
### Table A2.1 WTO Document Series for the Circulation of Intellectual Property Notifications

<table>
<thead>
<tr>
<th>Document Code</th>
<th>Notification Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>IP/N/1/-</td>
<td>Notification of laws and regulations under Article 63.2 of the Agreement</td>
</tr>
<tr>
<td>IP/N/1/-C/</td>
<td>Copyright and related rights</td>
</tr>
<tr>
<td>IP/N/1/-T/</td>
<td>Trademarks</td>
</tr>
<tr>
<td>IP/N/1/-G/</td>
<td>Geographical indications</td>
</tr>
<tr>
<td>IP/N/1/-D/</td>
<td>Industrial designs</td>
</tr>
<tr>
<td>IP/N/1/-P/</td>
<td>Patents (including plant variety protection)</td>
</tr>
<tr>
<td>IP/N/1/-L/</td>
<td>Layout-designs (topographies) of integrated circuits</td>
</tr>
<tr>
<td>IP/N/1/-U/</td>
<td>Undisclosed information</td>
</tr>
<tr>
<td>IP/N/1/-I/</td>
<td>Industrial property (general)</td>
</tr>
<tr>
<td>IP/N/1/-E/</td>
<td>Enforcement</td>
</tr>
<tr>
<td>IP/N/1/-O/</td>
<td>Other</td>
</tr>
<tr>
<td>IP/N/2/-</td>
<td>Notification under Articles 1.3 and 3.1 of the Agreement</td>
</tr>
<tr>
<td>IP/N/4/-</td>
<td>Notification under Article 4(d) of the Agreement</td>
</tr>
<tr>
<td>IP/N/5/-</td>
<td>Notification under provisions of the Berne Convention and the Rome Convention incorporated into the TRIPS Agreement but without being explicitly referred to therein</td>
</tr>
<tr>
<td>IP/N/6/-</td>
<td>Responses to the Checklist of Issues on Enforcement</td>
</tr>
<tr>
<td>IP/N/8/-</td>
<td>Notification under 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</td>
</tr>
<tr>
<td>IP/N/9/-</td>
<td>Notification under paragraph 2(a) of the Decision of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health</td>
</tr>
<tr>
<td>IP/N/10/-</td>
<td>Notification under paragraph 2(c) of the Decision of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health</td>
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</tbody>
</table>

Up-to-date information on contact points for technical cooperation on TRIPS and on international cooperation under Article 69 of the Agreement is available on the WTO website on the transparency toolkit webpage. Notifications of state emblems made under Article 6ter of the Paris Convention, as incorporated into the TRIPS Agreement, are available, pursuant to the WIPO-WTO cooperation agreement, on the WIPO "6ter Express" database.\(^3\)

### C. 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 between governments 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

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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, geographical indications 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 four document symbols.

A. DISPUTE SETTLEMENT

A request for consultations under the DSU that relate to the provisions of the TRIPS Agreement is circulated in 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 document, 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.

A special document portal – accessed through the Dispute Settlement Gateway on the WTO website – provides easy access to all dispute settlement documents. They can be searched by agreement, including the TRIPS Agreement. The WTO Analytical Index is a guide to the legal interpretation and application of the WTO agreements by the WTO Appellate Body, WTO dispute settlement panels and other WTO bodies. It provides information on jurisprudence or decisions relating to each provision of the WTO agreements. An on-line version is available on the WTO website, and a printed form is available in two volumes.

B. REPORTS AND DECISIONS

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

C. MINUTES

The minutes of meetings of the TRIPS Council are circulated in IP/C/M/- series of documents. They remain restricted for a period of 45 days after their circulation.

D. WORKING DOCUMENTS

The working documents of the TRIPS Council are circulated in 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.

The specific reviews that the TRIPS Council has undertaken in line with the built-in agenda on geographical indications (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 on each of these issues. Examples of such documentation include:

- Geographical indications (Article 24.2)
  - IP/C/W/117, addenda, supplements and revisions: information provided by Members on their application of the TRIPS provisions on geographical indications
  - IP/C/W/253/Rev.1: a Secretariat summary of the information provided by Members

- Biotech patenting and related issues (Article 27.3(b))
o IP/C/W/125, addenda, supplements and revisions: information provided by Members on their application of the provisions of TRIPS Article 27.3(b)
o IP/C/W/253/Rev.1: a Secretariat summary of the information provided by Members

- Incentives for technology transfer (Article 66.2)
  o The tri-annual new reports and the intervening updates by Members on the incentives they provide are circulated in the IP/C/W-series of documents. The document number is different each year. The reports can be easily accessed through the TRIPS transparency toolkit webpage or a webpage on "Technology transfer" that contains a quick search documents online feature for reports under Article 66.2.

- Technical cooperation (Article 67)
  o The information from developed country Members, intergovernmental organizations and the WTO Secretariat on their technical cooperation activities in the area of TRIPS is circulated in the IP/C/W-series of documents. The document numbers are different each year. The information can easily be accessed through the TRIPS transparency toolkit webpage or a webpage on technical cooperation in the TRIPS area contains a quick search documents online feature for reports on technical cooperation activities in the area of TRIPS.

E. DOCUMENTS OF THE COUNCIL FOR TRIPS IN SPECIAL SESSION

TRIPS Article 23.4 calls upon the Council for TRIPS 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 a negotiating group of the Doha Round, which takes the form of Special Sessions of the Council for TRIPS.

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 remain restricted for a period of 45 days after their circulation
- TN/IP-series: reports by the Special Session
- TN/IP/W-series: working documents of the Special Session

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4 From the WTO homepage, follow the links "trade topics", "intellectual property" and "technology transfer".

5 From the TRIPS gateway page, follow the link "technical cooperation in the TRIPS area".