AMENDMENT OF THE TRIPS AGREEMENT – SECOND EXTENSION OF THE PERIOD FOR THE ACCEPTANCE BY MEMBERS OF THE PROTOCOL AMENDING THE TRIPS AGREEMENT

Decision of 17 December 2009

The General Council,

Conducting the functions of the Ministerial Conference in the interval between meetings pursuant to paragraph 2 of Article IV of the Marrakesh Agreement establishing the World Trade Organization (the "WTO Agreement");

Having regard to paragraph 2 of the Decision of the General Council of 6 December 2005 on the Amendment of the TRIPS Agreement (the "TRIPS Amendment Decision") and paragraph 3 of the Protocol Amending the TRIPS Agreement (the "Protocol")\(^1\), which provide that the Protocol shall be open for acceptance by Members until 1 December 2007 or such later date as may be decided by the Ministerial Conference;

Recalling that the General Council, by its decision of 18 December 2007 (the "2007 Extension Decision")\(^2\), initially extended the period for acceptances of the Protocol by Members until 31 December 2009 or such later date as may be decided by the Ministerial Conference;

Recalling also that, pursuant to paragraph 3 of the TRIPS Amendment Decision and paragraph 4 of the Protocol, the Protocol shall take effect and enter into force in accordance with the provisions of paragraph 3 of Article X of the WTO Agreement;

Noting that acceptance of the Protocol by two thirds of the Members in accordance with paragraph 3 of Article X of the WTO Agreement is taking longer than initially foreseen;

Having considered the proposal to further extend the period for acceptances of the Protocol submitted by the Council for TRIPS (IP/C/54);

Decides as follows:

The period for acceptances by Members of the Protocol Amending the TRIPS Agreement referred to in paragraph 2 of the TRIPS Amendment Decision and paragraph 3 of the Protocol, and extended by the 2007 Extension Decision, shall be further extended until 31 December 2011 or such later date as may be decided by the Ministerial Conference.

\(^1\) WT/L/641.
\(^2\) WT/L/711.