

MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND

RESTRICTED

MTN.GNG/NG11/W/56
8 December 1989

Special Distribution

Group of Negotiations on Goods (GATT)

Original: English

Negotiating Group on Trade-Related Aspects
of Intellectual Property Rights, including
Trade in Counterfeit Goods

TRANSITIONAL DISPOSITIONS
RELATING TO A GATT "MINIMUM STANDARD" AGREEMENT

Communication by Hungary

The following communication has been received from the delegation of Hungary with the request that it be circulated to the members of the Negotiating Group.

1. The Hungarian delegation supports the proposals to establish within the framework of GATT a multilateral agreement on the minimum standards to be complied with by the individual contracting parties' legislations concerning intellectual property rights. However, certain fundamental requirements are to be considered in the establishment and operation of such an agreement.
- 1.1 It is necessary to preserve the system of the Paris Convention having functioned well for over 100 years, including the basic principles of national treatment and non-discrimination.
- 1.2 The minimum standards' requirements are to be adjusted to the most up-to-date, most advanced technologies, to the most modern solutions required by scientific development; this is to be set as a goal to be achieved by all participants.
- 1.3 Progressivity is of basic importance and it would make possible for the parties having different levels of economic development to take the measures that are necessary for the changeover in their national legislations complying with the newly established minimum standards' requirements (e.g. product patentability for pharmaceuticals), during a transitional period.
- 1.4 Within the time limits to be defined in the Agreement it should be up to every party wishing to join to decide the steps and the modalities of achievement and implementation of minimum standards in its own national legislation.

1.5 In the course of the elaboration of the agreement concerning minimum standards including the provisions relating to a transitional period, the harmonization work carried on at other international fora must be taken into account and relied on, with special regard to the work done so far and to the proposals elaborated within the framework of WIPO in the course of the preparation of the "Treaty on Harmonization of Patent Laws".

2. In the light of the above mentioned considerations, the Hungarian delegation proposes that parties wishing to join the Minimum Standard Agreement should ensure by their own national legislations that beginning with January 1, 2000 at the latest, all their laws and regulations concerning intellectual property rights be in accordance with the requirements specified in the minimum standards.

It is also expedient to provide for in the Agreement that in the course of approval, ratification or accession the party concerned should make a statement on the scheduling of implementation.