

Brief overview of TRIPS and development – themes and sectors

Workshop on LDC Priority Needs for
Technical and Financial Cooperation

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Antony Taubman,
Director, Intellectual Property Division

Some themes:

What is it to implement TRIPS?

What are the options

- and how to assess options in the light
of development interests ?

What kind of *needs* are identified?

How to meet those needs?

What is it to *implement* TRIPS?

Members shall be free to determine the appropriate method of implementing the provisions of this Agreement within their own legal system and practice.

TRIPS – Art 1.1

What is it to *implement* TRIPS?

IPR protection and enforcement should:

- contribute to the promotion of technological innovation and to the transfer and dissemination of technology,
- to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare,
- and to a balance of rights and obligations.

TRIPS – Art 7

What is it to *implement* TRIPS?

- Ideas of equity, balance, mutual advantage (e.g. non-discrimination)
- Promotion of innovation and to the transfer and dissemination of technology,
- Conducive to social and economic welfare

But

What is it to *implement* TRIPS?

But... how to link

- Formal legal consistency with legal provisions of TRIPS

and

- Promotion of the public policy goals articulated in TRIPS

through

- A process of *implementation*?

What are the options for implementation ?

- and how to assess those options in the light of development interests ?

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- and how to assess those options in the light of development interests ?
- Indeed – what are a Member's development interests and priorities?
 - What policies & planning processes exist already?
 - What sectors and interests are prioritized?

Value addition in the textile sector?

TRIPS:25.2

Sustainable tourism, ecotourism?

Paris 6ter, TRIPS 16, 22

Traditional knowledge systems & cultural expressions?

TRIPS 39.2, 22.1, Berne 15.4a, Paris 10bis

Generic medicines and clinical trials

TRIPS 30, 31, 39.3

What are the options?

- TRIPS notifications a source of practical information about actual choices made
- TRIPS Council review sheds light on how those options are implemented
- A uniquely broad-based and representative source of information on practical options
 - countries with similar cultural/legal traditions
 - regional neighbours and partners
- How to draw on this material most effectively?

What kind of needs are identified?

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- all the LDC Members will provide ... as much information as possible on their individual priority needs for technical and financial cooperation
- in order to assist them taking steps necessary to implement TRIPS

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- in order to assist them taking steps necessary to **implement TRIPS**

And how to meet those needs?

- Needs assessment not an end in itself
- The real 'need' is not a need for a needs assessment.
- Needs assessment is only credible and worthwhile if avenues identified to meet the needs identified.
- 'Needs' to be consistent with identified policies, priorities and programs
- Prepare for realistic ways of sustainably meeting those needs