

DRAFT

UNCTAD/ICTSD Capacity Building Project on
*Intellectual Property Rights and
Sustainable Development*

Inventory of Relevant International Negotiations, Activities and Processes on Intellectual Property

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GUIDE TO THE PAPER

Explanatory note

This Inventory of Relevant International Negotiations, Activities and Processes on Intellectual Property has been prepared in the context of the Project on TRIPS and Development Capacity Building sponsored by the Department of International Development (DFID UK). It is being implemented by the United Nations Conference on Trade and Development (UNCTAD) secretariat (Project Number INT/OT/1BH) and the International Centre for Trade and Sustainable Development (ICTSD). The broad aim of the Project is to improve the understanding of TRIPS-related issues among developing countries and to assist them in building their capacity for ongoing as well as future negotiations on intellectual property rights (IPRs).

The Project produces a series of documents through a participatory process involving trade negotiators, national policy makers, as well as eminent experts in the field, NGOs, international organizations, and institutions in the North and the South dealing with IPRs and development. The published outputs are not intended to be academic exercises, but instruments that, in their final forms, will be the result of a thorough process of consultation. This will be achieved by rapid development of working drafts and circulation of these to experts and to the intended audiences for their comments. These documents include:

A Policy Discussion Paper intended to be a clear, jargon-free synthesis of the main issues to help policy makers, stakeholders and the public in developing and developed countries to understand the varying perspectives surrounding different IPRs, their known or possible impact on sustainable livelihoods and development, and different policy positions over TRIPS. (A preliminary draft of the Paper was issued on 20 Nov. 2001)

The Resource Book on TRIPS and Development conceived as a guide that will provide background and technical information on the main issues under discussion in TRIPS.

Case studies on various IPRs issues to supplement the Resource Book and the Discussion Paper. This will allow concrete evidence to emerge and shed light on the impact and relevance of IPRs in developing countries. The case studies have been selected on the basis of concerns expressed by developing countries as well as priority areas identified by their negotiators. These studies cover areas such as compulsory licensing (forthcoming), technology transfer (forthcoming), nutrition, geographical indications (available as of June 2002).

In addition, the Project produces background material dealing with Indicators of the Relative Importance of IPRs in Developing Countries (see draft of November 2001), a Review of Literature (available in the website) and this Inventory of activities (forthcoming),

For further details on the activities of the Project and available material, see <<http://www.ictsd.org/unctad-ictsd>>.

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INTRODUCTORY NOTE

Intellectual property (IP) has become an important item on the agenda of many intergovernmental organizations (IGOs), non-governmental organizations (NGOs), and civil society in general. These discussions are having a strong impact on the design and implementation of public policies and strategies of many national Governments. The Agreement on Trade-related Aspects of Intellectual Property (TRIPS) came into full effect in developing countries in 2000. TRIPS contains minimum standards for the protection of intellectual property rights.

The present inventory is a compilation of essential basic information on international negotiations, processes and relevant activities related to IP. It is presented through tables focusing on IPR issues considered important for further research and technical cooperation projects and, more broadly, for decision-making processes. The inventory draws on information found on IGO and NGO websites, and has benefited from informal consultations with officials from some of the institutions covered in this document.

The inventory comprises a table dealing with TRIPS in general (Table I) and 11 other tables (Tables II to XII) covering sectoral IP issues. A brief description of the relevant organizations working on IP, referred to throughout this document, is provided in an annex.

Each table describes the negotiations, activities and processes carried out by the selected IGOs, national cooperation agencies (NCAs) and NGOs, in that order. The presentations begin with a description of the activities of IGOs, followed by NCAs and lastly by NGOs. Within each table, the activities and processes involving the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO) are listed first among the IGOs.

Following is a more detailed indication of the contents of each table:

Table I. TRIPS and IP in general. This table covers the relevant negotiations, activities and processes in relation to the TRIPS Agreement in general. The TRIPS Agreement has raised many concerns since its entry into force in such areas as health, environmental protection and education. Many organizations have closely followed its implementation and introduced programmes aimed at enhancing understanding of its content, coverage and implications, and at strengthening internal capacities, particularly with respect to developing countries.

Table II. Agricultural development and food security. This table identifies negotiations, processes and activities related to intellectual property, agricultural production and food security. Geographical indications (GI), breeders' rights and patents are among the most relevant IP instruments in this area. The strengthening of IPRs has raised concerns among small farmers and local communities about potentially restrictive effects on the seed market and on traditional uses of saved seeds.

Table III. IP, biodiversity and environment. Access and transfer of technology could become important tools to increase the effectiveness of environmental policies. This table deals with, the relationship between the objectives of the Convention on Biological Diversity (CBD) and the TRIPS Agreement, among other environmental issues. This relationship has been discussed at some depth in the Council for TRIPS, but without much progress. Patents seem to be the most controversial IP instrument in this relationship. The table does not cover genetic resources for agriculture.

Table IV. IP, traditional knowledge (TK) and folklore. This table addresses several recent proposals for the recognition of alternative systems for the protection of traditional innovation – proposals which are currently under discussion by several international forums. The need for the protection of TK and folklore has generated a review of all relevant IP instruments, including patents, petty patents, industrial designs, geographical indications, breeders' rights and copyrights. Again, the table does not cover issues related to genetic resources.

Table V. IP and biotechnology. The impact of new technologies in the life sciences has generated a new and competitive industrial sector that is already enjoying extraordinary economic success and that has attracted large capital investments. Patents and breeders' rights have become active and defensive tools in this sector. This table describes how new ethical, environmental and competition policy concerns have been raised in various forums on the uses and impacts of biotechnological innovations.

Table VI. IP and human rights. This table addresses the relationship between human rights and IP. Central to the discussion is the issue of the prevalence of public rights vs. private rights. All IP instruments are relevant to this relationship, especially patents, breeders' rights and copyrights.

Table VII. IP, public health and access to medicines. The relationship between the TRIPS Agreement and public health was one of the most important discussions in the WTO Ministerial Conference at Doha. The result was the adoption of the WTO Declaration on the TRIPS Agreement and Public Health.

Table VIII. IP, industrial and human development. Technology can be an important vehicle for improving human development and reducing poverty. This table shows how several international organizations have undertaken research to find ways to facilitate access and transfer of useful technologies for promoting human and industrial development.

Table IX. IP and competition policy. IPRs give title-holders temporary exclusive rights over their innovations and expressions in the marketplace. This is a normal feature of all types of IPRs. In certain cases, these rights can be used in an unfair manner or linked to predatory commercial practices. In such circumstances, an appropriate competition policy becomes necessary. This table shows that the relationship between IPRs and competition policy has not been sufficiently analyzed by governmental and non-governmental organizations.

Table X. IP, technology transfer and foreign direct investment. Foreign direct investment (FDI) has been identified as an important source of technology transfer. The relationship between IPRs and FDI has been studied by several international organizations with the aim of better understanding the transfer of technology process. This table presents the relevant processes, negotiations and activities in this relationship.

Table XI. IP, information technology, business strategy and collective rights management. The development of new information technologies has had an impact on trade activities and the way transactions are completed. Many enterprises working in this field are demanding the adaptation of existing IP instruments and in some cases the establishment of new ones. Several international organizations have initiated programmes to analyze those impacts in their respective areas of work. This table presents the current negotiations, processes and activities taking place with respect to the relationship between IP and new information technologies.

Table XII. TRIPS enforcement and technical cooperation. Due to inadequate experience in developing countries on substantive, procedural and public management aspects of IPRs, many international organizations have established programmes on national capacity-building in the several areas of IPRs. This table presents the various programmes, including their specific content.

Annex: List of relevant organizations working on IP issues. The Annex provides a brief description of the organizations mentioned in this inventory. The order of presentation is the same as that used in the inventory, i.e., first IGOS, followed by second NCAs, and lastly by NGOs. For further details on the activities and documentation produced by these organizations, see respective website as indicated throughout this document.

TABLE I:
TRIPS AND IP IN GENERAL

Intergovernmental Organizations	Main negotiations, activities and processes
<p>World Trade Organization (WTO)</p>	<p><u>Negotiations.</u> Currently there are no general mandated negotiations in the TRIPS Agreement. There are only sectoral negotiations as regards the protection of geographical indications for wines and spirits and, more recently, negotiations on implementation issues related to the Post-Doha Agenda. The Council for TRIPS of the WTO is considered to be a permanent forum for deliberations on matters regarding the trade-related aspects of IPRs.</p> <p><u>Activities.</u> A review of the whole TRIPS Agreement is being carried out under article 71.1. Reviews do not constitute negotiations within the WTO. They are simply analyses and studies of the content and implementation of existing obligations under the WTO Agreements. The review under article 71.1 is started afresh every two years but, in practice, it involves a permanent review of the TRIPS text. Proposals have been presented on article 71.1 for a review of the TRIPS Agreement in the light of new technological developments (i.e. Internet) and for the need to establish an intellectual property type of protection for traditional knowledge.</p> <p>The WTO usually gives a three-month trade policy course for public officials on an annual basis. One week of the course is devoted to TRIPS issues. Guidance is given on notification procedures and national legislation reform processes. WTO officials also participate in national and regional workshops on TRIPS issues.</p>
<p>World Intellectual Property Organization (WIPO)</p>	<p><u>Negotiations.</u> There are currently negotiations in the following areas:</p> <ul style="list-style-type: none"> • The draft of the patent substantive law treaty. This draft treaty seeks the harmonization of the substantive patent provision at the international level. It includes, among others: 1) patentability requirements (novelty, inventive step and industrial application); 2) the unity of the invention; 3) claims; 4) disclosure and description; 5) rights conferred by the patent; 6) fields of technology and reduction of exceptions; 7) enforcement; 8) dispute settlement. These requirements and many of the elements identified have not previously been defined or developed in any international agreement in such great detail, with the exception of TRIPS. The negotiations are currently underway in the Standing Committee on the Law of Patents. • Work towards the protection of audiovisual performances, <i>sui generis</i> databases and rights of broadcasting organizations. Negotiations have taken place on a treaty for the protection of audiovisual performances, but no final agreement had been reached yet. The Standing Committee on Copyrights and Related Rights will continue discussions on these items in its present agenda. • Discussions and negotiations of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGCGRTKF). The work of this Committee focuses on the harmonization of the regulations on IPR issues, genetic resources

	<p>and the protection of traditional knowledge and folklore.</p> <p><u>Activities.</u> The WIPO secretariat and Worldwide Academy organize numerous regional consultations, seminars, workshops and educational activities in all the areas of IP included in its mandates.</p>
United Nations Conference on Trade and Development (UNCTAD)	<p><u>Activities.</u> UNCTAD provides a forum for building consensus on trade and development issues. It designs policies, undertakes research analyses and technical cooperation activities. UNCTAD also organizes expert meetings based on Members' requests. These expert meetings can issue recommendations, which constitute soft international trade and investment law. UNCTAD has produced several studies and papers of a horizontal nature on TRIPS.</p> <ul style="list-style-type: none"> • The present joint UNCTAD/ICTSD project has initiated a comprehensive study on the impact of IPRs on development. It pursues the following main goals: to improve understanding of the development implications of the TRIPS Agreement and to strengthen the analytical and negotiating capacity of developing countries so that they are better able to participate in intellectual property rights (IPR)-related negotiations in an informed fashion in furtherance of their sustainable development objectives. This project will generate a final comprehensive study on IP and development¹.
The World Bank Group (WBG)	<ul style="list-style-type: none"> • <u>Activities.</u> The WBG has financed a vast number of research projects on IPRs, discussion panels, seminars and workshops, infrastructure projects for national IPRs offices and technical support cooperation activities for the implementation of TRIPS obligations by developing countries.
South Centre/Center for International Environmental Law (CIEL) joint project on IP	<p><u>Activities.</u> The South Centre/CIEL IP project contains three major areas of work:</p> <ul style="list-style-type: none"> • organization of working meetings to help developing countries discuss and develop common positions on the TRIPS negotiations; • presentation of quick reaction papers to be used in declarations and statements by developing countries in the Council for TRIPS; • preparation and publication of research papers on horizontal and sectoral IP issues.
National Cooperation Agency	Main negotiations, activities and processes
Department for International Development of the United Kingdom (DFID)	<p><u>Activities.</u> The UK Government has set up the Commission on Intellectual Property Rights (CIPR)² to look at how the global rules and practices on intellectual property might better serve the interests of poor people and developing countries. The idea of creating this Commission comes out of the White Paper on International Development "Eliminating poverty: making globalization work for the poor" published in December 2000. With a view to making recommendations, the work of the CIPR focuses on the following issues:</p>

¹ Preparatory documents can be found in the project's web site: www.ictsd.org/unctad-ictsd/

² See the CIPR web site: www.iprcommission.org

	<ul style="list-style-type: none"> • how national IPRs regimes could best be designed to benefit developing countries within the context of international agreements, including TRIPS; • how the international framework of rules and agreements might be improved and developed, for instance in the area of traditional knowledge and the relationship between IPRs rules and regimes covering access to genetic resources; • a broader policy framework needed to complement intellectual property regimes, including for instance controlling anti-competitive practices through competition policy and law. <p>In order to present balanced policy recommendations relating to IPRs and international development, the Commission has prepared a broad investigation agenda, which includes:</p> <ul style="list-style-type: none"> • taking a comprehensive view of the role of intellectual property in the development strategy of developing countries; • assessing developing countries' capacity for innovating, exploiting knowledge, gaining wealth from and regulating the use and protection of intellectual property rights; • providing comparative examples by examining the role IPRs have played in the development of newly developed countries and the East Asian economies. <p>This research will be carried out by the commissioning of studies, preparation of consultations and expert meetings.</p>
Non-governmental Organizations	Main negotiations, activities and processes
Quaker United Nations Office (QUNO)	<ul style="list-style-type: none"> • <u>Activities.</u> QUNO organizes several meetings at its Geneva Office to give support to developing country negotiations on trade and IPRs in the WTO. These meetings usually involve the presence of international experts on IP and European negotiators experienced in dealing with development issues. QUNO has also commissioned and published occasional papers and several studies on IP covering horizontal and sectoral issues.
International Center for Trade and Sustainable Development (ICTSD)	<p><u>Activities.</u> ICTSD's work in the area of intellectual property consists of:</p> <ul style="list-style-type: none"> • Reporting on IPR related negotiations at the WTO, WIPO, CBD, FAO and UPOV through its regular publications including "<i>BRIDGES</i> (monthly and weekly), <i>PASSERELLES</i>, <i>PUENTES</i>, and <i>BRIDGES BioRes</i>; • Publishing discussion papers and articles on IP through its Series on <i>Intellectual Property Rights & Sustainable Development</i> and numerous <i>ad hoc</i> papers; • Organizing regional multi-stakeholder dialogues for expert consultations in various areas of intellectual property. The results of these consultations are presented in reports and regional and national studies covering all areas of IP; • ICTSD is currently developing a joint capacity building project with UNCTAD on IPRs and development³.

³ See UNCTAD's Box in the current table.

Third World Network (TWN)	<u>Activities.</u> TWN publishes several books, magazines and a wide range of studies on IPRs. TWN also organizes and participates in seminars and provides a platform for representing broad southern interests and perspectives at international forums, including the WTO and the UN.
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TABLE II:

IP, AGRICULTURAL DEVELOPMENT AND FOOD SECURITY

Intergovernmental Organizations	Main negotiations, activities and processes
World Trade Organization (WTO)	<p><u>Negotiations.</u> There are currently negotiations underway aimed at establishing a multilateral register of geographical indications (GIs) on wines in accordance with article 23.4 of TRIPS. These negotiations are part of the WTO built-in agenda and have been ongoing since 1995 without concrete results. In 1996, the Ministerial Declaration of Singapore approved and annexed a report of the Council for TRIPS which instructed members to initiate preliminary work with the objective of including spirits in the multilateral wine register as contained in article 23.4. Recently, the Doha Ministerial Declaration⁴ and the Implementation Decision⁵ have ended the existing gridlock by instructing the Council for TRIPS to finalize negotiations on a multilateral register system on wines and spirits, as well as initiating negotiations for the expansion of the scope of protection to other products.</p> <p><u>Processes.</u> There are two mandated reviews in the TRIPS Agreement that relate to agricultural development and food security:</p> <ul style="list-style-type: none"> • <i>Reviews of article 24.1 and 24.2 of TRIPS.</i> These articles require members to enter into negotiations aimed at increased protection of individual GIs under article 23 without setting any date for initiating such negotiations. Articles 24.1 and 23.4 have been interpreted as the legal basis for raising the level of protection and extending the absolute protection of wines and spirits to other products without changing the TRIPS Agreement. Article 24.2 orders the review of the GI section of the TRIPS Agreement. Such reviews have been used as the main legal argument a number of developed and developing countries for requesting the extension of the multilateral register for wines and spirits to other products, especially to foodstuffs. A proposal in this connection have been presented by Bulgaria, Cyprus, Cuba, Czech Republic, European Communities, Georgia, Hungary, Iceland, India, Liechtenstein, Malta, Mauricio, Slovenia, Slovak Republic, Switzerland, Rumania, Pakistan, Sri Lanka, Thailand and Turkey⁶. This view has been contested by other Members opposing any extension, such as Argentina, Australia, Canada, Chile, Guatemala, New Zealand, Paraguay, and the United States. • <i>Review of article 27.3b) of TRIPS.</i> Article 27.3 deals mainly with the scope of patentability, allowed exceptions and the obligation to give protection to plant varieties either by patents or by an effective <i>sui generis</i> system or by a combination of both. Several issues related to agriculture have been put forward by WTO members to the review process, including: <ul style="list-style-type: none"> a) patentability of life, b) definitions of plants, animals and

⁴ See WTO document WT/MIN(01)/DEC/1 of November 2001.

⁵ See WTO document WT/MIN(01)/DEC/17 of November 2001.

⁶ See WTO document IP/C/W/353 of June 2001.

	<p>microorganisms, c) elimination of exceptions to patentability, d) <i>sui generis</i> systems for protection of plant varieties, e) content of a <i>sui generis</i> system, f) exceptions to breeders' rights, g) farmers' rights to reproduce and save seeds for their own use, h) links with the International Undertaking of the Food and Agriculture Organization (FAO), i) effects of protection of plant varieties on food security and j) protection of agricultural innovations by traditional farmers, among others. This review has been a means for many countries to submit proposals aimed at avoiding excessive rights over life in general and to transfer the principles of the International Undertaking on Plant Genetic Resources (IU) into the WTO. Recently, as a consequence of the Doha Ministerial Declaration, this and other mandated reviews have, in practice, been mixed together by introducing an issue-review approach. This approach includes the following: a) the relationship between the TRIPS Agreement and the Convention on Biological Diversity, b) the protection of traditional knowledge, and c) any new development.</p> <p><u>Activities.</u> The WTO does not undertake specific cooperation activities in IP and agriculture. Cooperation is usually readily given on TRIPS issues in general. Also workshops and seminars can be organized on an <i>ad hoc</i> basis. On particular issues. (See WTO events and activities in table I).</p>
<p>United Nations Organization for Food and Agriculture (FAO)</p>	<p><u>Processes.</u> In 1983 the FAO established the Commission on Genetic Resources for Food and Agriculture (CGRFA) and the International Undertaking on Plant Genetic Resources (IU). The objective of the CGRFA is the conservation and sustainable use of genetic resources for food and agriculture. The IU is the legal framework of this system. The IU was negotiated and conceived on the principle that genetic resources are the common patrimony of humanity. This situation has changed as a result of several resolutions coming out of the FAO and the CGRFA over the past few years. The main resolutions of the FAO and the CGRFA include a declaration of compatibility between the IU and acts of the Union for the Protection of Plant Varieties⁷, recognition of farmers' rights⁸ and recognition of sovereign rights over plant genetic resources.</p> <p><u>Negotiations.</u> The above-mentioned changes, together with the entry into force of the Convention on Biological Diversity, generated new negotiations on reforming and adapting the IU so as to include principles and mechanisms for guaranteeing access to plant genetic resources based on mutual agreements, benefit-sharing for the use of farmers and the recognition of farmers' rights. These negotiations have just been finalized. The FAO Assembly finally approved the text of the new International Treaty for Food and Agricultural Genetic Resources of the FAO in November 2001. When implemented, this new treaty will have a big impact on all the negotiations and activities as concerns intellectual property, especially with regard to the protection of plant varieties and genetic material.</p> <p><u>Activities.</u> The FAO has organized and prepared several forums, seminars and research papers on general trade issues, including the WTO Agreement on Agriculture and TRIPS.</p>

⁷ See Resolution FAO 4-89.

⁸ See Resolution FAO 5-89.

Union for the Protection of Plant Varieties (UPOV)	<p><u>Processes</u>: Currently there are no ongoing negotiations within UPOV. Its Technical Committee normally holds annual discussions on the practical application of the protection criteria for different varieties of plants. These discussions seek to clarify the application of the technical criteria.</p> <p><u>Activities</u>. There are several cooperation activities underway among member states of UPOV concerning the examination process for granting breeders' rights. They are based on arrangements for mutual recognition of technical tests for granting breeders' rights protection, whereby member States are able to minimize the cost of operating their protection systems and breeders are able to obtain protection in several countries at relatively low cost. The UPOV secretariat also provides legal, administrative and technical assistance to the governments of member States.</p>
The World Bank Group (WBG)	<p><u>Activities</u>. The WBG has published various papers and studies on IP and agriculture.</p>
South Centre (SC)	<p><u>Activities</u>. The South Centre has prepared several seminars, studies and publications on agriculture and IP.</p>
Non-governmental Organizations	Main negotiations, activities and processes
Institute for Agriculture and Trade Policy (IATP)	<p><u>Activities</u>. IATP has a Trade and Agriculture Programme which focuses on international trade policies, practices and treaties that affect consumers, farmers and rural communities and includes the WTO rules governing agriculture and patents on plants and other living materials. The programme deals in particular with the WTO Agreements on Agriculture and on Trade-related Aspects of Intellectual Property Rights (TRIPS), as well as on regional trade integration treaties and national laws and policies that affect food production, including the introduction of genetically modified foods. The IATP activities are mainly devoted to research and advocacy in relation to genetically modified organisms (GMOs) and food security.</p>
Quaker United Nations Office (QUNO)	<p><u>Activities</u>. One of the focal areas of research in the field of IPRs by the QUNO is the relationship between granting of alimentation rights and food security and IPRs.</p>
Genetic Resources Action International (GRAIN)	<p><u>Activities</u>. The main activities of GRAIN are:</p> <ul style="list-style-type: none"> • protecting and strengthening community control of agricultural biodiversity through international lobbying and direct support for local agricultural communities; • promoting agriculture that is rich in biodiversity through agricultural research programmes. <p>GRAIN has also produced several publications and list of biopiracy activities and cases.</p>

TABLE III:
IP, BIODIVERSITY AND ENVIRONMENT

Intergovernmental Organizations	Main negotiations, activities and processes
<p>World Trade Organization (WTO)</p>	<p><u>Processes and activities.</u> The review of article 27.3b) of the TRIPS Agreement has been the main vehicle for discussions on IP and biodiversity. Proposals for transferring the CBD principles of prior and informed consent into the TRIPS Agreement have been put forward by many developing and a few developed countries. The main issues under discussion in the Council for TRIPS relating to IP and biodiversity are: a) the patentability of life forms in their natural stage and biological discoveries; b) the lack of synergies between the CBD and TRIPS; c) the introduction of legal mechanisms into the patent filing procedures in order to disclose the origin of genetic resources, and d) the facilitation of access to environmental technologies for the protection of biodiversity and the environment. As a consequence of the Doha Ministerial Declaration, this and other mandated reviews have, in practice, been mixed together by introducing an issue-review approach. This approach includes the following: a) the relationship between the TRIPS Agreement and the Convention on Biological Diversity; b) the protection of traditional knowledge; and c) any new development. Recently several developing countries put forward a proposal for amending the TRIPS Agreement in light on the CBD principles and objectives to require the disclosure of the country origin of the biological resource and the presentation of evidence of existence of the access contract in the patent filing procedure. This proposal was co-sponsored by Brazil, China, Cuba, Dominican Republic, India, Pakistan, Thailand, Venezuela, Zambia and Zimbabwe⁹.</p> <p>In its work programme, the WTO Committee on Trade and Environment has an agenda item on the relationship between the environment and the TRIPS Agreement. Discussions on this agenda item have concentrated on biodiversity issues and technology transfer clauses incorporated in the Multilateral Environmental Agreements (MEAs). According to the new Ministerial Declaration in Doha, special attention will be given to three specific agenda items, including one on environment and the TRIPS Agreement.</p>
<p>World Intellectual Property Organization (WIPO)</p>	<p><u>Negotiations and processes.</u> The ICGRTKF is doing work and preparing negotiations on access to genetic resources and benefit-sharing. From the outset, there has been a clear expression on the part of all WIPO members that this Committee should address the issues before it in conjunction with the secretariat of the Convention on Biological Diversity (CBD) and the Food and Agriculture Organization (FAO), and its Commission on Genetic Resources for Food and Agriculture (CGRFA). Currently the main issues proposed by the WIPO secretariat for discussion with respect to genetic resources are:</p> <ul style="list-style-type: none"> • operational principles for contractual agreements concerning access to genetic resources and benefit-sharing; • legislative, administrative and policy measures to regulate access to

⁹ See WTO document IP/C/W/353 of June 2002.

	<p>genetic resources and benefit-sharing;</p> <ul style="list-style-type: none"> • multilateral systems for facilitated access to genetic resources and benefit-sharing; • protection of biotechnological inventions, including certain related administrative and procedural issues.
<p>Conference of the Parties on the Convention on Biological Biodiversity (COP of the CBD)</p>	<p><u>Negotiations and processes:</u> The COP V, in its decision V/26, created an open-ended Working Group on Access to Genetic Resources and Benefit-Sharing (WGABS) composed of representatives, including experts, nominated by Governments and regional economic integration organizations, with the mandate to develop guidelines and other approaches for submission to the Conference of the Parties and to assist parties and stakeholders in addressing issues relating to access to genetic resources and benefit-sharing, taking into account <i>inter alia</i> the work of WIPO on intellectual property rights.</p> <p>COP Decision V/26 of the COP invites the Parties of the CBD and relevant intergovernmental organizations, especially WIPO and UPOV:</p> <ul style="list-style-type: none"> • to analyse intellectual property rights issues relating to access to genetic resources and benefit-sharing, including the provision of information on the origin of genetic resources; • to take due account in their work on intellectual property rights issues of the relevant provisions of the Convention on Biological Diversity, including the impact of intellectual property rights on the conservation and sustainable use of biological diversity. <p>With respect to the TRIPS Agreement, COP Decision V/26 also invites the WTO to acknowledge the relevant provisions of the Convention and to take into account the interrelationship between the provisions of the TRIPS Agreement and the Convention on Biological Diversity which could be further explored.</p> <p>Recently, at the COP VI the working group II of the COP adopted the first ever international guidelines on access to genetic resources and benefit sharing¹⁰. This new body of soft law consolidates more than 10 years of national and regional experiences in the implementation of biodiversity regulations. These guidelines create an important precedent not only for further implementation of the CBD but also as a source of clarification for work already undertaken in the WTO and WIPO.</p>
<p>United Nations Environmental Programme (UNEP)</p>	<p><u>Activities.</u> UNEP's programmes and funding have been set up to assist countries in assessing their capacity-building needs in accordance with selected decisions of the Conference of the Parties to the Convention on Biological Diversity, including for:</p> <ul style="list-style-type: none"> • conservation and sustainable use of biodiversity; • access to genetic resources; • benefit-sharing and formulation of mechanisms for this purpose. <p>The Economics and Trade Programme (ETP) prepares educational publications, organizes stakeholders' meetings and participates as part of</p>

¹⁰ See Document UNEP/CBD/COP/6/W.G.II/CRP.6 of 15 of April 2002. For further information see CBD's web site: www.biodiv.org

	the UNEP delegation in international meetings.
United Nations Conference on Trade and Development (UNCTAD)	<u>Activities</u> . Several activities have been undertaken by UNCTAD's Biotrade Initiative. This initiative consists of three complementary components: the BIOTRADE country programmes, market research and policy analysis, and Internet services. The Initiative has also published various manuals on biotrade issues at the international, regional and national levels.
Non-governmental Organizations	Main negotiations, activities and processes
International Center for Trade and Sustainable Development (ICTSD)	<u>Activities</u> . ICTSD has organized regional multi-stakeholders dialogues in South America, Central America, Asia, West and Central Africa and Eastern and Southern Africa on biological diversity, access to genetic resources, TK and IP. These consultations have recently resulted in a large amount of publications on the status and advances of biodiversity issues (access, benefit-sharing and traditional knowledge) at both the regional and national levels. These publications are available on the ICTSD website and are being compiled in series of books.
Center for International Environmental Law (CIEL)	<ul style="list-style-type: none"> • <u>Processes and activities</u>: CIEL services focus on environmental and biodiversity issues. One of their most important cases was the revocation and nullification of the Ayahuasca plant patent in the US courts on behalf of the Indigenous Coordination Group of the Amazonian Region (COICA). CIEL has also prepared many publications on biodiversity and IPRs.

TABLE IV:
IP, TRADITIONAL KNOWLEDGE AND FOLKLORE

Intergovernmental Organizations	Main negotiations, activities and processes
World Trade Organization (WTO)	<p><u>Processes and activities.</u> The review of article 27.3b) of the TRIPS Agreement has been the main vehicle for discussions on IP and traditional knowledge (TK). Proposals for obtaining legal recognition and the inclusion of a <i>sui generis</i> protection for TK in the TRIPS Agreement have been presented by many developing and some developed countries. Some issues under discussion in the Council for TRIPS relating to IP and TK are: a) ways to avoid misappropriation of TK in accordance with the TRIPS Agreement; b) the introduction of legal assures in the patent filing procedures in order to disclose the origin of TK associated with the invention; c) farmers' rights and TK; d) TK as a prior art; and e) the establishment of a <i>sui generis</i> system of protection. Recently, as a consequence of the Doha Ministerial Declaration, this and other mandated reviews have, in practice, been mixed together by introducing an issue-review approach. This approach includes the following: a) the relationship between the TRIPS Agreement and the Convention on Biological Diversity, b) the protection of traditional knowledge, and c) any new developments.</p>
World Intellectual Property Organization (WIPO)	<p><u>Negotiations.</u> WIPO's ICGRTRKF is undertaking work and preparing negotiations on TK and folklore. The main issues to be discussed concerning TK that are currently proposed by the WIPO secretariat include:</p> <ul style="list-style-type: none"> • terminological and conceptual issues; • standards concerning the availability, scope and use of intellectual property rights in traditional knowledge; • certain criteria for the application of technical elements of standards, including legal criteria for the definition of prior art; • administrative and procedural issues related to examination of patent applications; • enforcement of rights in traditional knowledge. <p>As regard the protection of folklore, the main issues for discussion proposed by the WIPO secretariat are:</p> <ul style="list-style-type: none"> • review of WIPO-UNESCO model provisions for national laws on the protection of expressions of folklore against illicit exploitation and other prejudicial actions; • protection of handicrafts and other tangible expressions of folklore; • efforts to establish an international system of <i>sui generis</i> protection for expressions of folklore. <p>In the last three sessions of the ICGRTRKF some of these issues have been discussed by WIPO members. In relation to genetic resources, works have been focused on contractual IPRs clauses in access contracts and the creation of a database of compiled samples clauses. With regard to traditional knowledge, members have debated: a) systems of defensive</p>

	<p>protection by creating databases on prior art, b) experiences in using the existing intellectual property system to protect traditional knowledge, and c) the possibility of creating a system of <i>sui generis</i> protection, which would recognize rights to traditional knowledge rights-holders, including collective rights-holders. In the case of folklore, some WIPO members, particularly those from Middle Eastern countries, have lobbied for a product-based system of protection for traditional folklore like carpets and handicrafts. There were also discussions as to whether expressions of folklore should be separated at all from the concept of traditional knowledge.</p> <p><u>Activities and processes.</u> WIPO has held consultations and carried out research on TK, folklore and IP in several selected countries worldwide. The proceedings and results of these consultations have been compiled together with some studies on TK.</p> <p>WIPO has also prepared many documents addressing the issues under discussion in the ICGRTRKF. These documents can be found in WIPO's web site in the Global Issues section.</p>
<p>Conference of the Parties on the Convention on Biological Biodiversity (COP of the CBD)</p>	<p><u>Negotiations and processes.</u> Article 8j) of the Convention on Biological Diversity addresses the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity. In order to advance work on the implementation of article 8j), a workshop on traditional knowledge and biological diversity was held in November 1997, in accordance with decision III/14 of the Conference of the Parties. Furthermore, the COP IV has agreed, in decision IV/9, that an <i>ad hoc</i> open-ended intersessional working group be established to address the implementation of article 8j) and the related provisions of the Convention.</p> <p>The most important components of the mandate of the <i>ad hoc</i> intersessional open-ended working group on article 8j) include:</p> <ul style="list-style-type: none"> • providing advice as a priority on the application and development of legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity; • providing the Conference of the Parties with advice relating to the implementation of article 8j) and related provisions, in particular on the development and implementation of a programme of work at national and international levels; • identifying those objectives and activities falling within the scope of the Convention; • recommending priorities, taking into account the programme of work of the Conference of the Parties, such as the equitable sharing of benefits; to identify for which work-plan objectives and activities advice should be directed to the Conference of the Parties and other subsidiary bodies; • identifying opportunities for collaboration and coordination with other international bodies or processes; • providing advice to the Conference of the Parties on measures to strengthen cooperation at the international level among indigenous and local communities.

	<ul style="list-style-type: none"> • Several documents have been prepared by the CBD secretariat to assist parties in their deliberations.
United Nations Educational, Scientific, Cultural Organization (UNESCO)	<p><u>Processes and activities.</u> UNESCO's cultural programme includes protection and promotion of: a) cultural policy; b) creativity and arts; c) copyrights; d) cultural enterprises and industries; and e) tangible and intangible cultural heritage. In the area of folklore, UNESCO is actively participating in the consultation process initiated jointly with WIPO and is following the events of the intergovernmental meetings of WIPO as regards traditional knowledge and folklore. The most interesting UNESCO cooperation programme with respect to folklore is for the development of sustainable cultural industries, which includes micro, small and medium enterprises. The general cooperation of UNESCO in culture and folklore includes: preparation of seminars and expert meetings; creation of databases; compilation of inventories and statistics on cultural goods and educational programmes, etc.</p>
United Nations Conference on Trade and Development (UNCTAD)	<p><u>Processes.</u> The Agenda 21 and UNCTAD IX provided a mandate to promote the integration of trade, environment and development. UNCTAD's special role is to examine trade and environment issues from a development perspective. This mandate was implemented by means of intergovernmental deliberations, policy analysis, empirical studies, briefings, workshops and seminars, using both budgetary and extra-budgetary resources.</p> <p><u>Activities:</u> UNCTAD held an Expert Meeting on Systems and National Experiences for Protecting Traditional Knowledge, Innovations and Practices in November 2000. This meeting generated a wide-ranging exchange of national experiences and views among experts who have been actively involved in or who have studied issues related to the protection of traditional knowledge, innovations and practices (TK). During the meeting, experts addressed the objectives of TK protection systems and the possible means of achieving those ends, including prior informed consent, access and benefit-sharing mechanisms, strengthening customary/traditional law, using intellectual property instruments, developing <i>sui generis</i> systems, documenting traditional knowledge, as well as measures to encourage TK-based innovations and the development and export of TK-derived products (where appropriate). All the expert presentations will be compiled in book to be issued in 2002. They are available on the UNCTAD's website.</p> <p>UNCTAD's Biotrade Initiative has recently published a handbook for the protection of traditional knowledge with real examples in the Andean region.</p>

United Nations High Commissioner on Human Rights (UNHCHR)	<u>Process</u> : Recently, the Sub-Commission on the Promotion and Protection of Human Rights requested the High Commissioner to undertake an analysis of the impact of the TRIPS Agreement on the rights of indigenous peoples. Resolution 2001/21
Non-governmental Organizations	Main negotiations, activities and processes
International Center for Trade and Sustainable Development (ICTSD)	<u>Activities</u> . ICTSD has organized a number of informal dialogues and published some documents and studies relating to TK and IP.
Third World Network (TWN)	<u>Activities</u> . TWN has provided advice to Asian developing countries and has prepared publications on the issue of TK.
Center for International Environmental Law (CIEL)	<u>Activities</u> . CIEL has prepared several publications on TK and IPRs.
Quaker United Nations Office (QUNO)	<u>Activities</u> . The QUNO has commissioned one paper on IPRs and the protection of traditional knowledge.

TABLE V:
IP AND BIOTECHNOLOGY

Intergovernmental Organizations	Main negotiations, activities and processes
World Trade Organization (WTO)	<p><u>Processes.</u> The issue of biotechnology has also been discussed under the review of article 27.3b) of the TRIPS Agreement. For many developed countries the best way to promote the creation and development of the biotechnology industry is by eliminating all the exceptions to patentability under TRIPS. Many developing country issues are related to the patentability of life, definition of microorganisms, moral and religious issues. These need to be discussed in order to clarify the existing limitations to patentability in article 27.3. At the WTO Seattle Ministerial, Canada proposed the creation of a working group on biotechnology with the objective of reducing the focus of attention of members on the review of article 27.3b). Recently, as a consequence of the Doha Ministerial Declaration, this and other mandated reviews have, in practice, been mixed together by introducing an issue-review approach. As mentioned previously, this approach includes the following: a) the relationship between the TRIPS Agreement and the Convention on Biological Diversity, b) the protection of traditional knowledge, and c) any new development. (See Table IV, above).</p>
World Intellectual Property Organization (WIPO)	<p><u>Processes and activities.</u> At the present time, WIPO has a Working Group on Biotechnology comprising representations from the private sector and governments of its Member States. The purpose of the Working Group is to identify issues related to biotechnology and intellectual property rights, which may be included in future WIPO work programmes, as determined by its Member States. At its first meeting in November 1999, the Working Group agreed to undertake work on nine different projects, with the aim of producing final recommendations, which will subsequently be submitted to WIPO's governing bodies. These recommendations are still in the process of preparation. The proposed projects fall into five general categories:</p> <ul style="list-style-type: none"> • legal standards related to the scope and character of patent protection for inventions in the field of biotechnology, taking note of issues previously addressed by the WIPO Committee of Experts on Biotechnological Inventions and Industrial Property; • licensing and other issues related to the use of intellectual property rights in biotechnological inventions; • administrative and procedural issues related to examination of patent applications for biotechnological inventions; • the relationship between patents and other forms of intellectual property protection for biotechnological inventions (e.g., UPOV-style plant variety protection, trade secrets and geographical indications); • the nature of the relationship between patent systems and certain issues, including the moral or ethical dimensions of commercialization of inventions involving genetic alteration of plants or animals, the conservation and preservation of the environment and the protection of animal and human health (including such issues such as biosafety), biological diversity, food security and sustainable development).

Food and Agriculture Organization (FAO)	<p><u>Processes and activities.</u> The FAO is interested in the impacts and effects of modern biotechnology on increasing food production, the environment and human and animal health needs. In this context, FAO provides, on request, policy advice to its members on biotechnology issues related to food, agriculture, technical assistance on specific technologies, and legal and technical advice on regulatory aspects. FAO also promotes information dissemination and continues to monitor new developments and potential impacts of the adoption of biotechnology. With regard to IPRs and biotechnology, assistance to developing countries includes:</p> <ul style="list-style-type: none"> • development of appropriate IPRs legal frameworks at the national level; • facilitation and access to proprietary technologies; • advice on management of portfolios of protected products and technologies; • advice on negotiating licensing agreements.
United Nations Educational, Scientific and Cultural Organization (UNESCO)	<p><u>Processes.</u> In 1993, the Director General of UNESCO created the International Bioethics Committee (IBC). This Committee plays mainly an advisory role and is the only body of an international character in the field of bioethics. It is up to the IBC to keep abreast of progress in genetics, whilst, at the same time, taking care to ensure respect for the values of human dignity and freedom in view of the potential risk of irresponsible attitudes in biomedical research. The work of the IBC could have a certain political impact in the field of patents, especially as regards exceptions to patentability and links to moral and religious issues.</p> <p><u>Activities.</u> UNESCO's work on biotechnology evolves by way of its programme on life science and biotechnology. This programme aims at promoting international scientific cooperation in life science and biotechnology, and at bridging the scientific and technological gap existing between developed and developing countries. It also provides least developed countries with tools for enhancing the quality of scientific research. The objectives of the UNESCO programme in life sciences are achieved through specialized networks of centres of excellence that organize training activities, workshops and research projects on a collaborative basis. UNESCO's activities in biotechnology are not directly related to IPRs. Nevertheless, the creation of capabilities in these areas will have an impact in the use of patents for protecting the results of scientific research and those in the field of biotechnology.</p>
World Health Organization (WHO)	<p><u>Activities.</u> The main objective of WHO's work in this area is to generate security and confidence in food produced through biotechnology. The focus of WHO work does not relate to IPRs, but guarantees human and animal safety. WHO has organized several expert meetings and consultations on foods derived from biotechnology, safety assessments and genetically modified organisms.</p>
United Nations Conference on Trade and Development (UNCTAD)	<p><u>Processes and activities.</u> UNCTAD provides support to the UN Commission on Science and Technology for Development (UNSTD), which is a subsidiary body of the UN Economic and Social Council (ECOSOC). Over the past three years, UNCTAD has organized several panel meetings on biotechnology where the following issues have been</p>

	<p>addressed:</p> <ul style="list-style-type: none"> • capacity building in biotechnology; • regulatory aspects of biotechnology; • public awareness and participation in sciences and policy making in biotechnology.
The World Bank Group (WBG)	<p><u>Activities.</u> The WBG has organized jointly with specialized research institutes several seminars and has funded various research papers in the field of biotechnology. These seminars and research papers focus mainly on increasing productivity in agriculture, ownership of biotechnological innovations and biosafety issues.</p>
Non-governmental Organizations	Main negotiations, activities and processes
Center for the Application of Molecular Biology to International Agriculture (CAMBIA)	<p><u>Activities.</u> CAMBIA's Intellectual Property Resource for International Agricultural Biotechnology seeks to increase the capacity of the international agricultural research community to address intellectual property issues relevant to biotechnology in a strategic and proactive manner. Clients for this resource activity will include both public-sector participants, such as universities, CGIAR-supported centres, NGOs, and policy makers dealing with IP and private-sector participants, such as nationally operating seed companies in the developing world and small-to-medium-size enterprises. Within these programmes, primary beneficiaries of the resources are scientific researchers, business developers, policy makers, patent examiners, legal advisors in technology transfer and attorneys. One of the most important future products that CAMBIA is envisaging is the creation of a database on biotechnology patents.</p>
Science and Technology Programme of Harvard University (STPHU)	<p><u>Processes and activities.</u> STPHU has a Sub-Programme on Biotechnology and Globalization (SPBG). The overall aim of the SPBG is to undertake research, promote policy consultations and disseminate information on the implications of biotechnology for development. It also contributes to training in science and technology policy analysis. The SPBG covers ten specific projects including: (1) globalization of research and development, (2) science and the precautionary principle, (3) biotechnology in developing countries, (4) public attitudes toward biotechnology, (5) intellectual property rights, (6) biodiversity and traditional knowledge, (7) ethical considerations, (8) institutional innovation, (9) the genetic divide, and (10) aquaculture. More specifically, the project on biotechnology and development undertakes research on key areas of relevance to developing countries; promotes consultations on the policy aspects of biotechnology in developing countries; and widely disseminates the results of the research and consultations through the Internet and other means.</p>

TABLE VI:
IP AND HUMAN RIGHTS

Intergovernmental Organizations	Main negotiations, activities and processes
World Intellectual Property Organization (WIPO)	<u>Activities.</u> WIPO has organized several seminars and publications on human rights and intellectual property:
United Nations High Commissioner on Human Rights (UNHCHR)	<p><u>Processes.</u> Article 27 of the Universal Declaration of Human Rights deals with the right to enjoy and share the benefits of culture, arts and sciences. It also establishes the right to the protection of the moral and material interest resulting from the scientific, literary or artistic productions of authors. This set of rights has generated, together with the need for a balanced IPRs system, many debates on the relationship between human rights and the TRIPS Agreement. Also article 15(1)(c) of the <i>International Covenant on Economic, Social and Cultural Rights</i> (treaty that has been ratified by 145 states, 111 are WTO members) is relevant to the relationship between human rights and intellectual property as Article 15(1) states: “<i>The States Parties to the present Covenant recognize the right of everyone:</i></p> <ul style="list-style-type: none"> (a) <i>To take part in cultural life;</i> (b) <i>To enjoy the benefits of scientific progress and its applications;</i> (c) <i>To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.”</i> <p>The Office of the High Commissioner on Human Rights is the principle UN body that administers the UN human rights treaties. The High Commissioner on Human Rights has issued a report on the impact of the TRIPS Agreement on the enjoyment of human rights (E/CN.4/Sub.2/2001/13), which analyses the relationship between intellectual property and human rights with a particular focus on the right to health.</p> <p>The Committee on Economic, Social and Cultural Rights is a body of independent experts charged with the mandate of monitoring the implementation of the Covenant on Economic, Social and Cultural Rights. The Committee receives periodic reports from states that have ratified the Covenant and enter into a constructive dialogue with states to improve the state of implementation. In doing so, the Committee periodically adopts General Comments which set out the content of particular articles of the Covenant as well as the obligations on states to respect, protect and fulfil the particular human right identified in the Covenant. While not legally binding, General Comments are important means of clarifying the content of particular human rights – the General Comment on the Right to Food (E/C.12/1999/5) for example, has been annexed to national legislation on food in at least one country. In the Committee of Economic, Social and Cultural Rights, three main areas of possible conflict between the TRIPS Agreement and human rights have been analyzed, including: patents and</p>

	<p>the right to health, breeders' rights and the rights of indigenous peoples, and breeders' rights and the right to food¹¹. The Committee on Economic, Social and Cultural Rights is discussing the adoption of a General Comment on article 15(1) (c) in November 2003.</p> <p><u>Negotiations.</u></p> <p>The Sub-Commission on the Promotion and Protection of Human Rights has issued several resolutions in relation to the substantive implementation of the International Covenant on Economic, Social and Cultural Rights, the content of article 27 of the Universal Declaration of Human Rights, and Intellectual Property Rights. These resolutions include:</p> <ul style="list-style-type: none"> • Intellectual property rights and human rights. Resolution E/CN.4/SUB.2/RES/2001/21; • Intellectual property rights and human rights. Resolution E/CN.4/SUB.2/RES/2000/7; • Protection of heritage of indigenous peoples. Resolution E/CN.4/SUB.2/RES/1996/37; • Protection of heritage of indigenous peoples. Resolution E/CN.4/SUB.2/RES/1995/40. <p><u>Activities.</u> In CESCR discussions, several documents on human rights and intellectual property have been introduced by relevant stake holders and NGOs.</p>
<p>Center for the Public Domain (CPD)</p>	<p><u>Activities.</u> CPD seeks to call attention to the importance of the public domain through grant making, original research, conferences, and collaborative programmes. The CPD has sponsored many books, papers and speeches on the over-strong IPRs and the limitations that IP is creating.</p>

¹¹ See E/C.12/2000/20, December 2000.

TABLE VII:
IP, PUBLIC HEALTH AND ACCESS TO MEDICINES

Intergovernmental Organizations	Main negotiations, activities and processes
World Trade Organization (WTO)	<p><u>Negotiations.</u> As a consequence of the increased problems faced with regard to certain epidemics and common diseases, including Aids, Malaria and Tuberculosis, an important number of developing countries have tried to adopt policies to facilitate access to medicines. Some of these policies were not only criticized by many transnational corporations but also contested in view of their compatibility with the TRIPS. This situation brought an intense political debate in special meetings of the Council for TRIPS. The result was a separate Declaration at the Doha WTO Ministerial (2001). This Declaration basically restates the rights of WTO members to introduce measures they consider most adequate to tackle public health problems in accordance with the TRIPS Agreement.</p> <p>The debate is not over and various aspects of the discussion remain unresolved and will form part of the new WTO work programme. The fifth WTO Ministerial will decide on questions such as the issuance of compulsory licences to third country producers when there is a lack of domestic internal production capacity.</p> <p>Currently, discussions are going on in the TRIPS Council to find an expeditions solution to the question of how to ensure that members with insufficient or no manufacturing capacity make effective use of compulsory licensing in accordance with paragraph 6 of the Doha Declaration on TRIPS and Public Health. Several statements from many countries of the African Group have proposed the modification and subsequent amendment of article 30 and 31f) of the TRIPS Agreement.</p> <p>Recently proposals to solve this issue from different perspectives have been presented in the TRIPS Council by the African Group¹²; a group of several developing countries (Bolivia, Brazil, China, Cuba, Dominican Republic, Ecuador, India, Indonesia, Pakistan, Peru, Sri Lanka, Thailand and Venezuela)¹³; the European Union¹⁴ and the United States¹⁵. Proposals have put forward various possible solutions including among others: a) possible moratorium of obligations under article 31f), b) amendment of article 30, c) amendment of article 31f) of the TRIPS Agreement, etc.</p>
World Health Organization (WHO)	<p><u>Processes:</u> The most important process in the WHO with respect to IP and health is the Medicine Strategy (MS). Under the mandate of the WHO medicines strategy (resolution WHA54.11) and the Revised Drug Strategy (resolution WHA52.19), the World Health Organization (WHO) cooperates with its Member States, at their request, and with relevant organizations to: assist Member States to develop pharmaceutical and health policies related to international agreements; and monitor, analyze, study and report on existing and future health implications of international trade agreements.</p>

¹² See WTO document IP/C/351 of June 2002.

¹³ See WTO document IP/C/355 of June 2002.

¹⁴ See WTO document IP/C/W/339 of March 2002.

¹⁵ See WTO document IP/C/W/358 of June 2002.

	<p><u>Activities:</u> Most activities concerning in the relation between TRIPS and health in the WHO are being undertaken under the work programme on pharmaceuticals and trade. The programme includes the following activities:</p> <ol style="list-style-type: none"> 1. Policy guidance and information support. The Statements by the Director General, the official WHO publications and related documents provide guidance and information support for member states. 2. Direct country support and regional awareness meetings. WHO provides direct country support on request, such as briefings on the TRIPS safeguards and advice on the revision of national pharmaceutical legislation. Recent examples include support to China, Iran, South Africa, and Thailand. WHO also sponsors or participates in interregional, regional and national awareness meetings -- i.e. Association of South-East Asian Nations (ASEAN), Southern African Development Community (SADC) countries, the WHO South-East Asia Region (SEARO) countries and the WHO African Region. 3. Monitoring and analysing the effects of globalization on access to drugs The public health impact of TRIPS requirements has yet to be fully assessed. Therefore, the WHO medicines strategy (resolution WHA54.11) provides WHO with a mandate to study and report on existing and future health implications of international trade agreements. 4. Cooperation with international organizations, industries and NGOs: In June 2000, WHO was awarded observer status on <i>ad hoc</i> basis by the WTO Council for TRIPS. WHO is now able to monitor all relevant issues under discussion at WTO that may have implications for the health sector and to provide informal support to Member States at their request. International organizations, including UNAIDS, UNCTAD, WIPO and WTO, are systematically invited to WHO meetings on issues relating to trade, globalization and access to medicines. 5. Workshops and seminars: WHO and WTO occasionally organize joint briefings and workshops.
United Nations High Commission on Human Rights (UNHCHR)	<p><u>Processes:</u> The High Commission on Human Rights has issued a resolution on the Impact of the TRIPS Agreement on the enjoyment of human rights (E/CN.4/Sub.2/2001/13). This resolution looks specifically at the case of the right to health, in particular in the context of access to medicines.</p>
South Centre (SC)	<p><u>Activities:</u> The South Center has produced several documents on the relation between intellectual property and health.</p>
Non-governmental Organizations	Main negotiations, activities and processes
Oxford Committee for Famine Relief (OXFAM)	<p><u>Processes and activities.</u> Currently Oxfam has a campaign called "Cut the cost". This campaign is designed to help the global drug industry focus on people, not profits, by making life-saving medicines affordable for the poorest. Oxfam has also been involved on work dedicated to improve access to drugs and public health in the WTO discussions. Several studies have also been prepared on health and IPRs issues.</p>
Médecins sans Frontières	<p><u>Processes and activities.</u> MSF has a campaign on access to medicines. MSF</p>

(MSF)	believes many actors have a role to play in addressing the problem of access to medicines. According to MSF, organizations such as the WHO, World Bank, UNAIDS, UNICEF, and other UN agencies, should adopt and advocate for policies that give the highest level of protection for public health. MSF wants pharmaceutical companies to contribute to long-term solutions, such as cutting their prices to developing countries in a transparent and predictable way, and supporting increased R&D for neglected diseases. The MSF campaign is implemented through action letters, organization of public events and seminars, and the preparation of press releases in order to promote facilitated access to drugs.
International Center for Trade and Sustainable Development (ICTSD)	<u>Activities:</u> ICTSD has addressed this issue in the framework of its regional dialogues and has produced several documents on the relation between intellectual property and health.

TABLE VIII:
IP, INDUSTRIAL AND HUMAN DEVELOPMENT

Intergovernmental Organizations	Main negotiations, activities and processes
World Intellectual Property Organization (WIPO)	<p><u>Activities.</u> WIPO has recently initiated a programme on small and medium enterprises (SMEs). This programme provides user-friendly services to facilitate the understanding and use of the advantages of the IP system. The programme also gives direct support to SMEs on <i>ad hoc</i> bases. Support is provided upon the request of interested enterprises and usually takes the form of a Memorandum of Understanding on mutual cooperation and assistance. The assistance is normally motivated by the practical needs of the beneficiary SME. WIPO participates jointly with other IGOs, governments and SMEs in the following activities:</p> <ul style="list-style-type: none"> • organization of information and awareness campaigns and events of various kinds; • provision of technical advice in order to add value to ongoing or future programmes, projects and activities of mutual interest; • cooperation in the issuing of publications such as guides, self-help manuals, other information products and services; • organization of training programmes for trainers (training of trainers) and preparation of e-learning programmes for teaching and training; • collection of success stories and best practices in the use of the IP system by SMEs.
United Nations Industrial Development Organization (UNIDO)	<p><u>Activities.</u> UNIDO does not have a special programme on industrial development and IP. It focuses on industrial development and serves as a global forum for its social, economic and technological consequences. UNIDO's Integrated Programme on Industrial Policy Advice (IPA) aims to provide neutral and objective advice and mediation to create an enabling climate for economic, social and environmentally sustainable industrial development without any political, commercial or vested interest, other than the genuine development of the country concerned. The main areas of assistance provided by the programme on IPA include:</p> <ul style="list-style-type: none"> • cooperation to improve industrial competitiveness in export and domestic markets, including policies to enhance skills and knowledge; • design of regulatory frameworks to improve the enabling environment; • analysis of constraints and prospects, industrial development; • design of policies and legal frameworks to attract foreign investment and technology.
United Nations Development Programme (UNDP)	<p><u>Activities.</u> UNDP has dedicated its 2001 Human Development Report to the impact of new technologies on human development. This Report looks specifically at how new technologies are affecting developing countries and poor people. It analyses the technological divide and compiles important economic and social statistical indicators related to technological changes. The Report also closely examines the relationship with intellectual property, and discusses the following issues:</p> <ul style="list-style-type: none"> • new technologies and existing legal regimes that regulate those technologies;

	<ul style="list-style-type: none">• existing rules and management of IPRs;• identification of benefits to and limitations on human development as a consequence of IPRs;• incentives for research and development;• recommendations for using and implementing the existing IPRs frameworks in an equitable manner and with the objective of improving the level of human life.
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TABLE IX:
IP AND COMPETITION POLICY

Intergovernmental Organizations	Main negotiations, activities and processes
World Trade Organization (WTO)	<p><u>Negotiations.</u> At the 1996 Singapore Ministerial Conference, the WTO established a Working Group on the Interaction between Trade and Competition Policy (WGTCP). The mandate of the WGTCP is to consider issues raised by members relating to the interaction of these two policy fields. The WGTCP has examined a wide range of such issues including the relationship between the trade-related aspects of intellectual property rights and competition policy. In the discussions, members have presented many documents concerning their national experiences in competition policy and regulation.</p> <p>After the Doha Ministerial, the WGTCP entered into a kind of pre-negotiating stage, in which focus is directed towards the clarification of: core principles, including transparency, non-discrimination, procedural fairness and provisions on hardcore cartels, modalities for voluntary cooperation, and support for progressive reinforcement of competition institutions in developing countries through capacity-building. According to the Ministerial Declaration, WTO members have agreed that negotiations will take place after the Fifth Session of the Ministerial Conference on the basis of a decision to be taken, by explicit consensus, at that session on modalities of negotiations. However, due to the opposition of India, the Chairman of the Ministerial Conference indicated in its final statement that initiation of negotiations on trade and competition policy will be decided at the Fifth Ministerial.</p> <p><u>Activities.</u> The WTO has organized several seminars and workshops on the relationship between trade and competition. These seminars have included experts' presentations on competition policy and intellectual property rights.</p>
United Nations Conference on Trade and Development (UNCTAD)	<p><u>Activities.</u> UNCTAD is very experienced in the area of competition policy, especially as regards work and negotiations on the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices. UNCTAD provides support to developing countries on a permanent basis on competition policy by way of the following activities:</p> <ul style="list-style-type: none"> • institutional capacity-building; • competition advocacy and education of the public; • studies on competition, competitiveness and development; • inputs into possible international arrangements for competition.
Non-governmental Organizations	Main negotiations, activities and processes
Consumer Project on Technology (CPT)	<p><u>Activities:</u> CPT works as an internet literature compilation centre for a vast amount of documents and information related to IPRs and consumer protection. It also provides an electronic forum for discussions on intellectual property and consumer issues. CPT's main areas of focus are</p>

	<p>health, information technology and telecommunications. According to CPT, its work responds to concerns among US and foreign consumers worldwide are worried about the continuous expansion of IPRs in the above-mentioned areas.</p>
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TABLE X:

IP, TECHNOLOGY TRANSFER AND DIRECT FOREIGN INVESTMENT

Intergovernmental Organizations	Main negotiations, activities and processes
<p>World Trade Organization (WTO)</p>	<p><u>Negotiations and processes:</u> There are two important areas of work that are related to technology transfer and IPRs in the WTO:</p> <ul style="list-style-type: none"> • Implementation of article 66.2 of TRIPS. According to article 66.2, “developing country members shall provide incentives to enterprises and institutions in their territories for the purpose of promoting and encouraging technology transfer to least-developed country Members in order to enable them to create a sound and viable technological base”. The real implementation of this provision has been subject of lengthy deliberations in since the first meetings of the Council for TRIPS. Least developed countries complain that the mentioned incentives have never been created by developed countries. They also state that existing incentives are just trade preferences and not technology transfer incentives. The recent WTO Doha Ministerial Implementation Decision instructed the Council for TRIPS to put in place a mechanism for ensuring the monitoring and full implementation of this obligation; • Discussions in Working Group on Trade and Transfer of Technology Transfer (WGTT). The WTO Doha Ministerial Declaration recently created the WGTT. The WGTT will examine the relationship between trade and transfer of technology, and put forward any possible recommendations on steps that might be taken, within the mandate of the WTO, to increase flows of technology to developing countries.
<p>United Nations Conference on Trade and Development (UNCTAD)</p>	<p><u>Processes and activities.</u> UNCTAD has, for a long time, worked on the issue of investment and technology transfer. Although this work is not directly related to IPRs, its effects on increasing innovation capacities and facilitation of technology transfer are of paramount importance.</p> <p>UNCTAD has a Division on Investment, Technology and Enterprise Development which promotes the understanding of investment, enterprise development and technological capacity-building issues, and assists governments to formulate and carry out policies, strategies and programmes in the following areas:</p> <ul style="list-style-type: none"> • Investment and transnational corporations; • Enterprise development; • Advisory services on investment and technology. <p>The Investment and Capacity-building Branch develops activities in respect of clauses dealing with technology transfer in existing international agreements. An expert meeting was held this year and generated a “Compendium on international arrangements on technology transfer” based on selected instruments, including the TRIPS Agreement.</p>

United Nations on Industrial Development Organization (UNIDO)	<p><u>Activities.</u> UNIDO does not have a special programme on industrial development and IP but does have one on investment and technology transfer. UNIDO's work in technology transfer and investment is carried out by:</p> <ul style="list-style-type: none"> • Setting up and upgrading of investment promotion agencies; • Improving capacity of local business by negotiating with enterprises and obtaining improved terms for better conditions in technology transfer; • Facilitating technological partnership opportunities in the most attractive industrial sectors; • Preparing assessments of the technological and innovative capabilities of enterprises to forge international industrial partnerships. • Preparing publications on technology transfer.
The World Bank Group (WBG)	<p><u>Activities.</u> The WBG has published a study on intellectual property protection, foreign direct investment, and technology transfer by Edwin Mansfield, International Finance Corporation, 1994. This study puts important emphasis on the effects of IPRs on the investment and technology transfer activities of firms in the US, Germany and Japan.</p>
Non-governmental Organizations	Main negotiations, activities and processes
<i>The Third World Network (TWN)</i>	<ul style="list-style-type: none"> • <u>Activities:</u> TWN has been following the relationship between IPRs, investment and technology transfer. Activities include preparation of advocacy letters, public statements, analysis of negotiations, seminars and publications.

TABLE XI:

**IP, INFORMATION TECHNOLOGY, BUSINESS STRATEGY AND COLLECTIVE
MANAGEMENT**

Intergovernmental Organizations	Main negotiations, activities and processes
World Trade Organization (WTO)	<p><u>Processes and activities.</u> In 1998, Members of the WTO adopted the Declaration on Global Electronic Commerce at the Geneva Ministerial Conference. The Declaration directed the General Council of the WTO to establish a comprehensive work programme to examine all trade-related issues arising from electronic commerce. The WTO General Council instructed the Council for TRIPS to examine and report on intellectual property issues arising in connection with electronic commerce. Issues under examination include:</p> <ul style="list-style-type: none"> • protection and enforcement of copyright and related rights; • protection and enforcement of trademarks; • new technologies and access to technology. <p>During this exercise in the Council for TRIPS, members put forward several proposals on the following specific aspects of E-commerce and IPRs:</p> <ul style="list-style-type: none"> • relationship with the “Internet” copyrights agreements of WIPO; • WIPO’s work in relation to internet domain names and E-commerce; • ways of using new technologies to improve access and transfer of technology; • new kinds of enforcement measures. <p>The recent Doha Ministerial Declaration instructed the General Council to consider the most appropriate institutional arrangements for handling the work programme and to report on further progress to the Fifth Session of the Ministerial Conference.</p>
World Intellectual Property Organization (WIPO)	<p><u>Processes and activities.</u> The main areas of WIPO’s work in the area of business strategy and IP management are:</p> <ul style="list-style-type: none"> • Standing Committee on Information Technologies (SCIT), which was established in order to address issues of new technologies and ensure technical standards in the process of providing intellectual property information throughout the world. The SCIT also helps plan and monitor WIPO’s various information technology projects involving WIPO registering systems and national IP registration offices. These projects include: a) WIPO integrated management; b) WIPO and IP classification systems; c) information management of the Patent Cooperation Treaty; d) Intellectual Property Digital Library, and e) the WIPOnet. • WIPO Digital Agenda, which sets out a series of guidelines and goals for WIPO in seeking to develop practical solutions to the challenges, raised by the impact of electronic commerce on intellectual property rights. • Work on Internet domain main names and addresses. Since 1998,

	<p>WIPO has been conducting an international exercise with a view to elaborating recommendations on intellectual property issues associated with Internet domain names, including domain names dispute resolution. The process has generated several international meetings and two reports on Internet domain names and intellectual property (1999 and 2001). WIPO has also created a successful private arbitration centre to resolve disputes over domain names and addresses;</p> <ul style="list-style-type: none"> • Support and technical cooperation to national or regional copyrights and collective societies. WIPO provides legal advice and educational assistance to national, regional and collective societies. These societies participate actively in WIPO negotiations and discussions on copyrights as specialized NGOs. WIPO also assists developing countries, upon request, in establishing collective management organizations, and in strengthening existing organizations to ensure that they can operate in a highly efficient and effective manner in response to the challenges of the digital environment. Such activities are carried out under the WIPO Cooperation for Development programme.
International Telecommunications Union (ITU)	<p><u>Activities.</u> The ITU has created an <i>ad hoc</i> group on intellectual property and telecommunication issues. This <i>ad hoc</i> group has prepared a report on its work in 2001. The content of the report is restricted to users and members of this organization. The ITU has also created a programme on E-commerce and developing countries, which provides advice on legal and regulatory requirements for E-commerce activities, including certain aspects of intellectual property rights (internet domain names and copyrights).</p>
UNESCO's Observatory on Information Society	<p><u>Activities.</u> The observatory covers officially adopted legislation, work plans, strategies and policies governing institutional, national and international activities on the web in the following areas:</p> <ul style="list-style-type: none"> • action plans and policies implemented at the national, regional and international levels to prepare for the transition to an information society; • confidentiality and security; • elaboration of legal instruments (laws, international agreements, etc.) and self-regulation instruments (codes of conduct, professional regulations, etc.); • universal access to public domain as a fundamental human right.
South Center/Center for International Environmental Law (CIEL)	<p><u>Activities:</u> The South Center and CIEL joint project on intellectual property has produced one document on the relation between intellectual property and E-commerce.</p>

TABLE XII:
TRIPS ENFORCEMENT AND TECHNICAL COOPERATION

Intergovernmental Organizations	Main negotiations, activities and processes
World Trade Organization (WTO)	<p><u>Activities.</u> The WTO secretariat offers technical cooperation in the following areas:</p> <ul style="list-style-type: none"> • promotion of the TRIPS Agreement; • participation of WTO experts in regional and national seminars; • review and assessment of draft laws; • publications on the structure and functioning of TRIPS; • advice for the notification of law at the Council for TRIPS; • preparation of background papers requested for the Council of TRIPS; • advice on implementation of laws of enforcement.
World Intellectual Property Organization (WIPO)	<p><u>Activities.</u> WIPO is the specialized international organization dealing with intellectual property. It has the largest budget for technical cooperation in the area of intellectual property. It must be borne in mind that only about 10 per cent of WIPO's budget comes from countries' participation. The greater part of its budget derives from registering activities of agreements concluded under its auspices, such as PCT, Madrid, Hague, etc. WIPO has activities in all areas of intellectual property and has a specific programme for the implementation of the TRIPS Agreement. The activities that WIPO undertakes with respect to TRIPS deal with:</p> <ul style="list-style-type: none"> • legal advice on the implementation of TRIPS; • programmes for awareness-building and human resource development; • support for institution-building and modernization of intellectual property; • advice on implementation and enforcement of obligations; • preparation of studies and publications; • development of legislative databases. <p>General cooperation activities on intellectual property include:</p> <ul style="list-style-type: none"> • WIPO's own treaties; • creation of WIPOnet; • dispute resolution services; • WIPO Academy; • specific programmes for new technologies, biotechnology, traditional knowledge, etc.
Union for the Protection of Plant Varieties (UPOV)	<p><u>Activities.</u> UPOV technical cooperation has been designed to promote the UPOV Acts of 1978 and 1991. Upon the conclusion of the transitional period contained in the TRIPS Agreement, several developing countries requested technical cooperation from UPOV for the preparation and enactment of legislation complying with the UPOV Convention and the implementation of effective plant variety protection systems. UPOV also gives seminars aimed at improving the understanding and diffusion of plant variety protection. At the UPOV secretariat headquarters, there is a database available to the public on plant variety systems based on UPOV legislation and existing <i>sui generis</i> systems.</p>

<p>United Nations Conference on Trade and Development (UNCTAD)</p>	<p><u>Activities.</u> UNCTAD has two divisions whose work involves intellectual property:</p> <p>Division on Investment and Technology and Enterprise Development. This Division assists in:</p> <ul style="list-style-type: none"> • identifying those areas in which technology-related products and services are likely to have a comparative international advantage; • training private sector managers and government officials in relevant areas, such as legislative issues, intellectual property protection, marketing skills, negotiations, etc.; • developing science and technology-related products and the facilitation of technology transfer; • commercializing domestically developed technology; • establishing strategies for more effectively linking R&D activities with production. <p>Division on International Trade in Goods and Services, and Commodities. This Division provides:</p> <ul style="list-style-type: none"> • technical support for the analysis of policy options on issues in trade negotiations to enable developing countries to formulate their own positions and analyze the impact of trade measures. This support also includes the TRIPS Agreement negotiations; • basic material for the analysis of issues, the evaluation of negotiation proposals and their formulation, including TRIPS issues; • assistance in the adaptation of national trade laws and institutions to international obligations with a development perspective, including those deriving from the TRIPS Agreement.
<p>Food and Agriculture Organization (FAO)</p>	<p><u>Activities.</u> The FAO has a specific programme of technical cooperation for the TRIPS Agreement and agricultural issues. FAO's main interests in intellectual property rights concern plant varieties, animal breeders, conservation of genetic resources, germoplasm maintenance and related technologies. There are two divisions of FAO that give assistance as regards the TRIPS Agreement and agricultural issues: the plant production and protection division and the animal production and health division. FAO has shown specific interest in the review of TRIPS article 27.3b) due to the important impact that this provision has on the development of agriculture and food security. The FAO provides two types of assistance as concerns TRIPS:</p> <ul style="list-style-type: none"> • Technical assistance: This includes advisory services for governments on agricultural issues related to intellectual property, support in the formulation of regional and national seed policies, assistance on variety maintenance, advisory services for seed testing and certification, assistance in variety protection as regards breeders' rights, preparation of recommendations on the structure and functions of national implementing agencies; • Legal assistance: This includes legal advice on drafting legislation, review and analysis of national legal instruments, evaluation of economic effects of nationally implemented legislation, elaboration of legal recommendations for future amendment, formulation of legislation on plant varieties.
<p>World Health Organization (WHO)</p>	<p><u>Activities.</u> WHO does not provide specific technical cooperation or assistance for negotiations on health and intellectual property rights. It</p>

Organization (WHO)	does, however, play an important political policy and technical role in exerting pressure to reduce or eliminate restrictions that the intellectual property regime could impose on access to medicines.
United Nations Educational, Scientific and Cultural Organization (UNESCO)	<u>Activities.</u> UNESCO has funds for the protection of all aspects of culture. There are specific programmes for the establishment and maintenance of databases on copyrights. In the area of folklore, UNESCO is actively participating in the consultation process initiated jointly with WIPO and is following the outcome of governmental meetings in WIPO related to traditional knowledge. The most interesting UNESCO cooperation programme with respect to folklore is the development of sustainable cultural industries, which include micro, small and medium enterprises. The general cooperation of UNESCO in culture and folklore includes: preparation of seminars and expert meetings, creation of databases, compilation of inventories and statistics on cultural goods and educational programmes, etc.

ANNEX 1:

**LIST OF RELEVANT ORGANIZATIONS WORKING ON IP ISSUES
(by order of appearance)**

Intergovernmental Organizations	General description of organization
World Trade Organization (WTO)	<p>WTO has a general mandate to promote trade liberalization and sustainable development. In the context of the Uruguay Round of trade negotiations, the issue of IP was included through the negotiation and approval of the TRIPS Agreement. TRIPS covers copyrights, trademarks, geographical indications, industrial designs, patents, layout designs, undisclosed information, control of anticompetitive practices, enforcement issues and dispute settlement procedures. The Council for TRIPS to which all WTO members conform, monitors the operation of the TRIPS Agreement¹⁶.</p>
World Intellectual Property Organization (WIPO)	<p>WIPO is an international organization committed to promoting the use and protection of the works of the human spirit¹⁷. The General Assembly, Budget Committee and three Standing Committees (Patents, Copyrights and Trademarks) are the principal organs that govern WIPO. Several important agreements have been signed under auspices of this organization.</p> <p><u>Main Intellectual Property Protection Treaties:</u></p> <ul style="list-style-type: none"> • Paris Convention for the Protection of Industrial Property • Patent Law Treaty • Madrid Agreement for the Repression of False and Deceptive Indication of Source of Goods • Trademark Law Treaty • Nairobi Treaty for The Protection of the Olympic Symbol • Brussels Convention relating the distribution of Programme Carrying Signal transmitted by Satellite • Berne Convention for the Protection of Literary and Artistic Works • Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms • Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations • WIPO Copyright Treaty • WIPO Performance and Phonograms Treaty <p><u>Main Global Protection Treaties:</u></p> <ul style="list-style-type: none"> • Madrid Agreement concerning the International Registration of Marks • The Hague Agreement for the International Deposit of Industrial Designs • Lisbon Agreement for the Protection of Appellation of Origin • Budapest Agreement on the International Recognition of the Deposit of Microorganisms for the purposes of the Patent Procedures <p><u>Main Classification Treaties:</u></p>

¹⁶ More information can be found on the WTO website: www.wto.org

¹⁷ More information can be found on the WIPO website: www.wipo.org

	<ul style="list-style-type: none"> • Locarno Agreement Establishing an International Classification for Industrial Designs • Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks • Strasbourg Agreement Concerning the International Patent Classification • Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks
United Nations Conference on Trade and Development (UNCTAD)	<p>UNCTAD is the principal organ of the United Nations General Assembly in the field of trade and development. Its main goals are to maximize the trade, investment, technology transfer and development opportunities of developing countries, to help those countries face the challenges arising from globalization; and to facilitate their integration into the world economy on an equitable basis¹⁸.</p> <p>UNCTAD's Biotrade Initiative: The Biotrade Initiative seeks to enhance the capability of developing countries to produce value-added products, intangibles and services from biodiversity for both the domestic and international markets. Among the intangibles are IPRs on products and procedures based on biodiversity¹⁹.</p>
The World Bank Group (WBG)	The WBG is an international financial institution in the development area. Its objectives are to promote economic development, improve living standards and eliminate all forms of poverty ²⁰ .
South Centre	The South Centre is not a negotiating forum, but is an international organization with a mandate for technical support for countries in the South ²¹ .
Food and Agriculture Organization (FAO)	FAO is an UN specialized agency with a mandate to raise levels of nutrition and standards of living, to improve agricultural productivity, and to better the condition of rural populations ²² .
United Nations Environmental Programme (UNEP)	UNEP works to encourage sustainable development by way of sound environmental practices. Its activities cover a wide range of issues, from the atmosphere and terrestrial ecosystems, the promotion of environmental science and information, to an early warning and emergency response capacity to deal with environmental disasters and emergencies ²³ . UNEP has an Economics and Trade Programme (ETP), which seeks to clarify the relationship among trade, environment and development in order to design mutually supportive policies.
Union for the Protection of Plant Varieties (UPOV)	UPOV is an international organization that administers two international agreements for the protection of plant varieties. These agreements are the UPOV Acts of 1978 and 1991. The objective of these agreements is to give international protection for new, homogenous, distinctive and stable varieties of plants ²⁴ .

¹⁸ For further information, see UNCTAD website: www.unctad.org

¹⁹ For more information, see the Biotrade Initiative website: www.biotrade.org

²⁰ For further information, see World Bank Group website: www.worldbank.org

²¹ For further information, see the South Centre website: www.southcentre.org

²² More information can be found at FAO's website: www.fao.org

²³ For further information, see the UNEP website: www.unep.org

²⁴ For further information, see UPOV website: www.upov.org

Conference of the Parties on the Convention on Biological Diversity (COP)	The Conference of the Parties is the governing body of the Convention on Biological Diversity (CBD), and expedites implementation of the Convention through the decisions it makes at its periodic meetings ²⁵ . The COP has recently become very active in seeking recognition of the principles of the CBD in other international forums, including the WIPO and the WTO.
United Nations Educational, Scientific and Cultural Organization (UNESCO)	<p>UNESCO has a long tradition in the protection of culture and folklore. There are several international legal texts signed under the auspices of UNESCO and relating to intellectual property²⁶. These include the Universal Convention on Copyrights (1952) the Recommendation on the Safeguarding of Traditional Culture and Folklore (1989), and the Model Law for the Protection of Folklore elaborated jointly with WIPO.</p> <p>UNESCO's Observatory on Information Society: The rapid development and use of information and communication technologies have prompted UNESCO's member States to mandate the organization to keep them abreast of these new ethical, legal and social issues by establishing a permanent international observatory on the information society²⁷. The objectives of this observatory are to raise awareness on the constant evolution of ethical, legal and social challenges brought about by new technologies. It aims to become a public service readily accessible to all by:</p> <ul style="list-style-type: none"> • providing updated information on the evolution of the information society at the national and international levels; • fostering debates on related issues.
World Health Organization (WHO)	The WHO is a United Nations organization specializing in health issues. Its mandate seeks freedom from disease and better health for the human population worldwide.
United Nations High Commissioner on Human Rights (UNHCHR)	UNHCHR promotes universal enjoyment of all human rights by giving practical effect to the will and resolve of the world community as expressed by the United Nations. It plays the leading role on human rights issues and emphasizes the importance of human rights at the international and national levels ²⁸ . The Office of the High Commissioner on Human Rights is the principle UN body that administers the UN human rights treaties.
United Nations on Industrial Development Organization (UNIDO)	UNIDO is a UN agency committed to helping developing countries and those in transition to accelerate their industrial development, while meeting social and environmental challenges ²⁹ .

²⁵ For further information, see the CBD secretariat website: www.biodiv.org

²⁶ For more information, see the UNESCO website: www.unesco.org

²⁷ For more information, see the UNESCO website: www.unesco.org

²⁸ For further information, see the UNHCHR website: www.unhchr.ch

²⁹ For more information, see the UNIDO website: www.unido.org

United Nations Development Programme (UNDP)	UNDP is the UN agency for the promotion of development. It undertakes global and regional advocacy and analysis to increase knowledge, share best practices, build partnerships, mobilize resources and promote enabling frameworks including international targets for reducing poverty ³⁰ .
International Telecommunications Union (ITU)	The ITU is an international organization where governments and the private sector can coordinate global telecom networks and services ³¹ .
National Cooperation Agency	Main negotiations, activities and processes
Department for International Development of the United Kingdom (DFID)	The Department for International Development (DFID) is the UK Government department responsible for promoting development and reducing poverty. DFID also focuses part of its work on managing the process of globalization in order to benefit the poor. In pursuing its objectives, DFID seeks to influence all the relevant international forums, including the G8, the Commonwealth, the WTO, international financial institutions such as the IMF and the Development Banks, the UN and the European Union. Most of DFID's development targets and strategies are mandated in the so-called White Papers issued by the UK Government.
Non-governmental Organizations	Main negotiations, activities and processes
Quaker United Nations Office (QUNO)	QUNO is a non-governmental organization focusing on human rights, refugees, peace, disarmament, trade and development ³² .
International Centre for Trade and Sustainable Development (ICTSD)	ICTSD is a non-governmental organization that contributes to a better understanding of development and environmental concerns in the context of international trade. ICTSD engages a broad range of actors in ongoing dialogue on trade and sustainable development. With a wide network of governmental, non-governmental and intergovernmental partners, ICTSD plays a unique systemic role as a provider of facilitation services at the intersection of international trade and sustainable development ³³ .
Third World Network (TWN)	The Third World Network is non-profit-making international network of organizations and individuals involved in issues relating to development, the Third World and North-South issues. Its main objective is to conduct research on economic, social and environmental issues pertaining to the South ³⁴ .
Institute for Agriculture and Trade Policy (IATP)	The IATP is a non-governmental organization that promotes family farms, rural communities and ecosystems around the world through research and education, science and technology and advocacy ³⁵ .
Genetic Resources Action International (GRAIN)	GRAIN is a non-governmental organization (NGO), which promotes action against one of the world's most pervasive threats to world food and livelihood security: genetic erosion ³⁶ .

³⁰ For further information, see the UNDP website: www.undp.org

³¹ For further information, see the ITU website: www.itu.int

³² More information can be found on the QUNO website: www.quno.org

³³ More information can be found on the ICTSD website: www.ictsd.org

³⁴ For more information, see the TWN website: www.twinside.org.sg

³⁵ For more information, see the IATP website: www.iatp.org

³⁶ For further information, see the GRAIN website: www.grain.org

Center for International Environmental Law (CIEL)	CIEL is a non-profit law firm promoting international environmental law and sustainable development ³⁷ .
Center for the Application of Molecular Biology to International Agriculture (CAMBIA)	CAMBIA is an autonomous, non-profit international research organization. Its objective is to build awareness of the need for and opportunities in research activities in agricultural technologies ³⁸ .
Science and Technology Programme of Harvard University (STPHU)	STPHU has a Sub-Programme on Biotechnology and Globalization (SPBG) ³⁹ . The overall aim of the SPBG is to undertake research, promote policy consultations and disseminate information on the implications of biotechnology for development.
Center for the Public Domain (CPD)	The Center for the Public Domain, a philanthropic foundation based in Durham, North Carolina, is dedicated to the preservation of a healthy and robust public domain ⁴⁰ . Its work is based on the conviction that new legal regimes, social institutions and transparent technologies must be created to reinforce the information commons. The Center uses as a slogan the famous Abraham Lincoln phrase: <i>“Whenever there is a conflict between human rights and property rights, the former must prevail”</i> .
Oxford Committee for Famine Relief (OXFAM)	Oxfam International is a confederation of twelve non-governmental organizations working together in more than 80 countries to find lasting solutions to poverty, suffering and injustice ⁴¹ .
Médecins sans Frontières (MSF)	MSF is an independent medical aid agency committed to two objectives: providing medical aid wherever needed and raising awareness of the plight of people needing medical assistance ⁴² .
Consumer Project on Technology	The Consumer Project on Technology is a non-governmental organization (NGO) created to investigate a wide range of issues concerning technology and consumer interests ⁴³ .

³⁷ More information can be found on the CIEL website: www.ciel.org

³⁸ For more information, see the CAMBIA website: www.cambia.org

³⁹ For more information, see the STPHU website: www.cid.harvard.edu/cibiotech/

⁴⁰ For more information, see the CPD website: www.centerforthepublicdomain.org

⁴¹ For more information, see the Oxfam website: www.oxfam.org

⁴² For more information, see the MSF website: www.msf.org

⁴³ For more information, see the CPT website: www.cptech.org

ACRONYMS

CAMBIA – Center for the Application of Molecular Biology to International Agriculture
CBD – Convention on Biological Diversity
CESCR – Committee on Economic, Social and Cultural Rights
CGRFA – Commission on Genetic Resources for Food and Agriculture
CIEL – Center for International Environmental Law
CIPR – Commission on Intellectual Property Rights
COICA – Coordinadora Indígena de la Cuenca Amazónica
COP – Conference of the Parties on the Convention on Biological Diversity
CPD – Center for the Public Domain
CPT – Consumer Project on Technology
CSTD – Commission on Science and Technology for Development
DFID – Department for International Development
ECOSOC – Economic and Social Council
ETP – Economics and Trade Programme
FAO – Food and Agriculture Organization
GIs – Geographical Indications
GMOs – Genetically modified organisms
GRAIN – Genetic Resources Action International
IATP – Institute for Agriculture and Trade Policy
IBA – International Bioethics Committee
ICTSD – International Centre for Trade and Sustainable Development
IGCGRTKF – Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore
IGOs – Intergovernmental Organizations
IPRs – Intellectual Property Rights
IP – Intellectual Property
ITU – International Telecommunications Union
IU – International Undertaking
MEAs – Multilateral Environmental Agreements
MS – Medicine Strategy
MSF – Médecins sans Frontières
NCA – National Cooperation Agencies.
NGOs – Non-Governmental Organizations
OXFAM – Oxford Committee for Famine Relief
QUNO – Quaker House before the United Nations Organization
SC – South Centre
SICT – Standing Committee on Information Technologies
SPBG – Sub-Programme on Biotechnology Globalization
STPHU – Science and Technology Programme of Harvard University
TRIPS – Agreement on Trade-related Aspects of Intellectual Property
TWN – Third World Network
UNCTAD – United Nations Conference on Trade and Development
UNDP – United Nations Development Programme
UNEP – United Nations Environmental Programme
UNESCO – United Nations Educational, Scientific and Cultural Organization
UNIDO – United Nations Industrial Development Organization
UNHCHR – United Nations High Commission on Human Rights
UPOV – Union for the Protection of Plant Varieties
WBG – World Bank Group
WGABS – Working Group on Access to Genetic Resources and Benefit Sharing
WGTC – Working Group on the Interaction between Trade and Competition Policy
WGTT – Working Group on Trade and Transfer of Technology Transfer
WHO – World Health Organization
WIPO – World Intellectual Property Organization
WTO – World Trade Organization