



WORLD TRADE ORGANIZATION

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To:	All delegations WTO Members	ICN/IP/11
From:	H.E. Mrs. Pimchanok PITFIELD Chair Council for Trade-Related Aspects of Intellectual Property Rights	Date: 26/01/2023

COUNCIL FOR TRIPS

COMMUNICATION FROM THE CHAIR

RESUMPTION OF THE COUNCIL MEETING ON 30 JANUARY AND 6 FEBRUARY 2024

In order to provide transparency for all Members, this communication is sent to briefly report on the informal bilateral consultations I have held with interested delegations on 22-23 January 2024, and to inform Members of the next steps I intend to take.

Following the General Council meeting on 14-15 December 2023 and the subsequent circulation of a revised statement by the co-sponsors of the original waiver proposal, my consultations served to hear Members' views on (1) how to best advance towards a decision under paragraph 8 of the Ministerial Decision on the TRIPS Agreement ([WT/L/1141](#)) (TRIPS Decision), (2) whether they are ready to adopt a Council recommendation to MC13 on TRIPS non-violation and situation complaints, as required by the relevant Ministerial Decision ([WT/L/1137](#)), and on (3) the prospects for work under paragraphs 23-24 of the Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics ([WT/L/1142](#)) (Pandemic Declaration).

Paragraph 8 of the Ministerial Decision on the TRIPS Agreement

As regards Paragraph 8 of the TRIPS Decision, the proponents once again expressed their disappointment that Members had not been able to agree on an extension of the TRIPS Decision. **To conclude the extension discussion, they wished to see this state of play reflected in the MC13 outcome.** Other Members also felt that the TRIPS Council could recommend the conclusion of the discussions in a report to the General Council. Some Members reiterated that discussing practical lessons from their experience in the context of COVID-19 and the preparedness for future pandemics should be the focus of work going forward. **All delegations I consulted expressed their preference to conclude this matter here in Geneva before MC13, so as to avoid lengthy discussions among ministers on this topic.**

Paragraphs 23-24 of the Ministerial Declaration on Pandemic Preparedness

As regards work under paras 23-24 of the Ministerial Declaration, a number of delegations pointed to the continued exchange on domestic IP-related measures taken during COVID-19 on the basis of the compilation maintained by the Secretariat, as well as to the on-going discussion of the United Kingdom's submission [IP/C/W/704/Rev.1](#). **Some delegations indicated that a TRIPS Council report on the work done so far could usefully point out that the Council can continue discussing lessons learned from the COVID-19 pandemic, and the role of IP in the preparedness for future pandemics, under paragraphs 23-24 of the Declaration.**

TRIPS non-violation and situation complaints

With respect to TRIPS non-violation and situation complaints (NVSCs), delegations indicated no movement in positions since the last informal Council meeting on 29 November 2023. A draft decision on TRIPS NVSCs ([JOB/IP/72](#)) had been circulated for Members' consideration after that meeting. However, during my consultations, Members were no closer to taking a decision on this matter.

In light of these consultations, and in order to make all efforts to complete work here in Geneva as much as possible before we go to Abu Dhabi next month, I have prepared the following draft reports for Members' consideration:

1. A draft report on Paragraph 8 of the Ministerial Decision on the TRIPS Agreement ([JOB/IP/73](#))
2. A draft report under Paragraphs 23-24 of the Ministerial Declaration on the WTO Response to the COVID-19 Pandemic and Preparedness for Future Pandemics ([JOB/IP/74](#))

It would be my suggestion that Members agree on these reports still before the General Council meeting scheduled for 14 February 2024, with a view to concluding these matters before the Ministerial Conference.

As regards TRIPS non-violation and situation complaints, I also remain hopeful that Members can agree on a recommendation still here in Geneva.

For that purpose, I would like to invite delegations for a resumption of the TRIPS Council meeting, in informal mode,

on 30 January 2024 (10h00 – 13h00)

with the possibility of switching into formal mode, should Members wish to take any formal decisions. Let me already indicate that we have made arrangements for a further resumption of the Council meeting on 6 February 2024 (10h00-18h00), should this be necessary.

I am looking forward to welcoming Members for the informal meeting on 30 January 2024 at 10 a.m.

H.E. Pimchanok PITFIELD
Chair
Council for Trade-Related Aspects of
Intellectual Property Rights
