

**DRAFT DECISION ON THE EXTENSION OF THE TRANSITION PERIOD FOR
LEAST DEVELOPED COUNTRIES UNDER THE TRIPS AGREEMENT**

In the light of consultations with delegations, attached is a draft decision on the extension of the transition period for least developed countries under the TRIPS Agreement. This will be put before the TRIPS Council for adoption at its meeting on 11-12 June 2013.

**EXTENSION OF THE TRANSITION PERIOD UNDER ARTICLE 66.1
FOR LEAST DEVELOPED COUNTRY MEMBERS**

DRAFT DECISION OF THE COUNCIL FOR TRIPS OF 11 JUNE 2013

The Council for Trade-Related Aspects of Intellectual Property Rights (the "Council for TRIPS"),

Having regard to the transition period for least developed country Members provided for in paragraph 1 of Article 66 of the TRIPS Agreement (the "Agreement");

Recalling that this transition period was extended by the Decision of the Council for TRIPS of 30 November 2005 (IP/C/40) until 1 July 2013;

Having regard to the request from least developed country Members, dated 5 November 2012, for a further extension of this transition period, contained in document IP/C/W/583;

Recognizing the special needs and requirements of least developed country Members, the economic, financial and administrative constraints that they continue to face, and their need for flexibility to create a viable technological base;

Recognizing the continuing needs of least developed country Members for technical and financial cooperation so as to enable them to realize the cultural, social, technological and other developmental objectives of intellectual property systems;

Decides as follows:

1. Least developed country Members shall not be required to apply the provisions of the Agreement, other than Articles 3, 4 and 5, until 1 July 2021, or until such a date on which they cease to be a least developed country Member, whichever date is earlier.
 2. Recognizing the progress that least developed country Members have already made towards implementing the TRIPS Agreement, including in accordance with paragraph 5 of IP/C/40, least developed country Members express their determination to preserve and continue the progress towards implementation of the TRIPS Agreement. Nothing in this decision shall prevent least developed country Members from making full use of the flexibilities provided by the Agreement to address their needs, including to create a sound and viable technological base and to overcome their capacity constraints supported by, among other steps, implementation of Article 66.2 by developed country Members.
 3. This Decision is without prejudice to the Decision of the Council for TRIPS of 27 June 2002 on "Extension of the Transition Period under Article 66.1 of the TRIPS Agreement for Least-Developed Country Members for Certain Obligations with respect to Pharmaceutical Products" (IP/C/25), and to the right of least developed country Members to seek further extensions of the period provided for in paragraph 1 of Article 66 of the Agreement.
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