

[Government letterhead]

Council for TRIPS
World Trade Organization
c/o Central Registry of Notifications
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[Date]

General notification of intention to use the Paragraph 6 System as an importing Member

[Name of WTO Member] intends to use the System set out in Article 31*bis* of the TRIPS Agreement, and the Annex and the Appendix to it, as an importing Member.

OPTIONAL: [This notification only applies to use of the System in the case of a national emergency or other circumstances of extreme urgency.] OR [This notification only applies to use of the System in the following limited way:]

Yours faithfully,

[Name, position and signature
of authorized government official]

NOTES TO MODEL 1: IMPORTING MEMBER'S GENERAL NOTIFICATION OF INTENT TO USE

This one-off notification confirms in general that a Member intends to use the Paragraph 6 System as an importer.

Who needs to make the importing Member's general notification?

- X** Least-developed countries are automatically entitled to use the System as importing Members and need not make a general notification of intent to use it.
- X** Developed country Members are committed not to use the System to import medicines, so cannot make this or any other importing Member's notification.
- ✓** Others — developing country Members who wish to use the System to import medicines need only make this general notification once.

When to notify?

A WTO Member can make this notification at any time prior to its first concrete use of the System as an importer, or at the same time as it first notifies specific needs under the System (see Model 2). No notification is needed to import pharmaceutical products from another Member party to a regional trade agreement under the regional mechanism (see paragraph 3 of Article 31*bis* of the amended TRIPS Agreement).

Making this general notification does not commit a Member actually to use the System — it simply confirms a broad intent potentially to use it in the future.

Who has said they intend to use the System only in a limited way?

Eligible Members are entitled to notify their intent to use the System 'in whole or in a limited way'. When the Protocol Amending the TRIPS Agreement was adopted, several Members confirmed that they would only use it in situations of national emergency or other circumstances of extreme urgency: these are Hong Kong, China; Israel; Republic of Korea; Kuwait; Macao, China; Mexico; Qatar; Singapore; Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Turkey; and United Arab Emirates (see the Chairman's statement read out when the Protocol Amending the TRIPS Agreement was adopted (WTO document WT/GC/M/100, paragraph 29)).

There is no obligation to notify this or any other kind of limitation, and so it is only shown as 'OPTION' in the model notification.

Reference for this notification: see paragraph 1(b) of the Annex to the amended TRIPS Agreement.