

15. The Draft Composite Text circulated as JOB/IP/3/Rev.1 reflects the text that has emanated from Members in the small group consultations and at the open-ended informal consultations. It is without prejudice to Members' positions on the overall outcome of the negotiations. Members are working on the understanding that nothing is agreed until everything is agreed, and that Members may revert to any issue of the text at any time.

16.

ATTACHMENT

**JOB/IP/3/Rev.1
Council for Trade-Related Aspects
of Intellectual Property Rights
Special Session**

20 April 2011

**MULTILATERAL SYSTEM OF NOTIFICATION AND REGISTRATION OF
GEOGRAPHICAL INDICATIONS FOR WINES AND SPIRITS**

Draft Composite Text

Revision

The attached Draft Composite Text is without prejudice to Members' positions on the overall outcome of the negotiations. Members are working on the understanding that nothing is agreed until everything is agreed, and that Members may revert to any issue of the text at any time. The paper exclusively reflects text that has emanated from Members.¹

While the negotiating mandate for the Special Session of the Council for TRIPS is clearly limited to establishing a system for notification and registration of geographical indications for wines and spirits, Members' views continue to diverge on how and whether this mandate should be correctly reflected in the Draft Composite Text. Despite my repeated attempts and suggestions on how to resolve this issue in the text, Members have been unable to engage constructively on this question and have instead insisted that the purely bottom-up and Member-driven nature of the text be scrupulously respected at this time.

¹ The abbreviations used in the attached paper correspond to the following Members: ACP = ACP Group; AG = African Group; BAR = Barbados; BRA = Brazil; CAN = Canada; CH = Switzerland; CHN = China; COL = Colombia; CUB = Cuba;

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- (d) identify the territory, region or locality [of the notifying Member from which the wine or spirit bearing the notified geographical indication is identified as originating]^{JP,CUB} [in which the good originates]^{EU,TUR,CH};
- [(e) identify the name and contact details of interested parties who may enforce the protection of the geographical indication including the administrator of the geographical indication;]^{HKC,COL}
- (f) when the geographical indication [for a wine or a spirit]^{JP,SG,BRA} is in characters other than Latin characters, include for information purposes only, a transliteration into Latin characters of the geographical indication using the phonetics of the language in which the notification is made ("transliteration");
- (g) specify [whether the indication refers to a wine or spirit

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- [(c) available translations of the geographical indication in languages other than the language or languages referred to in paragraph B.2(a);
- (d) an indication of any bilateral, regional or multilateral agreement under which the geographical indication is protected.]^{EU,TUR}

B.4 The notifications of each geographical indication [for a wine or a spirit]^{JP,SG,BRA} shall be made on the basis of a standard form to be adopted by the Council for TRIPS prior to the entry into operation of the System.

[**B.5** Notifications may be made at any time. However, the WTO Secretariat may fix the maximum number of applications to be processed each year, having regard to the administrative capacity and resources constraints of the WTO Secretariat.]^{HKC}

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- (a) The date of registration.
- (b) The serial number of registration]^{HKC}.

D.3 (a) The [Database shall be]^{JP} [Register shall take the form of a database that is]^{EU} searchable on-line, readily accessible and free of charge to all WTO Members and to the public, and provide a means to access the original notifications.

- (b) [With the exception of each notified geographical indication itself and, as applicable, its transliteration, the Database shall be available in all three WTO languages.]^{JP}

D.4 UPDATING [THE DATABASE]^{JP} [OF THE MULTILATERAL REGISTER]^{EU}

- [(a) Initial registrations shall be valid for a period of 10 years. Subject to the payment of a specified fee, participating Members may submit a request to the WTO Secretariat for the renewal of registrations. Each renewed term shall be a further period of 10 years, and there shall be no limit on the number of times renewals can be made.
- (b) Participating Members requesting renewal of a geographical indication on the Register shall submit the information set out in paragraph B.2 above, subject to any factual changes that have occurred since the original registration or subsequent amendment. Such applications shall be subject to a formality examination.]^{HKC,BRA}
- (c) Each [notifying]^{EU,CH}[participating]^{JP,HKC,SG,BRA} Member may, at any time submit amendments to a notification of a registered geographical indication. The provisions of Sections [...] ⁵ shall apply to amended notifications. [Corrections shall be notified promptly.]^{HKC,BAR}
- (d) Each [notifying]^{EU} [participating]^{JP,SG,BRA} Member may at any time notify to the WTO Secretariat in writing the withdrawal of its notification of a registered geographical indication. Upon receipt of the notification of withdrawal of a notification of a registered geographical indication, th

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[E.2

Technical assistance

[G.4 Upon their request, [participating]^{CUB} developing country Members and least developed country Members shall be assisted by the WTO Secretariat in translating into one of the languages referred to in paragraph B.6 of this Annex, where applicable, the notification or modification of notification of a geographical indication.]^{AG,LDC,BRA,CHN,IND,CUB}

G.5 In order to facilitate the [participation in, and]^{AG,LDC,BRA,CHN,IND} implementation of the System [by interested developing country Members, in particular least developed country Members, participating]^{JP} developed country Members shall provide, [according to Article 67 of the TRIPS Agreement,]^{AG,LDC,BRA,CHN,IND} [on request and on mutually agreed terms and conditions,]^{JP} technical and[/or]^{JP} financial assistance to [interested]^{JP} developing country Members and least developed country Members. Such assistance may also be provided during the transitional time period referred to in paragraphs G.1 and G.2. [The WTO Secretariat shall enhance its cooperation with other relevant international organizations, with a view to making technical assistance and capacity building as effective and operational as possible.]^{AG,LDC,BRA,CHN,IND}

[G.6 The technical and/or financial assistance regarding the implementation of the provisions of the System may include, *inter alia*, institutional capacity building programmes to assist Members in conducting the notification activities described in Section B¹¹, and in consultiETBT1 0 0 1 73p2q6ateaMe,