

APPENDIX 2

GUIDE TO TRIPS DOCUMENTS

A General

The TRIPS Agreement includes a set of transparency mechanisms, which require members to furnish extensive information about their IP laws and policies, and details about how IPRs are administered and enforced in their territories; these laws are also reviewed in detail in the TRIPS Council. In addition, the TRIPS Council has itself established a series of reporting processes concerning specific aspects of members' IP systems. The operation of these transparency mechanisms in the years since 1995 has yielded a uniquely comprehensive and systematic body of information that now covers some 130 jurisdictions (essentially all WTO members other than LDC members, for whom these provisions do not yet apply).

The various notifications and reports gathered under the TRIPS Agreement are described more fully in Appendix 1. The very purpose of these mechanisms is to enable understanding of national IP laws and policies; and, in practice, TRIPS notifications and related TRIPS Council review materials are a useful and geographically broad resource for those – delegates, analysts, researchers, policymakers – seeking detailed information on a wide range of questions of IP law, practice and policy, and the policy choices taken by a wide range of countries, as well as specific matters such as incentives for technology transfer and technical assistance programmes.

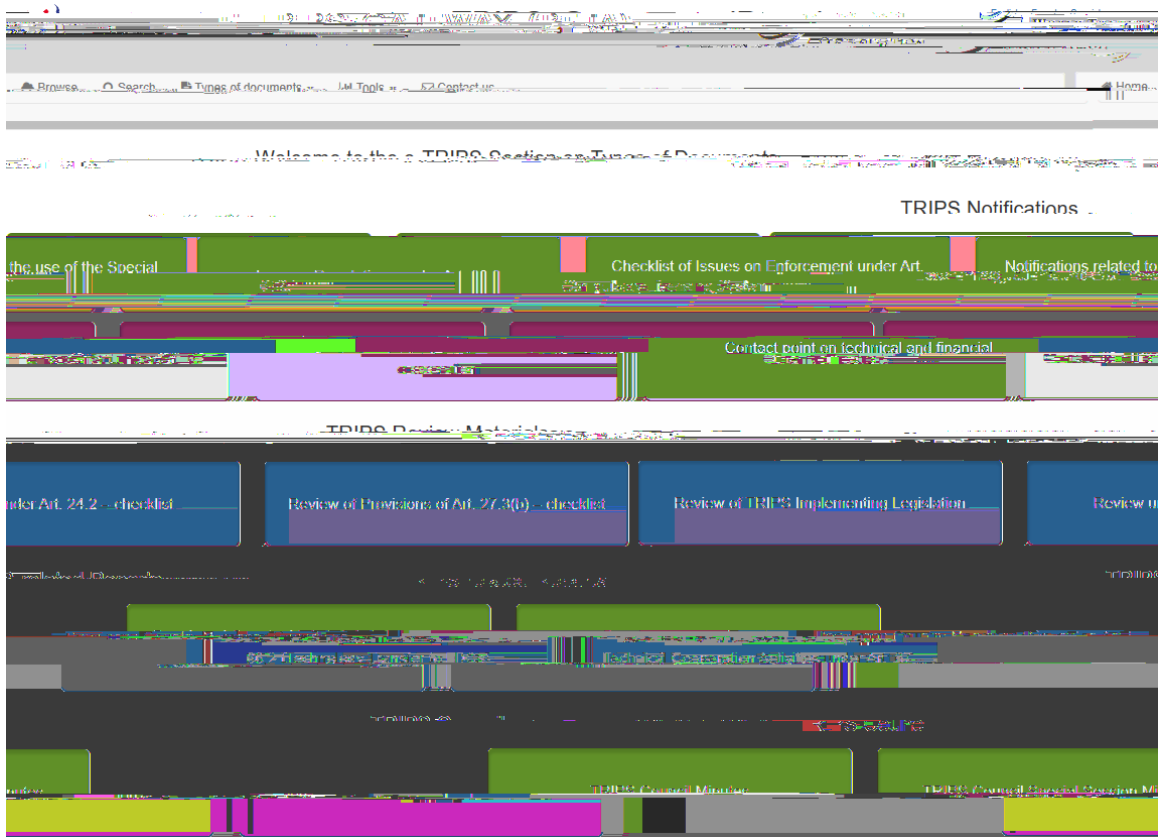
Other working documents and minutes of the Council's regular and special sessions also provide a wealth of information on members' policy positions and international debate on IP and related matters. Beyond the work of the TRIPS Council itself, WTO trade policy reviews, accession negotiations and notifications of regional trade agreements all provide a flow of information with continuing practical relevance to TRIPS. And dispute settlement panel and Appellate Body reports dealing with the TRIPS Agreement shed light on the interpretation of its provisions.

This Appendix provides a brief guide to WTO TRIPS documents and explains how these documents are organized. The guide concentrates on TRIPS Council materials, but also describes relevant documents from other areas of the WTO's work.

The e-TRIPS platform

In the first decades of the WTO's operation, the sole means of distributing and accessing the wide range of information gathered about TRIPS was through official WTO documents. The subsequent introduction of the online e-TRIPS platform provides an alternative, more user-friendly and accessible means of access to these materials, as well as a wider range of tailored search and reporting tools, including the graphs and charts used in these appendices. Figure A2.1 provides a screenshot of the e-TRIPS Gateway, the principal access point for TRIPS transparency material, at e-trips.wto.org.

Figure A2.1 Screenshot of the e-TRIPS Gateway, providing online access to the full range of TRIPS transparency material, at e-trips.wto.org



include documents relating to dispute settlement circulated in the WT/DSnumber/-series.

Official TRIPS documents are generally circulated as unrestricted documents, meaning that they are publicly available as soon as they have been circulated. However, minutes of meetings are initially circulated as restricted documents but become publicly available forty-five days after the date of circulation.⁷

C TRIPS notifications

Notifications under TRIPS Article 63.2 cover the substantive IP law of many members in all of the areas covered by the TRIPS Agreement, as well as information on enforcement mechanisms which are often not dealt with in the substantive legislation. While there is no guarantee that this information is complete or up to date for any particular member, it is an invaluable resource for understanding the wide range of options that members have chosen in giving effect to TRIPS in their legal systems.

Contact points are established to provide a convenient means of getting in touch with national officials responsible for:

- Technical cooperation in the implementation of TRIPS provisions; and
- International cooperation with a view to eliminating international trade in goods infringing IPRs under TRIPS Article 69.

In addition, members notify the Council when they elect to avail themselves of certain

Series	Notification type
	IP/N/1/-/T/ Trademarks
	IP/N/1/-/G/ GIs
	IP/N/1/-/D/ Industrial designs
	IP/N/1/-/P/ Patents (including plant variety protection)
	IP/N/1/-/L/ Layout-designs (topographies) of integrated circuits
	IP/N/1/-/U/ Undisclosed information
	IP/N/1/-/I/ Industrial property (general)
	IP/N/1/-/E/ Enforcement
	IP/N/1/-/O/ Other
IP/N/2/-	Notification under Articles 1.3 and 3.1 of the Agreement
IP/N/3/-	Notification of contact point for the purpose of cooperation aimed at the elimination of trade in infringing goods
IP/N/4/-	Notification under Article 4(d) of the Agreement
IP/N/5/-	Notification under the provisions of the Berne Convention and the Rome Convention incorporated into the TRIPS Agreement but without being explicitly referred to therein
IP/N/6/-	Responses to the Checklist of Issues on Enforcement
IP/N/7/-	Notification of contact points on technical and financial cooperation
IP/N/8/-	Notification under paragraph 1(b) of Article 31 bis of the TRIPS Agreement or paragraph 1(b) of the decision of 30 August 2003 on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (2003 Decision)
IP/N/9/-	Notification under paragraph 2(a) of Article 31 bis of the TRIPS Agreement or paragraph 2(a) of the 2003 Decision
IP/N/10/-	Notification under paragraph 2(c) of Article 31 bis of the TRIPS Agreement or paragraph 2(c) of the 2003 Decision
<p>Notifications of state emblems made under Article 6ter of the Paris Convention, as incorporated into the TRIPS Agreement, are available, pursuant to the WIPO–WTO cooperation agreement, on the WIPO ‘Article 6ter Express’ database: www.wipo.int/ipdl/en/6ter.</p>	

Current practice regarding notifications of IP laws and regulations (the IP/N/1/- series) is for a document to be circulated providing full details of the notified legal text as well as a link to a permanent URL where the text of the law itself is notified. A revision to an IP/N/1/- document is a revision of the information reported in that document, not

a revision of the notified law. When a member notifies the text of a law that itself has been revised, this is considered a subsequent notification, so the details are circulated in a new notification that carries a new document symbol.

D Reviews of national legislation

As described in Appendix 1, each WTO member undergoes a review of its national legislation after the main, substantive obligations of the TRIPS Agreement come into effect for it. This review, a peer-review process among members within the TRIPS Council, has produced a unique record of information about national IP policies and explanations of legal and technical details, as well as some indications of why particular choices were taken. This material therefore supplements the legal texts, and provides accessible insights into the laws and regulations, as well as enforcement mechanisms.

After the completion of a review, the record of the introductory statement made by the delegation subject to review, the questions put to it and the responses given in the review, are circulated in the IP/Q/- series of documents.

The records of the reviews of developed country members' legislation were circulated in the following document series:

- IP/Q/- copyright and related rights
- IP/Q2/- trademarks, GIs and industrial designs
- IP/Q3/- patents, layout-designs of integrated circuits, undisclosed information and the control of anti-competitive practices in contractual licences
- IP/Q4/- enforcement.

Given that the totality of the legislation of each developing country and newly acceded member has been reviewed at a single review meeting, the records of these reviews have been circulated in single documents with all four document symbols.

E Dispute settlement

A request for consultations under the DSU that relates to the provisions of the TRIPS Agreement is circulated in the IP/D/- series of documents. The request is also given a WT/DSnumber/- symbol. The notification of a mutually agreed solution or the adoption by the DSB of the panel or Appellate Body report, as well as certain other actions, are circulated in addenda to this document. All other documents relating to that particular dispute are circulated exclusively under the WT/DSnumber/- series of documents.

The Dispute Settlement Gateway on the WTO website provides easy access to dispute settlement documents at www.wto.org/disputes

- Incentives for technology transfer (Article 66.2)
- The tri-annual new reports and the intervening updates by members on the incentives they provide were circulated in the IP/C/W/-

