

TRIPS Transition Period

Annet Blank
Head LDC Unit
Development Division,
WTO

Extension Decision of 2005

- LDCs given an initial extension period of ten years which was due to expire on 1 January 2006
- Pursuant to Article 66.1, the transition period was extended until 1 July 2013 (IP/C/40). This decision also contains provisions on enhanced technical cooperation
- No “roll back” or “standstill” provision (any changes in law, regulation and practice cannot result in a lesser degree of consistency with TRIPS) added to the decision, which was a requirement for Article 65

Extension Decision of 2005

- The LDCs are to provide information to the TRIPS Council on their individual priority needs for technical and financial cooperation
- The focus of technical assistance is to implement the TRIPS Agreement
- The key point of building viable technological base in the LDCs is absent in the extension decision of 2005
- Symposium on LDC priority needs is being held once a year

LDC proposal for further extension

- MC8 invited the TRIPS Council to give full consideration to the request for further extension of the transition period
- The LDC Group introduced a request at the TRIPS Council in early November 2012 (IP/C/W/583), proposing that LDCs should not be required to apply TRIPS provisions until they cease to be an LDC.
- Due to late submission, the proposal was only considered substantively at the March 2013 TRIPS Council

Other extensions and decisions

- The transition period for certain obligations with respect to pharmaceutical products is governed by a separate decision (IP/C/25 and WT/L/478), and is valid until 1 January 2016
- LDCs do not have to provide patent protection for pharmaceuticals
- Decision on the implementation of Article 66.2 (relating to technology transfer, IP/C/28)

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_7075

