

**PREPARATIONS FOR THE 1999 MINISTERIAL CONFERENCE**

EC Approach to Trade-Related Aspects of Intellectual Property  
in the New Round

*Communication from the European Communities*

The following communication, dated 28 May 1999, has been received from the Permanent Delegation of the European Commission.

1. The inclusion of intellectual property in the Uruguay Round was a major breakthrough in the field of multilateral rules on trade-related aspects of intellectual property rights. For the first time, intellectual property benefited from basic WTO principles such as most-favoured-nation. It also made the provisions subject to the integrated dispute settlement system of WTO in the field of substantive standards as well as in the field of enforcement.
2. The TRIPS Agreement was not meant to be a static instrument, but one capable of adaptation to new realities. It provides for a "built-in agenda". Furthermore, the launching of a new round offers the opportunity for examining areas in which the TRIPS Agreement should be amended. However, the launching of the new round will take place at a time when the transitional periods, which developing countries can avail themselves of for implementing TRIPS, will expire.
3. It should of course be kept in mind that the TRIPS *acquis* is a basis from which to seek further improvements in the protection of IPR. There should therefore be no question, in future negotiations, of lowering of standards or granting of further transitional periods.
4. The pursuit of amendments to TRIPS should be undertaken whilst preserving a balance between the interests of all countries as well as between the users and the rightholders. Firstly, issues which were left aside because of lack of consensus at the end of the Uruguay Round, require further examination. In the patent area, for example, the two existing systems for filing patent applications ("first-to-file" versus "first-to-invent") lead to unnecessary burdens for inventors. Secondly, one may be able to build upon a number of new developments on intellectual property that have taken place outside the WTO and on which international consensus has made progress. For example, in the area of copyright, international consensus was reached in WIPO on several issues relating to copyright and related rights in the context of the Information Society.
5. In addition, it will be necessary to take decisions on the follow-up of the "built-in agenda", which will almost certainly not be terminated by the time of the Ministerial Conference in Seattle, notably in the area of geographical indications (multilateral register for wines, spirits and other products).