

**PREPARATIONS FOR THE 1999 MINISTERIAL CONFERENCE**

Agreement on TRIPS

Proposals Regarding Extension of Transition Period  
under Paragraph 9(a)(i) of the Geneva Ministerial Declaration

*Communication from Cuba, Dominican Republic, Egypt, and Honduras*

The following communication, dated 10 June 1999, has been received from the Permanent Mission of Cuba.

**1. Introduction**

The Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter the TRIPS Agreement) unquestionably constitutes a further step forward within the system of protection of international intellectual property rights. It reflects the search for minimum common standards in the field of intellectual property, at the level attained by the industrialized countries.

By signing this instrument, many of the developing countries have found themselves obliged automatically to adopt the accelerated pace of technological development of the developed countries, and, hence to grant protection to the new emerging technologies, while still quite far from dealing with the traditional innovations.

**2. Proposal**

The TRIPS Agreement necessitates the modernization of national intellectual property systems, including legislations, enabling the developing countries, in the very long term, to take advantage of the institutions most useful to them, in addition to attracting the foreign direct investment that is of importance to their economic development.

The challenge faced by the developing countries in adapting to the requirements of the Agreement in the light of the technological and financial gap between the developing and the developed countries, can be seen in the difficult and costly tasks that lie ahead.

These include:

- (1) Modernizing the administrative infrastructure (intellectual property offices and institutions, the judicial system, the customs system, *inter alia*);

- (2) modernizing and drafting new laws on the granting and protection of intellectual property rights, i.e. substantive laws on the various forms of intellectual property; civil and penal (substantive and procedural) codes for the protection of those rights; special laws for the protection of plant varieties; layout designs of integrated circuits and software; antitrust and unfair competition laws; regulations on customs procedures; etc.;
- (3) strengthening institutions and creating a culture for the protection of intellectual property ranging from the training of judges, lawyers, patent agents, customs brokers and officials with responsibility in the field to education of the public in general in the exercise of their rights and the fulfilment of their obligations as right holders and consumers;
- (4) creating an appropriate framework for promoting research and development and ensuring that developing countries do not continue to be mere consumers of foreign technology.

Some of the above-mentioned tasks are already being carried out by many of the developing countries. Others remain to be undertaken, and this will only be possible if sufficient resources are available.

Despite these efforts we note with concern that the end of the transition period allowed under Article 65.2 of the TRIPS Agreement is now approaching.

Accordingly, we are requesting an extension of the transition period for the developing countries.

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