

WORLD TRADE ORGANIZATION

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MINISTERIAL CONFERENCE
Sixth Session
Hong Kong, 13 - 18 December 2005

KENYA'S PROPOSALS ON TRIPS ISSUES (GIs, CBD, PUBLIC HEALTH)

Communication from Kenya

The following communication, dated 16 December 2005, is being circulated at the request of the delegation of Kenya.

Implementation 33. We reiterate the instruction in the Decision adopted by the General Council on 1 August 2004 to the TNC, negotiating bodies and other WTO bodies concerned to redouble their efforts to find appropriate solutions as a priority to outstanding implementation-related issues. We take note of the work undertaken by the Director-General in his consultative process on all outstanding implementation issues under paragraph 12(b) of the Doha Ministerial Declaration, including on issues related to the negotiations on extension of the protection of geographical indications provided for in Article 23 of the TRIPS Agreement to products other than wines and spirits and those related to the relationship between the TRIPS Agreement and the Convention on Biological Diversity, the Protection of Traditional Knowledge and Folklore. We instruct the Director-General to expedite the negotiations by establishing a Negotiating Group to address all outstanding implementation issues. The Negotiating Group shall report to each regular meeting of the TNC and the General Council. The Council shall review progress and take any appropriate action no later than 30th April 2006.

TRIPS & Public Health 34. We reaffirm the importance we attach to the General Council Decision of 30 August 2003 on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health, and to an amendment to the TRIPS Agreement replacing its provisions. In this regard, we welcome the work that has taken place in the Council for TRIPS and the decision of the General Council of 6th December 2005 on amendment to the TRIPS Agreement. We further reaffirm that the Decision of 6th December 2005 is meant to simplify, and not complicate, processes for addressing public health problems in deserving WTO Members.

*Doha
paragraph 19*

38. We take note of the work undertaken by the Council for TRIPS pursuant to paragraph 19 of the Doha Ministerial Declaration and agree that this work shall continue on the basis of paragraph 19 of the Doha Ministerial Declaration and the progress made in the Council for TRIPS to date. It is understood that the work shall focus on disclosure, prior informed consent and benefit sharing relating to inventions based on biological/genetic resources and or traditional knowledge. The work shall be concluded by the Council for TRIPS not later than November 30, 2006. The Council for TRIPS shall report to each regular meeting of the TNC and the General Council. The General Council shall report on its work in this regard to our next Session for decision.
