



**Asia-Pacific
Economic Cooperation**

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Agenda Item: VI iii

Intellectual Property Rights Experts Group Convenor's Report

Purpose: Information
Submitted by: IPEG Convenor



**Third Committee on Trade and Investment
Meeting
24-26 August 2021**

IPEG CHAIR'S SUMMARY REPORT TO CTI 3 2021

1. During 2021, how has the forum's work contributed to CTI's objectives of:

a. Support for the Multilateral Trading System

- Contribution by Russia on the “Russia’s participation in *Eurasian integration in the field of legal protection of industrial designs*” – Sharing of the ratification of the Protocol to the Eurasian Patent Convention (EAPC) on the Protection of Industrial designs of September 9, 2019, which provides for the unified Eurasian design patent. It gives advantage, among others, on encouragement of economic activity and investment; and enhancement and promotion of legal protection of industrial designs in the Russian Federation.
- Presentation by Peru on the “*Andean Community Decision on National Brands*”. THE DECISION 876, COMMON REGIME ON NATIONAL BRAND, establishes a common regime for the protection of national brands among the Members of the Andean Community, in such a way that a national brand of an Andean Country may be protected in the other Andean Countries through a free and simplified procedure. The protection of national brands will prevent unauthorized registrations or uses of similar signs by third parties. The Decision will allow Peru to continue its efforts to position its national brand at an international level, as part of the design and implementation of the domestic policy to promote its identity, tourism, exports and image.
- Contribution by Mexico on the “*Parallel Patent Grant (PPG), an agreement between the Mexican Institute of Intellectual Property (IMPI) and the United States Patent and Trademark Office (USPTO)*”.
- Contribution by Mexico on “*Self-funded Concept Note: Comparison of the level of protection of GI in APEC Economies*” - To visualize the different forms of protection, as well as the legal particularities of Geographical Indications (GI) in the APEC Economies. Once the responses to the questionnaires has been collected and analyzed, Mexico will be able to map the different forms of protection and legal particularities of GI in the APEC Economies.
- WTO, WIPO and KPAA attended the meeting and shared their views on the role of IP in response to the COVID-19 pandemic.

b. Regional Economic Integration, including taking forward the Putrajaya Vision 2040 and contributing to the development of the Implementation Plan in 2021

- Contribution by Korea on “*Korea’s proposal for future IPEG development: Area that lack protection of intellectual property in domestic and abroad*” – Suggested that it’s time for APEC economies to work together to come up with an appropriate response to eradicating unfair competition by strengthening their cooperative systems.

c. Trade Facilitation and Connectivity

- Contribution by United States on “*effective practices against illegal streaming of copyrighted content*” – To enhance enforcement against online piracy in the APEC region, particularly through illicit streaming devices and applications (including add-ons and extensions), the United States tabled a set of effective practices against illegal streaming of copyrighted content.
- Contribution by United States on “*Coordination and prioritization on IP enforcement-related training provided by the United States government*”
- Contribution by Chinese Taipei on “*Introduction to the Revision of the Examination Guidelines for Computer Software-Related Inventions*”.

d. Inclusion

- Contribution by Mexico on the “*Network of innovative women and industrial property*”.

2. How has the forum helped to fulfil the mandate of the [2021 Ministers Responsible for Trade Statement](#) & [2020 Declaration on Facilitating the Movement of Essential Goods by the MRT](#) (see Appendix B)

- Representatives from the WTO, WIPO, and KPAA shared their views on the role of IP in response to the COVID-19 pandemic. The WTO, WIPO, and KPAA’s presentations underscored the need for an integrated approach between public health, trade, and IP.
- Economies participated in a webinar on *Content Protection and Illicit Streaming*, at which there was discussion of the need for greater content protection and enforcement approaches in dealing with illicit streaming of copyright protected content. To protect against the infringement or misappropriation of such content, a Member Economy proposed effective practices on the protection of lawful streamed content, which have now been included in the proposal on “*Effective Enforcement Practices Addressing the Streaming of Protected Content and Illicit Streaming Devices and Applications*” for further discussion by Members.

3. Main outcomes from most recent plenary meeting

- Strengthen the engagement with stakeholders (WTO, WIPO, KPAA) through a sharing session on “*An Integrated Health, Trade, And IP Approach to Respond to the Covid-19 Pandemic*”, which focused on info-sharing and capacity building.
- IPEG managed to get to consensus and support from member economies on renewal of IPEG and to continue its mandate in a more efficient, effective and relevant manner.

4. Stakeholder Engagement in 2021

- 1) World Trade Organization (**WTO**)
- 2) World Intellectual Property Organization (**WIPO**)
- 3) Korea Patent Attorneys Association (**KPAA**)

5. Cross-fora collaboration in 2021

- 1) **PPWE**: Inputs on La Serena Roadmap Implementation Plan;
- 2) **PPWE**: Project Proposal on Women and Patents in the APEC Region: Current Situation, Performance, and Challenges;
- 3) **HWG**: Project Proposal on A Study on the Patent Linkage System for IPR and Public Health Harmonization; and
- 4) **SMEWG**: Project Proposal on Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs.

6. Was quorum¹ reached at the most recent plenary meeting?

Quorum was reached, the following **17 APEC Members Economies** were in attendance:

- ✓ Australia; Canada; Chile; Hong Kong, China; Indonesia; Japan; Republic of Korea; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; the Philippines; Chinese Taipei; Thailand; the United States; and Viet Nam.

7. Taking into consideration the forum’s Assessment Report, what is your Forum doing to maintain/increase its relevance to APEC member economies and increase participation from its members?

One economy has opposed the renewal of IPEG in the survey conducted for the CTI Subfora Assessment, as well as the Ad-hoc Sunset Reviews. Group explore the IPEG Chair’s idea to strengthen IPEG’s engagement with stakeholders. Following a successful dialogue and collaboration between WTO-WIPO-WHO last month in Geneva, a similar sharing session was conducted at the beginning of the 53rd IPEG plenary meeting, with participation of experts

¹ Quorum requires 14 economies or more. Quorum is measured by member economies (not including private sector) participating. Remote participation is counted.

from 1) World Trade Organization (WTO); 2) World Intellectual Property Organization (WIPO); 3) Korea Patent Attorneys Association (KPAA).

The sharing session on 12 August went extremely well, with sharing of relevant issues by these esteemed speakers/experts on trade, health, and IP approach in combatting the pandemic. It's great to note that the session has been a great success in supporting the capacity building and spur substantive discussion among Members on IP issues.

The best outcomes of this session were as follows:

- i) The majority of member economies express the value of the constructive session and embrace the privilege to have experienced speakers sharing the latest development and concern surround COVID19 and relates to IPEG roles. Most economies reiterate their strong position on IPEG renewal.
- ii) All member economies have eventually agreed to join consensus and support the renewal of IPEG.

8. Decision points needed from CTI

Seek CTI's endorsement of the Intellectual Property Rights Experts' Group (IPEG)' *Chair* Report.

APPENDIX A

FORUM'S CONTRIBUTION TO CTI'S OBJECTIVES

Appendix A provides examples of work that contributes to CTI's objectives

Support for the Multilateral Trading System

Initiatives that support:

- The multilateral trading system as embodied by the World Trade Organization (WTO) including the 12th WTO Ministerial Conference
- The implementation of WTO Agreements / Decisions

Regional Economic Integration

Initiatives that support:

- Achievement of *the Putrajaya Vision 2040* and development of its Implementation Plan/Action Agenda
- Eventual realization of the Free Trade Area of the Asia Pacific (FTAAP)
- Next Generation Trade and Investment Issues
- Internet and Digital Economy, E-Commerce and Digital Trade
- Global Value Chain Cooperation and Development
- MSMEs' Internationalization
- Environmental Goods and Services/Green Growth
- Services, including implementation of the APEC Services Competitiveness Roadmap
- Investment
- Market Access and reducing impact of Non-tariff Measures
- Intellectual Property
- Business Mobility through e.g. APEC Business Travel Card

Trade Facilitation and Connectivity

Initiatives that support:

- Supply Chain Connectivity, including implementation of Phase II of the Supply Chain Framework Action Plan (SCFAP II), GVC Blueprint 2.0
- Trade Facilitation, including work that supports implementation of the WTO Trade Facilitation Agreement
- Connectivity
- Regulatory Cooperation and Convergence

Inclusion

Initiatives that support:

- Implementation of the Action Agenda on Economic, Financial and Social Inclusion

APPENDIX B

Extracts from 2021 Ministers Responsible for Trade Statement & the 2020 Declaration on Facilitating the Movement of Essential Goods by the MRT

Facilitating the Movement of Essential Goods

Export Restrictions and Prohibitions

- Each APEC economy will ensure that any emergency trade measures designed to tackle COVID-19 are consistent with WTO rules.
- Each APEC economy will ensure that any trade measure introduced in response to COVID-19 is notified in accordance with relevant WTO obligations.

Non-Tariff Barriers

- APEC economies are encouraged to work together to identify and resolve any unnecessary barriers to trade in essential goods.

Trade Facilitation

- Each APEC economy, consistent with its obligations under the WTO Agreement on Trade Facilitation, should expedite and facilitate the flow and transit of essential goods.
- APEC economies remain committed to enhance coordination, efficiency and transparency of the border clearance of essential goods, and full implementation of the WTO Agreement on Trade Facilitation, to help facilitate trade.
- Each APEC economy should endeavour to expedite the release of essential goods upon arrival, including adopting or maintaining procedures allowing for submission of import documentation and other required information, such as manifests, in order to begin processing prior to the arrival of goods.
- Each APEC economy will endeavour to facilitate the entry, transit and departure of air cargo containing essential medical supplies.
- APEC economies are expected to abide by the International Health Regulations (IHR) (2005)

Tariffs

- APEC economies take note of ABAC's recommendation for economies to take tariff liberalization measures for essential medical supplies

APEC Ministers Responsible for Trade Meeting Joint Statement 2021

Medical supplies:

Today, we are pleased to announce a standalone statement on COVID-19 Vaccine Supply Chains (Annex 1), which outlines our approach to ensuring the trading environment supports the safe and efficient distribution of COVID-19 vaccines and related goods. We welcome the *Best Practice Guidelines for APEC Customs Administrations* as an operational and practical contribution to help facilitate the distribution of COVID-19 vaccines and related goods. To continue APEC's strong work in responding to the challenges of COVID-19, APEC economies will also agree to consider how to facilitate trade in medical supplies such as those included in the World Customs Organization (WCO) COVID-19 list,² and report to us before our APEC Ministerial Meeting in November.

Digital:

... we will accelerate implementation of the WTO Trade Facilitation Agreement, particularly those articles relating to: the accelerated use of **digitalization** for border processes; pre-arrival processing of electronic declarations; electronic documents, electronic certification, electronic payments; expedited shipments; and border agency cooperation.... We agree to embed digital trade facilitation measures taken by APEC members during COVID-19. We task officials to report on progress when we meet again at the APEC Ministerial Meeting in November

² [World Customs Organization: HS classification reference for Covid-19 medical supplies](#)

APEC MRT Statement on COVID-19 Vaccine Supply Chains (Annex 1)

Vaccines statement: Review Mechanism:

The APEC Secretariat will make a summary report on the actions implemented by economies under this initiative by the APEC Ministerial Meeting in November 2021

- use the WCO-WHO list of COVID-19 vaccines and related goods as a reference for facilitating trade. APEC economies will expedite the flow and transit of all COVID-19 vaccines and related goods through their air, sea and land ports. We will expedite their release upon arrival, including by providing for advance electronic submission and processing of information to enable immediate release upon arrival.
- advance the implementation of the *Best Practice Guidelines for APEC Customs Administrations to Facilitate the Distribution of COVID-19 Vaccines and Related Goods*. We agree to embed the trade facilitation measures implemented during the pandemic, including digitising customs procedures, expediting the flow of goods across borders, and boosting coordination between traders and border agencies.
- While WTO rules permit export restrictions or prohibitions in certain circumstances, we **emphasize** economies who adopt such measures with respect to COVID-19 vaccines and related goods will evaluate their ongoing necessity as COVID-19 conditions change, in order to ensure they remain targeted, proportional, transparent, temporary, and do not create unnecessary barriers to trade.
- We will consider voluntary actions to reduce the cost of these products for our people, particularly by encouraging each economy to review its own charges levied at the border on COVID-19 vaccines and related goods.
- We will take appropriate measures to prevent criminal exploitation of supply chains and to prevent the entry and import of illegal, dangerous, sub-standard or counterfeit COVID-19 vaccines and related goods. This could include further implementing the *APEC Roadmap to Promote Global Medical Product Quality and Supply Chain Security and related toolkit*.