

TRIPS Council: UK statements

1. Notifications Under Provisions of the Agreement

Thank you, Chair.

As we've stated in previous sessions, the United Kingdom attaches great significance to the WTO notification system and its role in promoting transparency between WTO members. Transparent notification of IP measures promotes a well-functioning international IP framework and through that the growth of innovative industries worldwide.

To provide a clearer picture of the United Kingdom's IP framework to Members, we have been notifying to Members a number of legislative changes made since we last updated the Council on our IP laws and regulations.

This process has continued, with Members receiving updates via the eTRIPS system. We thank the TRIPS Secretariat for their patience and support throughout this process.

Additionally, we have also recently notified a number of new laws relating to the UK's exit from the EU. These have been of a technical nature, making amendments to domestic arrangements to ensure that UK national law continues to function effectively in light of the UK's exit, reflecting the Withdrawal Agreement and the retention of EU law in UK law, following the end of the transition period.

With regard to our historic notifications, which covered the areas of copyright, patents and enforcement, I will cite examples along a path reflecting the changing world around us and the importance of ensuring that the UK IP system is fit for purpose and makes the most of technological developments. Our examples highlight how the UK has continued to help innovators and creators protect their IP rights.

The UK remains committed to an effective and balanced IP regime that drives innovation, investment, and economic opportunity for the benefit of all.

By ensuring that the system remains up to date, we have been able to make sure that our IP regime remains fit for purpose.

The Copyright, etc Trade Marks (Offences and Enforcement) Act 2002 amended the criminal provisions in intellectual property law, specifically the law relating to copyright, rights in performances, unauthorised decoders and trade marks, to ensure the penalties reflected the seriousness of the crimes they cover.

This provision provides law enforcement with broader tools to help tackle IP crime and introduces further deterrents to criminals seeking to benefit from IP infringement.

The UK continues to greatly value harmonisation of international systems and standards, supporting the ongoing evolution of a global system that fosters innovation and creativity – an update to the UK's IP system that demonstrates this was The Artist's Resale Right (ARR) Regulations 2006.

Prior to the introduction of the ARR Regulations, there were no resale rights in the UK. The Artists' Resale Right entitles creators of artistic works to a royalty payment each time their works are sold by an art market professional. This right to the royalty has the same duration as copyright – generally, the life of the author plus 70 years.

The 2006 Regulations also implemented aspects of Article 14ter of the Berne Convention for the Protection of Literary and Artistic Works. This is the only international agreement which grants and governs ARR. It is an optional right with a reciprocity obligation for and between countries that offer it, its implementation shows that the UK will make the most of the wider international framework to ensure its creators are duly rewarded for the fruits of their creative endeavours.

We are still considering providing more details of the legislative changes and their functioning within the UK IP ecosystem, potentially in a workshop at a future point.

The United Kingdom continues to look forward to engaging with all WTO Members in our collective effort towards defending and improving the multilateral trading system.

Thank you Chair.

10. Follow-up to the 17th Annual Review under Paragraph 2 of the Decision on the Implementation of Article 66.2 of the TRIPS Agreement

Thank you Chair,

The United Kingdom remains committed to implementing Article 66.2 of the TRIPS Agreement to promote and encourage technology transfer to least developed country Members.

Recently, at WTO workshops on the implementation of TRIPS Article 66.2, the UK provided overviews of UK programmes encouraging technology transfer in the areas of health and the environment. These workshops were a great opportunity to improve collaboration and highlight capacity building projects. Examples of technology transfer in the health space were highlighted with the novel Cradle Microlife Vital Sign Alert device to prevent pre-eclampsia, and technology transfer for rotavirus immunogenetics. In the environment session, examples included technology transfer for renewable energy initiatives, such as smart phone enabled battery packs and a renewable microgrid-based business zone.

The UK would like to extend our gratitude to delegations who attended and

contributed to discussions in these workshops. The sessions were highly useful for sharing experiences on transferring technology to Least Developed Countries. We look forward to contributing to additional sessions in the future to enable Least Developed Countries to develop and create sound and viable technological bases

Thank you Chair.

12. Proposal for a Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of Covid-19

Thank you Chair.

The UK has continued to engage in evidence-based discussions within the TRIPS Council. We have done this in good faith, wanting to get to the heart of the issue and to understand how this proposal can meet our shared objectives of preventing, containing, and treating COVID-19. Recently, in response to communication IP/C/W/672, we asked a number of questions relating to the proposal. Answers to these questions remain outstanding. To move forward with evidence-based discussion, it is vital these questions be answered, and we remain ready to engage with delegations via all available channels.

We have seen the intellectual property framework support innovation and collaboration in the form of R&D, manufacturing agreements and other technology transfer efforts. It is a framework that can continue to support the equitable global supply of quality and safe vaccines, diagnostics, and therapeutics.

We encourage Members and stakeholders to focus on the following key issues with regards to the most immediate task, inoculating the world. How many more vaccines are required to meet global need? What is the most efficient way to do this? Where are global efforts falling short? How do we take concrete and realistic next steps? How do we ensure vaccines are safe and effective?

The way ahead lies within the framework of multilateral rules. These rules have already been shown to support and encourage research and innovation while at the same time allowing licensing agreements that help to scale up manufacturing of medical products. Enabled by the TRIPS Agreement, and encouraged by its trusted collaborations, Astra Zeneca has licensed over a dozen large-scale manufacturers, including partnerships to produce up to 1.2bn doses specifically for low- and middle-income countries. It continues to enter into partnerships to scale up manufacturing, technology transfer under a licensing model which has delivered during the pandemic. The UK considers focusing on voluntary licensing and partnership models is an important part of the solution we are all striving for: saving lives and ending the pandemic as quickly as possible.

We are pleased to see industries', both developers and manufacturers, continued emphasis on availability of vaccines and the role of industry partnerships in delivering this solution. Supply-chain bottleneck issues were

recently explored at a summit on 8 and 9 March convened by the key stakeholders in these efforts. Looking carefully at how to build resilient supply chains, that develop and make the most of trusted partnerships, will be crucial as we continue to meet global vaccine needs including through the WHO COVAX facility.

The UK is pleased to see COVAX beginning to have a real-world impact with the first deliveries of vaccines making it to Ghana earlier this month, closely followed by deliveries to other countries across Africa, Latin America, and the Middle East.

Recently, at the G7 leaders' call, the UK announced that it will share the majority of future surplus vaccine doses with COVAX. Leaders also made additional commitments of over \$4.3 billion to the ACT-Accelerator and its COVAX facility. This will support COVAX in striving towards its target to provide 1 billion COVID-19 vaccine doses to 92 developing countries in the course of this year. The Oxford-developed vaccine produced by AstraZeneca and its partners is a key element of the COVAX facility. The partnerships span across the world with fruitful engagements for example in China, Mexico, Brazil, Russia, South Korea and India. As discussed at the General Council last week, we, together with industry and stakeholders around the world, should look to these licensing and partnership models.

In addition to those immediate efforts, we are ready to explore what role the TRIPS Council may play now and in the longer term.

The UK remains committed to working to support the global response to the Covid-19 pandemic. Supporting the scale-up of manufacturing to meet global needs for diagnostics, vaccines, and therapeutics as part of the multilateral IP framework will be a concrete way to achieve this. We look forward to continuing our evidence-based discussions to this end.

Thank you chair.

13. Extension of the Transition Period under Article 66.1 of the TRIPS Agreement for LDC Members

Thank you Chair,

The UK would like to express its support for LDC Members. We note the wide range of policy concerns that they face, particularly during this unprecedented time of global pandemic and its impact on social and economic wellbeing. Therefore, we welcome this discussion and urge Members to find a progressive solution that meets the needs of LDCs, without losing the many successes that have already been achieved.

This delegation recognises the special requirements of LDCs as well as their need for flexibility to create a viable technological base.

The UK remains committed to working with and to assisting LDCs to ensure that they have the tools necessary to enact and maintain a fit-for-purpose intellectual property framework, and we look forward to further discussions

on this issue.

Thank you Chair.

14. Intellectual Property and Innovation: Making MSMEs Competitive in Green Tech

Thank you Chair,

The United Kingdom would like to thank Switzerland and the co-sponsors for preparing this paper on 'Making MSMEs Competitive in Green Tech'. We are pleased to co-sponsor it and to have the opportunity today to respond to some of the issues it raises. We would also like to highlight the presentations and discussions heard at the event held on 9 March. These gave a useful insight into the practices and opportunities IP provides to MSMEs in the space of green tech and in tech transfer to developing countries.

Micro, Small and Medium-sized Enterprises (MSMEs) play a pivotal role in the UK's efforts towards more sustainability. They constitute the core engines of innovation and growth and provide for 70% of employment. The United Kingdom is not alone in this; across the globe, MSMEs represent 95% of businesses and, as is clear from the paper, their significance to the economy is increasingly recognised. In times of uncertainty, it is even more important that we look at ways to bolster the capacity of MSMEs to support green economic recovery.

The UK considers that an intellectual property framework, which enables these highly skilled enterprises to protect their creativity and innovation, is crucial to maintaining their competitive edge and to supporting and nurturing their continued growth.

Therefore, the UK government is committed to working to increase MSMEs' understanding of the instrumental role effective IP management can play in development of their businesses. We want and help these businesses to recognise and understand all their assets and to be able to access the relevant IP information, guidance and support at the appropriate time in order to maximise their value and potentially make tangible difference. To that end the UK Intellectual Property Office has in the last six months supported 26 high-growth businesses in the Green Tech space by funding comprehensive Audits with IP Professionals. The audits have provided these businesses with in-depth analysis of their IP, including opportunities for increasing revenue as well as any potential risks, together with recommendations for maximising the value of the IP.

In 2009, the UK Intellectual Property Office introduced the "Green Channel", to fast-track patent applications covering green technology, making it possible to grant such a patent in under a year. Since its inception the Green Channel has received over 3000 requests.

Intellectual property rights are about encouraging innovation and creativity to enable all to benefit. Innovative green solutions will be pivotal to

address challenges like climate change, and IP rights will play a major role. For example, they can secure investments in research and development, and enable the technology to be effectively commercialised, ensuring it can have real world impact. It is crucial to recognise the influence and possibilities that “Green IP” can bring to bear on building back better, building a sustainable future.

Integral to adopting a change towards a more sustainable lifestyle based on green technologies, as part of the development of new global environmental policies, will be balanced and effective protections of IP rights.

To develop clean technology solutions, organisations must explore how they can use IP assets and associated rights more collaboratively. Promoting green growth of MSMEs is important in achieving inclusive and sustainable growth.

Once again, the UK thanks Switzerland for presenting this paper. We believe it serves as an excellent catalyst for discussion.

Thank you, Chair.