

WTO TRIPS Council October 2021: UK statements

NOTIFICATIONS UNDER PROVISIONS OF THE AGREEMENT

Thank you Chair, Thank you for convening this meeting and thanks to the Secretariat for their hard work in preparing it.

As you know, the United Kingdom considers the WTO notification system an essential component in promoting transparency between WTO members.

Since our last update we have notified a number of new items, largely relating to the UK's exit from the European Union.

In the interest of time and following our overall interventions in the past Council sessions, we believe the explanatory notes of the notifications are sufficiently detailed, so we will not go into specifics. This delegation is, however and as always, ready to answer any questions the WTO members may have.

We would once again like to thank the Secretariat for the ease and efficiency of the eTRIPS system. We continue to encourage other members to use it.

Thank you Chair.

PROTECTION OF TRADITIONAL KNOWLEDGE AND FOLKLORE

Chair, in relation to this item, and without prejudice to our position on substantive matters, as a next step we could support a procedural briefing to the TRIPS Council from the Convention on Biological Diversity (CBD) Secretariat, if there is sufficient interest from other Members on the matter. On the Secretariat updating the three factual notes, we are interested to hear views from other Members and are open to discussions on whether an update is necessary. We stand ready to consider any suggestions on next steps that can move the debate forward and towards consensus.

Thank you Chair.

ANNUAL REVIEW OF THE SPECIAL COMPULSORY LICENSING SYSTEM

The UK would like to note that while it's still the case that some Members have not yet implemented the special compulsory licensing system set out in Paragraph 7 of the annex to the amended TRIPS Agreement, this is a vital capability. We therefore would strongly encourage all members to implement this amendment. We also support the extension of the deadline as suggested.

Thank you Chair.

NON-VIOLATION AND SITUATION COMPLAINTS (NVSCs)

Thank you Chair.

The applicability of non-violation and situation complaints to the TRIPS Agreement has been a long-standing agenda item. Little progress has been made towards reaching a consensus, and the TRIPS Council has been unable to have a substantive discussion on scope and modalities since the NVSCs moratorium was last extended in December 2019.

The UK would like to thank the Chair for convening a discussion on NVSCs and other topics on 6 October. We believe it is important that the TRIPS Council places a renewed focus on NVSCs, and we see last week's session as a good first step.

In this regard, we would like to thank the Chair for submitting a draft proposal to the Council. We are currently considering the text in Capital.

Once again, the UK would like to thank you Chair for pushing to reinvigorate this important item and, going forward, we stand ready to work with all Members to find a long-term solution that works for all.

NINETEENTH ANNUAL REVIEW UNDER PARAGRAPH 2 OF THE DECISION OF THE IMPLEMENTATION OF ARTICLE 66.2 OF THE TRIPS AGREEMENT

Thank you Chair,

The United Kingdom is committed to implementing Article 66.2 of the TRIPS Agreement. Having submitted our full Annual Report to the Council, this delegation would like to provide this Council with an insight into one of the many projects undertaken by the United Kingdom.

The Zoonoses and Emerging Livestock Systems Project (ZELS) is a joint multistakeholder research initiative between the UK Biotechnology and Biological Sciences Research Council; Defence Science and Technology Laboratory; Foreign, Commonwealth, and Development Office; Economic and Social Sciences Research Council; Medical Research Council, and Natural Environment Research Council.

The project focuses on two elements: 1) reducing the impact of zoonoses, that is, a disease that has jumped from an animal to a human, on people from low socioeconomic groups and their livestock by generating new knowledge and evidence that enables the mitigation of risks from zoonotic disease; and 2) forging mutually beneficial inter- and multi-disciplinary partnerships between researchers in the UK and developing countries and enhance the scientific capabilities of southern partners for the longer term.

Behavioural adaptations in live poultry trading and farming systems and zoonoses control in Bangladesh (BALZAC) is one of 11 programmes funded under ZELS. The trade in live birds provides smallholders with an important source of income and can provide a route out of poverty. However, it can also play a major role in the transmission of zoonotic pathogens, such as avian influenza

viruses.

The scientific evidence to inform the selection of risk-based and cost-effective prevention and control options for major zoonotic diseases which contributes to decreasing the likelihood of occurrence, prevents their transmission to humans, and reduces their impact on human health. In the face of disease outbreaks in poultry, farmers and traders worry about economic loss.

They may change practices in order to reduce such loss, altering the structure of the trade networks. These changes may, in turn, modify the way disease spreads, and even prolong and strengthen the epidemic.

This four-year project studies the behaviour of people working in the Bangladeshi poultry farming and trading system. It aims to identify the socioeconomic, cultural, and epidemiological factors that shape the structure of live bird trade networks in Bangladesh, and the types of changes in the network structure which could facilitate the emergence of zoonotic pathogens and influence their maintenance and dissemination.

Based on this understanding of the underlying system behaviour, BALZAC seeks to develop control and surveillance strategies tailored to the evolving characteristics of live bird trade networks. Employing an inter-disciplinary perspective, the project will involve a combination of traditional ethnographic techniques, such as observations and semi-structured interviews, innovative techniques using methods developed in experimental economics, biological sampling from both humans and poultry, and the development of joint epidemiological and socioeconomic models.

The structure of the network shaped by the movements of live bird traders influences the potential of a pathogen to invade the poultry population, the scale of the epidemic, and the level of human exposure. Avian influenza viruses, and in particular H5N1, will be used as a model to study the traders' and farmers' responses to disease risk. The approaches we will adopt in this research will produce both specific local knowledge and more general knowledge which will be useful for understanding influenza outbreaks and even some aspects of other animal and human infectious disease outbreaks and pandemics in other parts of the world.

The United Kingdom is happy to discuss its projects in more detail with Members as appropriate, and we are looking forward to the workshop on this important topic to take place next year.

Thank you Chair.

TECHNICAL COOPERATION AND CAPACITY-BUILDING

Chair,

The UK continues to believe technical cooperation and capacity building efforts are essential to support the development of a global IP system that operates for the benefit of all.

The UK has submitted its Annual Report on Technical Cooperation and would like to share with you today some of the work we've been undertaking together with The Philippines.

The Philippines-UK IP relationship has continued to grow from strength to strength. The UK IPO has had a Memorandum of Understanding with the Philippines' Intellectual Property Office since 2015 and we have collaborated on several IP enforcement projects.

More recently, we signed another Memorandum of Understanding with the Philippines Intellectual Property Office through the British Embassy in Manila, formalising the continued collaborations and relationship between our two IP offices to leverage IP to power economic growth and societal development. This includes supporting our people, businesses, and micro-small- and medium enterprises to make better use of their innovative and creative IP assets.

At a practical and policy level, it also includes the UK and Philippines working together to build a balanced and connected IP ecosystem conducive to support innovation, commercialisation, and enforcement efforts. While IP rights themselves are mostly domestic and largely territorial, some IP issues are much broader and inherently international, and the UK strongly believes that partnerships are key in order to make sure that we achieve one of the core aims of the UK IPO's strategy: making life better for everyone through IP.

In line with this, the UK partnered with the Philippine Judicial Academy (PHILJA) and the Intellectual Property Office of the Philippines to share our experience and best practices on IP and the judicial system. This judicial Colloquium was designed as a forum to share experiences and best practices on intellectual property in other jurisdictions, thereby enhancing the capacity of Judges for the efficient, effective, and expeditious completion of intellectual property rights cases.

The two-day training programme for commercial court judges and policy committees on IP and Philippines' judicial system covered transnational crimes, counterfeiting trends, and legal developments on online infringements. The event included sharing from the UK Crown Prosecution Service on the IP work undertaken by the organisation with a focus on recent cases prosecuted relating to IP crime.

The event was a great example of how we can work together to exchange ideas and learn from each other. The UK was pleased it could share its views and expertise. Forums such as this give the UK an excellent opportunity to share and, just as importantly, learn from our international partners.

IP is an essential element of a successful economy and society and will be an important part in supporting post-crisis growth.

Thank you, Chair.

PROPOSAL FOR A WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19

Thank you, Chair.

With your permission, the United Kingdom will now address agenda items 13 and 14 together.

The United Kingdom has engaged constructively and consistently in debate on whether waiving IP rights is an effective route to scaling up production of, and improving, equitable access to, COVID-19 goods. An unprecedented number of TRIPS Councils and small group sessions have been held to advance this discussion, where there has been a useful exchange of viewpoints from various delegations. We welcome all contributions to the process, including the EU's communication on Compulsory Licensing, and the positive impact it has had in driving constructive engagement. We are encouraged by recent discussions on areas of convergence in small group sessions and welcome further conversations that move the Council towards evidence-based pragmatic solutions.

Chair, you asked at the previous Council for practical next steps on this file. The UK delegation considers pragmatic, solution-oriented and evidence-driven conversation as the next step, which must guide our discussions in the run up to MC12. We have made clear throughout this debate that the UK is committed to any effective action in this regard. The role of the legal framework provided by the TRIPS Agreement during this pandemic cannot be understated; indeed, it has led towards rapid innovation, meaningful and collaborative partnerships which have contributed to the production and dissemination of vaccines and other health products and technologies, to help contain, treat, and prevent COVID-19.

An undoubtable enabling factor for vaccine production has been voluntary licensing and technology transfer partnerships. This has had a significant impact on the rapid scaling up of vaccine production capacity across the globe. We have come a long way since the beginning of 2021. Latest data state that monthly Covid-19 vaccine production is estimated at 1.5 billion doses and overall production is looking to exceed 12 billion doses by the end of 2021. This is commendable and unprecedented. As WHO Director General Dr Tedros said at the Member States Information Session on COVID-19 last Thursday, 7 October, "...with global vaccine production now at nearly 1.5 billion doses per month, there is sufficient supply to achieve our targets, provided that there is equitable distribution of those doses." While the WTO can and should play a vital role to support equitable distribution, bottlenecks to equitable distribution lie outside of the IP system.

Moreover, partnerships like AstraZeneca and the Serum Institute of India, Pfizer-BioNTech, and BIOVAC in South Africa, and the establishment of mRNA regional hubs, positively signal what is possible thanks to the existing IP framework. Alongside other factors such as early investment into manufacturing, support for procurement and distribution mechanisms such as

COVAX, collaborative public-private partnerships driven by cooperation and trust can make real-world change. These partnerships also place the world in good stead to respond to any future infectious disease pandemics as we continue to build and develop the necessary infrastructure to effectively respond to the global health crisis before us.

Critical lessons must continue to be learned from our response to the COVID-19 pandemic so that the global community can take action to ensure an effective and rapid response to future pandemics. In this regard, Members should work collaboratively and endeavour to identify and remove obstacles to additional non-exclusive voluntary licensing and technology transfer partnerships being formed.

Furthermore, WTO Members must look at what makes an effective response, considering the wider trade-related factors such as export restrictions, trade facilitation barriers, tariff barriers, and regulatory streamlining, as well as non-trade related measures such as the creation of new and expansion of existing manufacturing capacities and training of skilled personnel to ensure transfer of technology.

Understanding how the WTO can act in the most productive manner requires the feedback and collaboration of all WTO Members. The UK is currently considering where, as an organisation, we can drive forward pragmatic solutions and effective change. We encourage other Members to also similarly consider this and, where possible, share their thoughts.

As we approach MC12 we remain committed to working constructively with all delegations under the principles of pragmatism, evidence-based and solution-driven thinking. We stress that IP rights have and will continue to play a fundamental role in the response to the COVID-19 pandemic and any future crises. At this critical juncture of promising vaccine production and growing creation of infrastructure to respond to the pandemic, it is critical that Members maintain the progress we are making to contain, treat, and prevent COVID-19.

Thank you, Chair.

INTELLECTUAL PROPERTY AND INNOVATION: WOMEN AND INTELLECTUAL PROPERTY

Thank you Chair,

The United Kingdom would like to thank the US for their paper on Women and Intellectual Property. We are pleased to co-sponsor the paper as the UK acknowledges the importance of fostering opportunities for gender equality; empowering women and girls as innovators and creators; incorporating a gender perspective into IP policies and promoting an inclusive IP system accessible to all including other underrepresented groups. We are also pleased to note WIPO's work and ongoing commitment to promoting gender equality and diversity.

As well as increasing women's participation in the IP system we also recognise the valuable contribution, undertaken by women, particularly those

working in science, technology, engineering, and mathematics (STEM) industries, and the significance of this work to policymakers due to the current underrepresentation of women within science and technology.

The representation of women within the STEM fields is of great importance to the UK government. Bridging gender gaps in IP and increasing the participation of women and girls can only enhance and increase innovation to tackle some of the major issues humanity and the world face.

We have seen this demonstrated in recent times, as the pandemic has brought to the forefront many female inventors – in particular, Professor Sarah Gilbert, who led the Oxford/AstraZeneca team of researchers in developing their vaccine.

In the UK, the Government Office for Science, supported by organisations such as Innovate UK and the Royal Academy of Engineering have for years worked hard to inspire girls and women to study and build careers in the STEM fields.

Statistical surveys from these bodies highlight the impact of their work within the education sector with the number of females attaining STEM higher level qualifications increasing. For the first time ever, there are more than one million women working in core STEM roles across the UK.

The UK Government has published a roadmap to improve gender equality that projects that reducing gender gaps in overall labour market participation, wages, and STEM qualifications could increase the size of the economy by as much as £55 billion by 2030. Among their plans for change, they have invested in programmes to increase the participation of women in STEM subjects.

The Intellectual property office of the UK (IPO) also has an important role to play and is committed to increasing women's participation in IP and improving gender equality within STEM, the IP profession and the IPO itself.

The IPO continues to find innovative ways to invest in the STEM pipeline and increase the number of girls taking STEM subjects in primary and secondary schools. As well as working in universities to increase awareness of the IPO as a diverse STEM employer.

The IPO is working with "Code First Girls" to increase participation in the tech industry by providing cost free training to women and non-binary people, to improve the skills and space for them to become established developers and future leaders.

The IPO has introduced a STEM Returner's scheme offering work placements at the IPO along with mentoring and training to help women return to STEM after time away.

The IPO works closely with the UK IP attorney profession as part of the "IP inclusive" network, including its Women in IP community, to raise the awareness and effectiveness of diversity and inclusion.

The IPO's focus on recruitment in our Patents areas has seen almost equal

numbers of men and women securing permanency.

Over the last 2 years the IPO has received significant recognition for its inclusive culture including (amongst others): top 10 placement in the UK-wide Top Employers for Working Families Index for two consecutive years; and silver standard in the gender equality charity Chwarae Teg's Fair Play Employer benchmark which identifies barriers in recruiting, retaining and progressing women in the workforce.

The UK is keen to continue to work with others to promote and facilitate an inclusive IP system accessible to all. The UK would like to respond to the paper's question asking, "What measures, if any, have proven useful for the support of women entrepreneurs in participating in the IP system?".

The UK scores highly in international indexes of female entrepreneurship which assess environment, ecosystem and aspirations. An innovation-friendly business environment, universal education, small-and medium-enterprise (SME) training programmes and a high level of acceptance of women in business help contribute to high UK ratings. They also reflect government efforts over the past 15 years to foster female entrepreneurship, such as the Strategic Framework for Women's Enterprise in 2003 and initiatives prompted by the 2015 Burt report.

These positive results reflect a range of efforts over the past 15 years by the UK Government to foster female entrepreneurship, starting with its Strategic Framework for Women's Enterprise in 2003. More recently, in 2013 the government launched its Women and the Economy action plan, which pledged to improve advice and support for women entrepreneurs, including those with caring responsibilities. In 2014 the government's Business is Great website was expanded to include advice for women looking to start, grow or accelerate their businesses. Further initiatives followed the 2015 Burt report by the Ambassador for Women in Enterprise, including mentoring events aimed at women and extension of tax-free help with childcare costs to the self-employed.

In conclusion, the UK hopes this discussion can improve and shape policy development and identify practical steps to advance the participation of women in all aspects of intellectual property, and by extension unlocking "access to" the commercial and economic successes of their innovations, designs and creations, and we look forward to hearing about other members' experiences.

Thank you, Chair