



## **Intellectual Property, Economic Partnership Agreements, and Sustainable Development**

**Brussels, Belgium  
12 - 13 May 2007**

### Final Report

On 12-13 May 2007, the Center for International Environmental Law (CIEL), Oxfam International, and the South Centre, together with other partners organized a multi-stakeholder workshop on “Intellectual Property, European Partnership Agreements, and Sustainable Development” in Brussels, Belgium. The workshop included civil society and negotiators from the African, Caribbean and Pacific (ACP) regions as well as representatives of members of the European parliament, European civil society and other stakeholders from the European Union.

The multi-stakeholder workshop was aimed at bringing together European and ACP civil society, ACP negotiators, the European Commission and Parliament, and member state development ministries to discuss:

- a. the necessity, and consequences, of concluding negotiations on IP before the expiration of the Cotonou waiver on 31 December 2007;
- b. the potential impact of proposed IP standards on the development of ACP countries.

The topics discussed included:

- The WTO consequences of potential commitments on Intellectual Property Rights contained in EPAs: the lack of an RTA exception in the TRIPS Agreement;
- The role of Article 46 of the Cotonou Agreement;
- Proposed IP standards in EPAs and Access to Medicines;
- Proposed IP standards in EPAs and TK, GR and TCE;
- Proposed IP enforcement standards in EPAs and Development Effects;
- Coherence between EPAs and multilateral processes;
- The role of civil society in IP policymaking in the EU and ACP.

## Discussions

Approximately 50 participants attended the open session on 12 May, and 20 participants attended the closed capacity and information sharing session, which took place the morning of 13 May 2007. **The final agenda and selected presentations are available at [www.ciel.org](http://www.ciel.org).**

Panelists and participants actively contributed to an extensive discussion on issues such as:

- The Pacific EPA negotiations on intellectual property rights and potential offensive and defensive positions to be adopted;
- The EU proposed IP enforcement standards and their similarity to internal EU enforcement directives;
- The current state of play of IP negotiations in the different regions.

Several points were emphasized during discussions, including the importance of:

- Understanding that from a WTO perspective, there is no legal obligation on the part of ACP countries to complete the IP negotiations by the December 2007 deadline and that ACP countries should delay undertaking any commitments in the area of intellectual property, including on enforcement;
- The role that civil society organizations in the EU and the ACP can play in bringing to the attention of national governments and parliaments, the negative consequences that premature IP negotiations would have on development objectives;
- The potential of traditional knowledge and genetic resources as a potential gain for ACP countries, as well as the danger of lock-in when negotiating such provisions;
- Avoiding TRIPS-plus, WCT and WPPT provisions on Technological Protection Measures and Digital Rights Management with respect to copyright issues;
- Ensuring that access to affordable medicines provided by generic competition is not limited by provisions such as data exclusivity.

The workshop was followed by a half-day capacity building session. The discussion addressed the strategies that civil society organizations in their countries are using and could use to address some of the challenges of negotiating IP in the EPAs, as well as to generate public pressure for balanced and development-oriented EPAs. The workshop was also considered an important step in building greater awareness in the EU of the negative sustainable development consequences of negotiating intellectual property rights in EPAs.