

**REQUEST FOR AN EXTENSION OF THE TRANSITIONAL PERIOD
UNDER ARTICLE 66.1 OF THE TRIPS AGREEMENT**

Communication from the Delegation of Zambia on behalf of
the Least-Developed Country Members

The following communication, dated 13 October 2005, has been received from the Delegation of Zambia on behalf of the least-developed country Members.

1. The least-developed country Members of the WTO make the following request.
2. The least-developed country WTO Members continue to face serious economic, financial and administrative constraints as well as a need for flexibility to create a viable technological base. In accordance with Article 66.1 of the TRIPS Agreement they hereby apply for an extension of the transitional period accorded under that provision for a further 15 years.
3. Article 66.1 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (the "TRIPS Agreement") accords least-developed country Members a ten-year exemption from certain obligations under the TRIPS Agreement. This exemption expires on 31 December 2005.
4. As set out in Article 66.1 of the TRIPS Agreement, the exemption was granted in recognition of the economic, financial, and administrative constraints faced by least-developed countries that prevented them from observing immediately all the obligations set out in the TRIPS Agreement; and it reflected the fact that the least-developed country Members have special needs and requirements, including the need for flexibility to create a viable technological base.
5. During the past ten years, the least-developed countries have taken steps towards implementing the obligations set out in the TRIPS Agreement. However, their economies continue to be vulnerable, and their peoples continue to suffer poverty. Indeed, the most recent United Nations Conference on Trade and Development *Least-Developed Country Report* states that "if past trends persist, the least-developed countries are likely to become the major locus of extreme poverty in the world economy by 2015". Consequently, those least-developed countries that remain on the United Nations' list of least-developed countries, continue to face serious economic, financial and administrative constraints in their efforts to bring their domestic legal system into conformity with the provisions of the TRIPS Agreement.

6. Article 66.2 of the TRIPS Agreement states that "developed country Members shall provide incentives to enterprises and institutions in their territories for the purpose of promoting and encouraging technology transfer to least-developed country Members in order for them to create a sound and viable technological base". This commitment by developed countries has been reaffirmed in paragraph 11.2 of the *Doha Ministerial Decision on Implementation-Related Issues and Concerns* that emphasized its importance and mandatory nature. Least-developed countries need an extension of the transition period to enable them to take full advantage of the technical cooperation from developed countries in this area. While there has been some movement in implementing this commitment with some developed countries notifying to the Council for TRIPS the technology transfers that they have been involved in, the commitment has not yet been adequately fulfilled. Furthermore, Article 67 of the TRIPS Agreement calls upon developed countries to provide technical assistance to least-developed countries to assist them in implementing the TRIPS Agreement. Thus the least-developed country Members need more time to take full advantage of the cooperation with developed country Members envisaged in Articles 66.2 and 67 of the TRIPS Agreement.
