BERNE DECLARATION

"TRIPS-plus" through EFTA's back door

How Free Trade Agreements concluded with EFTA-States impose much stronger rules on Developing Countries for IPRs on life than the WTO[1]

Berne Declaration, Switzerland **November 2004**

The Free Trade Agreements concluded between the four member states of the European Free Trade Association (EFTA) – Switzerland, Norway, Iceland and Liechtenstein – and a number of developing countries contain provisions on the protection of intellectual property rights (IPRs) which go far beyond the obligations already imposed on these countries in the framework of the World Trade Organization (WTO). However, contrary to the discussions around the WTO these agreements attract hardly any attention, even though their consequences for the developing countries concerned are very problematic: Farmers rights are restricted and the patenting of life forms is extended; both to the benefit of transnational corporations (such as the Swiss based agrochemical and seed company Syngenta) and to the cost of small farmers in developing countries.

1. Introduction

Ever since the WTO was founded in 1995 the trade policies which industrial countries try to impose on developing countries under the WTO umbrella have been under close scrutiny by governments of developing countries as well as the civil society in developing and industrial countries. Since the Ministerial meeting in Seattle in late 1999 every such meeting has been accompanied by strong protests, even riots (as indeed has since been the case for many other international meetings as well).

The WTO agreement on Trade-Related Aspects of intellectual Property Rights (TRIPS) has come under attack from all corners of the globe because it forces developing countries to introduce far-reaching rules on patent protection. This is particularly problematic in the pharmaceutical sector because the access of poor countries to affordable generic medicines is restricted more and more. WTO member states are also required to grant and enforce IPRs on life forms. Specifically, TRIPS says in Article 27.3(b) that while plants and animals can be excluded from patenting, all members must allow for patents on micro-organisms as well as for microbiological and non-biological processes. For plant varieties they must either provide patents or an effective *sui generis* type of IPR protection. Yet TRIPS is only about minimum standards. And those minimum standards are clearly not strong enough for industrialized countries and the transnational corporations based in these countries.

So, far away from the street demonstrations against the WTO, G-8, IMF, World Bank, etc. and behind closed doors the governments of the industrialized countries are negotiating trade agreements with developing countries which contain provisions on IPRs going far beyond the obligations already imposed on these countries through TRIPS. Such

[1] Much of the general information in this paper is based on two papers published by GRAIN (see further information at the end). The Berne Declaration thanks GRAIN for the kind permission to use this material.

agreements have been and are being negotiated among others by the USA, the European Union (EU) and the European Free Trade Association (EFTA), to which the four countries Switzerland, Norway, Iceland and the Principality of Liechtenstein belong.
The "TRIPS-plus" standards in such bilateral agreements are making so much headway that TRIPS may soon be obsolete. What is particularly hypocrite is that European countries have been insisting on the fact that TRIPS leaves many flexibilities to developing countries with respect to the protection of IPRs on life forms[1]. But at the same time they are limiting these flexibilities quietly through the backdoor. Obviously the negotiating power of the industrialized countries is much stronger in this bilateral framework than in the WTO-context, as four (in the case of EFTA) or fifteen of them (in the case of the EU) are sitting on one side of the negotiating table while only one developing country is on the other side. Typically the developing countries at the end of the day must "pay" for some very limited access to the agriculture or textile markets of the industrialized countries by sacrificing the few remaining flexibilities they have under TRIPS.

Given the secrecy of these bilateral negotiations, the extreme commitments they embody and the speed with which they are tying the hands of developing countries, they must be stopped. If not, they will soon leave us with a disastrous *fait accompli* in terms of the global "playing field" for patents on life.

2. Which are the "TRIPS-plus" provisions in these agreements ?

The main elements of these treaties that render them TRIPS-plus with respect to IPR protection on forms of life are the following.

1. Reference to UPOV

TRIPS makes no reference to UPOV[2], a convention that was crafted in Europe 42 years ago as a special kind of IPR protection system for commercial plant breeders and to which until recently mostly industrialised countries subscribed[3]. Requiring countries to align with UPOV is very clearly TRIPS-plus, since TRIPS does not define the term "effective *sui generis* system" and WTO members have been told time and time again that the absence of a definition and the absence of any mention of UPOV both indicate sufficient flexibility. Countries which now become a contracting party to UPOV can only do so in its 1991 version, which is much stricter than the 1978 version, the one still applicable to many older signatories, like Switzerland or Norway. So actually in its free trade agreement with the EFTA-States for example Morocco was forced to take on further reaching obligations than Switzerland or Norway!

The differences between the 1978 and the 1991 version of UPOV are explained in the Report of the UK Commission on Intellectual Property Rights of September 2002[4] (see box).

What this boils down to is that under UPOV 1991 farmers are no longer allowed to exchange seeds. If there is a drought for example and one farmers harvest is destroyed his neighbour may not give him any seed if this seed is protected under the plant protection scheme without the permission of the holder of the variety. This is what EFTA-States are asking from countries such as Morocco and Jordan!

UPOV 1991 versus UPOV 1978

With the 1991 Act of UPOV the minimum period for plant protection was increased from 15 to 20 years. The 1978 Act allowed breeders to use protected varieties as a source for new varieties, which could then be protected and marketed themselves. The 1991 Act has preserved the breeders' exception, but the right of the breeder extends to varieties

which are "essentially derived" from the protected variety, which cannot be marketed without the permission of the holder of the original variety. The 1978 Act provided the breeder with protection in respect of production for the sale of seed, its offer for sale and its commercialisation (Article 5.1) and it therefore implicitly allowed farmers to replant and exchange the seed (although this right is not spelt out). The 1991 Act is more restrictive of the rights of farmers. The right of the breeder now extends to production or reproduction, in addition to the marketing of propagated or harvested material (Article 14.1). This is mitigated by an optional farmers' exception which allows " within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder, (…) farmers to use for propagating purposes, on their own holdings, the product of the harvest which they have obtained by planting, on their own holdings, the protected variety". The implementation of this article leads to the payment of license fees for the use of farm-saved seeds.

2. *Reference to Budapest*
   The Budapest Treaty[5] obliges its signatories to recognize the physical deposit of a sample of a micro-organism as disclosure of an invention for the purpose of patent protection. Full disclosure of an invention is a basic feature of any patent system, yet life forms are too complex to fully describe. Under Budapest, deposit fulfils the requirement for disclosure. With other words, Budapest makes it easier to patent a micro-organism. The treaty is clearly crafted for and in the interest of industrialized countries. While under TRIPS all WTO members must allow patent protection for micro-organisms (Art. 27.3(b)) it makes no reference to the Budapest treaty. By requiring developing countries under bilateral agreements to join the Budapest treaty, the hurdle to patent micro-organisms (full disclosure of the invention) is lowered in these countries as well and thus the patenting of life forms facilitated.

3. Granting patents on "biotechnological inventions"
   TRIPS allows members to exclude plants and animals from their patent laws but they must allow for patents on micro-organisms as well as for microbiological and non-biological processes. TRIPS however does not force members to grant patents on "biotechnological inventions". Such "biotechnological inventions" can be plants or animals. So with such a reference developing countries are forced through the back door to grant patents on certain plants and animals (without spelling this out clearly!).

4. "Highest international standards"
   Since the TRIPS provisions are considered minimal standards, the term "highest international standards" clearly refers to the standards prevailing in industrialized countries such as the USA or the member states of the EU or EFTA.

3. EFTA-Agreements containing "TRIPS-plus" provisions

The EFTA comprises four Western European countries which are not members of the EU (Switzerland, Norway, Iceland and Liechtenstein). These countries have close ties to the EU and basically follow a very similar trade policy vis-à-vis countries outside Western Europe. Since the beginning of the 1990s the EU began negotiating free trade agreements with the countries in Eastern Europe as well as Turkey and Israel; later on with almost all Mediterranean countries. All agreements contain provisions on the protection of IPRs. The EFTA-States until recently followed a "on step behind" policy with the aim to avoid discrimination on these markets with respect to the EU. By negotiating free trade agreements with Canada and Singapore the EFTA-States recently began to conclude agreements before the EU did.

The first agreements concluded focused mainly on trade in goods, in particular industrial goods and fish, and the protection of IPRs. In this area the EU and the EFTA-States tried and succeeded to impose TRIPS-plus provisions right from the start. The more recent agreements however contain more and more provisions on other topics such as trade in services, public procurement and investments, which go beyond merely "best endeavour" provisions and which also have WTO-plus character.

The following table lists all the free trade agreements concluded or presently being negotiated between the EFTA-States and developing countries[6] and indicates the TRIPS-plus provisions in these agreements.

EFTA partner country	Status of the Agreement	Articles and Annexes referring to IPRs	TRIPS-plus Provisions
Chile	Signed on 26 June 2003; entry into force planned for spring 2004	Article 46, Annex XII	must join UPOV by 1 January 2007 and Budapest by 1 January 2009; must ensure *"adequate and effective patent protection for inventions in all fields of technology"*; enhanced protection of undisclosed information.[7]
Egypt	Ongoing negotiation	not yet known	not yet known
Co-operation Councl for the Arab States of the Gulf (GCC)	Negotiation starts 2005	not yet known	not yet known
Jordan	Signed on 21 June 2001; in force since 1 September 2002	Article 17, Annex VI	must join UPOV and Budapest by 1 January 2006; must ensure *"adequate and effective patent protection for inventions in all fields of technology on a level similar to that prevailing in the European Patent Convention"* [8]
Lebanon	Signed 24 June 2004	Article 24, Annex V	Must join TRIPS (Lebanon is not WTO-Member), Budapest and UPOV by 1 March 2008. Lebanon shall ensure *"protection on a level corresponding to the one in the TRIPS Agreement"*. Enhanced protection of undisclosed information.[9]
Mexico	Signed on 30 November 2000; in force since 1 July 2002	Article 69, Annex XXI	must join UPOV and Budapest by 1 January 2002 [10]
Morocco	Signed on 19 June 1997; in force since 1 December 1999	Article 16, Annex V	must join UPOV and Budapest by 1 January 2000; must ensure *"adequate and effective patent protection for inventions in all fields of technology on a level similar to that prevailing in the European Patent Convention"* [11]
Palestinian Authority	Signed on 30 November 1998; in force since 1 July 1999	Article 15	*"shall grant and ensure adequate and effective protection of intellectual property rights in accordance with the highest international standards"* [12]
South African Customs Union (SACU)	Ongoing negotiation	not yet known	not yet known

EFTA partner country	Status of the Agreement	Articles and Annexes referring to IPRs	TRIPS-plus Provisions
South Korea	Negotiation starts 2005	not yet known	not yet known
Thailand	Negotiation starts 2005	not yet known	not yet known
Tunisia	Ongoing negotiation	not yet known	not yet known

4. Missing Democratic Controls

It is doubtful if the parliaments of the contracting parties to these agreements are aware of the consequences the provisions on IPRs have for farmers, particularly small farmers in the developing countries concerned. In the case of Switzerland the IPR annexes, where the actual obligations are hidden, aren't even published in any of the three official languages (they can however be found on the EFTA homepage[13]) and they are not even provided to the members of parliament (which is not surprising given the fact that these free trade agreements consist of hundreds of pages). In the reports by the Swiss Federal Council (=Swiss Government) accompanying the agreements when sent to parliament for approval there are usually merely some general comments. In the case of the EFTA-Jordan agreement the Swiss Government's report says *"Furthermore it [the agreement] contains substantive provisions on the protection of intellectual property (Art. 17) by which the contracting parties oblige themselves to a level of protection which corresponds to the [other] EFTA-Third Country Agreements and which thus is higher than level of the corresponding WTO-rules (TRIPS)"*[14]. So the government admits that the agreement contains TRIPS-plus rules but it doesn't indicate which and it doesn't explain what the consequences are. How can the Swiss parliament become aware of these aspects of the agreements if it is not properly informed by the Government? But it is questionable if even the governments of the industrialized countries are fully aware of the consequences such agreements have for small farmers in developing countries. Usually they keep their IPR experts negotiating such agreements on a very long leash…

Nevertheless, the UK government did in 2001 establish the before mentioned Commission on Intellectual Property Rights which did look into the TRIPS-plus issue and came to the following clear conclusion[15]:

> *"Though developing countries have the right to opt for accelerated compliance with or the adoption of standards beyond TRIPS, if they think it is in their interests to do so, developed countries should review their policies in regional/bilateral commercial diplomacy with developing countries so as to ensure that they do not impose on developing countries standards or timetables beyond TRIPS."*

The answer to this recommendation by the UK government is also very clear[16]:

> *"… We also concur that bilateral and other agreements should not, as a matter of course, oblige countries to adopt intellectual property standards or timetables that go beyond TRIPS. For our part, we will seek to ensure that EU agreements with developing countries avoid imposing obligations beyond TRIPS."*

5. Implications

There are perhaps two very broad conclusions to draw from this situation:

a) Harmonisation is the agenda – the *sui generis* "option" is a scam

The first important message is that there is a highly effective drive underway to raise IPR standards to one global level. The level that is currently being targeted is UPOV for plant varieties *per se* and patents for everything else (plant genes, animal breeds, human genetic sequences, etc.) This should not come as a surprise, for two simple reasons. TRIPS is about minimum standards, not optimum standards. Second, transnational corporations want maximum predictability, maximum profits and minimum bureaucracy in the markets where they operate. Much better to have one homogenous and trustworthy climate in terms of intellectual property than a patchwork of different systems with different levels of protection,

different procedures and different results. Ultimately, the big companies that are involved in plant genetics (Syngenta, Monsanto, DuPont, etc.) do not care about UPOV. They prefer the patent system. So in terms of long term patterns, UPOV may disappear anyway.

What does come more as a surprise is how far this tunnel vision toward one global patent standard is being implemented through such free trade agreements but also through bilateral aid agreements and potentially also through bilateral investment treaties.

If the push to force developing countries beyond their TRIPS obligations through bilateral channels gains much momentum, it means that in due time TRIPS will have to catch up and reflect the much harsher global IPR regime than it currently prescribes. Which brings us to the most pointed message of all: that the *sui generis* option in Article 27.3(b) of TRIPS is nothing but a scam. If there ever really was an intention to let developing countries adopt legal systems for the protection of plant varieties to their own liking and attuned to their own situations, it is fast evaporating. Restraint is not what is being played out. There is, instead, a tangible zeal to get UPOV adopted in as many developing countries as possible – as a first step towards full-blown patents on life.

b) Destroying democracy

This is the deeper and more disturbing message from the emergence of a bilaterally brokered TRIPS-plus intellectual property climate worldwide. There is no denying that unilateral, bilateral or regional pressure to scale up IPRs on life forms are undermining political processes all over the world. The negotiation of bilateral treaties is a generally confidential affair. The texts are kept secret until they are agreed on. Parliaments and congresses are not consulted. Public opinion is kept out of the deal. This has several immediate results in developing countries.

For a start, commitments to join international agreements, such as UPOV, are being made in total disregard of national processes. In discussions among the parties to the EU-Mexico agreement in February 2001, Green members of the European Parliament questioned the constitutionality of obliging Mexico to join the Budapest Treaty, since it leaves no space for Mexico's Congress to cast its vote on the matter.[17] But this concern for the political propriety of the deal came too late: Mexico became party to the Budapest Treaty a month later, on 21 March 2001.

In addition, bilateral agreements which contain IPR policy prescriptions very often carry links to their own dispute settlement processes. If something goes wrong, the conflict between the governments is sorted out through special channels. The WTO's dispute settlement mechanism is far from trustworthy or transparent. But bilaterally brokered procedures are bound to be even more opaque and undemocratic.

Finally, making national laws through bilateral treaties also erodes the political process in the industrialised countries themselves. Development cooperation agencies, national parliaments, NGOs, church groups and farmers' organisations don't even know about these deals that their governments are pushing onto Southern countries. If they did, they would probably demand a lot more accountability and restraint than is now being exercised.

6. Conclusions and Action

Industry's push to patent life is unrelenting. Bilateral treaties are just one more tool to secure the monopoly rights that it is seeking worldwide to make money from marketing genetic fixes for food and health. They are grotesque tools, in that they are so blatantly secretive and manipulative, they make a mockery of multilateral initiatives and they target poor countries

head on. But they are indeed effective in skirting or neutralising political debate, improving market conditions for transnational corporations and raising financial returns to the rich.

In the European Union there is growing opposition against such TRIPS-plus Agreements. In March 2003 the Greens in the European Parliament made an important move by filing an urgent request to the European Commission. The action was triggered by the reality of the EU-Lebanon deal coming into effect. Under the urgency, the Greens have asked the Commission to explain why it pretends to uphold the so-called flexibilities of the TRIPS Agreement at the multilateral level while it simultaneously makes TRIPS-plus demands on developing countries at the bilateral level.

In the European Free Trade Association (EFTA) NGOs from its four member states Switzerland, Norway, Iceland and the Principality of Liechtenstein have begun a joint effort to stop the EFTA-States from concluding any more free trade agreements containing TRIPS-plus provisions. In June 2003 they sent an open letter to their Trade/Foreign Ministers urging them to stop pushing for TRIPS-plus provisions in their free trade negotiations with developing countries (see Annex).

The EFTA States governments will surely say they are not forcing anybody to do anything, because countries have the right to agree or not with any proposal from the EFTA side. But that is not the issue: These TRIPS-plus agreements represent coercion politics at their best: no patents, no trade or aid. That is why when NGOs and other groups in developing countries question their governments about why they are signing on, they are told to keep quiet because there’s no choice. Naturally. Their inflows of foreign contracts and loans depend on it. These countries are in massive debt and now the farmers will have to pay royalties and face other restrictions on seeds – well beyond the WTO’s prescriptions.

Annex

Press release *26 June 2003*

EFTA must stop pushing for patents on life in developing countries

During their meeting tomorrow in Kristiansand, Norway, Ministers of trade and foreign affairs from the four member states of the European Free Trade Association (EFTA) will sign a free trade agreement with Chile containing provisions on the protection of intellectual property rights which go far beyond the WTO rules. Four non-governmental organizations (NGOs) from the four EFTA-States strongly oppose this policy by their governments: the Berne Declaration (Switzerland), the Rainforest Foundation (Norway), Mannvernd (Iceland) and the Liechtenstein Association for Environmental Protection (LGU).

Governments of the EFTA-States keep saying that the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) does not require developing countries to patent plants and animals and that it leaves them a lot of flexibility with respect to the protection of plant varieties. However, at the same time EFTA is concluding bilateral trade agreements which require developing countries to facilitate the patenting of life and limit farmers' rights. These "TRIPS-plus" provisions in EFTA free trade agreements will for example restrict the farmers' right to freely exchange seeds. As a consequence the farmers will more and more often have to pay fees to the big transnational seed corporations.

The four NGOs believe that this policy is fundamentally wrong, as well as contradicting the development policies of the four EFTA-States. In an open letter to the EFTA Ministers meeting in Kristiansand they urge EFTA governments to immediately stop concluding such "TRIPS-plus" agreements with developing countries.

The agreement with Chile is the 5th free trade agreement EFTA-States have concluded with a developing country. They have already signed such treaties with Morocco (1997), the Palestinian Authority (1998), Mexico (2000) and Jordan (2001). All these agreements include "TRIPS-plus" provisions. Presently they are negotiating free trade agreements with Egypt, Lebanon, South Africa and Tunisia. The NGOs fear that also in these cases EFTA-States will put undue pressure on these countries to include provisions for patents on life, which they are not obliged to do by WTO rules.

Berne Declaration, Switzerland – www.evb.ch
Rainforest Foundation, Norway – www.rainforest.no
Mannvernd, Iceland – www.mannvernd.is
Liechtenstein Association for Environmental Protection (LGU) – www.lgu.li

Open letter to the Trade/Foreign Ministers of the four EFTA-States

26 June 2003

To: Ansgar Gabrielsen, Minister of Trade and Industry (Norway)
Joseph Deiss, Federal Councillor (Switzerland)
Halldór Ásgrímsson, Minister for Foreign Affairs (Iceland)
Ernst Walch, Minister for Foreign Affairs (Principality of Liechtenstein)

During the EFTA ministerial meeting in Kristiansand 26-27 June, the Ministers of trade and foreign affairs will sign another trade agreement between the EFTA-States and a developing country (Chile) which contains provisions on the protection of intellectual property rights going far beyond the WTO rules. We – four NGOs from the four EFTA-States – strongly oppose this policy. There is no reason why a developing country should have to take on obligations going further than the already far-reaching rules of the WTO TRIPS Agreement.

The agreement with Chile is the 5th trade agreement EFTA-States have concluded with a developing country. Previously agreements were signed with Morocco (1997), the Palestinian Authority (1998), Mexico (2000) and Jordan (2001). All these agreements include highly problematic "TRIPS-plus" provisions. Presently EFTA representatives are negotiating trade agreements with Egypt, Lebanon, South Africa and Tunisia. We fear that the EFTA states will also in these cases put undue pressure on these countries to include provisions for patents on life. We strongly urge you to immediately stop this policy.

What is at stake? The EFTA-States are getting developing countries to agree to joining international conventions such as UPOV 91 or the Budapest treaty, which limit farmers rights and facilitate the patenting of life forms such as micro-organisms. We are convinced that this is not in the interest of farmers, particularly small farmers, in these developing countries. For example will their right to freely exchange seeds be restricted.

This "TRIPS-plus" policy, which is also being pushed by other industrialized countries such as the USA and the European Union, has been criticized by the UK Commission on Intellectual Property Rights in its report published in September 2002. In its response of 7 May 2003 to the report of the Commission the UK Government said:

> *"… We also concur that bilateral and other agreements should not, as a matter of course, oblige countries to adopt intellectual property standards or timetables that go beyond TRIPS. For our part, we will seek to ensure that EU agreements with developing countries avoid imposing obligations beyond TRIPS."*

We expect the EFTA Ministers to follow the same policy, and call for an immediate stop in any additional "trips-plus" agreements by EFTA.

Yours sincerely

Lars Løvold, Director of the Rainforest Foundation, Norway
Bernhard Herold, Berne Declaration, Switzerland
Pétur Hauksson, Chairman, Mannvernd, Iceland
Regula Mosberger, Director, Liechtenstein Association for Environmental Protection (LGU)

Further information:

An excellent compilation of documents concerning TRIPS-plus Agreements all around the world can be found on the website of GRAIN. http://www.grain.org/publications/tripsplus.cfm

"TRIPS-plus: where are we now" by GRAIN, August 2003, 10 pages
http://www.grain.org/docs/trips-plus-where-2003-en.pdf

Bilateral & regional agreements imposing TRIPS-plus standards for IPRs on life in developing countries (table), by GRAIN, August 2003, 5 pages
http://www.grain.org/docs/trips-plus-table-en.pdf

"TRIPS-plus through the back door: How bilateral treaties impose much stronger rules for IPRs on life than WTO", by GRAIN in cooperation with SANFEC, July 2001, 14 pages
http://www.grain.org/publications/trips-plus-en.cfm

Notes:

[1] See for example papers presented by Switzerland (IP/C/W/284) and the EU (IP/C/W/383) in the WTO process on the review of Article 27.3(b) of TRIPS. Documents can be found under http://docsonline.wto.org/gen_search.asp?searchmode=simple
[2] International Union for the Protection of New Varieties of Plants (UPOV), see http://www.upov.int/en/publications/conventions/index.html
[3] As of 10 December 2003 out of the 54 states party to the UPOV 26 were OECD countries. Out of the 28 developing countries and transition economies all except South Africa became members of UPOV after the signing of the WTO-Agreements in April 1994. Many were forced to do so through bilateral agreements. See http://www.upov.int/en/about/members/pdf/members.pdf
[4] See Chapter 3 of the final report under http://www.iprcommission.org
[5] See http://www.wipo.org/treaties/registration/budapest/index.html
[6] The EFTA-States have also concluded Free Trade Agreements with 12 Eastern and South East European countries (of which 8 agreements will cease to be in force when some of these countries join the European Union on 1 May 2004) as well as with Turkey, Israel and Singapore. These agreements also contain TRIPS-plus provisions.
[7] See http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Chile
[8] See http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Jordan
[9] See http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Lebanon
[10] See http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Mexico
[11] See http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Morocco
[12] See http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Palestinian_Authority
[13] All free trade agreements concluded by EFTA (including all annexes) can be found on the EFTA homepage under http://secretariat.efta.int/Web/LegalCorner/
[14] See http://www.admin.ch/ch/d/ff/2002/1298.pdf page 1301 (translation from German by the author)
[15] See Chapter 8 of the final report under http://www.iprcommission.org
[16] See http://www.iprcommission.org/graphic/uk_government_response.htm
[17] "Parliament Clears IP Provisions of Trade Agreement with Mexico", World Intellectual Property Report, Vol. 15, No. 3, Bureau of National Affairs, Inc., Washington DC, 15 March 2001