



WORK PROGRAMME ON ELECTRONIC COMMERCE

COMMUNICATION FROM CANADA

The following communication, dated 26 May 2016, is being circulated at the request of the delegation of Canada.

1. The Declaration on Global Electronic Commerce (WT/MIN(98)/DEC/2), adopted by Ministers at the second session of the Ministerial Conference on 20 May 1998, urged the General Council to establish a comprehensive work programme to address all trade-related issues relating to global electronic commerce (or "e-commerce").

2. On 25 September 1998, the General Council established a Work Programme on Electronic Commerce to be carried out by relevant WTO bodies, including the Council for TRIPS. Article 4.1 of the Work Programme tasked TRIPS Council to "examine and report on the intellectual property issues arising in connection with electronic commerce", including the "protection and enforcement of copyright and related rights; protection and enforcement of trademarks; [and] new technologies and access to technology" (WT/L/274). Formal TRIPS Council discussions on e-commerce issues took place between 1998 and 2003 and were summarized in three TRIPS Council reports to the General Council (IP/C/18, IP/C/20 and IP/C/29).

3. More recently, at the tenth WTO Ministerial Conference (MC10), the Ministerial Decision of 19 December 2015 decided to continue the Work Programme, "based on the existing mandate and guidelines and on the basis of proposals submitted by Members in the relevant WTO bodies as set out in paragraphs 2 to 5 of the Work Programme" (WT/MIN(15)/42). The Ministerial Decision also instructs the General Council to hold periodic reviews in its July and December 2016 and July 2017 sessions, based on reports that may be submitted by WTO bodies entrusted with the implementation of the Work Programme (such as the TRIPS Council), and report to the next session of the Ministerial Conference.

4. Further to the Ministerial Decision at MC10, and in view of the Nairobi Ministerial Declaration guidance "to reinvigorate the regular work of the [WTO] Committees" (WT/MIN(15)/DEC), this communication invites consideration by Members of possible approaches for re-engaging in discussions under the Work Programme at the TRIPS Council. In view of previous formal discussions, which examined the provisions of TRIPS relevant to paragraph 4.1 of the Work Programme (IP/C/W/128), as well as further developments in the international framework concerning standards of IP protection, enforcement and related matters (IP/C/W/128/Add.1), renewed engagement on this topic might, for instance, allow Members an opportunity to share national experiences and practices on IP and e-commerce issues in light of the rapid growth in digital technology and telecommunications as facilitators of commerce across countries at all levels of development. Such discussions could be valuable to inform respective national policy development efforts on the intersection between IPRs and e-commerce and help Members better understand and catalogue emerging global policy norms in this area.

5. Canada would welcome an exchange of views on these issues under a dedicated agenda item on the Work Programme at the 7-8 June 2016 meeting of the Council for TRIPS.

6. As an example of the information exchanges that it would envisage for renewed discussions under the Work Programme at the TRIPS Council, Canada would be pleased to present at the 7-8 June 2016 meeting on a recent innovative law enforcement initiative addressing the sale of counterfeit trademark goods over the Internet, with a view to sharing an important element of its evolving national practices on IP and e-commerce issues.
