

WORLD TRADE ORGANIZATION

RESTRICTED

IP/C/W/170
18 April 2000

(00-1575)

**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: French

COMMUNICATION FROM MADAGASCAR

The following communication, dated 31 March 2000, has been received from the Permanent Mission of Madagascar.

In accordance with the positive law in force in Madagascar, since 3 December 1998 the Malagasy Industrial Property Office (OMAPI) has been applying the provisions of Article 27.1 of the TRIPS Agreement (instead of Article 8 of Ordinance No. 89.019 of 31 July 1989).

Thus, in order to be able to process the pending patent applications for pharmaceutical products filed since 1996, the OMAPI, in accordance with the aforementioned positive law applies Article 27.1, which carries more weight than Article 8 of the Ordinance mentioned above. It requires that the inherent protection of a patent be available without discrimination as to the technical field of the invention. The term of protection, as from 3 December 1998, is 20 years.

The problems encountered are:

- Insufficient means (vehicles, overhead projectors, cameras, videotapes, funds, etc.) to properly familiarize operators with the TRIPS Agreement;
 - lack of jurisprudence and literature on intellectual property; and
 - absence of OMAPI representatives in the provinces.
- _____