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COMMUNICATION FROM ARGENTINA REGARDING PARAGRAPHS 18 AND 12 OF THE DRAFT MINISTERIAL DECLARATION

Communication from Argentina

The following communication, dated 12 November 2001, has been received from the Secretary of Trade and International Economic Relations and Consular Affairs of Argentina, with the request that it be circulated as an official document of the Fourth Ministerial Conference.

I have the pleasure to write to you regarding paragraphs 18 and 12 of the Draft Ministerial Declaration, to the extent they refer to the issue of geographical indications.

Argentina wishes to state very clearly its understanding of these two paragraphs, as follows:

We understand that paragraph 18 of the Draft Ministerial Declaration is incorrectly drafted in legal terms since it refers to "the extension of geographical indications provided for in Article 23 to products other than wines and spirits". In this regard, we recall that Article 23 of the TRIPS Agreement provides for the protection of geographical indications only in relation to wines and spirits. There is no provision whatsoever in the WTO Agreements granting additional protection of geographical indications to products other than wines and spirits nor any agreed mandate to negotiate the extension of this additional protection.

Consequently, this issue cannot be treated as an implementation issue and addressed pursuant to paragraph 12.

Concerning paragraph 12, we understand that the reference to "outstanding implementation issues" refers to the issues previously included in paragraphs 21 and 22 of document Job(99)/5868/Rev.1, dated 19 October 1999.

In this regard, we would like to express our understanding that there is no agreement to negotiate the "other outstanding implementation issues" referred to under (b) and that, by the end of 2002, consensus will be required in order to launch any negotiations on these issues.
