

INTELLECTUAL PROPERTY PROVISIONS IN REGIONAL TRADE AGREEMENTS

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**INTELLECTUAL PROPERTY PROVISIONS IN
REGIONAL TRADE AGREEMENTS: REVISION AND UPDATE**

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WTO

Manuscript date: 24 June 2014

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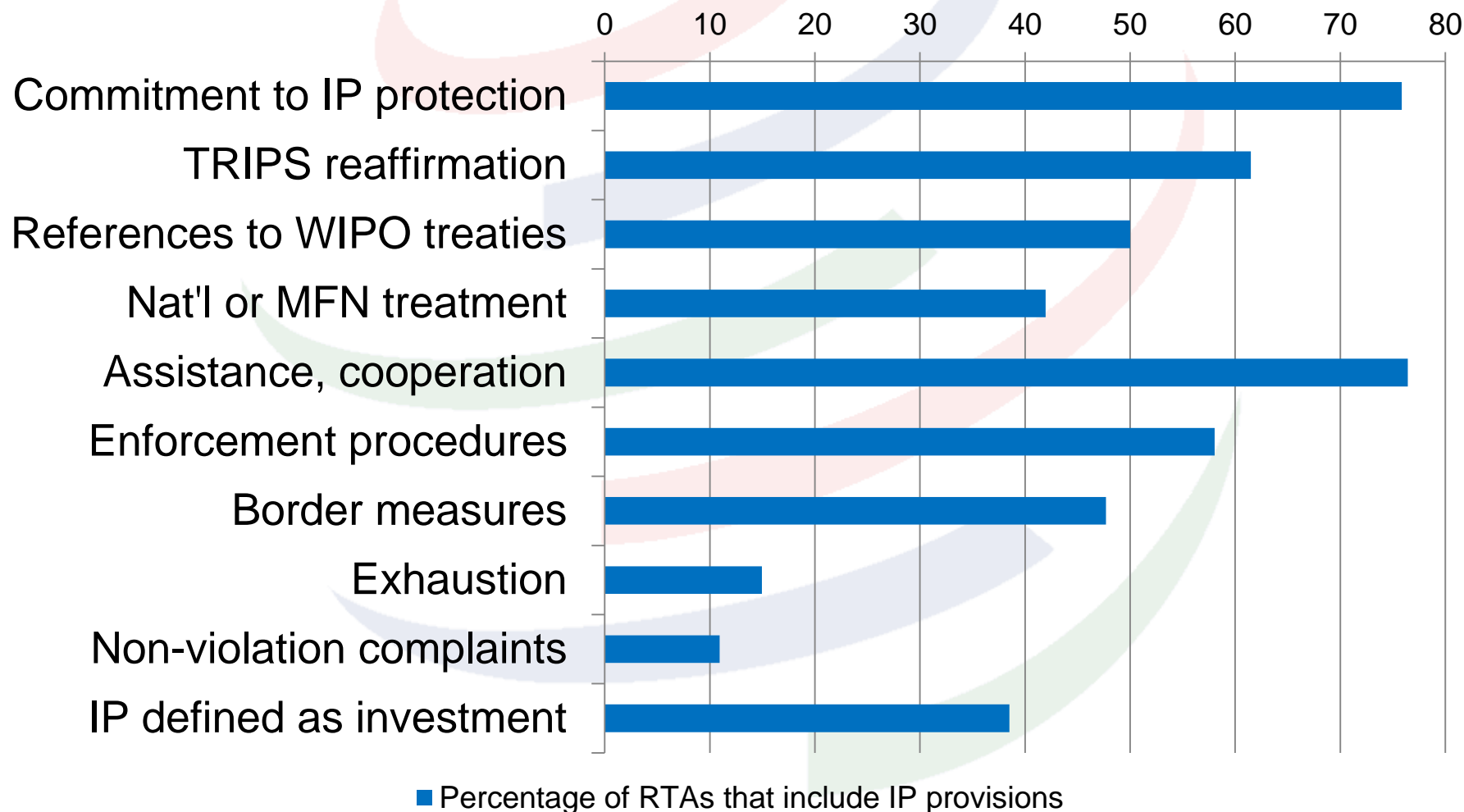
RTAs analysis: IP provisions

RTA	Commitment to IP protection	TRIPS reaffirmation	References to WIPO treaties	Nat'l or MFN Treatment	Assistance, co-operation	Enforcement procedures	Border measures	Exhaustion
Australia - Chile	✓	✓	✓	✓	✓	✓	✓	
Canada - Israel		✓						
Chile - Nicaragua								
Chile - Mexico	✓		✓	✓	✓	✓	✓	
Mexico - Uruguay	✓		✓	✓	✓	✓	✓	
EFTA - Singapore	✓	✓	✓	✓	✓	✓	✓	✓
EU - Central America	✓	✓	✓	✓	✓	✓	✓	✓
CAFTA-DR	✓	✓	✓	✓	✓	✓	✓	

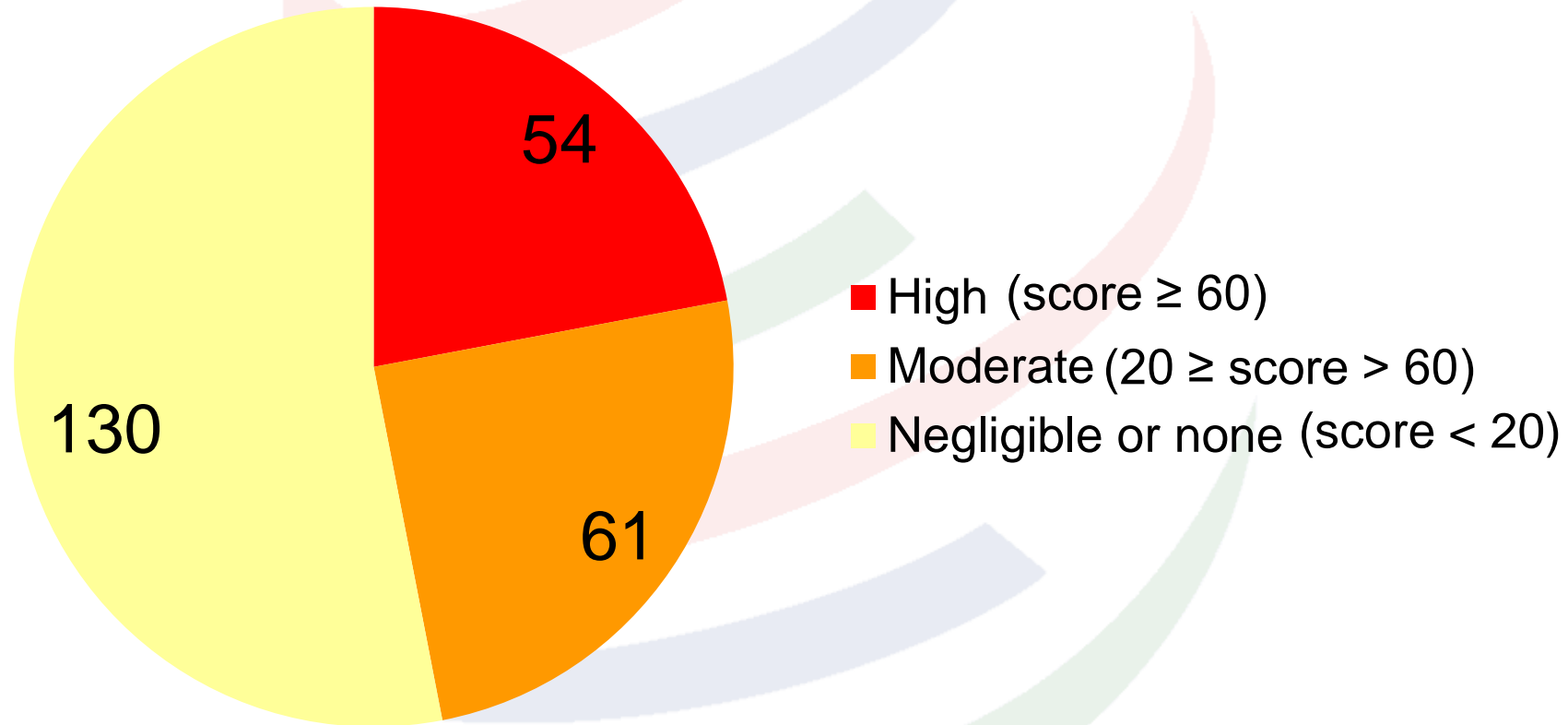
IP provisions in RTAs

(1) General	(2) Specific IPRs	(3) Pharma-related
Commitment IP protection	Copyright	Patentability criteria
TRIPS reaffirmation	Trademarks	Patentability of new use
References to WIPO	Geographical Indications	Patenting of life forms
MFN or Nat'l Treatment	Industrial Designs	Patent linkage
Assistance, cooperation	Patents	Exceptions to rights
Enforcement procedures	Undisclosed Information	Data protection
Border measures	Integrated Circuits	... minimum period
Exhaustion	New Plant Varieties	Patent extensions
Non-violation complaints	TK, genetic resources	Compulsory licence (pat.)
IP defined as investment	Satellite signals	Compulsory licence (inv.)
	Domain names	Trademark's function

RTAs containing general IP provisions

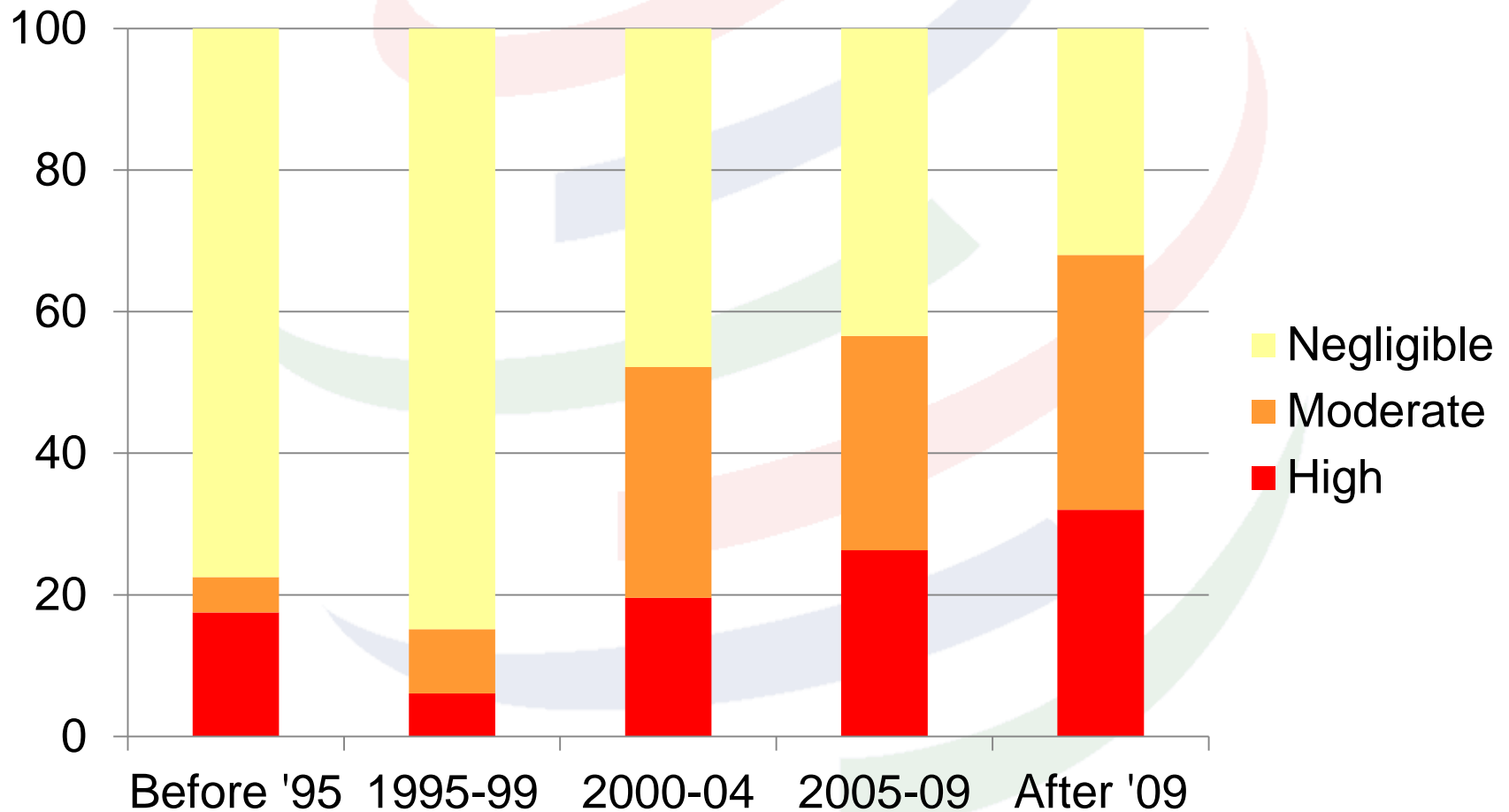


Number of RTAs by level of IP content



All notified RTAs in force: 245

RTAs by level of IP content



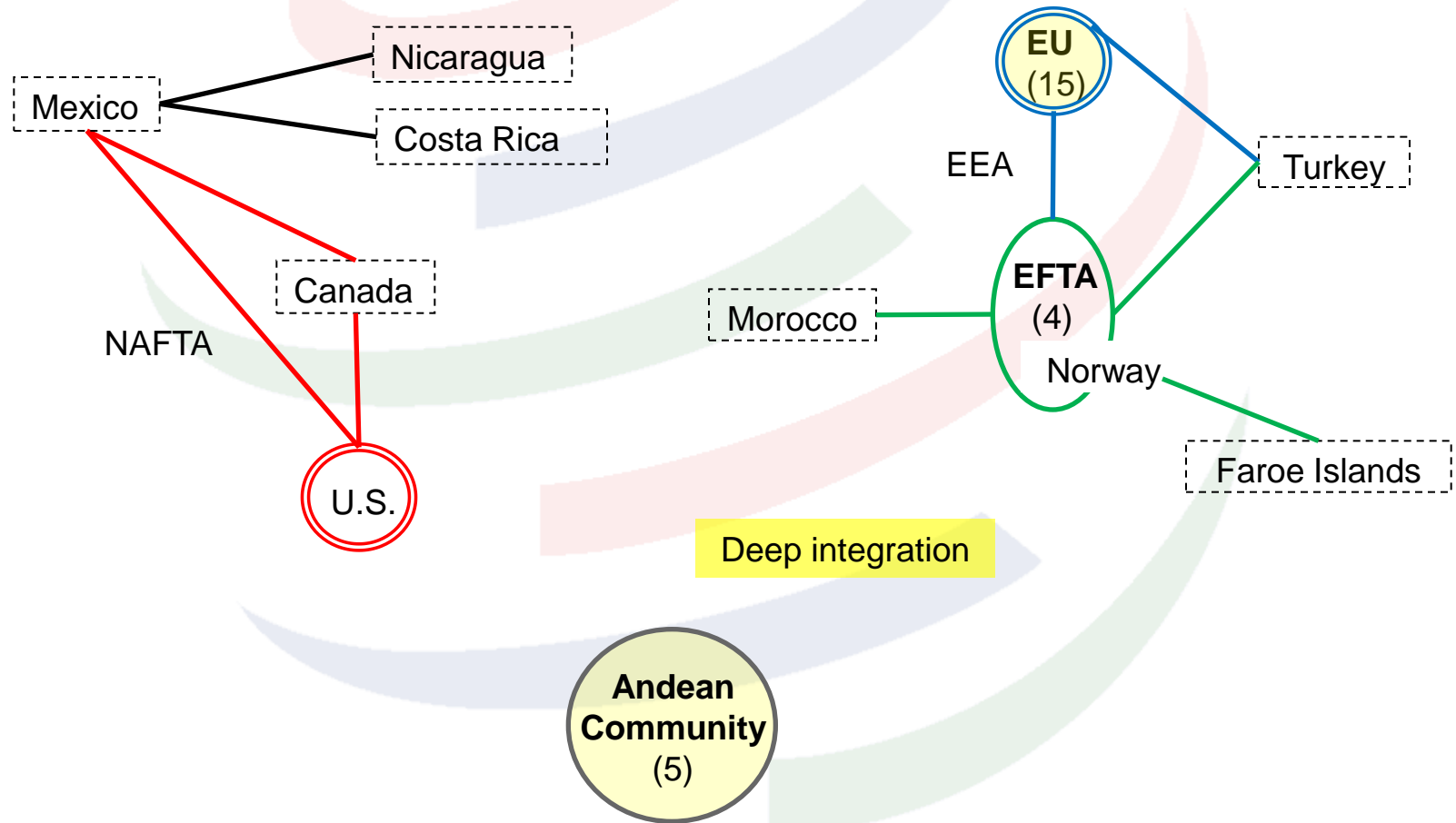
IP content score, 2014

(30 highest overall scores)

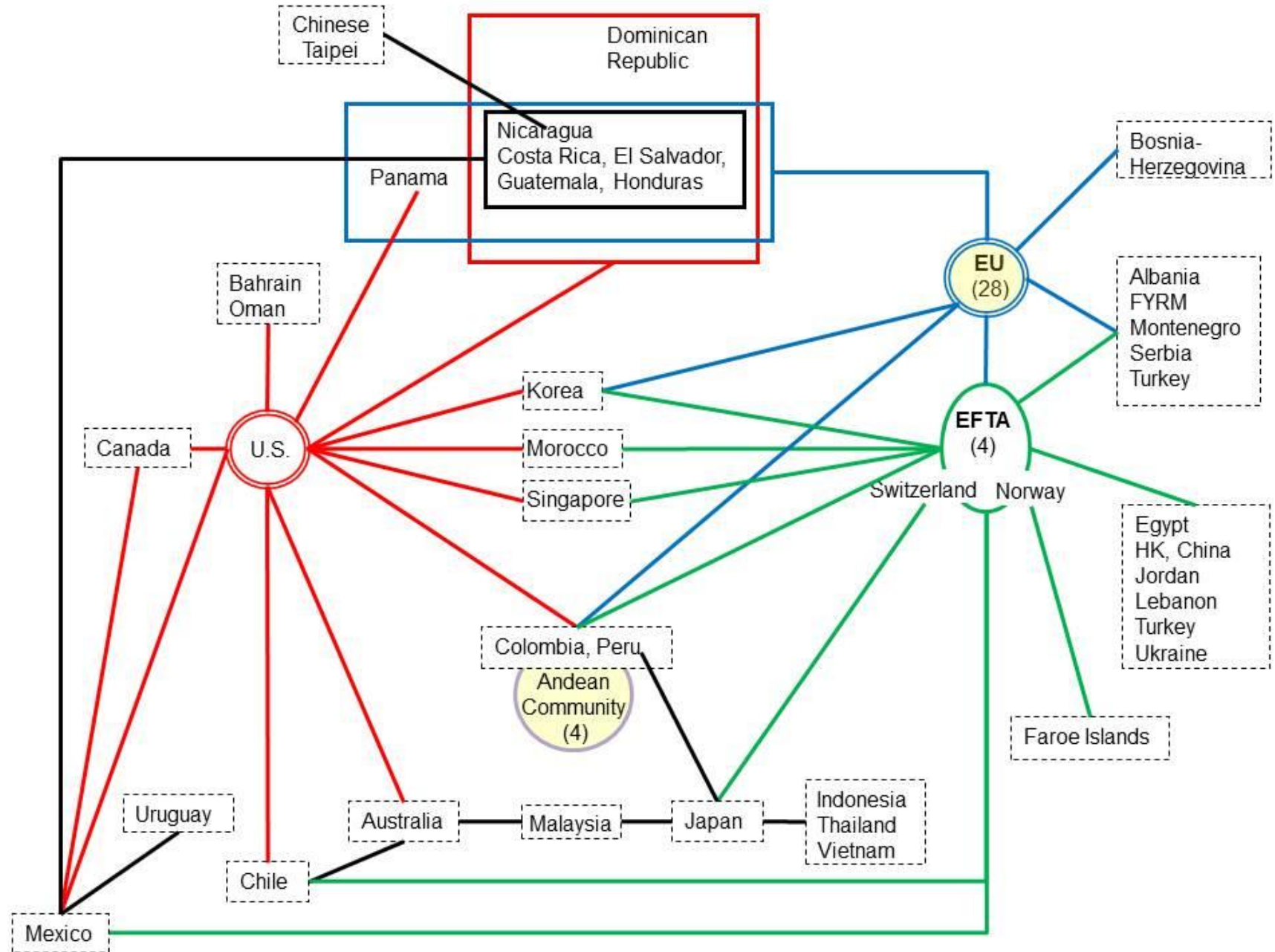
US - Australia	91	US - Morocco	78
US - Colombia	88	US - Panama	78
CAFTA-DR	85	NAFTA	78
EU - Albania	84	US - Oman	75
EU - Bosnia-Herzegovina	84	Faroe Is. - Norway	74
EU - Montenegro	84	EFTA - Chile	72
EU - Serbia	84	EFTA - Tunisia	72
US - Chile	82	EFTA - Lebanon	69
US - Peru	82	Japan - Switzerland	69
US - Singapore	82	US - Bahrain	68
EC Treaty	81	EFTA - Ukraine	66
EU - Croatia	81	EFTA - Albania	66
EU - FYRM	81	EFTA - Colombia	66
EEA	81	EFTA - Croatia	66
Korea - US	78	EFTA - Jordan	66

RTAs architecture, 2000

High level of IP provision



RTAs architecture, 2014



MFN principle

- TRIPS requires that any privilege granted by a Member to the nationals of any country be accorded to the nationals of all WTO Members (Article 4).

TRIPS makes available **no general derogation** from the MFN principle

- Hence, RTAs have a ratchet-like effect that incrementally adds to domestic IP regulations.



Coherence

- Non-discrimination and the hub-and-spoke system transmit IP provisions across RTAs creating new “international IP standards”
 - does this enhance coherence and trade or?
 - does it create regulatory confusion and implementation problems?

