



Standing Committee on
Free Trade Agreements

2017



Date: 14th October 2017

REPORT Standing Committee on

Free Trade Agreements

Chair: Sharon ISRAEL

Responsible Reporter: Yusuke Inui

1) Report on the activities of your Standing Committee during the reporting period

Please provide a general overview of the activities of your Standing Committee over the last 12 months, including at least:

- a) Internal meetings of the Standing Committee during the reporting period (whether by telephone, video conference or in person);

The SC on Free Trade Agreements met in person at the AIPPI Congress in Milan in 2016. Following the Congress, leadership of the Committee had calls and communications, as well as some communications and meetings with the SC on TRIPS regarding collaborative efforts between the two committees. The SC plans to meet at the Sydney Congress and also will be scheduling a call for SC members who are unable to attend.

- b) any external representation on behalf of AIPPI by any member of your Standing Committee;

None directly related to SC activities.

- c) any contribution by your Standing Committee to any external consultations; and

None during the reporting period.

- d) any studies or analyses undertaken or position papers prepared by your Standing Committee, with a brief summary of the outcome(s).

None specifically taken. Given the status of Trans Pacific Partnership Agreement, which included a significant and comprehensive IP Chapter, the SC has been determining the best direction for the SC on Free Trade Agreements that would be most productive for the SC and its members.

2) Key issues/developments during the reporting period

Please include any significant case law, legislative or regulatory developments, or policy initiatives, including their relevance and/or any implications for the work of your Standing Committee or for AIPPI more generally.

The Trans Pacific Partnership Agreement (TPP) was a multi-lateral FTA among Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States and Vietnam, and included a comprehensive intellectual property rights chapter, which would have been the most significant FTA from an IP perspective since TRIPS. Following the election of Donald Trump as

president of the United States, on January 23, 2017, the US withdrew from the TPP. The remaining 11 signatories to the TPP may be renegotiating the TPP as the TPP-11, and the SC Free Trade Agreements will continue to monitor the TPP-11 and other multi-lateral and bilateral FTAs impacting IP rights.

3) Any recommendations for AIPPI involvement/action for the next 12 months

This need not be limited to recommendations for your Standing Committee but can be recommendations for AIPPI more broadly. For example, please include:

In each case, please explain why such involvement/action is recommended, by whom it should be undertaken and any relevant time frames.

- a) any recommendations for involvement/action in relation to any upcoming or foreshadowed case law, legislative or regulatory developments, or policy initiatives;

No specific recommendations for policy initiatives, but the SC will monitor FTAs as they may impact IP rights.

- b) any other recommendations for AIPPI involvement/action;

No specific recommendations, but the SC will monitor FTAs as they may impact IP rights.

- c) any recommendations for the work programme of your Study Committee.

The SC is planning to work with the SC on TRIPS for several projects, including a survey with questions country by country on treaty/agreement identification, the application of those treaties to the IP laws of the country and a possible comparison with TRIPS and the IP Chapter of the TPP. If appropriate, the SC may specifically contact the regional groups as to whether their laws comply with the provisions of the IP Chapter of the Trans Pacific Partnership.

4) Outline of the work programme of your Standing Committee for the next 12 months

Please set out specific activities and priorities having regard to the matters in 1) - 3) above, including any relevant time frames.

The SC is planning to work with the SC on TRIPS for several projects, including a survey with questions country by country on treaty/agreement identification, the application of those treaties to the IP laws of the country and a possible comparison with TRIPS and the IP Chapter of the TPP. In addition, the two SCs are looking into webinars on (1) Hot issues in TRIPS and FTA plain packaging + Public Health and (2) TRIPS provisions + Free Trade Agreements + Courts interpretation.

In addition, the SC on Free Trade Agreements is looking into establishing a bank of FTAs, and will be contacting all NGs to prepare summaries of Free Trade Agreements in place and under negotiation, as well as providing updates on major multi-lateral FTAs being negotiated.

Names and Functions of Committee Members

Chair(s)	Sharon ISRAEL	United States
Co Chair(s)	Yoshio KUMAKURA	Japan
Secretary	Grant FISHER	Australia
Members	Ahmed ABOU ALI	Egypt
	Nitzan ARAD	Israel
	Raffaella ARISTA	Italy
	Tal BAND	Israel
	José COCHINGYAN III	Philippines
	Clare CUNLIFFE	Australia
	Maria del Carmen ARANA	Peru
	Rico V. DOMINGO	Philippines
	Christian DURÁN	Spain
	Ricardo FONSECA DE PINHO	Brasil
	Luca GIOVE	Italy
	Mark GUETLICH	United States
	Samir HAMZA	Egypt
	Christian LEDERER	Germany
	Andrés MELOSSI	Chile
Alfredo RANGEL	Mexico	
Gaston RICHELET	Argentina	
Benny SPIEWAK	Brazil	