



**A I P P I**

**ASSOCIATION INTERNATIONALE  
POUR LA PROTECTION DE LA PROPRIETE INTELLECTUELLE**

**INTERNATIONAL ASSOCIATION  
FOR THE PROTECTION OF INTELLECTUAL PROPERTY**

**INTERNATIONALE VEREINIGUNG  
FÜR DEN SCHUTZ DES GEISTIGEN EIGENTUMS**

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**Report  
Special Committee Q184**

**Free Trade Agreements**

**Conventions libre-échange**

**Freihandelsabkommen**



## Report Q184

### Free Trade Agreements

#### Names and Functions of Committee Members

Chair	Peter Dirk Siemsen	(Brazil)
Co-Chair	Bruce Morgan	(Canada)
Secretary	tbd	
Members	Yoshio Kumakura Andrés Melossi Alfredo Rangel Ahmed Abou Ali/Samir Hamza Christian Durán Christian Lederer Maria Del Carmen Arana Courrejolles Marianne Levin	(Japan) (Chile) (Mexico) (Egypt) (Spain) (Germany) (Peru) (Sweden)
Responsible Reporter	Sarah Matheson	(Australia)

Considering the latest developments which took place worldwide producing bilateral, trilateral and other free trade agreements, we have the following updated issues:

#### **EGYPT (by Samir M. Hamza)**

The situation in Egypt since January 2011 has not been very stable. As a result, all the provisional governments that took over during that period to date were just taking care of running matters. Therefore, there has been no focus on Free Trade Agreements.

Consequently, there is nothing to be added to the 2010 Report.

#### **GERMANY (by Christian Lederer)**

Recent developments are as follows:

1. The Association Agreement between the EU and Bolivia, Ecuador, Peru and Colombia has been signed by Peru and Colombia on 26 June 2012.

2. The further Association Agreement between the EU and the Central American States (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama) has been signed on 29 June 2012.

3. An Association Agreement between the EU and the Ukraine has been parographed on 19 July 2012.

4. As to the negotiations of a FTA with the ASEAN countries (Brunei, Myanmar, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Vietnam) , there have been so far negotiations started with Singapore (since 3 May 2010), Vietnam (since 26 June 2012) and Malaysia (since 5 October 2010).

5. As to the FTA between the EU and Japan (as reported last year), the EU Member States now have to decide whether the EU Commission shall negotiate such FTA with Japan.

### **CHILE (by Andrés Melossi)**

From 2009 onwards, here you have the latest developments in Free Trade Agreements valid in Chile with relevant clauses in IP matters:

- 1) FTA with **Peru**, signed on August 22, 2006 and valid from March 1, 2009.
- 2) FTA with **Australia**, signed on July 30, 2008 and valid from March 6, 2009.
- 3) Commercial Agreement with **Cuba**, valid from 01 December 2009.
- 4) FTA with **Turkey**, signed on July 14, 2009 and valid from March 01, 2011
- 5) FTA with **Malaysia**, signed on April 13, 2010 and valid from April 18, 2012

All those FTA contains general provisions related to a general and mutual respect of the contracting countries to the intellectual property rights. Therefore, these agreements do not provide new or higher standards of protection than those already observed in the FTA with the US and Chile valid from January 1, 2004 reported for past AIPPI Meetings.

### **PERU (by Maria Del Carmen Arana Courrejolles)**

Asian Countries-Peru FTAs including Intellectual Property and are currently in force:

<b>Country</b>	<b>Subscription Date</b>	<b>Ratification Date</b>	<b>Effective Date</b>
China	04/28/09	12/06/09	03/01/2010
Korea	03/21/2011	07/24/2011	08/01/2011
Japan	05/31/2011	07/27/2011	03/01/2012

China:

[http://www.acuerdoscomerciales.gob.pe/images/stories/china/ingles/11\\_Propiedad\\_Intelectual\\_ingles.pdf](http://www.acuerdoscomerciales.gob.pe/images/stories/china/ingles/11_Propiedad_Intelectual_ingles.pdf)

Japan:

[http://www.acuerdoscomerciales.gob.pe/images/stories/japon/ingles/Derechos\\_de\\_propiedad\\_Intelectual.pdf](http://www.acuerdoscomerciales.gob.pe/images/stories/japon/ingles/Derechos_de_propiedad_Intelectual.pdf)

Korea:

[http://www.acuerdoscomerciales.gob.pe/images/stories/corea/Ingles/17\\_KPFTA\\_Intellectual\\_Property\\_Rights.pdf](http://www.acuerdoscomerciales.gob.pe/images/stories/corea/Ingles/17_KPFTA_Intellectual_Property_Rights.pdf)

Peru has signed a Free Trade Agreement with Korea, and it contains a chapter on intellectual property which raises the possibility to have greater protection and enforcement of intellectual property rights, there is recognition of the importance of biodiversity, traditional knowledge and genetic resources, and the protection of geographical indications. In chapter 17, there are 10 items on Intellectual Property and 82 geographical indications in Korea and 4 geographical indications in Peru are recognized in Annexes. The Korea Treaty has entered into force on 08/01/2011.

**CANADA (by Morgan Bruce)**

Canada has been involved in several ongoing Free Trade negotiations, in particular renewed negotiations with Korea. However, none have matured into signed agreements. I note that the Canada –Columbia Free Trade Agreement came into force as of August 11, 2011.

In view of the recent USA/Korean Agreement, and the upcoming Korean elections, Korea has not had the political will to address the remaining issues on the table, which relate to agricultural and automotive products. There are no IP specific sections in the draft text negotiated to date.

**SPAIN (by Christian Durán)**

An overview of ongoing negotiations in the European Union:

<p><b>INDIA</b></p> <p>Current Status</p> <p>Negotiations were launched in June 2007; after 11 full rounds negotiations are now in a phase where negotiators meet in smaller more targeted clusters rather than full rounds, i.e. expert level intersessionals, chief negotiator meetings and meetings at Director General level. Following the EU-India Summit on 10 February in Delhi negotiations are currently in an intense phase focusing on the hard core issues but work remains to be done. Important issues include market access for goods (improve coverage of both sides' offers), the overall ambition of the services package and achieving a meaningful chapter on government procurement. A ministerial level meeting took place on 26 June 2012 where both sides agreed on an intense workplan between now and the end of the year</p>	<p>Next Steps</p> <p>Both sides are aiming to find solutions which are mutually acceptable, so as to achieve an ambitious outcome which would give an important boost to trade between the EU and India. A number of technical meetings and senior level contacts are therefore foreseen for July, September and October followed possibly by another ministerial meeting before the end of 2012.</p>
<p><b>SINGAPORE</b></p> <p>Current Status</p>	<p>Next Steps</p>

<p>In December 2009, EU Member States agreed that the Commission should start bilateral FTA negotiations with Singapore. Negotiations were launched in March 2010 and the tenth negotiating round has taken place in the week of 19 March 2012.</p>	<p>EU Trade Commissioner De Gucht and Singapore's Minister of Trade and Industry, Lim, met on 1 April 2012 in Phnom Penh (in the margins of EU-ASEAN meetings) to review the state of play in FTA negotiations. Intensive work is continuing in various formats. A further ministerial meeting is scheduled for 18 July to review progress on the key outstanding issues, such as market access in services and government procurement, non-tariff barriers, geographical indications, tariffs and rules of origin.</p>
<p><b>MALAYSIA</b></p> <p>Current Status</p> <p>On 10 September 2010, EU Member States agreed that the Commission could start FTA negotiations with Malaysia. The negotiations were officially launched in Brussels on 5 October 2010. A consultation of stakeholders is completed. The seventh round of FTA negotiations took place in Brussels in April 2012.</p>	<p>Next Steps</p> <p>Technical Working Groups in a number of negotiating areas will meet in Kuala Lumpur September 2012.</p>
<p><b>CENTRAL AMERICA</b></p> <p>Current Status</p> <p>The negotiations with Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama) for an Association Agreement including an FTA pillar were concluded in May 2010.</p>	<p>Next Steps</p> <p>- The Commission proposals for decisions on signing and conclusion of the Trade Agreement with Colombia and Peru have been adopted and transmitted to the Council of the EU. Adoption by the Council is expected beginning of June and the Agreement will then be formally transmitted to the European Parliament.</p>
<p><b>MERCOSUR</b></p> <p>Current Status</p> <p>Negotiations with Mercosur were officially relaunched at the EU-Mercosur summit in Madrid on 17 May 2010. The objective is to negotiate a comprehensive FTA, covering not only trade in industrial and agricultural goods but also services, improvement of rules on government procurement, intellectual property, customs and trade facilitation, technical</p>	<p>Next Steps</p> <p>The next round is foreseen to take place in Brasilia in October 2012 (TBC). No date has been set yet for the exchange of market access offers.</p>

barriers to trade. Eight negotiation rounds (the last one from 12 to 16 March) have taken place since then. Until now, rounds have focused on the part of the agreement related to rules and the two regions are still working on the preparation of their market access offers.