



INTELLECTUAL PROPERTY RIGHTS

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Scope of presentation

- WTO legal basis
- Where does the EAC stand?
- Is Cariforum a model?
- Next steps for EABC

WTO legal basis

- Agreement on Trade-Related Intellectual Property Rights (TRIPS) was negotiated as part of the Uruguay Round
- TRIPS Agreement lays down minimum standards for protection of IPRs and for their enforcement
- Also lays down mechanisms for consultations and surveillance

WTO legal basis (2)

- TRIPS covers the following rights:
 - Patents
 - Copyright and related rights
 - Trademarks
 - Industrial designs
 - Layout designs of integrated circuits
 - Undisclosed information
 - Geographical indications

Implications of TRIPS for international trade

- Industrial production is increasingly R&D-intensive
- Many more products are manufactured under joint ventures in third countries
- Imitations are becoming cheaper to produce and counterfeit goods threaten consumers

Where does the EAC stand in EPA negotiations?

- EAC strategy is to confine scope of negotiations to current TRIPS, aiming to obtain TA to become TRIPS-compliant
- EAC member s already have difficulty in implementing TRIPS – EC TRIPS+ would be a burden
- EC has offered text for EPA but this contains texts from other existing (problem) international agreements
- ***For discussion: What are problems? Why did member states sign international agreements before engaging on EPA negotiations?***

EABC position

Should an EPA contain some or all of the following elements?

- Promotion of innovation and creativity
- Provisions for EC to provide TA and R&D
- Flexibility (e.g. allow small derogations)
- Limitations on copyright (to protect local industry)
- Access to knowledge
- Long transition period
- Mandatory disclosure
- Avoidance of complex new standards

For discussion

Is Cariforum a model?

- Chapter 2 of EPA has 10 pages (“Innovation and Intellectual Property”)
- **General objectives:**
 - Promote innovation
 - Foster competitiveness of SMEs
 - Facilitate commercialisation of innovative products
 - Achieve adequate level of protection of IPRs

Is Cariforum a model? (2)

- EPA recognises contribution of IPRs to regional integration
- Recognises need for cooperation in promotion of innovation, R&D, etc.
- Parties undertake to implement international and TRIPs obligations by end of 2012 – but can be postponed

What does Cariforum EPA cover?

- Copyrights: agreement to support their protection
- Trade marks: provide registration system including use on Internet
- Geographical indications: establish system of protection
- Industrial designs: better protection
- Patents: agreement to comply with existing agreements
- Others: plant varieties; genetic resources; traditional knowledge
- Establishment of enforcement measures
- Agreement on cooperation
- ***For discussion: Are these measures also seen by EABC as priorities for negotiation or inclusion in EPA? Have they been included in EABC negotiating position papers?***