



European Communities Trade Mark Association

Brussels, 18 April 2013

EU- US Transatlantic Trade and Investment Partnership - Report on the IPR Meeting, 17 April 2013, Brussels

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On 13 February 2013 EU and US have agreed to initiate the internal procedures necessary to launch negotiations on a Transatlantic Trade and Investment Partnership (TTIP) – following a recommendation by the High Level Working Group on Growth and Jobs. On the American side, the decision was notified to the American Congress. On the European side the Commission notified sort of mandate (recommendations regarding the negotiations) to the European Council, which are intensively discussed with the Member states. The adoption of this text is scheduled for 14 June 2013. The negotiations then will start in the beginning of July and they may last between 15 months and 2 years. The Commission expects it will last 2 years. For those purposes, the Commission organized the IPR meeting gathering together the stakeholders.

- **IPR Chapter:**

Both sides have a high and well developed level of protection of IPRs. Therefore, the harmonization is not searched. The purpose of the negotiations is to find common solutions for a certain number of specific areas. So far the Commission does not have any defined closed list. An important issue is the willingness to avoid the confusion of the TTIP with ACTA. The Commission does not want any golden standards, the content of the negotiations will be the issues directly related to stakeholders' interests. Especially Geographical Indications are an important issue. The Commission welcomes all concrete input from the stakeholders.

1. **Copyright:**

The European stakeholders pointed out that many problems occur with the American Law. Some time ago there was a WTO ruling obliging US to modify the law, but nothing was done. The proposal would be to include in the negotiations the application of International standards. In general, other stakeholders pointed out that there is a strong need to see a real commitment from the US to respect international rules. In the meantime, it is important to mention that over 50 NGOs submitted a petition to keep the IPR chapter out of the negotiations.



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2. Trade Marks:

It was pointed out that some further efforts should be made in putting closer the classification of goods.

3. Patents:

It was pointed out that the negotiations should also focus on the patent litigation system and patent applications (discovery, grace period). Also the participation of EPO and OHIM was mentioned. The Commission confirmed that DG Markt and DG Agri are so far involved in the negotiations. There is no obstacle for the EPO to join. BusinessEurope also expressed some doubts whether the IPR Chapter in the negotiations is a good framework to solve the current issues.

4. Designs

There were no comments from the stakeholders in this regards. The Commission would appreciate to get comments regarding the spare parts.

5. Geographical Indications

That is the most important part of the negotiations. DG Agri is involved and will supervise the negotiations very closely.

6. Trade Secrets

It will also be the part of the discussions. As we have heard during the meeting with DG Markt on 7 March, the Commission is currently working on this, and the legislative proposal on trade secrets is expected in July 2013.

7. Enforcement of IPRs

Here, especially the cooperation with third countries was pointed out. DG Taxud is involved and would like to know what specific points could be included on the agenda, further what kind of cooperation would be considered as added value (exchange of information between EU-US customs authorities for instance). It was pointed out that regarding goods in transit, there should be as much as possible of exchange of information in this respect. Further, regarding Trade Mark Infringements online, an exchange of experience would be appreciated, as a higher level of protection for brand owners in digital environment would be appreciated. The Commission confirmed that there will be no criminal enforcement provisions on the table. It was also pointed out that a common approach regarding the compulsory licensing would be appreciated.