



## Intellectual property rights (IPR) and geographical indications (GIs) in TTIP

Helping to bring more innovative products and services, more quickly, to EU and US consumers

In this chapter we want to:

- agree joint principles and find ways to work more closely together
- encourage investment in innovation and research
- help generate growth and jobs and benefit businesses and consumers.

### Reasons for negotiating IPR and GIs

Innovation and creativity drive economic growth in both the EU and the US. They also help give consumers more choice and create jobs.

Intellectual property rights (IPR) reward individuals and firms who innovate or put their creativity to work.

IPR includes:

- patents, trademarks and designs
- copyright
- geographical indications (GIs).

They allow firms or individuals who invent, improve, brand or create new products or services, to:

- stop their unauthorised use
- make money from their effort and investment

A recent study estimated IPR-intensive firms account for:

- nearly 40% of the EU economy, worth some €4.7 trillion each year
- 35% of the EU's workforce.

The EU has developed modern, integrated rules to protect IPR. These help generate growth and jobs.

They also ensure the right balance between the interests of:

- those who hold the rights to intellectual property and
- those who use that property.

The US also has sophisticated rules for IPR.

Their policies are based on broadly similar principles to our own, so the rules for protecting IPR across the Atlantic are predictable.

And the EU and US already export and import to and from each other a lot of goods and services which depend heavily on intellectual property.

But there's room for improvement. In TTIP we want to:

- raise awareness of the role of IPR in encouraging innovation and creativity
- protect the people and firms that come up with new ideas and use them to make high quality products by enforcing IPR rules in a balanced way
- encourage investment in research and development that produces new ideas, and branding of products and services.

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## EU goals

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In this part of the agreement, we want to agree with the US on:

- a list of international IPR agreements which the EU and US have signed .....
- shared principles that:
  - are based on existing rules and practice in the EU and US
  - stress the importance of IPR in generating innovation, growth and jobs
- binding commitments on certain important issues, like:
  - geographical indications (GIs)
  - aspects of copyright that the EU already protects, such as:
    - resale rights for visual artists
    - public performance and broadcasting rights.
- getting governments and stakeholders to work together on areas where they share interests.

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## Sensitive or controversial issues

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In this area, some issues are sensitive or controversial.

Here's a summary of the main ones, and what we're doing to address each.

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Sensitivity/concern	EU response
<b>1. ACTA</b>	
TTIP may try to introduce certain rules through the back-door, which the EU first tried to adopt in a planned Anti-Counterfeiting Trade Agreement, or ACTA, which the European Parliament rejected.	The EU and US have detailed enforcement provisions already, whereas some other countries that planned to join ACTA didn't. So we won't negotiate rules on things like: <ul style="list-style-type: none"><li>• penal enforcement</li><li>• internet service provider liability.</li></ul>
<b>2. Higher prices</b>	
IPR related rules in TTIP may increase prices for new pharmaceutical products	The current balance between innovation and keeping medicines affordable is essential for European public health services. We will not change this through changes to IPR rules.
<b>3. Geographical indications (GIs)</b>	
Many food and drink products from the EU are produced, processed or prepared in specific regions.	We want the US to improve its system in several important ways.  These include:
They have 'names of origin', linked to where they're from.  Examples include: <ul style="list-style-type: none"><li>• Tiroler Speck, a kind of ham from Austria</li></ul>	<ul style="list-style-type: none"><li>• protecting an agreed list of EU GIs, with rules to stop other producers misusing them</li><li>• enforcing those rules effectively.</li></ul>

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- Grappa, a spirit from Italy
  - Beaufort, a cheese from France.

At the moment, the EU and the US protect names of origin differently:

- EU law protects them as 'geographical indications', or GIs
- US law allows producers to protect these names as trademarks, but many EU names aren't protected.

The current US system, and the way it's enforced, means products are often sold in the US which:

- use names of origin from a particular region in the EU, but
- weren't actually produced there.

This misleads consumers in the US. And it means EU producers lose out.

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