Welcome to the IP table:
Behind the scenes on the trade negotiation process

FICPI World Congress
Trade related aspects of IP
June 7, 2018
Trade in the headlines

NAFTA talks: Trump administration announces Aug. 16 start date in D.C.
1st round of negotiations will be followed by additional talks in Mexico, Canada
Janyce McGregor · CBC News · Posted: Jul 19, 2017 12:15 PM ET | Last Updated: July 19, 2017

NAFTA partners close to agreement in principle with a heavy focus on auto sector
Source says agreement could be negotiated in a matter of weeks
Katie Simpson, John Paul Tasker · CBC News · Posted: Apr 06, 2018 1:43 PM ET | Last Updated: April 6
Who we are and what we do

TMI is responsible for:

- Negotiating Canada’s international IP-related agreements;
- Managing trade-related aspects of Canada’s IP regime;
- Promoting Canadian IP interests with Canada’s trading partners abroad
Who we are and what we do

- Canadian stakeholders
- Trade Commissioner Service
- GoC Departments and Agencies
- TMI
Trade negotiations – the big picture

Canadian Merchandise Exports, 2016

Covered by Existing Free Trade Agreements 79.8%

- CETA 7.7%
- TPP* 3.0%
- Other TPP* 0.9%
- UK 3.3%
- Other EU 4.4%
- Japan 2.1%
- Other 0.9%
- Rest of World 3.1%
- Mercosur* 0.5%
- Africa, 61 countries 0.7%
- Concluded Negotiations

Data: Statistics Canada
Source: Office of the Chief Economist, Global Affairs Canada
Trade negotiations – the big picture
Trade negotiations – the big picture

- TRIPS Council;
- Working Group on Trade and Transfer of Technology;
- Ministerial Conferences

- WIPO General Assembly
- Program and Budget Committee (PBC)
- Standing Committee on the Law of Trademarks, Industrial Designs and GIs (SCT);
- Standing Committee on Copyright and Related Rights (SCCR);
- Standing Committee on the Law of Patents (SCP);
- Committee on Development and IP (CDIP)
- Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge and Folklore (IGC)
Consulting Canadians  
Informing the big picture

Outreach mechanisms

• Online questionnaires;
• Canada Gazette;
• Meetings, roundtables, etc.

NAFTA consultations  
As of December 2017, more than...

23,000 online submissions
21,000 Canada Gazette submissions
975 stakeholder meetings and roundtables
Consulting Canadians
Informing the big picture

Consulting on IP

• IP questionnaire;
• Consultation mailbox;
• IP roundtables;
• Stakeholder meetings;
• Post-round teleconference updates.
Developing Canada’s negotiating position on IP

- Partner country analysis
  - (domestic IP framework; international obligations; stakeholder priorities)
- Canadian stakeholder interests
  - (IP-related barriers, market access interests, commercialization strategies)
- Domestic IP priorities
  - (Canadian legislative developments, policy priorities, initiatives, strategies)
- Horizontal linkages
  - (broader negotiating position, links to other chapters, agreements, obligations, etc.)
A seat at the (IP) table
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>2007</td>
<td>Canadian and EU leaders agree to conduct a joint study</td>
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<td>2008</td>
<td>Canada and EU issue joint study; <em>Canada Gazette</em> notice published</td>
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<td>2009</td>
<td>Joint study finalized; launch of negotiations announced; first round held in Ottawa</td>
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<tr>
<td>2010</td>
<td>Canadian and EU trade ministers meet to take stock of progress</td>
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<tr>
<td>2011</td>
<td>Nine formal rounds of negotiations completed</td>
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<td>2012</td>
<td>Canadian and EU trade and agriculture ministers meet to take stock of progress</td>
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<tr>
<td>2013</td>
<td>Canadian and EU trade and agriculture ministers meet to narrow outstanding issues; Canada and EU announce <em>agreement in principle</em></td>
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<td>2014</td>
<td>Canada and EU announce completed text, marking completion of negotiations; completed text published</td>
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<td>2016</td>
<td>Canada and EU announce completion of legal review; EC refers CETA to Council of the EU with proposal for approval and signature; Canada and EU sign CETA during EU-Canada Summit</td>
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<td>2017</td>
<td>European Parliament approves CETA; Canadian bill to implement CETA is granted Royal Assent; <em>provisional application</em> of CETA on September 21, 2017</td>
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Canada-EU CETA – IP outcome

• **Comprehensive IP chapter:**
  • Specific commitments on copyright and related rights, trademarks, industrial designs, geographical indications (GIs), patents and pharmaceuticals, IP rights enforcement measures (civil, criminal and border enforcement), and cooperation on IP.

• **Geographical indications (GIs)**
  • Recognition of 172 EU GI for agricultural and food products, including certain meats and cheeses;
  • Grandfathering provisions to limit impact on Canadian and other established companies in Canadian marketplace (ex. terms such as asiago, feta, fontina, gogonzola, munster will continue to be used in Canada in accordance with these provisions).

• **Pharmaceuticals**
  • Equivalent and effective right of appeal under patent linkage;
  • Additional period of protection for certain patented pharmaceutical products (new legal right known as a Certificate of Supplementary Protection or CSP).
Keeping us informed
(at all stages of the negotiation process)

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