



# 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**

#### CBC MENU -

news	Top Stories	Local	The National	Opinion	World
					Politics

### 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



#### CBC MENU -

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news	Top Stories	Local	The National	Opinion	World	
					Politics	
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### NAFTA partners close to agreement-in-principle with a heavy focus on auto sector

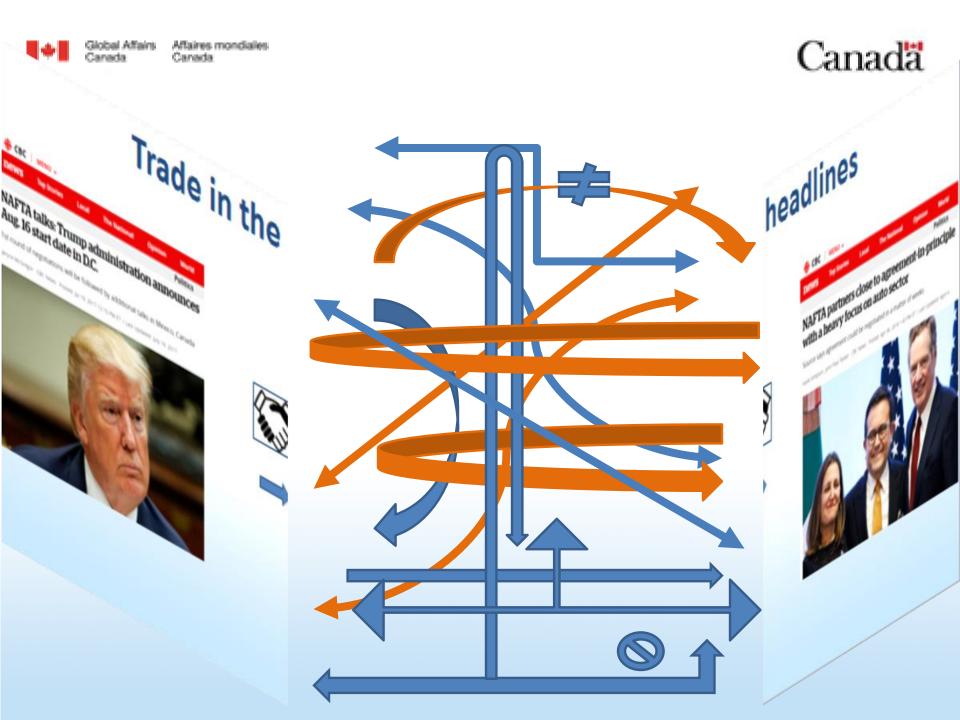
Source says agreement could be negotiated in a matter of weeks

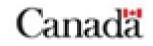
Katie Simpson, John Paul Tasker · CBC News · Posted: Apr 06, 2018 1:43 PM ET | Last Updated: April 6











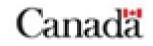
## Who we are and what we do



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## 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



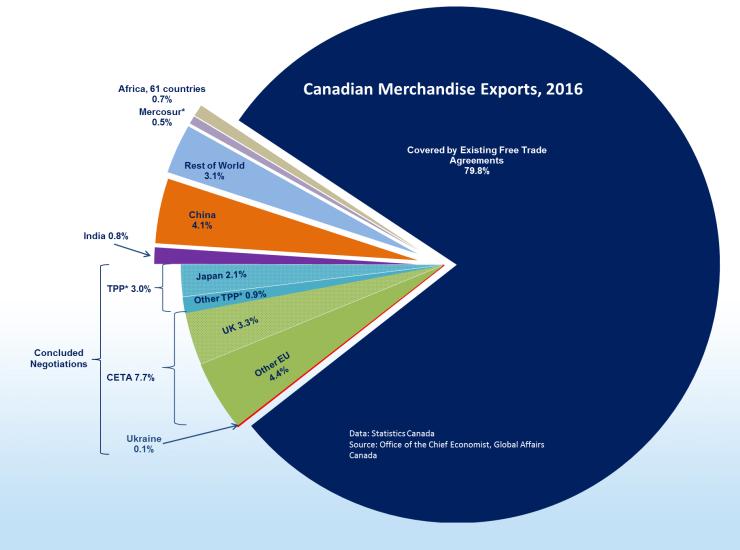


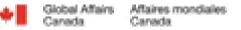






# **Trade negotiations – the big picture**







# **Trade negotiations – the big picture**



COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT



#### Canada MERCOSUR

**Country Facts** 

#### **BILATERAL TRADE IN 2017**

\$95.9 million to Uruguay

Canadian exports

### \$78 million

Canadian imports from Uruguay

#### **BILATERAL INVESTMENT IN 2016**

\$11 million Foreign direct investment in Canada

\$693 million Canadian direct investment in Uruguay

URUGUAY

GDP (2016) of \$69.4 billion Population of 3.48 million



#### NORTH AMERICAN FREE TRADE AGREEMENT

#### COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP (CPTPP)



@CanadaTrade

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Canada

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# **Trade negotiations – the big picture**

Canada

WORLD TRADE

Affaires mondiales

- 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.

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To Consultations (TMI)							
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#### Questionnaire: Intellectual property in Canada's free trade agenda

The Government of Canada is committed to creating the most favourable conditions for Canadian businesses to compete internationally and is working to negotiate free trade agreements with our trading partners to create new opportunities for Canadians and Canadian businesses, as well as to create jobs for the middle class and those working hard to join it.

The Government of Canada recently held consultations in respect of possible free trade agreements with <u>China and MERCOSUR</u> (Argentina, Brazil, Paraguay, Urguay), and recently launched consultations with Canadians on the renegotiation of the <u>North</u> <u>American Free Trade Agreement (NAFTA)</u> with the United States and Mexico.

On May 18, 2017, the United States Trade Representative notified Congress of the U.S. Administration's intern to initiate negotiations with Canada and Mexico regarding the modernization of NAFTA. Among the areas identified for NAFTA modernizations, the notification specifically makes reference to "new provisions to address intellectual property rights". While formal negotiations have not been launched, existing chapters of the current NAFTA, including <u>NAFTA Chapter Seventeen</u>; <u>intellectual Property</u>, could be examined as part of a modernization discussion.

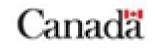
The Government of Canada is interested in consulting Canadians on their experiences regarding **intellectual property** (IP) protection and enforcement in respect of Canada's existing and future trading partners, including China, MERCOSUR, Mexico, and the United States. Attached are questions for you, your company, organisation, institution, and/or interest group regarding IP.

Given the respect that we have for your time, and as an alternative to filling out this questionnaire, we would be pleased to make arrangements to hear your views on IP, as well as any responses you may have to the attached questions. If desired, we would encourage you to contact the **Intellectual Property Trade Policy** division at Global Affairs Canada at <u>Consultations-</u> <u>TMI@international.gc.ca</u> to arrange a meeting at your convenience.

On behalf of the Intellectual Property Trade Policy Division,

#### 🖗 CANADA 150

Loris Mirella Director | Directeur Intellectual Property Trade Policy Division (TMI) | Direction de la politique commercial sur la propriété intellectuelle (TMI) 111 promenade Sussex Drive Ottawa, Ontario, Canada, Alfaires mondiales Canada Government of Canada | Gouvernement du Canada





## **Developing Canada's negotiating position on IP**







### A seat at the (IP) table





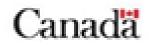




## **Negotiating the Canada-EU CETA**







## 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)



#### TMI-Consultations@international.gc.ca