

Intellectual Property as a Trade Policy Tool

E-Leaders

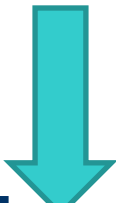
Milano, 3 – 5 June, 2014

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Trade Policy

Reflects economic (and other) interests of a government with two main goals:

- to protect domestic market
 - to promote expansion of its subjects on foreign markets
- 
- autonomous decisions, autonomous instruments
 - implementation of contractual outcomes and international systems (prevailing)

Trade Related Aspects of Intellectual Property

- **Payment for use of IP right (compensation of investment)**
- **Competition aspects**
- **Marketing aspects**
- **Possibility to prevent unauthorized use of outcomes of creative activities**
- **Financing (SMEs, start-ups, spin-offs)**
- **Guarantee for consumers (quality, safety)**
- **Autonomous and contractual tool of a governmental trade policy**

International Systems on Intellectual Property Rights (IPRs)

Legal impacts:

- Protection of IPRs
- Enforcement of IPRs

- Recommendations
- Best practices
- Analyses
- Information

Related aspects with a potential to influence protection and enforcement of IPRs

International Systems on IPRs: legal basis

International Agreements and Registration:

- Multilateral (WTO, WIPO)
- Plurilateral (ACTA: an attempt only)
- Bilateral (as a part of preferential trade and investment agreements or specific agreements – *e.g.* on geographical indications)

Intellectual Property Rights within International Organizations

WHO

OECD

UNECE

FAO

TRIPS/WTO

WIPO

WCO

UNCTAD

ICC

EU Trade Policy: legal basis for IPRs

- **Lisabon agreement, Art. 207:**
 - **Common principles of the EU Trade policy (also) for trade related aspects of intellectual property, including agreements on these aspects**
 - **Exclusive external and internal competences**

IPR as a TP tool in the EU

- **Protection of the EU market:**
 - Adequate protection of authorized owners under MFN clause
 - Protection from unfair competition and effective enforcement of IPRs
- **Expansion support**
 - International negotiations, agreements
 - Trade disputes
 - Barriers elimination
 - Effective enforcement abroad

Strategic EU documents:

- Europe 2020 Strategy
- Trade, Growth and World Affairs
- Global Europe
- Digital Agenda
- Single Market Act I, II
- Single Market for Intellectual Property Rights
- Trade, Growth and Development
- European Anti-Counterfeiting and Antipiracy plan
- Strategy for the Enforcement of Intellectual Property Rights in Third Countries
- Industrial property rights strategy for Europe
- Lisbon strategy for growth and jobs

IPRs in the EU activity fields (European Commission Directorates-General)

- **Common Trade Policy (TRADE)**
- **Agriculture Policy (AGRI)**
- **Internal Market (MARKT)**
- **Reserch and Development (RTD)**
- **Industry and enterprises (ENTR)**
- **Development and cooperation (DEVCO)**
- **Tax and customs union (TAXUD)**

EU Communitary protection for IPRs

- **Community Trade Mark**
- **Community registred design**
- **European patent with unitary effect**
- **Plant variaties**
- **Geographical indications**

Protection of EU IPRs in third countries

- **Preferential Trade Agreements**
 - no exception from MFN clause
 - protection (GIs, SPC, undisclosed information)
 - Enforcement (administrative and criminal procedures)
- **Implementation of international agreements**
 - capacity building
- **Monitoring**
- **Multilateral trade agreements and negotiations**
- **Trade Disputes**
- **International Organizations**

Effective enforcement of EU IPRs

- At the EU market:
 - Border measures
 - Internal market measures
- In third countries:
 - Information and Market Access Databasis
 - IPR dialog (priority countries)
 - Projects with like-minded countries
 - International agreements on IPRs enforcement



Thank you for your attention

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