

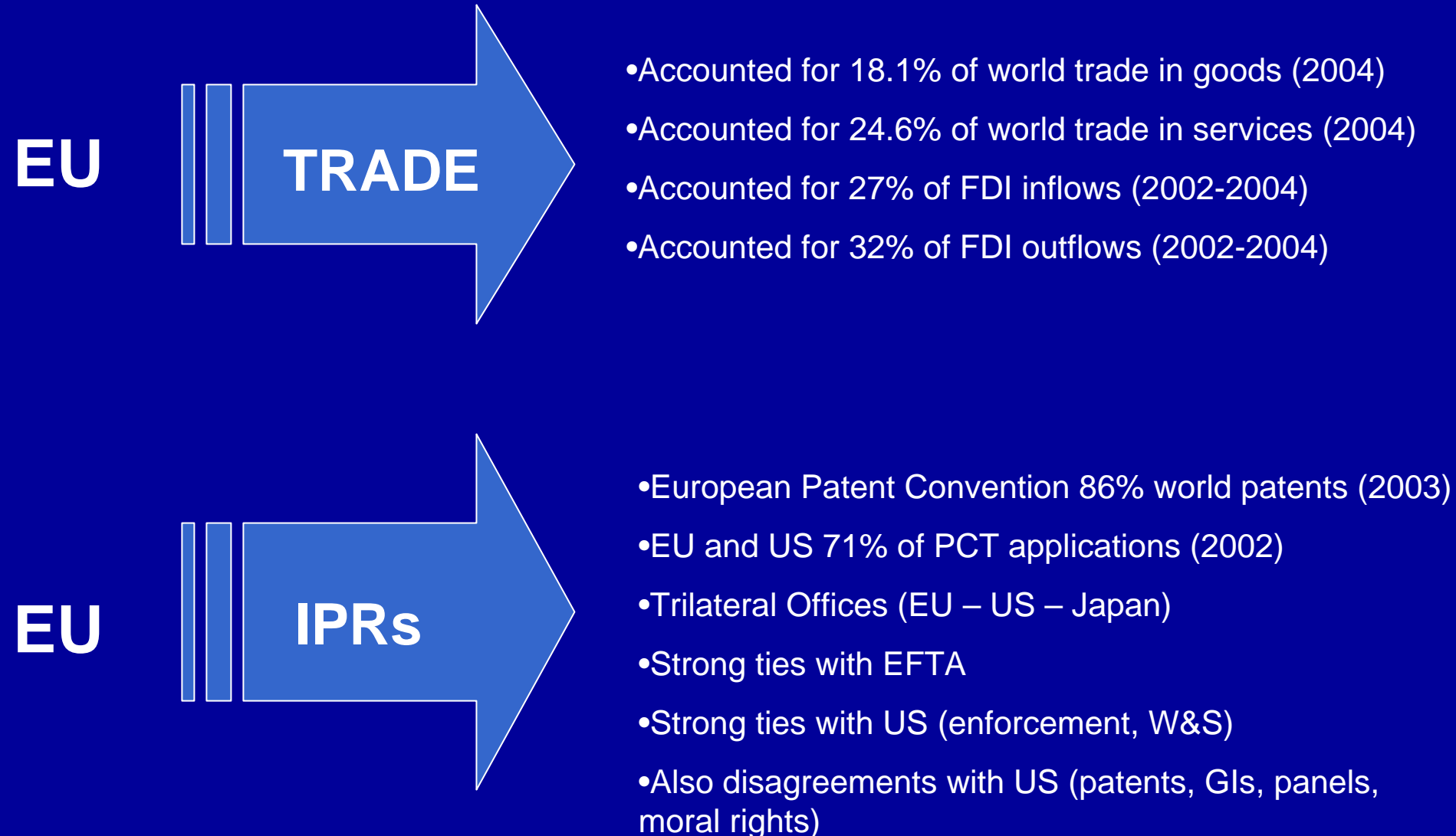
# Intellectual Property Issues in Economic Partnership Agreements (EPAs)

**Maximiliano Santa Cruz S.**

TRALAC annual Conference – Negotiating EPAs for  
Development

Cape Town, South Africa 5-6 October 2006

# EU in the World



# EU Bilateral Trade Agreements (BTAs)

US  
3-4 BTAs



2003



EU  
BTAs with  
countries in  
Africa, Asia,  
Latin America,  
Europe

US  
Conclude 10  
BTAs. In  
process of  
negotiating  
other 8



2006



EU  
Apparently  
very few  
agreements.  
NOT SO

# EU Trade Negotiations



# EU IPRs Chapters

- Broad definition of IPRs
- Declaration of intent – confirmation of the importance of IPRs
- Desired level of protection: (highest - prevailing) international standards or level of protection similar to that existing in the EU
- Accession to multilateral treaties
- evolutionary clause for incorporation of new treaties
- Referral of problems in the area of IPRs to committees
- MFN treatment
  
- Agreements on Wines and Spirits

# Multilateral Treaties

## Substantive rights Treaties

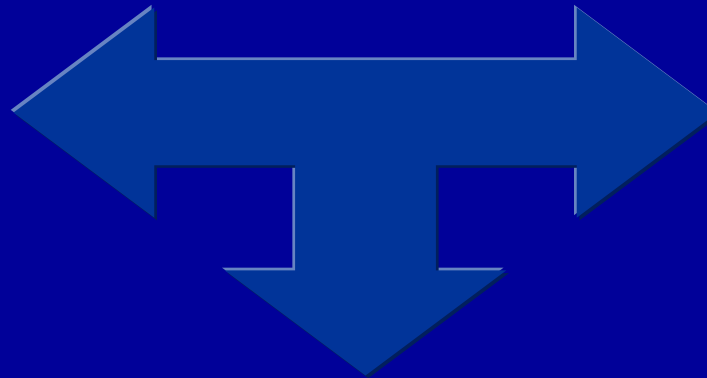
WIPO Internet Treaties,  
UPOV, Paris, Berne,  
Rome

## Classification Treaties

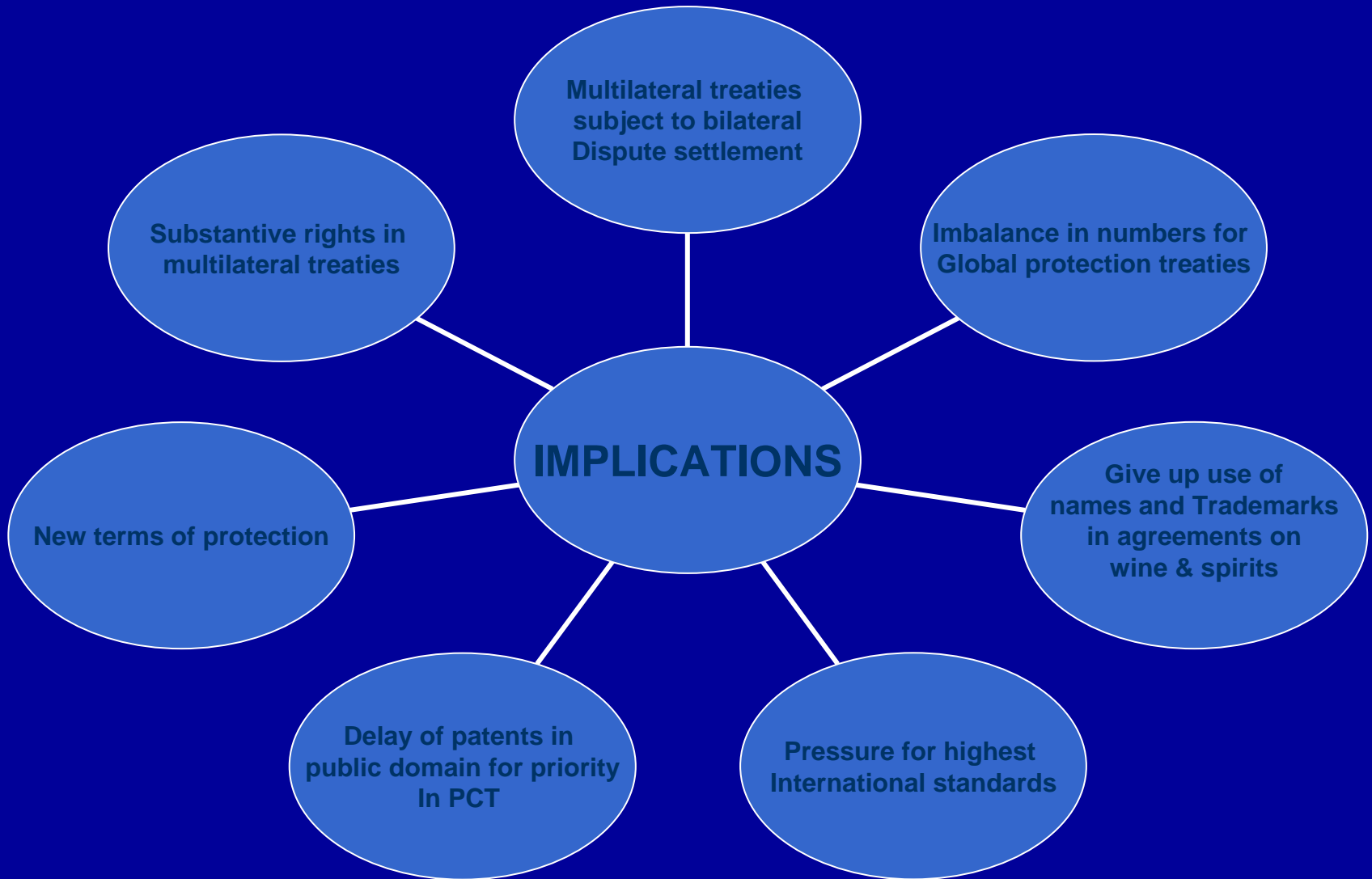
Nice, Strasbourg,  
Vienna, Locarno

## Global Protection Treaties

PCT, Madrid,  
Budapest

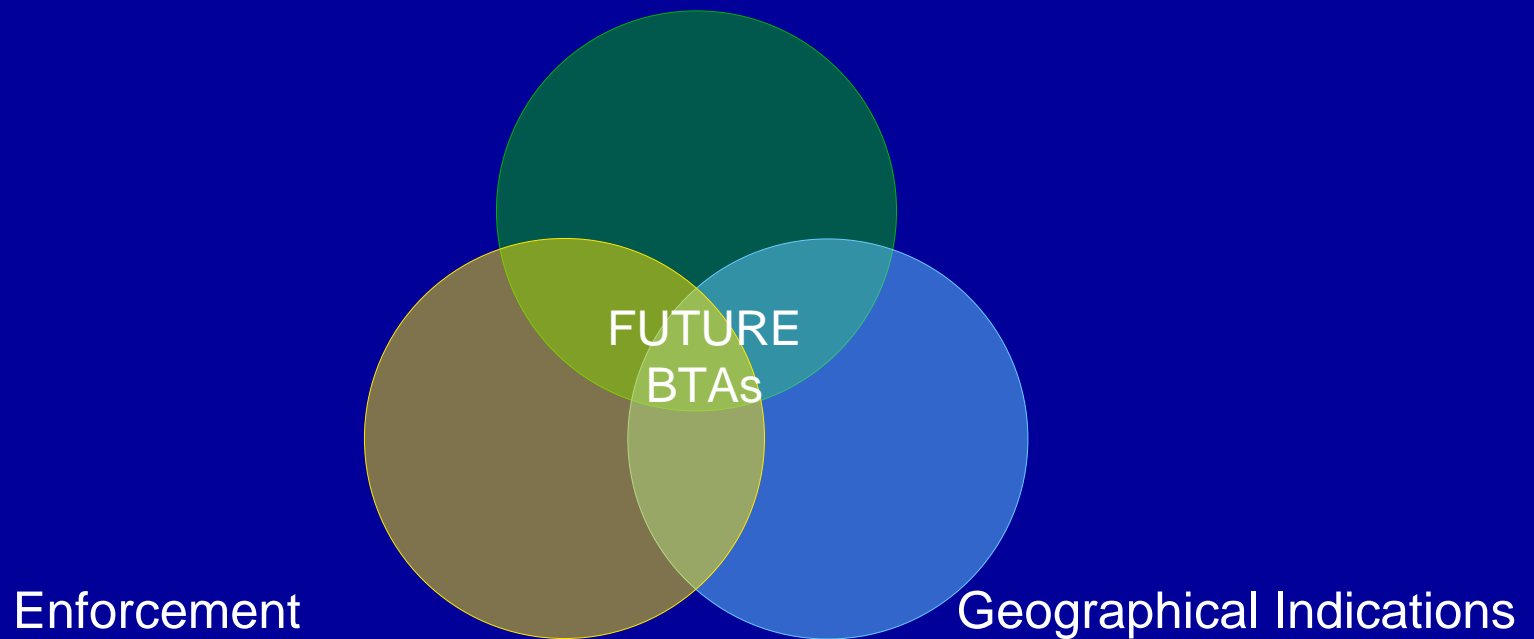


# Implications of current BTAs



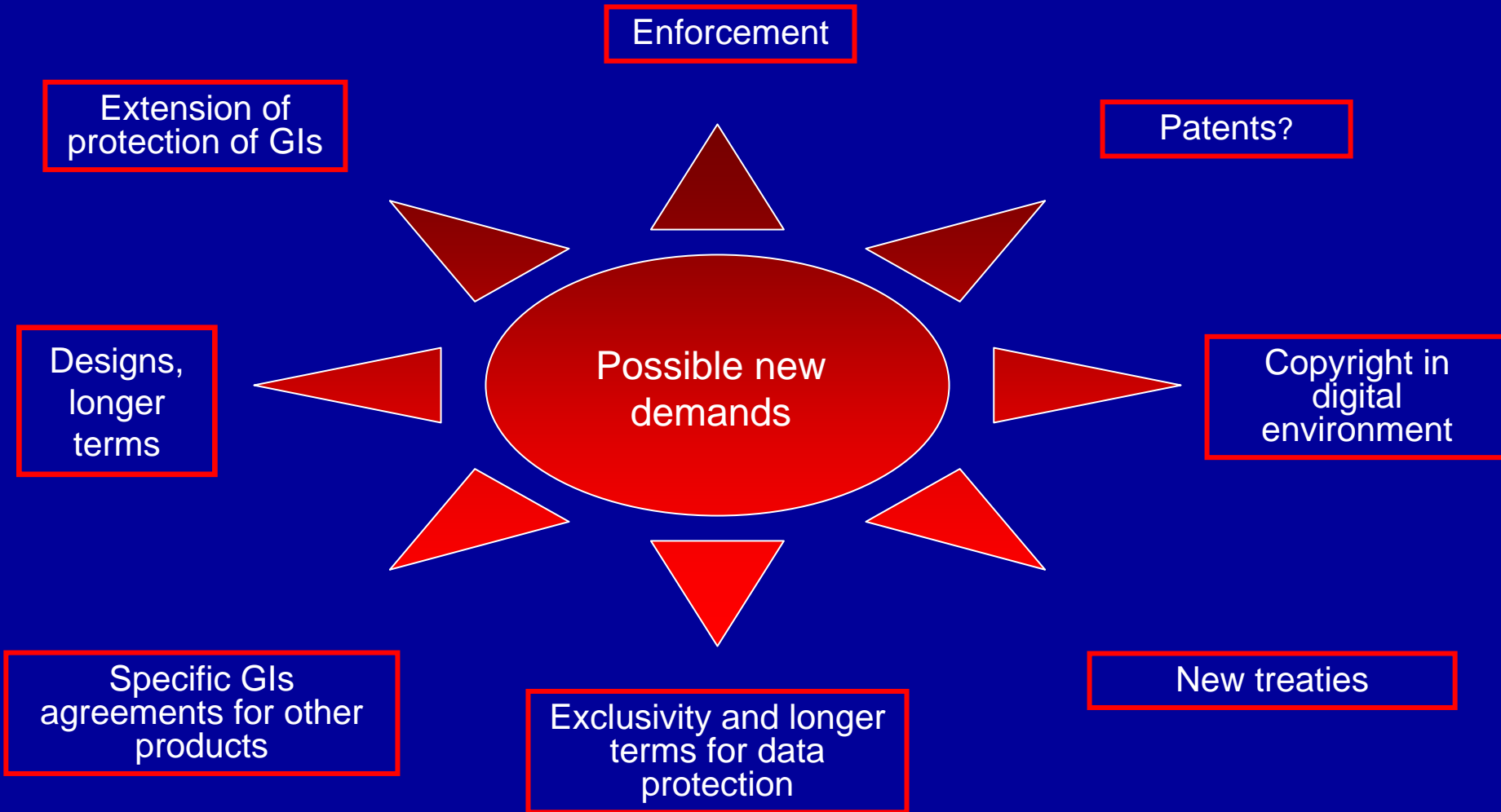
# EU International IPRs Priorities

Implementation of TRIPS





# Future BTAs



# Options

Depending on EU  
proposal

- Options on existing treaties (UPOV 1978 – 1991);
- Reject evolutionary clauses;
- Reject “highest standards” language
- Study exceptions and limitations in EU legislation;
- Study EU policy options (Directives) and jurisprudence;
- Use EU proposals in multilateral for a (disclosure of origin);
- Strong language on principles and objectives (preamble?)

**Thank you**

**Maximiliano Santa Cruz S.**

**[Maximiliano.santacruz@misionchileomc.ch](mailto:Maximiliano.santacruz@misionchileomc.ch)**