

Comment: ALL references to PTA as well as pharma reflect current ANTICIPATED outcomes.

INTELLECTUAL PROPERTY |

Summary: Strong protection and enforcement for intellectual property (IP) rights are important for the continued growth of Canada's knowledge-based economy in the Asia-Pacific region. Canada has a strong IP rights regime that is comparable to Australia, Chile, NZ and Singapore, and relatively stronger than Malaysia, Vietnam and Brunei.



s.15(1) - International

s.21(1)(a)

s.21(1)(b)

The TPP IP chapter is more detailed and covers a much broader scope of issues than any recent Canadian FTA, including the CETA. While much of its scope overlaps with the WTO TRIPS and the NAFTA, TPP goes beyond these agreements in a number of respects. The TPP IP chapter touches on many additional areas including: the term of copyright protection, explicit protection and offences for circumventing technological protection measures and rights management information; patent term adjustment; data protection for clinical trial data generated for the marketing approval of pharmaceutical drugs; explicit protection for clinical data for new biologic drugs; patent linkage; patent term restoration for delays in the marketing approval of drugs protected by patents; extensive rules regarding TPP members ability to provide protection for future geographical indications; agreement to cooperate in the area of genetic resources and traditional knowledge; protection for industrial design elements; trademark protection for non-traditional marks, such as scent and sound trademarks; extensive enforcement measures in the areas of civil, criminal, and border enforcement, including the availability of statutory damages for copyright infringement, criminal offences related to commercial scale trademark counterfeiting and copyright piracy; *ex officio* authority for border officers to detain suspected infringing goods and measures to enable cooperation with right holders as well as protection and remedial measures for trade secrets, government use of software, unauthorized decryption of encrypted satellite and cable signals and a suite of provisions relating to Internet Service Provider liability.

