

Bilateral agreements imposing TRIPS-plus intellectual property rights on biodiversity in developing countries

GRAIN ▪ update of March 2008

AFRICA & MIDDLE EAST

European Free Trade Association¹

- **EFTA-Algeria FTA | under exploration**

- **EFTA-Egypt FTA | 2007 | signed**

Egypt is obliged to join UPOV (1978 or 1991 Act) and accede to the Budapest Treaty by 2011. Patents must be provided in "all fields of technology" ("at least" those covered under the TRIPS Agreement).²

- **EFTA-GCC³ FTA | under preparation**

- **EFTA-Jordan FTA | 2001 | in force**

Jordan must join UPOV and accede to Budapest Treaty by 2006. Jordan must also ensure "adequate and effective patent protection for inventions in all fields of technology on a level similar to that prevailing in the European Patent Convention" which allows the patenting of transgenic plants and animals.⁴

- **EFTA-Lebanon FTA | 2004 | in force**

Lebanon must join UPOV (1978 or 1991 Act) and accede to the Budapest Treaty by 2008.⁵

- **EFTA-Morocco FTA | 2000 | in force**

Morocco must join UPOV and accede to Budapest Treaty by 2000. Morocco must also provide "adequate and effective patent protection for inventions in all fields of technology on a level similar to that prevailing in the European Patent Convention" which allows the patenting of transgenic plants and animals.⁶

- **EFTA-Palestinian Authority FTA | 1998 | in force**

Palestinian Authority must implement the "highest international standards" of IPR protection.⁷

- **EFTA-Tunisia FTA | 2004 | in force**

Tunisia must join UPOV (1978 or 1991 Act) and accede to the Budapest Treaty by 2010. Tunisia will also do its utmost to accede to all IPR treaties to which EFTA states are party.⁸

European Union

- **Cotonou Agreement | 2000 | in force**

The parties recognise the need to ensure adequate and effective protection of patents on plant varieties and on biotechnological inventions.⁹

- **EU-Algeria FTA | 2002 | agreed**

Algeria shall accede to and implement UPOV (1991 Act) within 5 years of entry into force, although accession can be replaced by implementation of an effective

sui generis system if both parties agree.¹⁰ Algeria must accede to Budapest Treaty.¹¹

- **EU-Central Africa¹² EPA | under negotiation**

- **EU-Eastern and Southern Africa¹³ EPA | under negotiation**

- **EU-Egypt FTA | 2001 | agreed**

Egypt must join UPOV and accede to Budapest Treaty within five years of the agreement's entry into force.¹⁴

- **EU-GCC FTA | under negotiation**

- **EU-Iran FTA | under negotiation**

- **EU-Jordan FTA | 1997 | in force**

Jordan must join UPOV and accede to Budapest Treaty by 2007.¹⁵

- **EU-Lebanon FTA | 2002 | in force**

Lebanon must join UPOV (1991 Act) and accede to Budapest Treaty by 2008.¹⁶

- **EU-Morocco FTA | 2000 | in force**

Morocco must join UPOV (1991 Act) and accede to Budapest Treaty by 2004.¹⁷

- **EU-Palestinian Authority FTA | 1997 | in force**

Palestinian Authority must implement the "highest international standards" of IPR protection.¹⁸

- **EU-SADC¹⁹ EPA | under negotiation**

The southern African signatories, according to one draft of the EPA, shall be obliged to ratify or accede to UPOV (1991) and comply with various provisions of the Budapest Treaty.

- **EU-South Africa FTA | 1999 | in force**

South Africa shall ensure adequate and effective protection for patents on biotechnological inventions. South African must also implement "highest international standards" of IPR protection and undertake to go beyond TRIPS standards of IPR protection.²⁰

- **EU-Syria FTA | 2004 | agreed**

Syria shall follow the "highest international standards" including, not limited to, the TRIPS Agreement. Syria shall also accede to the Budapest Treaty and the UPOV Convention (1991) within 5 years of applicability of Annex 6. However, Syria may replace accession to UPOV with implementation of an "adequate and effective" system for protection of plant varieties.²¹

- **EU-Tunisia FTA | 1998 | in force**

Tunisia must join UPOV (1991 Act) and accede to Budapest Treaty by 2002. Tunisia must also implement "highest international standards" of IPR protection.²²

- **EU-West Africa²³ EPA | under negotiation**

West African states, according to one draft of the EPA, shall be obliged to ratify or accede to UPOV (1991) and comply with various provisions of the Budapest Treaty.

United States

- **African Growth & Opportunities Act | 2000 | in force**

US trade benefits to 38 AGOA-eligible countries are unilaterally gauged on extent to which they go beyond TRIPS standards of IPR protection.²⁴

▪ **US-Bahrain FTA | 2004 | in force**

Bahrain must join UPOV upon entry into force and accede to Budapest Treaty within one year of entry into force.²⁵

▪ **US-Jordan FTA | 2000 | in force**

Jordan must implement and join UPOV within one year of entry into force and partially implement Budapest Treaty. Jordan may not exclude plants or animals from patent law.²⁶

▪ **US-Morocco FTA | 2004 | signed**

Morocco must provide patents on plants and animals. Morocco must also ratify UPOV Convention (1991) and Budapest Treaty by 2006.²⁷

▪ **US-Oman FTA | 2006 | signed**

Oman must join UPOV (1991 Act) and accede to the Budapest Treaty by the time the FTA enters into force. And while it may exclude animals (other than microorganisms) from its patent law, Oman must allow patents on plants.²⁸

▪ **US-SACU FTA | negotiations suspended**

The "far reaching" intellectual property provisions of the US proposal have been one reason why the talks broke down. The US is now considering offering SACU a Trade and Investment Cooperation Agreement instead of an FTA.

▪ **US-United Arab Emirates FTA | negotiations suspended**

ASIA & PACIFIC

European Free Trade Association

▪ **EFTA-China FTA | study to be launched**

▪ **EFTA-India FTA | negotiations to start in 2008**

▪ **EFTA-Indonesia FTA | under exploration**

▪ **EFTA-Korea FTA | 2005 | signed**

Korea is obliged to patent plants and animals.²⁹

▪ **EFTA-Thailand FTA | under negotiation**

European Union

▪ **Cotonou Agreement | 2000 | in force**

The parties recognise the need to ensure adequate and effective protection of patents on plant varieties and on biotechnological inventions.³⁰

▪ **EU-ASEAN³¹ FTA | soon under negotiation**

▪ **EU-Bangladesh Cooperation Agreement | 2001 | in force**

Bangladesh must endeavour to join UPOV (1991 Act) and to accede to the Budapest Treaty by 2006.³²

- **EU-India FTA | under negotiation**
- **EU-Korea Trade and Cooperation Agreement | 2001 | in force**
Korea shall make efforts to accede as soon as practicable to the UPOV Convention (1991 Act) and to the Budapest Treaty.³³
- **EU-Korea FTA | under negotiation**
- **EU-Pacific³⁴ EPA | under negotiation**
- **EU-Sri Lanka Cooperation Agreement | 1995 | in force**
Sri Lanka shall implement the "highest international standards" of IPR protection.³⁵

Japan

- **Japan-Malaysia FTA | 2005 | in force**
Malaysia must "recognise the importance of protecting new plant varieties in a manner consistent with internationally harmonised system. For this purpose, [Malaysia] shall ensure that rights relating to new plant varieties are adequately protected."³⁶
- **Japan-Thailand FTA | 2007 | signed and ratified**
Thailand shall "recognise the importance of protecting new varieties of plants in a manner based on international standards. For this purpose, [Thailand] shall ensure that rights relating to new varieties of plants are adequately protected." Furthermore, Thailand "shall ensure that any [Japanese patent] application shall not be rejected solely on the grounds that the subject matter claimed in the application is related to a naturally occurring micro-organism."³⁷
- **Japan-Indonesia FTA | 2007 | signed**
Indonesia shall comply with and endeavour to join UPOV (1991).³⁸

Switzerland

- **Switzerland-Viet Nam IPR Agreement | 1999 | in force**
Viet Nam must join UPOV (1991 Act) by 2002.³⁹

United States

- **US-Cambodia IPR Agreement | 1996 | in force**
Cambodia must join UPOV.⁴⁰
- **US-Korea FTA | signed, but not ratified**
Korea will assure patent protection for newly developed plant varieties and animals.⁴¹
- **US-Korea IPR Agreement | 1986 | in force**
Korea must join Budapest Treaty.⁴²
- **US-Laos BTA | 2003 | in force**
Laos must join UPOV (1978 or 1991 Act) "without delay". Laos must also provide patents for inventions in all fields of technology, without exclusion for plants or animals.⁴³
- **US-Mongolia TRA | 1991 | in force**
No exclusions for plants or animals from patent law permitted.⁴⁴

- **US-Malaysia FTA | under negotiation**

- **US-Singapore FTA | 2003 | in force**

Singapore must join UPOV (1991 Act) within six months of entry into force or by end 2003, whichever sooner. Singapore must also allow patents on all forms of plants and animals ("each Party may exclude inventions from patentability only as defined in Articles 27.2 and 27.3(a) of the TRIPS Agreement").⁴⁵

- **US-Sri Lanka IPR Agreement | 1991 | in force**

No exclusions for plants and animals from patent law permitted.⁴⁶

- **US-Thailand FTA | under negotiation**

- **US-Viet Nam FTA | 2000 | in force**

Viet Nam must implement and make best effort to join UPOV. Viet Nam must also provide patent protection on all forms of plants and animals that are not varieties, as well as on inventions that encompass more than one variety.⁴⁷

LATIN AMERICA & CARIBBEAN

European Free Trade Association

- **EFTA-Chile FTA | 2003 | in force**

Chile must join the UPOV Convention (1978 or 1991 Act) by 2007 and accede to the Budapest Treaty by 2009.⁴⁸

- **EFTA-Mexico FTA | 2000 | in force**

Mexico must join UPOV and accede to the Budapest Treaty by 2002.⁴⁹

European Union

- **Cotonou Agreement | 2000 | in force**

The parties recognise the need to ensure adequate and effective protection of patents on plant varieties and on biotechnological inventions.⁵⁰

- **EU-Andean Community⁵¹ FTA | under negotiation**

- **EU-Caribbean⁵² EPA | initialled**

The Caribbean states are obliged to accede to the Budapest Treaty and consider acceding to UPOV (1991).⁵³

- NEW** ▪ **EU-Central America⁵⁴ FTA | under negotiation**

According to an unofficial draft of the intellectual property chapter of February 2008, the Central American states will be required to comply with the UPOV Convention (1991) as well as Articles 2-9 of the Budapest Treaty.⁵⁵

- **EU-Mercosur⁵⁶ FTA | under negotiation**

- **EU-Mexico FTA | 2000 | in force**

Mexico must accede to Budapest Treaty within three years of entry into force. Mexico shall also provide "highest international standards" of IPR protection.⁵⁷

- NEW** ▪ **EU-Caribbean⁵⁸ EPA | initialled**

Obliges the Caribbean states to accede to the Budapest Treaty and to consider acceding to UPOV (Act of 1991). Commits the parties to further develop legal protection of traditional knowledge and genetic resources within the frame of patent law.⁵⁹

Japan

- **Japan-Chile FTA | 2007 | in force**
Chile must join UPOV (1991) by 2009.⁶⁰

United States

- **Andean Trade Preferences Act | 1991 | in force**
US trade benefits to Bolivia, Ecuador, Colombia and Peru unilaterally gauged on extent to which they go beyond TRIPS standards of IPR protection.⁶¹
- **Caribbean Basin Trade Partnership Act | 2000 | in force**
US trade benefits for up to 24 eligible countries unilaterally gauged on extent to which they go beyond TRIPS standards of IPR protection.⁶²
- **Free Trade Area of the Americas | negotiations suspended**
US negotiating position is "no exclusions" for plants or animals from patent law. Actual negotiating text contains many proposals to enforce UPOV, patent plants and animals and put traditional knowledge under IPR regimes.⁶³
- **North America Free Trade Agreement | 1994 | in force**
Mexico must implement and join UPOV within two years of entry into force.⁶⁴
- **US-Chile FTA | 2003 | in force**
Chile must join UPOV (1991 Act) and provide patents on any invention in any field of technology without exception. "Each Party will undertake reasonable efforts...to develop and propose legislation within 4 years from the entry into force of this Agreement that makes available patent protection for plants that are new, involve an inventive step, and are capable of industrial application".⁶⁵
- **US-Colombia FTA | 2006 | concluded**
Colombia must join UPOV (1991 Act) by 2008 or entry into force, whichever later, and accede to the Budapest Treaty. Colombia must also make "all reasonable efforts" to provide patents on plants. Once it does, it cannot reverse this policy.⁶⁶
- **US-Dominican Republic-Central America FTA | 2004 | signed**
Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras and Nicaragua must join UPOV (1991 Act) or provide patents on plants. Those that do not provide patents on plants by the time of the agreement's entry into force must make "all reasonable efforts" to do so. Once they do, they must maintain that policy.⁶⁷
- **US-Ecuador IPR Agreement | 1993 | signed but not in force**
Ecuador must conform with UPOV if it does not grant patents on plant varieties.⁶⁸
- **US-Ecuador FTA | negotiations suspended**
- **US-Nicaragua IPR Agreement | 1998 | in force**
Nicaragua must join UPOV. Nicaragua may not exclude plants or animals from patent law.⁶⁹

- **US-Panama FTA | 2006 | concluded**

Panama must join UPOV (1991 Act) by 2010 or entry into force, whichever later, and accede to the Budapest Treaty. Panama must also make "all reasonable efforts" to provide patents on plants. Once it does, it cannot reverse this policy.⁷⁰

- **US-Peru FTA | 2005 | signed**

Peru must join UPOV (1991 Act) by 2008 or entry into force, whichever later, and accede to the Budapest Treaty. Peru must also make "all reasonable efforts" to provide patents on plants. Once it does, it cannot reverse this policy.⁷¹

- **US-Trinidad & Tobago IPR Agreement | 1994 | in force**

Trinidad & Tobago must implement and make best effort to join UPOV.⁷²

- ¹ Composed of Iceland, Norway, Switzerland and Liechtenstein.
- ² *EFTA-Egypt Free Trade Agreement*, 2007, Art 23 <http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/EG/EG%20%28Folder%29/EG-FTA.pdf> and Annex V, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/EG/EG%20%28Folder%29/Annexes/EG_FTA_Annex_V.pdf
- ³ Gulf Cooperation Council: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates.
- ⁴ *EFTA-Jordan Free Trade Agreement*, Art 17, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Jordan/JO/JO_FTA.pdf and Annex VI, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/JO/Annexes/10-Annex_VI.pdf
- ⁵ *Free Trade Agreement EFTA - Republic of Lebanon*, Annex V, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/LB/LB_RUAP/annexes/LB_Annex_V.pdf
- ⁶ *EFTA-Morocco Free Trade Agreement*. http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Morocco/MA/MA_FTA_EN.pdf [Art 16] and http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/MA/Annexes/14-Annex_V.pdf [Annex V]
- ⁷ *Interim Agreement between the EFTA States and the PLO for the Benefit of the Palestinian Authority*. http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Palestinian_Authority/PLO/PLO_FTA.pdf [Art 15]
- ⁸ *Free Trade Agreement between the States of the European Free Trade Association and the Republic of Tunisia*, 17 December 2004, Annex V. http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/TN/TN_RUAP_EN/TN%20annexes%20and%20protocols%20%28English%29/TN_FTA_Annex_V.pdf
- ⁹ *Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States*, CE/TFN/GEN/23-OR, ACP/00/0371/00, 8.2.00. http://www.bilaterals.org/article.php3?id_article=27 [Art 45]
- ¹⁰ *Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part – Annexes 1 to 6 and Protocols Nos 1 to 7*, Council of the European Union, Brussels, 12 April 2002, 6786/02 ADD1 AL1, Annex 6, Art 3 http://www.bilaterals.org/article.php3?id_article=413
- ¹¹ *Ibid*, Annex 6, Art 1.
- ¹² Cameroon, Chad, Congo, Equatorial Guinea, Gabon and São Tomé and Príncipe
- ¹³ Burundi, Comores, Democratic Republic of Congo, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Uganda, Zambia and Zimbabwe
- ¹⁴ *Proposal for a Council and Commission Decision on the conclusion of a Euro-Mediterranean Association Agreement between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part*, COM (2001) 184 final, Official Journal of the European Communities C 304 E/2 of 30 October 2001, http://www.bilaterals.org/article.php3?id_article=408 [Art 37 and Annex VI].
- ¹⁵ *Euro-Mediterranean Association Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part*, signed on 24 November 1997 and entered into force on 1 May 2002, Official Journal of the European Communities L 129 of 2002, http://www.bilaterals.org/article.php3?id_article=409 [Art 56 and annex VII]
- ¹⁶ *Interim agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Lebanon, of the other part*, Official Journal of the European Communities L 262/2 of 30 September 2002 http://www.bilaterals.org/article.php3?id_article=414. [Annex 2.2]
- ¹⁷ *Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part*, Official Journal of the European Communities (OJ) L 070 of 18 March 2000, p. 0002-0204. http://www.bilaterals.org/article.php3?id_article=415 [Annex 7, Art 1]
- ¹⁸ *Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part*, Official Journal L 187 of 16 July 1997, p. 0003-0135. http://www.bilaterals.org/article.php3?id_article=417 [Title II, Art 33]
- ¹⁹ Southern Africa Development Community, involving Angola, Botswana, Lesotho, Mozambique, Namibia, Swaziland, Tanzania and South Africa. See Section 10, Articles 10-11 of the draft EU-SADC Economic Partnership Agreement dated June 2007 at http://www.bilaterals.org/article.php3?id_article=9719
- ²⁰ *Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part*, Official Journal L 311 of 4 December 1999 p. 0003-0297. http://www.bilaterals.org/article.php3?id_article=419 [Art 46]
- ²¹ *Proposal for a Council Decision on the conclusion of a Euro-Mediterranean Association Agreement between the European Community and its Member States of the one part, and the Syrian Arab Republic, of the other part*, COM (2004) 808 final, Brussels, 17 December 2004. http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2004/com2004_0808en01.pdf Article 72 and Annex VI
- ²² *Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part*, Official Journal L 097 of 30 March 1998 p. 0002-0183. http://www.bilaterals.org/article.php3?id_article=418 [Annex 7]
- ²³ Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo. See Section 10, Articles 10-11 of the draft EU-ECOWAS Economic Partnership Agreement dated April 2007 in English (http://www.bilaterals.org/article.php3?id_article=9721) or in French (http://www.bilaterals.org/article.php3?id_article=9745).
- ²⁴ *Trade and Development Act of 2000*. http://www.agoa.gov/agoa_legislation/agoatext.pdf [Sec B.211.5.b.ii]
- ²⁵ *US-Bahrein Free Trade Agreement*, 2004, http://www.ustr.gov/Trade_Agreements/Bilateral/Bahrain_FTA/Section_Index.html [Art 14.1.2 and 14.11]
- ²⁶ *Agreement Between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area*. http://www.bilaterals.org/article.php3?id_article=248 [Art 4.1(b), Art 4.18, Art 4.21 and Art 4.29(b)].
- ²⁷ *US-Morocco Free Trade Agreement*, 2004, http://www.ustr.gov/Trade_Agreements/Bilateral/Morocco_FTA/Section_Index.html [Art 15.9.2]
- ²⁸ *US-Oman Free Trade Agreement*, 2006, http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Oman_FTA/Final_Text/asset_upload_file715_8809.pdf [Art 15.1.2 and Art 15.8.2]
- ²⁹ *Free Trade Agreement between the EFTA States and the Republic of Korea*, 15 December 2005, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/KR/KR_RUAP/annexes/KR_Annex_XIII_-_IPR.pdf [Annex XIII, Article 2(a)]
- ³⁰ *Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States*, CE/TFN/GEN/23-OR, ACP/00/0371/00, 8.2.00. http://www.bilaterals.org/article.php3?id_article=27 [Art 45]
- ³¹ Association of South East Asia Nations: Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand and Vietnam.
- ³² *Cooperation Agreement between the European Community and the People's Republic of Bangladesh on partnership and development*, OJ C143 of 21 May 1999. [Art 4.5] *Cooperation Agreement between the European Community and the People's Republic of Bangladesh on partnership and development*, Official Journal L 118 , 27/04/2001 P. 0048 – 0056. http://www.bilaterals.org/article.php3?id_article=407

- ³³ *Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand*, Brussels, 30 March 2001, <http://trade-info.cec.eu.int/doclib/html/111835.htm>, Article 9 and Annex 1.
- ³⁴ Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.
- ³⁵ *Council Decision of 27 March 1995 concerning the conclusion of the Cooperation Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on Partnership and Development*. http://www.bilaterals.org/article.php3?id_article=808 [Art 8.1.a]
- ³⁶ *Agreement between the Government of Japan and the Government of Malaysia for a Free Trade Agreement*, December 2005, <http://www.mofa.go.jp/region/asia-paci/malaysia/epa/content.pdf> [Art 123]
- ³⁷ *Japan-Thailand Economic Partnership Agreement*, as signed on 3 April 2007, <http://www.mofa.go.jp/region/asia-paci/thailand/epa0704/agreement.pdf> [Art 135.1 and 130.3] A side letter signed by both governments attempts to "clarify" that Art 130.3 does not oblige either party to patent naturally-occurring microorganisms and their components. See <http://www.mofa.go.jp/region/asia-paci/thailand/epa0704/letter.pdf>
- ³⁸ *Agreement between Japan and Indonesia for an Economic Partnership*, as signed on 20 August 2007. <http://www.mofa.go.jp/region/asia-paci/indonesia/epa0708/agreement.pdf> [Art 106.3 and 116]
- ³⁹ *Abkommen zwischen dem Schweizerischen Bundesrat und der Sozialistischen Republik Vietnam über den Schutz des geistigen Eigentums und über die Zusammenarbeit auf dem Gebiet des geistigen Eigentums*. <http://www.admin.ch/ch/d/ff/2000/1521.pdf> [Art 2 and Annex 1]
- ⁴⁰ *Agreement between the United States of America and the Kingdom of Cambodia on Trade Relations and Intellectual Property Rights Protection*. http://www.bilaterals.org/article.php3?id_article=387 [Art XI.1]
- ⁴¹ Office of the United States Trade Representative, "Free trade with Korea: Summary of the KORUS FTA", *Trade Facts*, USTR, Washington DC, April 2007. http://www.ustr.gov/assets/Document_Library/Fact_Sheets/2007/asset_upload_file649_11034.pdf The actual text of the agreement is not yet publicly available.
- ⁴² *Record of Understanding on Intellectual Property Rights*. http://www.bilaterals.org/article.php3?id_article=388 [Sec. B.6]
- ⁴³ *Agreement between the United States of America and the Lao People's Democratic Republic on Trade Relations*. http://www.bilaterals.org/spip_redirect.php3?id_article=809 [Art 13 and 18]
- ⁴⁴ *Agreement on Trade Relations between the Government of the United States of America and the Government of the Mongolian People's Republic*. http://www.bilaterals.org/ecr/ire/articles.php3?id_article=810 [Art 9(c)i]
- ⁴⁵ *US-Singapore Free Trade Agreement*, May 2003. http://www.bilaterals.org/ecr/ire/articles.php3?id_article=247 [Art 16.1 and Art 16.7]
- ⁴⁶ *Agreement on the Protection and Enforcement of Intellectual Property Rights between the United States of America and the Democratic Socialist Republic of Sri Lanka*. http://www.bilaterals.org/ecr/ire/articles.php3?id_article=389 [Sec 2c]
- ⁴⁷ *Agreement between the United States of America and the Socialist Republic of Vietnam on Trade Relations*. <http://usembassy.state.gov/vietnam/www/bta.html> [Chpt II: Art 1.3 and Art 7.2(c)]
- ⁴⁸ *EFTA-Chile Free Trade Agreement*, Article 46, http://secretariat.ofta.int/Web/ExternalRelations/PartnerCountries/Chile/CL/CL_FTA.pdf and Annex XII, http://secretariat.ofta.int/Web/ExternalRelations/PartnerCountries/CL/CL_RUAP/Annexes/Annex_XII.pdf
- ⁴⁹ *EFTA-Mexico Free Trade Agreement*. http://secretariat.ofta.int/Web/ExternalRelations/PartnerCountries/Mexico/MX/MX_FTA.pdf [Art 16] and http://secretariat.ofta.int/Web/ExternalRelations/PartnerCountries/MX/Annexes/30-Annex_XXI.pdf [Annex XXI]
- ⁵⁰ *Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States*, CE/TFN/GEN/23-OR, ACP/00/0371/00, 8.2.00. http://www.bilaterals.org/article.php3?id_article=27 [Art 45]
- ⁵¹ Bolivia, Ecuador, Colombia and Peru.
- ⁵² Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.
- ⁵³ *Economic Partnership Agreement between the CARIFORUM states, of the one part, and the European Community and its member states, of the other part*, initialled on 10 December 2007, for signature in 2008. http://www.bilaterals.org/article.php3?id_article=10956 [Chpt 2, Art 9 and Art 11]
- ⁵⁴ Costa Rica, El Salvador, Guatemala, Honduras, Panama and Nicaragua.
- ⁵⁵ *Título sobre propiedad intelectual*, proyecto de Tratado de Libre Comercio entre la Unión Europea y América Central (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua y Panamá), texto no oficial, 2008, http://www.bilaterals.org/article.php3?id_article=11711 [Artículos 9 y 11]
- ⁵⁶ Common Southern Market: Argentina, Brazil, Paraguay, Uruguay and Venezuela.
- ⁵⁷ *Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part*, Official Journal L 276/45 of 28 October 2000. http://www.bilaterals.org/ecr/ire/articles.php3?id_article=416 [Art 12.1]. Decision No 1/-- of the Joint Council. http://www.bilaterals.org/ecr/ire/articles.php3?id_article=416 [Title IV, Art 36.2 and 36.4].
- ⁵⁸ *Economic Partnership Agreement between the CARIFORUM states, of the one part, and the European Community and its member states, of the other part*, as initialled on 16 December 2007. http://www.bilaterals.org/article.php3?id_article=10956
- ⁵⁹ EC non-paper, CARIFORUM-EC EPA, Elements for a section on IPRs, circa November 2006, available at http://www.bilaterals.org/article.php3?id_article=6496 [Art 12.1 and Art 11.1.1]
- ⁶⁰ *Agreement between Japan and the Republic of Chile for an Economic Strategic Partnership*, March 2007, <http://www.mofa.go.jp/region/latin/chile/joint0703/agreement.pdf> [Art 162]
- ⁶¹ *Andean Trade Preferences Act*. <http://www.mac.doc.gov/atpa/webmain/legislation1.htm> [Sec 3202(d)9 and 3202(c)2b.ii]
- ⁶² *US-Caribbean Trade Partnership Act of 2000*. <http://www.mac.doc.gov/CBI/Legislation/chileg-00.htm> [Sec B.211.5.b.ii]
- ⁶³ Free Trade Area of the Americas, *Third Draft Agreement*, 21 November 2003, Chapter on Intellectual Property Rights, http://www.ftaa-alca.org/FTAADraft03/ChapterXX_e.asp. The US negotiating position as of early 2001: <http://www.ustr.gov/regions/whemisphere/intel.html>.
- ⁶⁴ *North America Free Trade Agreement*, Chapter 17, Intellectual Property. http://www.nafta-sec-alena.org/DefaultSite/index_e.asp?ArticleID=168 [Art 1701.2 and Annex 1701.3]
- ⁶⁵ *US-Chile Free Trade Agreement*, 2003 http://www.ustr.gov/Trade_Agreements/Bilateral/Chile_FTA/Section_Index.html [Art 17.1 and 17.9]
- ⁶⁶ *US-Colombia Trade Promotion Agreement*, signed on 27 February 2006: http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Colombia_FTA/Draft_Text/asset_upload_file337_9394.pdf [Chapter 16, Art
- ⁶⁷ *US-Dominican Republic-Central America Free Trade Agreement*, 2004, http://www.ustr.gov/Trade_Agreements/Bilateral/DR-CAFTA/Section_Index.html [Chapter 15, Art 15.1 and 15.9]
- ⁶⁸ *Agreement between the Government of the United States of America and the Government of Ecuador Concerning the Protection and Enforcement of Intellectual Property Rights*. http://www.bilaterals.org/article.php3?id_article=384 [Art 6.1(c)]
- ⁶⁹ *Agreement between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning Protection of Intellectual Property Rights*. http://www.bilaterals.org/article.php3?id_article=392 [Art 1.2 and Art 7.2]

⁷⁰ *US-Panama Free Trade Agreement*, draft of December 2006.

http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Panama_FTA/Draft_Text/asset_upload_file360_10350.pdf [Art 15.3 and 15.9.2]

⁷¹ *US-Peru Trade Promotion Agreement*, draft of 6 January 2006 (subject to legal review), Articles 16.1.2, 16.1.3 and 16.9.2.

http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Peru_TPA/Final_Texts/asset_upload_file509_8706.pdf

⁷² *Memorandum of Understanding between the Government of the United States of America and the Government of Trinidad and Tobago Concerning Protection of Intellectual Property Rights*. http://www.bilaterals.org/article.php?id_article=395 [Art 1.2]