

TRADE DEALS CRIMINALISE FARMERS' SEEDS



In Costa Rica, the fight against the Central American Free Trade Agreement was very much a fight to prevent the patenting of the country's unique wealth of biodiversity and against UPOV – the Union for the Protection of New Plant Varieties. (Photo: Fighting FTAs)

What could be more routine than saving seeds from one season to the next? After all, that is how we grow crops on our farms and in our gardens. Yet from Guatemala to Ghana, from Mozambique to Malaysia, this basic practice is being turned into a criminal offence, so that half a dozen large multinational corporations can turn seeds into private property and make money from them. GRAIN has produced an updated dataset on how so-called free trade agreements are privatising seeds across the world. But people are fighting back and in several countries popular mobilisations are already forcing governments to put seed privatisation plans on hold.

Trade agreements have become a tool of choice for governments, working with corporate lobbies, to push new rules to restrict farmers' rights to work with seeds. Until some years ago, the most important of these was the World Trade Organization's (WTO) agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Adopted in 1994, TRIPS was, and still is, the first international treaty to establish global standards for "intellectual property" rights over seeds.¹ The goal is to ensure that companies like Monsanto or Syngenta, which spend money on plant breeding and genetic engineering, can control what happens to the seeds they produce by preventing farmers from re-using them - in much the same way as Hollywood or Microsoft try to stop people from copying and sharing films or software by putting legal and technological locks on them.

But seeds are not software. The very notion of "patenting life" is hugely contested. For this reason, the WTO agreement was a kind of global compromise between governments. It says that countries may exclude plants and animals (other than micro-organisms) from their patent laws, but they must provide some form of intellectual property protection over plant varieties, without specifying how to do that.

Trade agreements negotiated outside the WTO, especially those initiated by powerful economies of the global North, tend to go much further. They often require signatory countries to patent plants or animals, or to follow the rules of the Geneva-based Union for the Protection of New Plant Varieties (UPOV) that provide patent-like rights over crop varieties. Whether in the form of patent laws or UPOV, these rules generally make it illegal for farmers to save, exchange, sell or modify

seeds they save from so-called protected varieties.² In fact, in 1991 the UPOV convention was modified to give even stronger monopoly powers to agribusiness companies at the expense of small and indigenous farming communities. This 1991 version of UPOV now gets widely promoted through trade deals.

Onslaught of FTAs

The North America Free Trade Agreement - signed by Mexico, Canada and the US, at about the same time TRIPS was being finalised - was one of the first trade deals negotiated outside the multilateral arena to carry with it the tighter seed privatisation noose. It obliged Mexico to join the UPOV club of countries giving exclusive rights to seed companies to stop farmers from recycling and reusing corporate seeds. This set a precedent for all US bilateral trade agreements that followed, while the European Union, the European Free Trade Association and Japan also jumped on the same idea.³

A nonstop process of diplomatic and financial pressure to get countries to privatise seeds "through the back door" (these trade deals are negotiated in secret) has been going on since then. The stakes are high for the seed industry. Globally, just 10 companies control 55% of the commercial seed market.⁴

1. "Intellectual property" is a government enforced monopoly right. It serves to ensure that people pay for the right to use something for a certain period of time, so that whoever invented it can recoup his or her investment. "Plant variety" means seeds which will grow into a specific kind of plant with specific characteristics.

2. Under the UPOV system, farmers can sometimes save seeds from protected varieties to use them again. It depends on which version of the UPOV Convention a country signs and whether the government exercises this option. Sometimes it is restricted to farmers' replanting the seeds on their own farm or to only certain crops or to payment of a licence. Under the patent system, it is simply illegal to use patented seeds without paying for them - even if a bird drops them onto your field!

3. EFTA is composed of Iceland, Lichtenstein, Norway and Switzerland.

4. ETC Group, "[Who owns nature?](#)", 2008.



September 2013 protest against FTAs: in Thailand, popular movements are resisting the possibility that talks over a free trade agreement between Thailand and the EU will result in UPOV being imposed on the nation's farmers. (Photo: FTA Watch)

But for these corporations, that market share is still not enough. Across Asia, Africa and Latin America, some 70-80% of the seeds farmers use are farm-saved seeds, whether from their own farms or from neighbours or nearby communities. In these unconquered territories, the agribusiness giants want to replace seed saving with seed markets and take control of those markets. To facilitate this, they demand legal protections from governments to create and enforce corporate monopoly rights on seeds. This is where free trade agreements come in as a perfect vehicle to force countries to change their laws.

Latest trends

GRAIN has been tracking how trade deals signed outside the multilateral system are coercing countries to adopt the industry's wish-list of intellectual property rights for seeds, and ratchet up global standards in that process, since 15 years. A recent update of our dataset shows that this trend is not letting up. In fact, there are worrisome signs on the horizon.

- The most important recent gains for Monsanto, Dupont, Limagrain and Syngenta - the world's top seed companies - have come from new trade deals accepted by Latin American states. In 2006, the US (home to Monsanto and Dupont) closed major

deals with Peru and Colombia forcing both countries to adopt UPOV 1991. The EFTA states (home to Syngenta) did the same in 2008 and the EU (home to Limagrain) in 2012.⁵ In Central America, a similar pattern occurred. The US secured a very powerful Central America Free Trade Agreement in 2007, forcing all countries to adhere to UPOV 1991. EFTA did the same last year.

- An important step towards stronger proprietary seed markets was recently taken in Africa. After ten years of talks, Economic Partnership Agreements (EPAs) were concluded between the EU and sub-Saharan African states in 2014. Most of them "only" liberalise trade in goods for now, but also contain a commitment to negotiate common intellectual property standards with Brussels. The expectation is that those standards will be based on what the Caribbean states already agreed to in their 2008 EPA: an obligation to at least consider joining UPOV. This is significant because until now African states have been under no obligation to adopt UPOV as a standard, and actually tried to come up with their own

5. Ecuador is also now negotiating with the EU, based on the text signed with Colombia and Peru.



Solidarity march in Melbourne, Australia: even Colombians far from home were shocked to learn how the US and EU trade deals have pushed Bogotá to criminalise farmers' seeds. (Source: Erik Anderson/Flickr)

systems of plant variety protection.⁶ And while it's true that African entities like the anglophone African Regional Intellectual Property Organisation (ARIPO) and the francophone African Intellectual Property Organisation (OAPI) are already joining UPOV, under the EU trade deals, countries themselves would be the ones to join. Further towards the horizon, Africa is harmonising within itself as its subregional trade blocs merge and unite to form a single continental free trade zone, supposedly by 2017. This is expected to bring with it an internal harmonisation of intellectual property laws across the continent, likely tightening the noose even further.

- The Trans-Pacific Partnership (TPP) agreement is possibly the scariest FTA under negotiation right now in terms of what it may do to farmers' rights to control seeds in Asia and the Pacific. This is because the US, which is leading the talks with 11 other Pacific Rim countries, is playing hardball. Leaked negotiating

text from May 2014 shows the US calling not only for UPOV 1991 to be applied in all TPP states but also for the outright patenting of plants and animals. We don't yet know whether these demands will also appear in the Transatlantic Trade and Investment Partnership (TTIP) currently being negotiated between the US and the EU, as the text remains inaccessible to the public.

- While the extent of what has to be privatised expands, so do the penalties for disrespecting these norms. Under numerous FTAs, countries like the US require that farmers who infringe on these new intellectual property rights on seeds face punishment under criminal law instead of civil law. In some cases, like the recently concluded EU-Canada Comprehensive Economic and Trade Agreement (CETA), the mere suspicion of infringement could see a farmer's assets seized or have their bank accounts frozen.⁷

6. For example, the Organisation of African Unity drafted its own model law on plant variety protection based on community rights.

7. See National Farmers' Union, "[CETA + Bill C-18 = too much power for seed companies](#)", June 2014.



Guatemala's trade agreement with the US obliges it to adhere to the UPOV Convention. But popular resistance forced the government to repeal a national law passed for this purpose. (Photo: Raúl Zamora)

Big battles heating up

The good news is that social movements are not taking this sitting down. They are becoming very active, vocal, bold and organised about this. In 2013, Colombians from all walks of life were shaken up when they saw firsthand how US and European FTAs could result in their own government violently destroying tonnes of seeds saved by farmers who did not know what the new rules were. The outrage, breaking out in the midst of a massive national agrarian strike, was so strong that the government actually agreed to suspend the law temporarily and re-examine the issue directly with farmers' representatives.⁸

In 2014, it was Guatemala's turn to be rocked when the general public realised that the government was pushing through the adoption of UPOV 1991 without proper debate because of trade deals like CAFTA.⁹

People were furious that indigenous communities were not consulted as is required, especially when the purpose of the law – ultimately – is to replace indigenous seeds with commercial seeds from foreign companies like Monsanto or Syngenta. After months of pressure, the government backed down and repealed the law.¹⁰ But – as in Colombia – this retreat is only temporary while other measures will be looked at. In yet other parts of Latin America, like in Chile and Argentina, new laws to implement UPOV 91, often dubbed “Monsanto Laws”, are also being intensely and successfully resisted by social movements.

In Africa too, waves of public protest are rising against the plant variety protection regimes which countries are now going into. In Ghana, a vibrant campaign is under way to stop the country from adopting UPOV

8. GRAIN, “Colombia farmers' uprising puts the spotlight on seeds”, September 2013.

9. Perhaps not very visible to the public eye was the 2013

EFTA-Central America FTA, which makes the same demands as CAFTA.

10. See EFE, “Guatemala repeals plant breeder rights law”, 5 September 2014.



March Against Monsanto in Accra, Ghana - Under a clause included in an interim Economic Partnership Agreement concluded with the EU, Ghana's government will have to negotiate rules on intellectual property, including traditional knowledge and genetic resources.

1991 legislation.¹¹ Elsewhere, civil society networks like the broad based Alliance for Food Sovereignty in Africa are filing appeals to stop ARIPO from adopting UPOV-based legislation and joining the union.¹²

Corporate interest groups have pushed too far trying to privatise what people consider a commons. This is not limited to seeds. The same process has been going

11. See the websites of Food Sovereignty Ghana <http://foodsovereigntyghana.org/> and Panafricanist International <http://www.panafricanistinternational.org/>.

12. "AFSA appeals to ARIPO, AU and UNECA for protection of farmers' rights & right to food", 2 July 2014.

on with land, minerals, hydrocarbons, water, knowledge, the internet, even important microorganisms, like avian flu a few years ago or the Ebola virus today. People are fighting back to stop these things falling under the exclusive control of a few corporations or defence ministries. A good way to take part in this battle is to join the campaigns to stop important new trade deals like TTIP, CETA, TPP and the EPAs - and to get old ones like the US and European deals with Mexico, Central America, Colombia or Chile rescinded. Trade deals are where a lot of these rules do get written and that is where they should be erased.

Going further

- GRAIN, "[Seed laws in Latin America: the offensive continues, so does popular resistance](#)", December 2013.
- Biodiversidad, "[Leyes de semillas y otros pesares](#)", September 2014 (Spanish only).
- Daily updates on trade deals in English, Spanish and French at <http://bilaterals.org> or [@bilaterals.org](https://www.facebook.com/bilaterals.org) or <https://www.facebook.com/bilaterals.org>.

Trade agreements privatising biodiversity

This table shows how so-called free trade agreements (FTAs) negotiated outside the World Trade Organisation (WTO) are used to go beyond global standards towards the privatisation of seeds and try to set new ones.

The 1994 WTO agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) was and still is the first global treaty to establish common norms of private property rights over seeds. The goal is to ensure that companies like Monsanto or Syngenta, which spend money on plant breeding and genetic modification to bring new seeds to market, can make a profit on those seeds by preventing farmers from re-using them – a bit the way Hollywood or Microsoft try to stop people from copying and sharing films or software. The very notion of “patenting life” is hotly contested and so the WTO agreement is a kind of compromise between governments. It says that countries may exclude both plants and animals (other than micro-organisms) from their patent laws but they must provide some form of intellectual property protection over plant varieties, without specifying how to do that.

FTAs negotiated outside the WTO, especially those initiated by powerful economies in the global North, tend to go much further. They often require countries to (a) patent plants or animals, (b) follow the rules of the Union for the Protection of New Plant Varieties (UPOV) to provide a patent-like system for seeds and/or (c) join the Budapest Treaty on the recognition of deposits of micro-organisms for the purpose of patent protection. These measures give strong monopoly powers to agribusiness companies at the expense of small and indigenous farming communities. For example, UPOV and patenting generally make it illegal for farmers to save, exchange or modify seeds from so-called protected varieties.

This table focuses on “what” must be privatised according to the different trade deals. It does not account for enforcement (seizure of goods, imprisonment, etc), which in many FTAs also goes beyond the norms agreed to at WTO and is becoming a bigger and bigger headache for rural communities.

Most of these agreements are bilateral in nature, but some are unilateral or plurilateral. And while most of them are trade agreements, some are sectoral intellectual property cooperation agreements.

This dataset is a work in progress. If there are any additions or corrections you would like to share, please contact us at grain@grain.org. Thank you.

AFRICA & MIDDLE EAST

European Free Trade Association¹

EFTA-Algeria FTA | under exploration

EFTA-Egypt FTA | 2007 | in force

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-Gulf Cooperation Council² FTA | 2009 | in force

GCC must conclude negotiations with EFTA on an Annex containing provisions on intellectual property by January 2016.⁴

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.⁵

EFTA-Lebanon FTA | 2004 | in force

Lebanon must join UPOV (1978 or 1991 Act) and accede to the Budapest Treaty by 2008.⁶

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.⁷

EFTA-Palestinian Authority FTA | 1998 | in force

Palestinian Authority must implement the “highest international standards” of IPR protection.⁸

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.⁹

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.¹⁰

EU-Algeria FTA | 2002 | in force

Algeria shall accede to and implement UPOV (1991 Act) by 2010, although accession can be replaced by implementation of an effective sui generis system if both parties agree.¹¹ Algeria must accede to Budapest Treaty.¹²

EU-Central Africa¹³ EPA | under negotiation

Only Cameroon signed and ratified an interim EPA which establishes a basis for negotiation of rules on intellectual property rights.¹⁴ These are expected to be modelled on the EU-Caribbean EPA.

EU-East African Community¹⁵ EPA | 2007 | initialled

Under a rendezvous clause of a framework EPA initialled in 2007, but never signed, the EAC member states agreed to further negotiate rules on intellectual property.¹⁶ These are expected to be modelled on the EU-Caribbean EPA .

EU-Eastern and Southern Africa¹⁷ EPA | 2009 | provisionally applied

Under a rendezvous clause of an interim EPA signed in 2009 and provisionally applied since 2012, Madagascar, Mauritius, Seychelles and Zimbabwe agreed to further negotiate rules on intellectual property.¹⁸ These are expected to be modelled on the EU-Caribbean EPA .

EU-West Africa¹⁹ EPA | 2014 | agreed

Under a rendezvous clause of an interim EPA concluded in 2014, the parties agreed to further negotiate rules on intellectual property, including traditional knowledge and genetic resources.²⁰ These are expected to be modelled on the EU-Caribbean EPA.

EU-Egypt FTA | 2001 | agreed

Egypt must join UPOV and accede to Budapest Treaty within five years of the agreement's entry into force.²¹ This deal is to be expanded, post-2012, by a Deep and Comprehensive Free Trade Agreement through which the EU aims to further "align" intellectual property rules.²²

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 2007.²³ This deal is to be expanded, post-2012, by a Deep and Comprehensive Free Trade Agreement through which the EU aims to further "align" intellectual property rules.²⁴

EU-Lebanon FTA | 2002 | in force

Lebanon must join UPOV (1991 Act) and accede to Budapest Treaty by 2008.²⁵

EU-Morocco FTA | 2000 | in force

Morocco must join UPOV (1991 Act) and accede to Budapest Treaty by 2004.²⁶ This deal is to be expanded by a Deep and Comprehensive Free Trade Agreement, currently under negotiation, through which the EU aims to further "align" intellectual property rules.²⁷

EU-Palestinian Authority FTA | 1997 | in force

Palestinian Authority must implement the "highest international standards" of IPR protection.²⁸

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.²⁹

EU-Southern Africa Development Cooperation³⁰ EPA | 2014 | concluded

The SADC states may consider entering into negotiations on intellectual property with the EU at a later stage.³¹

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.³²

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.³³ This deal is to be expanded, post-2012, by a Deep and Comprehensive Free Trade Agreement through which the EU aims to further "align" intellectual property rules.³⁴

EU-West Africa³⁵ EPA | 2014 | agreed

Under a rendezvous clause, the West African states have agreed to further negotiate rules on intellectual property. These are expected to be modelled on the EU-Caribbean EPA .

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.³⁶

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.³⁷

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.³⁸

US-Morocco FTA | 2004 | in force

Morocco must provide patents on plants and animals. Morocco must also ratify UPOV Convention (1991) and Budapest Treaty by 2006.³⁹

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.⁴⁰

US-Southern African Customs Union⁴¹ FTA | negotiations suspended

(The "far reaching" intellectual property provisions of the US proposal were one reason why the talks broke down in 2006. In 2008, the parties signed a Trade and Investment Cooperation Agreement meant to keep discussions going.)

US-United Arab Emirates FTA | negotiations suspended

AMERICAS

European Free Trade Association

EFTA-Central America FTA | 2013 | in force

Costa Rica and Panama must implement the provisions of UPOV (1991 or 1978 Act, depending).⁴² Negotiations with Guatemala and Honduras currently on hold.

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 2009.⁴³

EFTA-Colombia FTA | 2008 | in force

Colombia must join the UPOV Convention (1978 or 1991 Act) and accede to the Budapest Treaty by July 2011.⁴⁴

EFTA-Mexico FTA | 2000 | in force

Mexico must join UPOV and accede to the Budapest Treaty by 2002.⁴⁵

EFTA-Peru FTA | 2008 | in force

Peru must join the UPOV Convention (1978 or 1991 Act) and accede to the Budapest Treaty by July 2011.⁴⁶

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.⁴⁷

EU-Andean Community FTA | 2012 | provisionally applied

Colombia and Peru shall implement UPOV (1991), including the so-called "farmers' privilege" (to re-use protected seed while respecting the rights of the breeder).⁴⁸ (Extension of the agreement to Bolivia and Ecuador being explored.)

EU-Caribbean⁴⁹ EPA | 2008 | in force

Obliges the Caribbean states to accede to the Budapest Treaty and to consider acceding to UPOV (1991 Act). Commits the parties to further develop legal protection of traditional knowledge and genetic resources within the frame of patent law.⁵⁰

EU-Mercosur⁵¹ 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.⁵²

EU-US FTA | under negotiation

Japan

Japan-Chile FTA | 2007 | in force

Chile must join UPOV (1991) by 2009.⁵³

Japan-Colombia FTA | under negotiation

United States

Andean Trade Promotion and Drug Eradication Act | 2002 | 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.⁵⁴

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.⁵⁵

North America Free Trade Agreement | 1994 | in force

Mexico must implement and join UPOV within two years of entry into force.⁵⁶

Trans-Pacific Partnership Agreement⁵⁷ | under negotiation

According to the latest leaked draft, it is proposed that all parties be obliged to join UPOV (1991 Act) and the Budapest Treaty. The US, Japan and Singapore also propose that all parties shall make patents available for plants and animals, or alternatively for plant-related inventions (which would include plant varieties, although Australia wants that restricted to varieties not eligible for UPOV protection). The Agreement may also establish legal restrictions on the circulation and use of genetic resources as well as traditional knowledge pertaining to biodiversity.⁵⁸

US-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.⁵⁹

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".⁶⁰

US-Colombia FTA | 2006 | in force

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.⁶¹

US-Dominican Republic-Central America FTA | 2004 | in force

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.⁶²

US-Ecuador FTA | negotiations suspended

US-Ecuador IPR Agreement | 1993 | signed but not in force

Ecuador must conform with UPOV if it does not grant patents on plant varieties.⁶³

US-Nicaragua IPR Agreement | 1998 | in force

Nicaragua must join UPOV. Nicaragua may not exclude plants or animals from patent law.⁶⁴

US-Panama FTA | 2006 | in force

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.⁶⁵

US-Peru FTA | 2005 | in force

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.⁶⁶

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

Trinidad & Tobago must implement and make best effort to join UPOV.⁶⁷

ASIA & PACIFIC

European Free Trade Association

EFTA-China FTA | study to be launched

EFTA-Hong Kong FTA | 2011 | in force

Hong Kong must implement UPOV (1978 or 1991 Act) and the Budapest Treaty.⁶⁸

EFTA-India FTA | under negotiation

EFTA-Indonesia FTA | under negotiation

EFTA-Korea FTA | 2005 | signed

Korea is obliged to patent plants and animals.⁶⁹

EFTA-Malaysia FTA | under negotiation

EFTA-Russia, Belarus and Kazakhstan FTA | under negotiation

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.⁷⁰

EU-ASEAN⁷¹ FTA | 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 2006.⁷²

EU-India FTA | under negotiation

Leaks of negotiating drafts show the parties seeking agreement on providing protection for plant varieties as per their respective domestic laws.⁷³

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.⁷⁴

EU-Korea FTA | 2011 | in force

Korea shall comply with UPOV (1991).⁷⁵

EU-Malaysia FTA | under negotiation

EU-Pacific⁷⁶ EPA | under negotiation

EU-Singapore EPA | 2013 | initialled

The parties reaffirm their commitment to UPOV 1991, including the so-called farmers' privilege (to re-use protected seed while respecting the rights of the breeder).⁷⁷

EU-Sri Lanka Cooperation Agreement | 1995 | in force

Sri Lanka shall implement the "highest international standards" of IPR protection.⁷⁸

EU-Thailand FTA | under negotiation

EU-Vietnam FTA | under negotiation

Japan

Japan-Brunei FTA | 2007 | in force

Brunei shall endeavour to become party to UPOV and the Budapest Treaty.⁷⁹

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."⁸⁰

Japan-Thailand FTA | 2007 | in force

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."⁸¹

Japan-Indonesia FTA | 2007 | in force

Indonesia shall comply with and endeavour to join UPOV (1991).⁸²

Japan-Mongolia FTA | under negotiation

Japan-Vietnam FTA | 2011 | in force

Vietnam shall endeavour to provide intellectual property protection for all plant species in accordance with UPOV (1991).⁸³

Switzerland

Switzerland-Viet Nam IPR Agreement | 1999 | in force

Viet Nam must join UPOV (1991 Act) by 2002.⁸⁴

United States

Trans-Pacific Partnership Agreement⁸⁵ | under negotiation

According to the latest leaked draft, it is proposed that all parties be obliged to join UPOV (1991 Act) and the Budapest Treaty. The US, Japan and Singapore also propose that all parties shall make patents available for plants and animals, or alternatively for plant-related inventions (which would include plant varieties, although Australia wants that restricted to varieties not eligible for UPOV protection). The Agreement may also establish legal restrictions on the circulation and use of genetic resources as well as traditional knowledge pertaining to biodiversity.⁸⁶

US-Cambodia IPR Agreement | 1996 | in force

Cambodia must join UPOV.⁸⁷

US-Korea FTA | 2007 | in force

Korea must join both UPOV (1991) and the Budapest Treaty, and may not exclude plants, plant varieties or animals from patent protection.⁸⁸

US-Korea IPR Agreement | 1986 | in force

Korea must join Budapest Treaty.⁸⁹

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.⁹⁰

US-Malaysia FTA | under negotiation

US-Mongolia TRA | 1991 | in force

No exclusions for plants or animals from patent law permitted.⁹¹

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").⁹²

US-Sri Lanka IPR Agreement | 1991 | in force

No exclusions for plants and animals from patent law permitted.⁹³

US-Thailand FTA | under negotiation

US-Vietnam BTA | 2000 | in force

Vietnam must implement and make best effort to join UPOV. Vietnam 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.⁹⁴

EUROPE

European Free Trade Association

EFTA-Bosnia and Herzegovina FTA | 2013 | signed but not in force

Bosnia and Herzegovina must join the UPOV Convention (1991 Act) by end of 2013.⁹⁵

EFTA-Macedonia FTA | 2000 | in force

Macedonia must join the Budapest Treaty by 2001 and the UPOV Convention by 2002.⁹⁶

EFTA-Montenegro FTA | 2011 | in force

Montenegro must join the UPOV Convention (1991 Act) by end of 2012.⁹⁷

EFTA-Serbia FTA | 2009 | in force

Serbia must join the UPOV Convention (1991 Act) by end of 2010.⁹⁸

European Union

EU-Macedonia FTA | 2004 | in force

Macedonia must join the UPOV Convention (1991 Act) by end 2009.⁹⁹

EU-Moldova FTA | 2014 | under provisional application

Moldova must implement the UPOV Convention, noting the optional "farmers' privilege" (to re-use protected seed while respecting the rights of the breeder).¹⁰⁰

United States

EU-US FTA | under negotiation

Notes

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%20%28Folder%29/Annexes/EG_FTA_Annex_V.pdf
3. Gulf Cooperation Council: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates.
4. *Free trade agreement between the EFTA States and the Member States of the Co-operation Council for the Arab States of the Gulf*, <http://www.efta.int/media/documents/legal-texts/free-trade-relations/gulf-cooperation-council-GCC/EFTA-GCC%20Free%20Trade%20Agreement.pdf> [Art 5.1.6]
5. *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
6. *Free Trade Agreement EFTA - Republic of Lebanon, Annex V*, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/LB/LB_RUAP/annexes/LB_Annex_V.pdf
7. *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]
8. *Interim Agreement between the EFTA States and the PLO for the Benefit of the Palestinian Authority*. <http://secretariat.efta.int/Web/>

9. *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
10. *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]
11. *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
12. *Ibid*, Annex 6, Art 1.
13. Cameroon, Chad, Congo, Equatorial Guinea, Gabon and São Tomé and Príncipe
14. *Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part*, 15 January 2009, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2009:057:FULL&from=EN> [Art 3 and Chpt 3]
15. Burundi, Kenya, Rwanda, Tanzania, Uganda
16. *Agreement Establishing a Framework for an Economic Partnership Agreement between the European Community and its Member States, on the one part, and the East African Community Partner States on the other part*, 2007, http://trade.ec.europa.eu/doclib/docs/2010/february/tradoc_145792.pdf [Art 37]
17. Comoros, Democratic Republic of Congo, Djibouti, Eritrea, Ethiopia, Madagascar, Malawi, Mauritius, Seychelles, Sudan, Zambia and Zimbabwe
18. *Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part*, August 2009, <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ:L:2012:111:TOC> [Art 53]
19. Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.
20. Draft joint text after conclusion of negotiations by Senior Officials, February 2014, *Economic Partnership Agreement (EPA) between the West African States, ECOWAS and WAEMU, of the one part and the European Community and its Member States of the other part*, [Art 106.2]
21. *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].
22. European Parliament resolution on the EU Trade and Investment Strategy for the Southern Mediterranean following the Arab Spring revolutions, 10 May 2012, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52012IP0201&rid=33> [Para 30]
23. *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]
24. European Parliament resolution on the EU Trade and Investment Strategy for the Southern Mediterranean following the Arab Spring revolutions, 10 May 2012, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52012IP0201&rid=33> [Para 30]
25. *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]
26. *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]
27. European Parliament resolution on the EU Trade and Investment Strategy for the Southern Mediterranean following the Arab Spring revolutions, 10 May 2012, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52012IP0201&rid=33> [Para 30]
28. *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]
29. *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]
30. 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

31. *Economic Partnership Agreement between the European Union and its member states, of the one part, and the SADC EPA states, of the other part*, text agreed to and under legal scrub as of September 2014, <http://www.bilaterals.org/?eu-sadc-epa-as-of-sep-2014> [Art 67-II.6]
32. 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
33. *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]
34. European Parliament resolution on the EU Trade and Investment Strategy for the Southern Mediterranean following the Arab Spring revolutions, 10 May 2012, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52012IP0201&rid=33> [Para 30]
35. 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).
36. *Trade and Development Act of 2000*. http://www.agoa.gov/agoa_legislation/agoatext.pdf [Sec B.211.5.b.ii]
37. US-Bahrain *Free Trade Agreement*, 2004, http://www.ustr.gov/Trade_Agreements/Bilateral/Bahrain_FTA/Section_Index.html [Art 14.1.2 and 14.11]
38. *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)].
39. US-Morocco *Free Trade Agreement*, 2004, http://www.ustr.gov/Trade_Agreements/Bilateral/Morocco_FTA/Section_Index.html [Art 15.9.2]
40. 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]
41. South Africa, Botswana, Namibia, Lesotho and Swaziland
42. *Free Trade Agreement between the EFTA States and the Central American States*, 24 June 2013, <http://www.efta.int/media/documents/legal-texts/free-trade-relations/central-america/annexes-en/annex-xix-ipr.pdf> [Annex XIX, Art 2.2.d]. If a party is already member of UPOV 1978 and chose not to subscribe to UPOV 1991, they may implement UPOV 1978 under the terms of the FTA.
43. *EFTA-Chile Free Trade Agreement*, Article 46, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Chile/CL/CL_FTA.pdf and Annex XII, http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/CL/CL_RUAP/Annexes/Annex_XII.pdf
44. *Free Trade Agreement between the Republic of Colombia and the EFTA States*, <http://www.efta.int/media/documents/legal-texts/free-trade-relations/colombia/EFTA-Colombia%20Free%20Trade%20Agreement%20EN.pdf> [Art 6.4.2]
45. *EFTA-Mexico Free Trade Agreement*. http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/Mexico/MX/MX_FTA.pdf [Art 16] and http://secretariat.efta.int/Web/ExternalRelations/PartnerCountries/MX/Annexes/30-Annex_XXI.pdf [Annex XXI]
46. *Free Trade Agreement between the Republic of Peru and the EFTA States* <http://www.efta.int/sites/default/files/documents/legal-texts/free-trade-relations/peru/EFTA-Peru%20Free%20Trade%20Agreement%20EN.pdf> [Chpt 6, Art. 6.4.2]
47. *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]
48. *Trade agreement between the European Union and its member states, of the one part, and Colombia and Peru, of the other part*, http://trade.ec.europa.eu/doclib/docs/2011/march/tradoc_147704.pdf [Sec 7, Art 232]
49. 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.
50. *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 and signed on 15 October 2008. http://www.bilaterals.org/article.php3?id_article=10956
51. Common Southern Market: Argentina, Brazil, Paraguay, Uruguay and Venezuela.
52. *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/ecrire/articles.php3?id_article=416 [Art 12.1]. Decision No 1/-- of the Joint Council. http://www.bilaterals.org/ecrire/articles.php3?id_article=416 [Title IV, Art 36.2 and 36.4].
53. *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]
54. *Andean Trade Promotion and Drug Eradication Act*, http://otexa.ita.doc.gov/AGOA-CBTPA/H3009_CR.pdf [Div C, Title XXI, Sec 3103]

55. 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>.
56. *North America Free Trade Agreement*, Chapter 17, Intellectual Property. http://www.nafta-sec-alena.org/DefaultSite/index_e.aspx?ArticleID=168 [Art 1701.2 and Annex 1701.3]
57. Currently being negotiated between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, US and Vietnam.
58. *TPP Intellectual Property [Rights] Chapter, consolidated text*, 16 May 2014, <http://www.bilaterals.org/?tpp-draft-ip-chapter-may-2014> [Art Q.Q.A.8, Q.Q.E.1 and Q.Q.E.23]
59. *US-Caribbean Trade Partnership Act of 2000*. <http://www.mac.doc.gov/CBI/Legislation/cbileg-00.htm> [Sec B.211.5.b.ii]
60. *US-Chile Free Trade Agreement*, 2003 http://www.ustr.gov/Trade_Agreements/Bilateral/Chile_FTA/Section_Index.html [Art 17.1 and 17.9]
61. *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
62. *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]
63. *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)]
64. *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]
65. *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]
66. *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
67. *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.php3?id_article=395 [Art 1.2]
68. *EFTA-Hong Kong China Free Trade Agreement*, 21 June 2011, <http://www.efta.int/free-trade/free-trade-agreements/hong-kong> [Annex XII, Art 2]
69. *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)]
70. *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]
71. Association of South East Asia Nations: Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand and Vietnam.
72. *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
73. Relevant texts available at bilaterals.org: <http://www.bilaterals.org/?-eu-ftas->
74. *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.
75. *Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part*, 6 October 2010, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2011.127.01.0001.01.ENG#L_2011127EN.01000601 [Art 10.39]
76. Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.
77. *Free Trade Agreement between the European Union and the Republic of Singapore*, 20 September 2013, http://trade.ec.europa.eu/doclib/docs/2013/september/tradoc_151761.pdf [Chpt 11, Art 11.35]
78. *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]
79. *Agreement between Japan and Brunei Darussalam for an Economic Partnership*, 16 June 2007, <http://www.mofa.go.jp/region/asia-paci/brunei/epa0706/agreement.pdf> [Art 97c]
80. *Agreement between the Government of Japan and the Government of Malaysia for a Free Trade Agreement*, December 2005, http://www.ustr.gov/Trade_Agreements/Bilateral/JP-MY-FTA/Section_Index.html

mofa.go.jp/region/asia-paci/malaysia/epa/content.pdf [Art 123]

81. *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>

82. *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]

83. *Agreement between Japan and the Socialist Republic of Viet Nam for an Economic Partnership*, 25 December 2008, <http://www.mofa.go.jp/region/asia-paci/vietnam/epa0812/agreement.pdf> [Art 90]

84. *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]

85. Currently being negotiated between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, US and Vietnam.

86. *TPP Intellectual Property [Rights] Chapter, consolidated text*, 16 May 2014, <http://www.bilaterals.org/?tpp-draft-ip-chapter-may-2014> [Art Q.Q.A.8, Q.Q.E.1 and Q.Q.E.23]

87. *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]

88. *Free trade agreement between the United States of America and the Republic of Korea*, 30 June 2007, http://www.ustr.gov/sites/default/files/uploads/agreements/fta/korus/asset_upload_file273_12717.pdf [Art 18.1.3 and 18.8].

89. *Record of Understanding on Intellectual Property Rights*. http://www.bilaterals.org/article.php3?id_article=388 [Sec. B.6]

90. *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]

91. *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/ecire/articles.php3?id_article=810 [Art 9(c)i]

92. *US-Singapore Free Trade Agreement*, May 2003. http://www.bilaterals.org/ecire/articles.php3?id_article=247 [Art 16.1 and Art 16.7]

93. *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/ecire/articles.php3?id_article=389 [Sec 2c]

94. *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)]

95. *Free Trade Agreement between the EFTA States and Bosnia and Herzegovina*, 24 June 2013, <http://www.efta.int/media/documents/legal-texts/free-trade-relations/bosnia-and-herzegovina/annexes-protocol/annex-vii-ip.pdf> [Annex VII, Art 2.3.d]

96. *Free Trade Agreement between the EFTA States and the Republic of Macedonia*, <http://www.efta.int/media/documents/legal-texts/free-trade-relations/macedonia/Record%20of%20Understanding%20Annexes%20and%20Protocols/Annex%20V%20-%20Protection%20of%20intellectual%20property.pdf>, [Annex V, Art 2.2 and 2.3]

97. *Free Trade Agreement between the EFTA States and Montenegro*, 14 November 2011, <http://www.efta.int/media/documents/legal-texts/free-trade-relations/montenegro/montenegro-annex-6-ipr.pdf> [Annex 6, Art 2.1.3.d]

98. *Free Trade Agreement between the EFTA States and the Republic of Serbia*, 17 December 2009, <http://www.efta.int/media/documents/legal-texts/free-trade-relations/serbia/annexes-protocols-declaration/ann6.pdf> [Annex VI, Art 2.3.d]

99. *Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part*, 1 May 2004, [http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22004A0320\(O3\)&rid=1](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22004A0320(O3)&rid=1) [Art 71.3]

100. *Association agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part*, 27 June 2014, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0830\(O1\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22014A0830(O1)&from=EN) [Art 317]



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