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**INTERNATIONAL ASSOCIATION
FOR THE PROTECTION OF INTELLECTUAL PROPERTY**

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Report

Special Committee Q184

**IP Issues of the Treaty for the Free Trade Area of the
Americas (FTAA)**

**Questions en Propriété Intellectuelle du Traité de la Zone
de libre-échange des Amériques**

**Fragen des Geistigen Eigentums im Übereinkommen der
Freihandelszone des Amerikas**

Report Q184

IP issues of the Treaty for the Free Trade Area of the Americas (FTAA)

by Peter Dirk SIEMSEN (Brazil)

Since our last meeting in Geneva, there has been no development on IP issues in the FTTA and even on the FTAA as a whole. This is basically because the United States concentrated its attention on the presidential elections which took place in October 2004 and on the substitution of Robert Zoellick as Trade Representative. There was much expectation with regard to a possible change of position of the United States in relation to negotiations of the FTAA, CAFTA and bilateral agreements, depending on whom would be elected. Bush was re-elected, Rob Portman took over, Bahadian and Allegier remain as co-presidents of FTAA, and so far little has changed.

Another reason for the FTAA having fallen asleep since the Ministerial Meeting in Miami, in 2003, is the lack of substantial development in the Doha Round, which was supposed to be concluded by January 2005 but will possibly go on until 2006. FTAA countries would prefer not to commit themselves in a regional level before they could see what would happen in the multilateral negotiations, specially with regard to market access and rules.

In spite of this, Bahadian and Allegier met last February in Washington in an effort to move the negotiations of the FTAA, but they made no progress. The United States continues reluctant to yield on agricultural themes and on subsidies, whereas Mercosur is not willing to open up its market on services, investments and industrial goods and to accept restrictions on IP that go beyond WTO rules. Additionally, for the United States the question of enforcement of IP rights, specially in relation to Brazil, continues to play an important role and is used to retaliate by threatening to take away Brazil's export benefits under the GSP (Generalized Preference System).

Last May, Brazilian Minister Celso Amorim and Rob Portman met and agreed in that the Miami agreement should be the base for future negotiations and promised to do an effort to unblock the negotiations.