

The TPP, IP & Digital Policy

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Intellectual Property

Privacy

Telecom

E-commerce

Internet Governance

Culture



★ TPP ★

MADE IN AMERICA

IP Treaties Within the Treaty

- *Patent Cooperation Treaty*
- *Paris Convention*
- *Berne Convention*
- *Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks*
- *Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1977), as amended in 1980*
- *International Convention for the Protection of New Varieties of Plants (UPOV Convention)*
- *Singapore Treaty on the Law of Trademarks (2006)*
- *WIPO Copyright Treaty*
- *WIPO Performances and Phonograms Treaty*

Pre-TPP

Agreement/Pressure Point	Conditions
TPP Entry	Anti-circumvention rules
CETA	Patent reforms (patent restoration, data exclusivity). Geographical indications
USTR Watch List	Border Measures

Copyright

Canada	TPP
Copyright Term Life + 50 years	Copyright Term Life + 70 years
Digital locks Limited criminal provisions	Digital locks Expanded criminal provisions
Copyright balance	Weak balance language
Technological neutrality	Layering of Rights
Bill C-8 (Anti-Counterfeiting)	Mandated reporting to U.S. every 6 months

Copyright

Canada	TPP
Notice-and-Notice	Canada only
Non-commercial User Generated Content	None
Statutory Damages Caps	None
Exceptions for format shifting, time shifting, backups	No requirement

IP

Issue	TPP
Patents	Term restoration
Biologics	5 + 3 years of protection
Trade Secrets	Criminal provisions
Trademarks	Nice Agreement + expansion
Geographic Indications	Confusion

Privacy

Issue	TPP
Enforceable Privacy Laws	Enforcement of “Voluntary Undertakings”
Data Localization	Prohibited with uncertain exception
Data Transfers	Prohibited with uncertain exception
Tough Anti-Spam Laws	Weaker “opt-out” sufficient

Digital Policy

Issue	TPP
Net Neutrality Rules	Limited rules focused on blocking of content
No prohibition on mandated source code disclosure	No mandated source code disclosures
Independent ccTLD policy	Required conditions for country code domains
Mobile roaming costs	No enforceable provisions

Digital Services

Canada	TPP
Mandated support for culture	Ban on new support mechanisms
Governments considering Internet gaming regulation	Restrictions on new regulation
Governments considering ride sharing regulation (ie. Uber)	Restrictions on new regulation

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