

Negotiating Intellectual Property Provisions in Free Trade Agreements
A one-day workshop on Wednesday, November 19, 2003

sponsored in Miami, Florida by
The Program on Intellectual Property and the Public Interest
Washington College of Law, American University

The Consumer Project on Technology,

and the
Centro de Estudios Interdisciplinario de Derecho Industrial y Economico (CEIDIE)
Universidad de Buenos Aires, Argentina

with the support of
The John D. and Catherine T. MacArthur Foundation

In recent years, international trade agreements have supplanted specialized treaties as the most important vehicle for defining norms in global intellectual property law. With the 1994 WTO TRIPS Agreement as a baseline, the United States, the European Union and other countries now are seeking agreement on higher levels of protection for patents, copyright, trademarks and other forms of IP, and on measures for the enforcement of these rights. The major vehicles for this post-TRIPS enhancement of trade-based IP protection are so-called Free Trade Agreements of bilateral, regional or even hemispheric coverage.

FTA's raise a full range of issues concerning the appropriate definition of intellectual property norms in light of the positions of the countries negotiating such understandings. Some of these issues seem remote from the immediate concerns of countries struggling to build basic economic institutions. But they may have important consequences for the future. Many of these issues are highly technical in nature, and some of them can be illuminated by examining the experience of countries (including the U.S. and various European states) which have a relatively long experience with high levels of IP protection.

The goal of the workshop is to provide negotiators participating in the development of FTA's with a useful "toolkit" of information about basic IP law concepts; the IP provisions of various concluded and proposed FTA's; the implications of those provisions for cultural, scientific, and economic development; and the possible alternatives. In the course of the day, experts from South and North South America will participate in a series of topically organized panels on various IP topics, leading up to a general discussion of negotiating goals and strategies. The workshop will offer a wide range of

perspectives on this important topic, along with an opportunity for the exchange of views among participants.

The workshop will be held in the Storer Auditorium of the University of Miami, in Coral Gables, which is convenient to downtown Miami by taxi and public transportation. Speaker presentation will be followed by opportunities for questions and answers. Concise briefing papers on various topics will be distributed at the workshop.

A tentative agenda for the workshop follows:

9-9:30am -- Welcome and Introduction: Peter Jaszi, American University (U.S.) and Carlos Correa, CEIDIE (Argentina)

9:30 - 11am -- Panel I: Copyright, Trademark, and related Forms of Protection

- Howard Knopf, Macera & Jarzyna (Canada): Substantive Copyright Law:
- Gwen Hinze, Electronic Frontier Foundation (U.S.): Technological Protection and Anti-circumvention
- Christine Farley, American University: Trademark Law
- David Vivas Eugui, International Center for Trade and Sustainable Development [ICTSD] (Switzerland): Geographic Indications

Break

11:15 am -12:45 pm -- Panel II: Industrial Property and Internet Regulation

- Joshua Sarnoff, American University: Substantive Patent Law
- Carlos Correa: Patent and IP Enforcement
- Perez Miranda, Universidad Nacional Autónoma de México [UNAM] (Mexico): Compulsory Licensing and Investment Agreements
- Michael Froomkin, University of Miami (U.S.): Internet Domain Names

Lunch provided – Keynote speakers will include Francisco Cannabrava, Second Secretary, Brazilian Embassy in Mexico

2:15-3:30 pm -- Panel III: Sui Generis Protection

- P. Bernt Hugenholtz, Institute for Information Law, University of Amsterdam (Netherlands): Database Protection
- Rose Marie Maldonado, Abogado (Guatemala): Protection for Pharmaceutical Testing Data
- Alejandro Argumedo, Asociación ANDES (Peru): Traditional Knowledge
- Maria Julia Oliva, Center for International Environmental Law [CIEL] (Switzerland): Plant Variety Protection

Break

3:45-5:15 pm -- Panel IV: A Roundtable on the Trade Negotiation Process and Coalition Building

- Jonathan Band, Morrison & Foerster (U.S.)
- James Love, Consumer Project on Technology (U.S.)
- Samuel Moreno, FTAA Negotiator (Panama)
- Diane Tussie, Facultad Latinoamericana de Ciencias Sociales [FLACSO] (Argentina)
- Luis Villarreal Villalon, Legal Advisor, Ministry of Education (Chile)

Reception – drinks and hors d'oeuvres

THE WORKSHOP IS OFFERED FREE OF CHARGE, BUT PLACES ARE LIMITED. THEREFORE, ADVANCE REGISTRATION IS REQUESTED. PLEASE CONTACT EARL PIERCE (etpierce@wcl.american.edu or 202-274-4148) TO BE PLACED ON THE REGISTRATION LIST. WHEN REGISTERING, PLEASE INDICATE YOUR NAME, INSTITUTIONAL AFFILIATION, E-MAIL ADDRESS, PRIMARY TELEPHONE NUMBER, AND FAX NUMBER,

Although the organizers of the workshop hope that as many registrants as possible can join us for the entire day, those who can participate in only part of the program also are welcome. Further information about the location of the workshop and transportation options will be posted soon at this website.