Intellectual Property

The CPTPP establishes a common set of rules on intellectual property protection and enforcement, which aim to encourage investment in new ideas, support creative and innovative industries, address and prevent piracy and counterfeiting, and promote the dissemination of information, knowledge and technology.

The intellectual property provisions of the CPTPP affirm and build on the World Trade Organization’s Agreement on Trade-Related Aspects of Intellectual Property (TRIPS Agreement), covering: copyright, trademarks, geographical indications, patents, industrial designs, confidential information, plant variety protection, and civil, border and criminal enforcement. The CPTPP also includes provisions covering pharmaceutical products, cybersquatting of domain names and trade secrets theft.

As part of the CPTPP outcomes, a number of intellectual property provisions from the original TPP were suspended, including certain provisions relating to pharmaceutical products (including biologics), copyright and patents. None of these would have required Australia to make changes to its intellectual property laws or settings. For more information, see: FAQs on Suspensions

This document addresses a number of common questions regarding the intellectual property provisions in the CPTPP.

Will Australia have to change any of its intellectual property laws under the CPTPP?

No. The CPTPP Intellectual Property Chapter is consistent with Australia’s existing intellectual property regime. For more information, see: CPTPP Chapter 18: Intellectual Property

Will the Intellectual Property Chapter of the CPTPP be subject to Investor-State Dispute Settlement (ISDS)?

No. The Intellectual Property Chapter of the CPTPP cannot be directly enforced via ISDS. An ISDS dispute under the CPTPP could only be brought in relation to intellectual property where there has been an alleged violation of a commitment in the Investment Chapter. For more information, see Outcomes: Investment and FAQs: ISDS.

Copyright

The CPTPP does not require an increase in the term of copyright protection in Australia, nor the introduction of new civil remedies or criminal penalties for copyright infringement. The CPTPP does not require internet service providers to monitor, report or penalise copyright infringement.

Patents and regulatory data protection
The CPTPP outcome does not require any changes to Australia’s patent system or regulatory data protection arrangements, including patent term and the length of data protection for pharmaceutical products. The CPTPP does not have any impact on Australia’s Pharmaceutical Benefits Scheme or timely access to affordable medicines. For more information, see Outcomes: Health.

**Parallel importation**

The Intellectual Property Chapter does not impose any new restrictions on Australia’s ability to allow for parallel imports. The CPTPP leaves the issue of ‘international exhaustion’ of intellectual property rights for each CPTPP country to determine for itself.