

TRANS-PACIFIC PARTNERSHIP AGREEMENT

INTELLECTUAL PROPERTY: FREQUENTLY ASKED QUESTIONS (FAQS)

The Trans-Pacific Partnership (TPP) Agreement 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 TPP affirm and build on the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS Agreement), covering: copyright, trade marks, geographical indications, patents, industrial designs, confidential information, plant variety protection, and civil, border and criminal enforcement. The TPP also includes pharmaceutical intellectual property provisions, and covers 21st century issues such as cybersquatting of domain names, technological protection measures, trade secrets theft, protection of satellite and cable signals and internet service provider (ISP) liability.

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

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

No. The TPP Intellectual Property Chapter is consistent with Australia's existing intellectual property regime.

Will the Intellectual Property Chapter of the TPP be subject to investor-state dispute settlement (ISDS)?

No. The Intellectual Property Chapter of the TPP cannot be directly enforced via ISDS. An ISDS dispute under the TPP could only be brought in relation to intellectual property where there has been an alleged violation of a commitment in the Investment chapter (see [Investment: Outcomes](#)).

Copyright

The TPP will 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 TPP will not require ISPs to monitor, report or penalise copyright infringement. The TPP standard is consistent with Australia's existing ISP liability regime.

Patents and regulatory data protection

The TPP outcome will 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 TPP will not have any impact on Australia's Pharmaceutical Benefits Scheme or timely access to affordable medicines. For more information, see: [Outcomes: Biologics](#) and [Outcomes: Health](#).

Parallel importation

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