



INTELLECTUAL PROPERTY

1. Pharmaceuticals

With CETA, Canada commits to provide additional protection for pharmaceutical products that are protected by eligible Canadian patents.

The period of protection offered by Canada will never exceed a fixed cap of 2 years, whereas the EU cap on the protection period is of 5 years. The pharmaceutical products that are already approved and on the Canadian market will not receive additional protection, since no retroactivity is provided in the Agreement.

Nonetheless, Parties have negotiated exceptions to allow for Canadian-made generic medicines to be exported during the period of additional protection.

2. Copyright, Trademark & Designs

CETA contains a copyright system that will follow the 2010 Copyright Modernization Act, in compliance with the two 1996 World Intellectual Property Organization treaties.

Though CETA allows copyright owners to benefit from their work, it seeks to promote advances in technology and allows the use of new and innovative technology by service providers, businesses, students and educators.

The Agreement includes various copyright provisions regarding term of protection, broadcasting, protection of technological measures, protection of rights management information, and liability of intermediary service providers.

As for trademarks and designs, Canada and the EU commit to make all reasonable efforts to comply with international agreements and standards that encourage trademark and industrial design procedures, namely:

- The Singapore Treaty on the Law of Trademark;
- The Protocol Related to the Madrid Agreement Concerning the International Registration of Marks;
- The Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Design.

3. Geographical Indicators (GIs)

A geographical indicator is a sign or name for a product, directly related to its specific geographical origin.

Canada currently recognizes a number of EU wines and spirits GIs (such as *Cognac* and *Bordeaux*), but agrees to recognize 179 additional terms regarding food and beer.

Canada negotiated protection of some EU GIs, with the caveat that they do not impact the ability of producers to use specific terms that are commonly employed in Canada, in English and in French. As a consequence, the following terms continue to be free of use in Canada, in French and English only, regardless of the origin of the product: *Valencia orange*, *Black Forest ham*, *Tiroler bacon*, *Parmesan*, *Bavarian beer*, *Munich beer*.

The EU preserved its GI rights on a certain number of cheeses such as *Asiago*, *Feta*, *Fontina*, *Gorgonzola* and *Munster*. However, this will not affect the ability of current users to continue use of these names. Future users may only use these names if accompanied by expressions such as “kind”, “type”, “style” and “imitation”.

Canada preserves the right to use the customary name of an animal breed or a plant variety or such as using *Kalamata* on packaging of this variety of olive.

Canadians also maintain the ability to use components of multi-part terms:

- *Brie de Meaux* will be protected, but *Brie* may be used on its own;
- *Gouda Holland* will be protected, but *Gouda* may be used on its own;
- *Edam Holland* will be protected, but *Edam* may be used on its own;
- *Mortadella Bologna* will be protected, but *Mortadella* or *Bologna* may be used separately.

Canada did not agree to protect the French term *noix de Grenoble* and will not protect the GI *Budejovicke*, thus preventing any conflicts with the *Budweiser* trademark.

4. Plants and Plant Protection Products

CETA will provide certainty in term of data protection of plant protection products. The Parties have committed to co-operate in order to promote and reinforce the protection of plant varieties based on the International Convention for the Protection of New Varieties of Plants.

CETA will preserve the “farmers’ privilege” to save and replant seeds of a protected variety on their own land under the Canadian federal Plant Breeders’ Rights’ Act.

5. Enforcement

The Parties agreed to ensure simple, fair, equitable and cost-effective enforcement of intellectual property rights provisions, through civil remedies and border enforcement measures that should not interrupt trade at the border.