



Australia - United States Free Trade Agreement Fact Sheet 8

INTELLECTUAL PROPERTY

The Intellectual Property Chapter:

- Reinforces Australia's reputation as one of the world's leading countries in protecting and enforcing intellectual property rights.
- Harmonises our intellectual property laws more closely with the largest intellectual property market in the world, which is recognised as a global leader in innovation and creative products.
 - At the same time it allows Australia considerable flexibility to implement the Agreement in a way that reflects the interests of our domestic interest groups and Australia's legal and regulatory environment.
- Demonstrates to our trading partners our commitment to strong intellectual property laws.

Summary

The inclusion of the Intellectual Property Chapter recognises the importance of a strong intellectual property regime to economic growth through trade and investment. Australians will benefit through closer harmonisation of our already strong intellectual property regime with that of the largest intellectual property market in the world.

Closer alignment in intellectual property laws and practices will provide Australian exporters with a more familiar and certain legal environment for the export of value-added goods to the US. Likewise, the ability of Australian innovators to attract investment from the US will be enhanced through greater familiarity and confidence of those investors with our legal system.

Key Points

Key Points in the Intellectual Property Chapter include:

- Stronger protection for copyright owners, including:
 - Agreement to implement the WIPO Internet Treaties by entry into force of the Free Trade Agreement: these being world intellectual property standards on treatment of digital copyright material

- An expeditious process that allows for copyright owners to engage with Internet Service Providers and subscribers to deal with allegedly infringing copyright material on the Internet.
- Tighter controls on circumventing technological protection of copyright material together with a mechanism for examining and as necessary introducing public interest exceptions in relation to technological protection measures, along with a transition period to provide the opportunity for public submissions in this area, as well as other measures in relation to circumvention tools
- Agreement on standards of copyright protection
- An increased term of protection for copyright material
- Enhanced intellectual property enforcement, including:
 - increased criminal and civil protection against the unlawful decoding of encrypted program carrying satellite TV signals - which will assist the Pay TV industry enforce its rights
 - agreed criminal standards for copyright infringement and on remedies and penalties
- Reinforcement of Australia's existing framework for industrial property protection,

In addition the Agreement includes:

- Agreement to work to reduce differences in law and practices, in the area of patents, trademarks and designs, and to promote bilateral and regional cooperation with respect to enforcement of border measures
- Introduction of transparent procedures into the marketing approval process for pharmaceuticals products coming off patents.

Who to contact

For further information, please contact DFAT's AUSFTA Taskforce:

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