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Subject: Report: meeting with the Transatlantic Business Council (TABC), 6 February 2015

Meeting with the Transatlantic Business Council (TABC) on IPR Chapter in TTIP

Participants:

TABC: 4.1(b)

Commission (DG TRADE): 4.1(b)

Summary:

TABC presented its position paper on intellectual property rights in TTIP and particularly emphasized the following areas:

1. A solid IPR chapter: TABC supports the inclusion of a chapter on IPR in the TTIP to reflect shared commitment to robust and well-functioning protection of all forms of IPRs.
2. Patents: abusive patent litigation, resulting from high litigation costs, speculative damages awards and unreasonable litigation behaviour, is a concern in the U.S system. Commission responded that it would welcome concrete ideas how to address these issues.
3. Trade secrets: improved cooperation on trade secrets legislation would be a useful element for the IP talks in TTIP. Commission noted that at this stage preference is given to the respective domestic processes.
4. Cooperation against IPR erosion: some third countries and emerging markets are undermining the protection and enforcement of IPRs by encouraging protectionist or nationalistic practices adopting legislation. TTIP is a unique opportunity to demonstrate global leadership to promote robust IP standards globally. Commission acknowledged the importance of this and highlighted that a lot of cooperation and joint EU-US activities are taking place in practice already.

Commission took note of the priorities given by TABC and highlighted that currently the negotiators are looking at a broad range of issues, analysing the differences and aiming to identify issues which are worth addressing. Commission also gave a brief summary of the state of play after the 8th negotiating round of TTIP along the following lines: intention to address a limited number of important issues instead of having a full-fledged IPR Chapter, no text yet, no written submissions from the US, strong interest on both sides to formally capture the existing cooperation initiatives in different fora.

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