



Peru TPA Facts

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SIGNIFICANT INTELLECTUAL PROPERTY RIGHTS (IPR) IMPROVEMENTS

The Peru IPR chapter contributes to a broad strengthening of Peru's protection and enforcement of IPR. IPR is important to the prosperity of the U.S. economy and the U.S. - Peru agreement represents a significant boost for U.S. commercial interests. The chapter accomplishes the Trade Promotion Authority objectives regarding promotion of adequate and effective protection of IPR reflecting standards of protection similar to those found in U.S. law. The Agreement also incorporates provisions reflecting full respect for the 2001 Doha Declaration on the TRIPS Agreement and Public Health.

Key IPR Accomplishments of the U.S.-Peru Trade Promotion Agreement (PTPA)

State-of-the-Art Protection for U.S. Trademarks

PTPA contains a number of elements that will strengthen Peru's protection of U.S. trademarks. Peru is required to develop an on-line system for registration and maintenance of trademarks. Peru will also develop a system to resolve disputes about trademarks used in internet domain names.

The agreement also advances the U.S. policy objective of ensuring that the first person who acquires a right to a trademark or a geographical indication is the person who has the right to use it.

Protection for Copyrighted Works in a Digital Economy

In addition to ensuring extended terms of protection for copyright-protected works, the PTPA will foster Peru's adherence to disciplines that reflect the realities of copyright in a digital age.

Under the terms of the agreement, Peru will establish strong anti-circumvention provisions to prohibit tampering with technologies designed to prevent piracy and unauthorized distribution of songs, movies or other works over the internet. PTPA also ensures that Peru's government must use only legitimate computer software, and establishes that copyright owners maintain rights over temporary copies of their works on computers.

The agreement also will help prevent piracy of satellite television programming, and sets out rules for the liability of Internet Service Providers for copyright infringement, reflecting the balance struck in the U.S. Digital Millennium Copyright Act.

Patents & Test Data: Stronger Protections

The PTPA will significantly strengthen Peru's basis for protecting patents and test data.

The agreement limits the grounds for revoking patents, provides protection for newly developed plant varieties, and sets out rules for protecting test data submitted in connection with marketing approval for medicines and agricultural chemicals.

The PTPA also requires the establishment of procedures and remedies to prevent the marketing of pharmaceutical products that infringe patents. The IPR protections in the agreement incorporate flexibilities aimed at ensuring that Peru can strike an appropriate balance that promotes both pharmaceutical innovation and access to medicines.

Tough Penalties for Piracy and Counterfeiting

The PTPA criminalizes end-user piracy, providing strong deterrence against piracy and counterfeiting. The agreement will also require Peru to authorize the seizure, forfeiture, and destruction of counterfeit and pirated goods, and will also strengthen enforcement by providing for ex officio action in border and criminal cases.