



## *the* **TRANS-PACIFIC PARTNERSHIP**

The Trans-Pacific Partnership (TPP) levels the playing field for American workers and American businesses, leading to more Made-in-America exports and more higher-paying American jobs here at home. By cutting over 18,000 taxes various countries put on Made-in-America products, TPP makes sure our farmers, ranchers, manufacturers and small businesses can compete—and win—in some of the fastest growing markets in the world. With more than 95 percent of the world’s consumers living outside our borders, TPP will significantly expand the export of Made-in-America goods and services and support American jobs.



### **Promoting Innovation & Creativity**

As the world’s most innovative economy, strong and effective protection and enforcement of IP rights is critical to driving innovation, creating economic growth, and supporting American jobs. TPP reflects strong rules that will promote exports and protect U.S. creativity while simultaneously promoting the sort of balance that ensures open, innovative, and technologically-advanced economies in the Asia-Pacific region.

#### **HOW TPP PROMOTES INNOVATION AND CREATIVITY**

Strong and balanced IP standards are critical for driving innovation and protecting American jobs. TPP requires parties to:

- Establish a **strong patentability standard**, with appropriate limitations drawn from international commitments, to protect the jobs and solutions to global challenges generated by U.S. innovators in areas ranging from solar panels to smart manufacturing.
- Adopt **strong copyright protections**—drawn from international norms—to respect the rights of creators and establish clear protection of works, and facilitate the development of new business models for distributing creative content that keeps pace with evolving technology.

- Include—for the first time—an obligation that **requires Parties to continuously seek to achieve an appropriate balance in copyright systems** through, among other things, exceptions and limitations to copyright for legitimate purposes, such as criticism, comment, news reporting, teaching, scholarship, and research, and clearly provides that these exceptions and limitations are available and appropriate in the digital environment.
- **Establish copyright safe harbors for Internet Service Providers (ISPs)** to develop their business, while also helping to address Internet copyright infringement in an effective manner. TPP includes no obligations on these ISPs to monitor content on their networks or systems, and provides for safeguards against abuse of such safe harbor systems.
- Promote access to medicines by facilitating not only the development of **innovative, life-saving drugs and treatments**, but also the spread of **generic medicines**. This includes commitments in TPP that build on the principles underlying the “May 10th Agreement,” which based flexibilities for certain pharmaceutical provisions on the level of development and capacity of individual trading partners. TPP also aligns with the Doha Declaration on TRIPS and Public Health and affirm the rights of countries to take measures to protect public health.
- Adopt or maintain—for the first time in a U.S. trade agreement—a “Bolar” type patent exception for regulatory reviews, **facilitating rapid introduction of generic medicines** once patents expire, as in the U.S. system.
- Comprehensively **address the problem of trade secret theft**, including theft conducted by State-owned enterprises. TPP also—for the first time in a trade agreement—requires TPP parties to establish criminal procedures and penalties for trade secret theft, including by means of **cyber theft**.
- Combat the spread of overly-restrictive **geographical indication policies**, including by safeguarding the rights of trademark owners and rules clarifying the use of generic terms.
- **Enhance due process and other disciplines on the use of GIs** to address the growing concerns of U.S. exporters, whose access to foreign markets can be undermined through overly expansive GI protections.
- **Close loopholes used by counterfeiters** and make enhanced penalties available for particularly serious cases, such as trafficking in counterfeit trademark products that threaten health and safety.
- Ensure the availability of mechanisms to **effectively enforce intellectual property rights**, including civil and administrative procedures and remedies, and criminal enforcement.

- **Harmonize aspects of trademark and patent procedures**, making easier for businesses to search, register and protect their trademarks and patents in new markets, which is particularly important for small businesses.

## **What's in the Trans-Pacific Partnership?**

Learn everything you need to know about what's in the deal and who it helps.

**[WWW.USTR.GOV/TPP](http://WWW.USTR.GOV/TPP)**