

Why Jamaica wants to protect Champagne: intellectual property protection in EU bilateral trade agreements

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Why Jamaica Wants to Protect Champagne: Intellectual Property Protection in EU Bilateral Trade Agreements

Anke Moerland

- 1) A sound methodology is key for any type of research, including legal research.
- 2) The geographical extent and material scope of the IP chapters in recent bilateral trade agreements is exceptional and does not seem to fit in the dialectic development of international intellectual property protection. This bilateral phase will most probably not be followed by a multilateral phase.
- 3) The TRIPS-plus provisions contained in the bilateral trade agreements concluded by different major actors are not coherent. They conflict with each other with regard to the protection of trade marks and geographical indications.
- 4) The European Union has shifted its approach of protecting intellectual property in third countries from a soft to a tough approach. The United States is not the only major TRIPS-plus demandeur anymore.
- 5) The tough approach followed by the EU is characterized by important TRIPS-plus provisions that are based on EU internal legislation and provide little space to balance domestic interests in the implementation process, or to take development concerns into account.
- 6) The EU's new trade policy 'Global Europe' differentiates on the face between emerging economies and developing countries. However, the countries involved in recent EU bilateral trade agreements and the provisions proposed to them do not reflect this distinction.
- 7) The extent to which the European Union is willing to make concessions in various areas of intellectual property protection under discussion in a bilateral trade agreement strongly depends on the bargaining power of its negotiating partner.
- 8) Political scientists have neglected the inter-relationship between 1) domestic policy-making and 2) international negotiation of international intellectual property protection.
- 9) Non-state actors in Jamaica and the CARIFORUM region have little interest in intellectual property protection in general and in its regulation through the EPA in particular. This is the result of a lack of information, knowledge and priorities on the various types of intellectual property protection, and its benefits and disadvantages.
- 10) Jamaican and Caribbean non-state actors have no clear preference for bilateral IP regulation above multilateral regulation.
- 11) The research of the preferences and involvement of non-state actors can help to address possible problems with the enforcement of intellectual property protection. It provides insights as to whether or not the use and respect of the various intellectual property rights is already present or still needs to be fostered.