

Interfacing Global Intellectual Property and Digital Trade: Evidence from Preferential Trade Agreements

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Abstract

The regulation of international intellectual property (IP) protection has long evolved away from the minimum standards of protection found in multilateral agreements. Preferential trade agreements (PTAs), which often include stand-alone chapters on IP protection, have become the main forum to negotiate cutting-edge provisions on the subject and often go TRIPS-plus. The coverage and depth of such provisions, as well as their impact, have been explored by a host of studies. Yet and notwithstanding some notable efforts, the link between emerging IP issues (for instance, those regarding to Artificial Intelligence—AI) and digital trade provisions in PTAs remains only vaguely studied by academic and policy literature. This is despite the growing trend to negotiate digital trade chapters in PTAs or stand-alone dedicated digital trade agreements (the so-called Digital Economy Agreements). In this presentation, I explore the critical need to understand the interface between IP and digital trade, and the implications that rules for digital trade bring in international IP protection, and vice versa. The goal is to contribute to clarifying the nexus, the existing overlaps

and contentions between IP and digital trade regulation in PTAs. Such an evaluation will permit to offer recommendations on the design of coherent IP and digital trade policies at the domestic and international level.

