



Negotiations for a Deep and Comprehensive Free Trade Area between the European Union and Tunisia

The EU Proposal on Intellectual Property Rights (IPRs)

FACTSHEET

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The following document aims at providing a general overview of the European Union's (EU) proposal for a chapter on intellectual property rights in the Deep and Comprehensive Free Trade Area (DCFTA) envisaged between the EU and Tunisia. The EU proposal text was presented to Tunisian experts in October 2015, updated in May 2018, and is now available on the [website of the European Commission](#).

Why we negotiate rules on intellectual property rights?

The objective of a chapter on intellectual property rights is to ensure that both Europeans and Tunisians are encouraged to continue creating and innovating, so that citizens and consumers can benefit more quickly and more effectively from innovative products and cultural services.

Innovation and creativity are key drivers of economic growth both in the EU and Tunisia. IPRs are essential to ensure that individuals and companies that innovate and use their creativity are properly rewarded.

The EU has modern rules for protection of intellectual property ensuring the widest possible access to knowledge, cultural objects, science and techniques.

Tunisia also has comprehensive rules on IPR. Tunisia's policy is based on principles broadly similar to those of the EU and to overall international rules. This generates confidence in the rules for IPR protection, as shown by the

recently concluded agreement between Tunisia and the European Patent Office on the validation of European patents.

In addition, there is already significant two-way trade between the EU and Tunisia of goods and services that rely heavily on IPR.

Greater regulatory approximation of rules concerning IPR will facilitate trade and investment and deliver more choices for citizens, consumers and businesses.

What do we negotiate?

We negotiate the following:

- patents, trademarks, designs and models, trade secrets;
- copyright and neighbouring rights;
- geographical indications.

These rights enable companies and individuals who create, invent or promote new brands or develop new products or services, to:

- prevent unauthorised use;
- ensure a reward for their related efforts and investments.

These rules are designed to ensure a balance between:

- the interests of right holders, and
- users of objects protected by these rights.

Main objectives

The EU proposal aims notably to:

- Contribute to additional growth and jobs for the benefit of businesses and consumers in Tunisia and in the EU, and help modernise and **boost the Tunisian economy**;
- Agree on common principles and establish **a permanent framework to cooperate** even more closely in the future;
- Further approximate the two regulatory frameworks for the sake of **greater predictability** and to foster innovation, creativity;
- Protect innovating individuals and companies thanks to the respect and the **enforcement** of intellectual property rules;
- Encourage **investment in research** and development, as well as the creation of trade marks for goods and services.

Aspects related to access to medicines

Ensuring access to medicines is a matter of major importance for the EU and Tunisia. The EU has consistently sought to address the complex challenges involved and has supported its partners in reforming and strengthening their health care systems.

Given the importance of ensuring that IPRs do not hinder access to medicines, a number of exceptions have been introduced in to IPR legislation, particularly through some of the so-called 'TRIPS1 flexibilities'.

The provisions on intellectual property proposed for the DCFTA include an explicit reference to the Doha Declaration. This ensures that the **flexibilities granted by the TRIPS Agreement**, especially with regards to patents on medicines, **can be fully used**. This means

that the IPR chapter will respect the rights and flexibilities of WTO members, as recognised in the Doha Declaration, at all times.

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TRIPS – WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.