

Joint Minutes of the First Specialised Committee on Intellectual Property (IP)

13th October 2021, 9:00 to 10:30 BST / 10:00 to 11:30 CEST (Virtual/UK Host)

1. and 2. Opening remarks and adoption of the agenda / Discussion on the practical operation of the Rules of Procedure, as set out in TCA Annex 1.

The Co-Chairs set out their aims for the meeting, outlining overarching objectives on Intellectual Property in the respective jurisdictions.

The Co-Chairs adopted the agenda as published. Both Parties acknowledged that the Rules of Procedure set out in Annex 1 of the Trade and Cooperation Agreement (TCA), would apply to the Specialised Committee on Intellectual Property (IP) (SCIP) and noted the scope of the SCIP as set out in Article 8 of the TCA.

3. Policy review (policy developments and legislative developments).

Both parties provided a brief exchange on the developments on Industrial designs. The UK referred to a forthcoming call for Views. The EU noted that the review process is advancing and that legislative proposals can be expected in the second quarter of 2022.

The UK referred to the matter of supplementary protection certificates (SPCs), updating on retained parts of the System in the UK. The EU confirmed that the assessment of the SPC system in the EU is ongoing and, as outlined in the IP Action Plan of November 2020, several options are being considered.

The UK presented an update on the UK's music streaming inquiry, outlining a programme aimed to address the issues identified within the recent report. The EU expressed interest in this inquiry since the EU is also facing similar challenges in this sector.

The UK gave a brief overview of the work being undertaken to ratify the Beijing treaty. The EU provided a brief comment on the state of play, stating that the process is complex and multi-staged, but the work is ongoing towards the EU's ratification.

The UK communicated its interest in the EU's plans on the EU Data Act and, more specifically, the announced review of the Database Directive. The EU pointed to the European Strategy for Data published in February 2020, mentioned that a public consultation was recently concluded and noted that a legislative proposal is expected still before the end of 2020.

The EU expressed interest in the UK's considerations on the future Exhaustion of IP Rights regime in the UK. The UK stated that it is currently considering its position on the subject, with the UK recently concluding a consultation. The UK expressed that it is too early to indicate what the outcomes will be.

The UK raised the EU's Pharmaceutical roadmap noting its interest in the developments in this area. The EU provided an update on the state of play, referring to the IP Action Plan and to the Pharmaceutical Strategy adopted in November 2020. The EU is assessing the entire legal framework and this work is very complex. Since the internal assessment is in the early stages, an update at a later date, such as the next specialised committee, could be appropriate.

The EU Co-Chair set out the EU's focus on Green technologies, highlighting the importance of the issue. The EU outlined that one of their main objectives, within the IP action plan, is to ensure that the EU rule book meets the needs of the new green and digital economy, signposting to the European Green Deal. The UK Co-Chair agreed on the importance of Green Technologies and sustainability, referring to the forthcoming COP26 Summit.

4. Exchange on cooperation activities (Article 273 TCA).

The UK highlighted the ongoing progress towards an MOU between the UK IPO and the EUIPO.

5. Exchange on stakeholder initiatives (Article 274 TCA).

The UK provided an overview of the forthcoming UK Infringement strategy, giving an overview of its contents and early implementation plans.

The EU provided an overview of the Commission's Third Country Report and the Counterfeit and Piracy Watch List, published regularly. The Third Country Report in particular helps to identify priorities and work on specific countries and areas of concern to improve enforcement and protection of IP rights worldwide.

The EU provided an overview on the Industry-led initiatives aimed at combating IP Infringement including two MOUs, one focusing on online advertising and IRPs and the other on sale of counterfeit goods via the internet.

Both parties recognised and agreed on the importance and impact of combatting IP infringement.

6. Forward look.

Both parties noted that the IP is an area of mutual interest and agreed that we should continue providing the necessary updates at the next specialised committee. The UK invited the EU, where appropriate, to have further informal discussions ahead of the next meeting as progress was made. Several items in the policy review may be updated on at the next committee meeting.

The EU agreed and was open to further discussions where appropriate and without prejudice.

7. Conclusion.

The UK and the EU did not have any AOB.

The Co-Chairs exchanged views on the next meeting of the Specialised Committee agreeing that there were no specific agenda items to confirm at this time. The EU will look forward to hosting the next meeting in a year.

Attachment

1. Final agenda
2. List of participants

**The first Trade Specialised Committee on Intellectual Property under the EU-
UK Trade and Cooperation Agreement**

Final Agenda

Videoconference 10.00-13.00 CEST, 13 October 2021

1. Opening remarks
2. Working arrangements and functioning of the Committee
3. Policy review (policy developments and legislative developments)
4. Exchange on cooperation activities (Article 273 TCA)
5. Exchange on stakeholder initiatives (Article 274 TCA)
6. Forward looking
7. Conclusion

Annex 2: Participants of the First Meeting of the Specialised Committee on Intellectual Property.

UK Delegation (17)

- UK Co-chair of the Specialised Committee on Intellectual Property.
- UK Government Officials from the IPO and Cabinet office.
- UK Mission to the European Union Officials.

EU Delegation (34)

- EU Co-chair of the Specialised Committee on Intellectual Property
- European Commission Officials
- Delegation of the European Union to the UK Officials
- Representatives of EU Member States