

How to Craft an Innovation Maximizing T-TIP Agreement

by Michelle A. Wein and Stephen J. Ezell

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The first round of negotiations toward the Transatlantic Trade and Investment Partnership (T-TIP) Agreement began in July 2013. The United States and the European Union (EU) are right to negotiate the T-TIP, but this effort will be fully successful only if it concludes with an agreement dedicated to maximizing innovation.

SUMMARY POLICY RECOMMENDATIONS:

- Eliminate all tariffs in trade on innovation industries.
- Liberalize trade in innovative services, especially telecommunication services and audiovisual services.
- Create transparent, science-based regulatory regimes in the pharmaceutical, automotive and agricultural sectors.
- Prohibit the use of data center localization as a condition of market access.
- Honor existing international data flow agreements, such as the Safe Harbor.
- Introduce rules to prevent restrictions on the import and use of commercial encryption technologies.
- Lower all barriers to foreign direct investment.
- Implement an expansion of the EU-U.S. procurement commitments.
- Outlaw the use of forced offsets.
- End government production subsidies to areas of innovative trade, like aerospace.
- Clarify the scope and coverage of national treatment in the General Agreement on Tariffs and Trade (GATT), explicitly subjecting state-influenced entities to a robust national treatment obligation.

- Enshrine 12 years of data exclusivity for biopharmaceutical products.
 - Adopt a common definition for trade secrets: any information that has economic value (actual or potential), is not generally known to the public, and for which the trade secret owner has taken reasonable measures to keep private.
 - Establish a bilateral R&D participation model in order to coordinate cross-border pre-competitive research partnerships.
 - Allow companies participating in pre-competitive research to freely transfer ownership and access rights for foundational IP to affiliates across and between the European Union and the United States.
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THE INFORMATION TECHNOLOGY AND INNOVATION FOUNDATION

1101 K Street N.W. Suite 610, Washington, DC 20005

Phone: (202) 449-1351 | Fax: (202) 638-4922