

USMCA INTELLECTUAL PROPERTY DRIVES NORTH AMERICAN COMPETITIVENESS



USMCA preserves and strengthens North American trade.

The intellectual property (IP) provisions of the USMCA will help harmonize and strengthen intellectual property protections across North America. Through more effective IP protections and enforcement, the agreement can drive the growth of innovative and creative industries, support job creation, and stimulate economic competitiveness throughout the region.

The USMCA includes many strong IP provisions which lay the foundation for 21st century IP protection in trade agreements including:

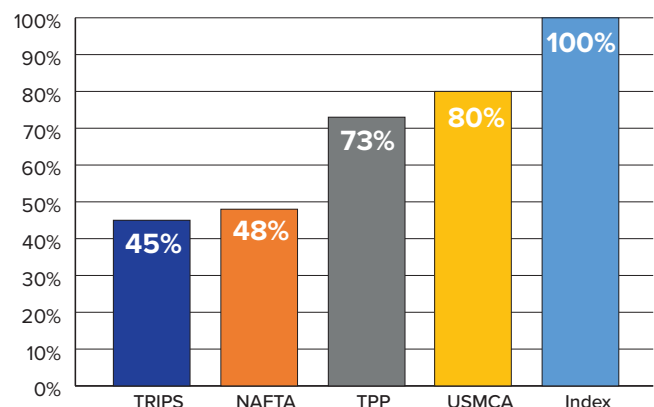
- A 10-year term of regulatory data protection for biologics, including a broader definition of biologics, and the availability of patent term restoration;
- Effective trade secret protections including criminal sanctions;
- Ex officio border enforcement against all suspected counterfeit goods including goods in-transit; and
- A longer term of copyright protection, digital rights management (DRM)/technological protection measures (TPM), and exceptions and limitations limited to the long-standing, internationally recognized three-step test.

To illustrate the strength of the IP chapter, the U.S. Chamber of Commerce's Global Innovation Policy Center benchmarked the USMCA against the IP standards included in the U.S. Chamber's International IP Index. The research reveals that the IP-related provisions of the USMCA are a significant upgrade over TRIPS, NAFTA, and the original TPP agreement.

Through effective implementation of USMCA, the United States, Canada, and Mexico can unleash the substantial economic benefits that robust IP frameworks provide:

- **IP Drives Innovation and Creativity:** Countries with robust IP systems have 76% more innovation and generate over 4 times more creative content online.
- **IP Supports Jobs:** IP-intensive industries support 45.5 million American jobs, account for \$6.6 trillion in U.S. GDP, and support 52% of all U.S. exports.
- **IP Stimulates Global Trade and Competitiveness:** Countries with the most effective IP systems are 39% more attractive for foreign investment and their economies are 26% more competitive.

Comparing TRIPS, NAFTA, TPP, and the USMCA with the index



U.S. CHAMBER OF COMMERCE