

Bilateral, trilateral and other Free Trade Agreements in the Americas

Further to our last report on this matter, here is an up-to-date status of the ongoing and concluded free trade agreements (FTAs) in the Americas.

1) FTAA (Free Trade Area of the Americas)

Negotiations have not developed since the last Ministerial Meeting in Miami, in 2003.

2) Free Trade Agreement between the USA and Chile

This agreement has been in force since January 2004, and it is at the implementation phase, which implies modification of the Chilean IP and Copyright Laws.

(Contributed by Andrés Melossi, Santiago, Chile).

3) Free Trade Agreement between the USA and Central American countries (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic - known as CAFTA-DR

This agreement went into force in the member countries except Costa Rica, which has not ratified the agreement yet.

4) Free Trade Agreement between the USA and Peru

Agreement signed but still pending approval at the US Congress. In view of the pressure by the democratic majority at the US House of Representatives, re-negotiation of some provisions is expected.

5) Free Trade Agreement between the USA and Colombia

This agreement, which was bound to be approved by the US Congress, is presently facing a total change of atmosphere. This is due to certain occurrences in Colombia related to paramilitary activities and the fact that the government, including the President, Mr. Álvaro Uribe Vélez, has maintained contact with paramilitary forces. The democratic majority in the US House of Representatives has looked upon this news very negatively and has pressed against ratification of this agreement.

An additional fact which has been heavily criticized is the amount of money channeled by the United States into Colombia to finance actions to reduce the production of drugs, without too much success.

6) Free Trade Agreement between the USA and Ecuador

Negotiations started but were interrupted due to the present political situation in Ecuador.

7) Free Trade Agreement between the USA and Panama

This agreement is presently pending approval by the US Congress. In view of the pressure by the democratic majority at the US House of Representatives, re-negotiation of some provisions of the agreement, especially those relating to environmental and labour questions, is expected.

8) Free Trade Agreement between the USA and Uruguay

Uruguay intended to start negotiations for a FTA with the US, but it met with obstacles since Uruguay is a member of Mercosur and is not allowed to negotiate FTAs separately. Therefore, negotiations between Uruguay and the US have been restricted to a Trade and Investment Agreement, which might contain some IP provisions.

9) Free Trade Agreement between Canada and other countries

Canada has two bilateral FTAs, one with Chile and one with Costa Rica, besides the NAFTA (between USA, Canada and Mexico).

The agreements with Chile and Costa Rica do not contain any general intellectual property provisions, except that the Chilean Agreement provides for recognition of the geographical indication for "Canadian Whisky".

In June 2007, Canada launched negotiations with Colombia, Peru and the Dominican Republic and CARICOM (Caribbean Countries Community) is interested in an FTA with Canada as well.

(Contributed by Bruce Morgan, Ontario, Canada).

10) Free Trade Agreement related to Mercosur (Brazil, Argentina, Paraguay and Uruguay)

Negotiations of a FTA between the EU and Mercosur have been going on for years with repeated interruptions, as they are connected to the outcome of the Doha Round negotiations. The EU wishes a broad interactive agreement, which is not restricted to commercial issues, so for the negotiations to move forward it is necessary that the Mercosur be ready for such broad approach.

In relation to IP, the recognition of a large number of European geographical indications plays an important role in the negotiations.

The entry of Venezuela into Mercosur may interfere with the negotiations between the Mercosur and the EU, in view of President Hugo Chávez's politics.

(Contributed by Sandra Leis, Rio de Janeiro, Brazil).

11) Free Trade Agreement between Mexico and other countries

Mexico has signed FTAs with the following countries: Chile; United States and Canada (the NAFTA); Venezuela and Colombia; Costa Rica; Bolivia; Nicaragua; EU; Israel; Norway, Iceland, Switzerland and Liechtenstein; El Salvador, Guatemala and Honduras; Uruguay and Japan. We are presently checking whether any of these agreements includes an IP chapter.

(Contributed by Alfredo Rangel, Mexico D.F., Mexico).