Comparing US and EU’s exports of IP regulations in Asia-Pacific

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Outline of the presentation

1. Global IP politics
2. Coercion
3. Contractualization
4. Socialization
5. Preliminary conclusions
6. Next steps?
Global IP Politics

- IP in knowledge-based economies and global value chains;
- Zero-sum game between knowledge-producers and users;
- Widening gap between US/EU laws and multilateral treaties;
- US and EU as the main exporters of IP regulations;
- Asia/Pacific is one of the targets of both US and EU;
- 3 mechanisms: coercion, contractualization, and socialization.
Targets of US coercion

Priority Watch List (since 2000)

Source: authors
Targets of EU coercion

- Vietnam
- Thailand
- Singapore
- Philippines
- Papua New Guinea
- New Zealand
- Nepal
- Myanmar
- Mongolia
- Malaysia
- Laos
- Korea, Republic of
- Japan
- Indonesia
- Hong Kong SAR
- Democratic People's Republic of Korea
- China (P.R.C.)
- Cambodia
- Australia

Source: authors
US/EU coercion on specific IP rights

- Adequacy of geographical indications law
- Adequacy of IP law generally
- Protection of trade secrets
- Plurilateral and multilateral efforts
- Public awareness of IP
- Market for counterfeit goods
- Adequacy of sanctions
- Border control and customs procedures
- Effectiveness of judicial system
- Quality of law enforcement
- Trade mark infringement and bad faith registration
- Adequacy of trademark law
- Patent infringement
- Royalty payments for patents
- Compulsory licensing
- Quality of patents granted
- Data exclusivity and protection
- Adequacy of patent application procedures
- Adequacy of patent law
- Copyright infringement
- Adequacy of copyright law

Source: authors
US and EU PTAs

Source: authors
The sequence of US/EU PTAs

Singaporian PTAs (2000-2018)

Vietnamese PTAs (2000-2018)

Source: Morin and Surbeck 2019
IP rights in US/EU PTAs

Source: Morin and Surbeck 2019
Socialization via capacity building

Number of US-Sponsors IP capacity-building events 2005-2010

- China: 120
- Thailand: 60
- Malaysia: 40
- Philippines: 30
- Indonesia: 25
- Vietnam: 20
- Cambodia: 15
- Laos: 10
- Mongolia: 5
- Papua New Guinea: 10

IP Politics | Coercion | Contracts | Socialization | Conclusions | Next steps?
Preliminary conclusions

No evidence that US/EU activities are based on a division of labour
  • Both rely on a mix of coercion, contractualization and socialization.
  • Both use mainly coercion and socialization with China, and three PTAs with same countries.

No evidence that US/EU activities are driven by regulatory competition or rivalry.
  • Both mainly insist on stronger patent protection and copyright enforcement

Yet, some non-trivial differences, including:
  • Only the EU used coercion against Vietnam
  • The US uses coercion more aggressively (China) and EU socialization is more institutionalized
  • US insists more strongly on trademarks (in PTAs and coercion).
  • EU insists more strongly on GI (in PTAs, coercion and socialization)
  • EU includes more civil-society groups and development-oriented issues
### Focusing on different IP rights?

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<thead>
<tr>
<th></th>
<th>Little EU pressure</th>
<th>Strong EU pressure</th>
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<tbody>
<tr>
<td>Little US pressure</td>
<td>Traditional knowledge</td>
<td>Geographical indications</td>
</tr>
<tr>
<td>Strong US pressure</td>
<td>Trademark</td>
<td>Patent /Copyright</td>
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Focusing on different exporters?

<table>
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<tr>
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<th>Little EU pressure</th>
<th>Strong EU pressure</th>
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<tbody>
<tr>
<td><strong>Little US pressure</strong></td>
<td>Cambodia</td>
<td>Papua New Guinea</td>
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<tr>
<td><strong>Strong US pressure</strong></td>
<td>Laos</td>
<td>Vietnam</td>
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</table>
### Focusing on domestic context?

<table>
<thead>
<tr>
<th>Institutionally centralized</th>
<th>Institutionally fragmented</th>
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<tbody>
<tr>
<td>Low economic interest for IP</td>
<td>Laos</td>
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<tr>
<td>Stronger economic interest for IP</td>
<td>Singapore</td>
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<td>Philippines</td>
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<td></td>
<td>China</td>
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</tbody>
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**IP Politics**  **Coercion**  **Contracts**  **Socialization**  **Conclusions**  **Next steps?**
### Focusing on mechanism interactions?

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<thead>
<tr>
<th></th>
<th>EU PTA</th>
<th>No EU PTA</th>
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<tbody>
<tr>
<td><strong>High EU socialization</strong></td>
<td>Vietnam</td>
<td>Thailand</td>
</tr>
<tr>
<td><strong>Low EU socialization</strong></td>
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<tr>
<td><strong>EU Coercion</strong></td>
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<tr>
<td><strong>No EU Coercion</strong></td>
<td>Papua New Guinea</td>
<td>East Timor</td>
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