

T+PTA Codebook

ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
1	Copyright	copyright_term_protection_70	Duration 70 years : This variable codes the duration of protection of literary work in years of copyright beyond the death of the author(s).	Code if number of years of protection "after life" is 70 Note: code the "general rule": which ever applies to most categories of copyright.	32	Bahrain US 2004, Article 14.4.4	4. Each Party shall provide that, where the term of protection of a work (including a photographic work), performance, or phonogram is to be calculated: (a) on the basis of the life of a natural person, the term shall be not less than the life of the author and 70 years after the author's death; and
2	Copyright	copyright_term_protection_90	Duration 90 years : This variable codes the duration of protection of literary work in years of copyright beyond the death of the author(s).	Code if number of years of protection "after life" is 90 Note: code the "general rule": which ever applies to most categories of copyright.	0	no example	
3	Copyright	copyright_scope_videograms	Scope includes videograms: This variable codes if the scope for copyright protection includes videograms.	Code if videograms are covered in the copyright section of the PTA. Note: TRIPS only refers to cinematographic works.	7	EFTA Georgia 2016 Annex XV e.g. Article 3.1	Without prejudice to the obligations set out in the international agreements to which the Parties are parties, each Party shall, in accordance with its laws and regulations, grant and ensure adequate and effective protection to the authors of works and to performers, producers of phonograms and videograms and broadcasting organisations for their works, performances, phonograms, videograms and broadcasts, respectively.
4	Copyright	copyright_private_use_exception_specific	Private use exceptions : This variable codes the extent of to which a private use exception exists in copyright.	Code if exceptions include at least a <u>specified set of scenarios for users</u> . Note: If the private use exception is only related to anti-circumventive measures then it is not coded.	4	EC Ukraine 2014, Section 2, Sub-section 1, Article 172	<p>1. Parties may provide for limitations on the rights referred to in Articles 169, 170, and 171 of this Agreement in respect of:</p> <p>(a) private use;</p> <p>(b) use of short excerpts in connection with the reporting of current events;</p> <p>(c) ephemeral fixation by a broadcasting organisation by means of its own facilities and for its own broadcasts;</p> <p>(d) use solely for the purpose of teaching or scientific research.</p> <p>2. Notwithstanding paragraph 1, Parties may provide for the same kinds of limitations with regard to the protection of performers, producers of phonograms, broadcasting organisations and producers of the first fixations of films, as they provide for in connection with the protection of copyright in literary and artistic works. However, compulsory licences may be provided for only to the extent to which they are compatible with the Rome Convention.</p> <p>3. The limitations set out in paragraphs 1 and 2 of this Article shall be applied only in certain special cases which do not conflict with a normal exploitation of the subject matter and do not unreasonably prejudice the legitimate interests of the right holder.</p> <p>shall be liable and subject to the remedies provided for in Article 14.10.14. Each Party shall provide for criminal procedures and penalties to be applied when any person, other than a nonprofit library, archive, educational institution, or public noncommercial broadcasting entity, is found to have engaged willfully and for purposes of commercial advantage or private financial gain in the above activities.</p> <p><i>This does not tell you that you can have exceptions to rights conferred by copyright for educational or other purposes. It just tells you that you might not impose criminal procedures on them (but civil procedures remains an option). Moreover, article 14.4.7 is only about circumvention of effective technological measures.</i></p> <p>Each Party shall confine exceptions to measures implementing subparagraph (a) to the following activities, which shall be applied to relevant measures in accordance with subparagraph (f): [...]</p> <p><i>Article 14.4.7.a is only about circumvention of effective technological measures. Excludes exceptions only related to anti-circumventive measures. The exception has to be stated independently from a specific infringement.</i></p>
5	Copyright	copyright_scope_berne_6bis	Article 6bis of the Berne Convention is included in the copyright section.	Code if the text of the Berne Convention Article 6bis is copied or highly similarly included in the copyright IPR section of the PTA. Note: TRIPS notes that Article 6bis is excluded.	14	Colombia EFTA 2008, Article 6.8.2 Article 6.8.3	<p>2. Independently of the author's economic rights, and even after the transfer of the said rights, the author shall have the right to claim, at least, authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honour or reputation.</p> <p>3. The rights granted to the author in accordance with paragraph 2 shall, after his death, be maintained, at least until the expiry of the economic rights, and shall be exercisable by the persons or institutions authorised by the legislation of the country where protection is claimed.</p>

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6	Copyright	copyright_anti_circumvention_technology_measures	Anti-circumvention of technology protection measures: This variable codes whether actions to circumvent TPMs (region lock, DRM, etc.) can be considered as copyright infringement.	Code if it covers at least circumvention for commercial use. Note: in Spanish PTAs search for "elusión (de medidas tecnológicas de protección)" or "medidas de protección de tecnología"	38	Bahrain US 2004, Article 14.4.7 (a)	In order to provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures that authors, performers, and producers of phonograms use in connection with the exercise of their rights and that restrict unauthorized acts in respect of their works, performances, and phonograms, each Party shall provide that any person who: [...]"
7	Trademark	trademark_scope_3d_marks	Scope of protection: 3-D marks This variable codes the type of marks that may be registered under trademark legislation.	Code if 3-D marks (including fashion) are covered Note: in Spanish PTAs search for "tridimensional"	2	Australia Japan 2014, Article 16.9	Any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings, shall be capable of constituting a trade mark. Such signs, in particular words including personal names, letters, numerals, figurative elements, three-dimensional shapes and combinations of colours as well as any combination of such signs, shall be eligible for registration as a trade mark.
8	Trademark	trademark_scope_sounds	Scope of protection: Sounds This variable codes the type of marks that may be registered under trademark legislation.	Code if sounds are covered.	37	Bahrain US 2004, Article 14.2.1	Neither Party may require, as a condition of registration, that signs be visually perceptible and neither Party may deny registration of a trademark solely on the grounds that the sign of which it is composed is a sound or that the sign includes a scent.
9	Trademark	trademark_scope_holograms	Scope of protection: Holograms This variable codes the type of marks that may be registered under trademark legislation.	Code if holograms are covered	0	no example	
10	Trademark	trademark_scope_scents_smells	Scope of protection: Scents/smells This variable codes the type of marks that may be registered under trademark legislation.	Code if scents/smells are covered.	21	Bahrain US 2004, Article 14.2.1	Neither Party may require, as a condition of registration, that signs be visually perceptible and neither Party may deny registration of a trademark solely on the grounds that the sign of which it is composed is a sound or that the sign includes a scent.
11	Trademark	trademark_scope_movements	Scope of protection: Movements This variable codes the type of marks that may be registered under trademark legislation.	Code if movements are covered.	0	no example	
12	Trademark	trademark_scope_specific_colour	Scope of protection: Colours This variable codes the type of marks that may be registered under trademark legislation.	Code if (specific) colours are covered Note: For the colour indicator, <u>arrangements of colour does not count</u> , we are looking for the ability to trademark a specific colour.	12	Bahrain US 2004, Article 14.2.2, Footnote 4	Geographical indications means indications that identify a good as originating in the territory of a Party, or a region or locality in that territory, where a given quality, reputation, or other characteristic of the good is essentially attributable to its geographical origin. Any sign or combination of signs (such as words - including geographical and personal names, as well as letters, numerals, figurative elements and colors, including single colors), in any form whatsoever, shall be eligible to be a geographical indication. <i>GI definition, but GI also defined as trademarks, so coded as 1 (US)</i>
13	Trademark	trademark_term	Term of initial trademark protection	Code if term of initial registration and each renewal of registration is more than 7 years (not non-use). Note: Clarification of TRIPS Art. 18	34	US Vietnam 2000, Chapter II, Article 6.8	Each Party shall provide that the initial registration of a trademark be for a term of at least 10 years, and that the registration be indefinitely renewable for terms of not less than 10 years when conditions for renewal have been met.
14	Trademark	trademark_duration_without_use	Duration of protection without use: more than 3 years This variable codes for the number of years a trademark holder can refrain from using the mark without that mark being subject to expungement (losing protection for trademark).	Code if the duration of protection without use for trademarks is more than 3 years. (TRIPS Article 19.1 grants 3 years).	5	Mexico Nicaragua 1997, Article 17-14.2	2. El registro podra cancelarse o declarase caduco por falta de uso, unicamente despues de que transcurra un periodo ininterrumpido de falta de uso no mayor de cinco anos inmediatos anteriores a la solicitud de cancelacion o declaracion de caducidad, a menos de que el titular de la marca demuestre razones validas apoyadas en la existencia de obstaculos para el uso. [...]
						NON-EXAMPLE: Bahrain US 2004, Article 14.2.10	10. Each Party shall provide that initial registration and each renewal of registration of a trademark shall be for a term of no less than 10 years. <i>No. Duration after registration and duration without use are two different things. TRIPS provides that the initial term of protection is 7 years, but most OECD countries have a non-use protection of only 3 years.</i>

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15	Trademark	trademark_electronic_registration_system	Electronic registration system for trademarks	Countries shall provide for an electronic registration system for trademarks	37	Oman US 2006, Article 15.2.8	Each Party shall provide a system for the registration of trademarks, which shall include: (a) a requirement to provide to the applicant a communication in writing, which may be provided electronically, of the reasons for a refusal to register a trademark; [...]
16	Geographical Indications	geographical_indication_scope_agricultural	Scope of protection: Agricultural products This variable codes the extent of protection available to products other than wine/spirits in the form of geographical indications.	Code if agricultural products are covered. Code if geographical indications are granted for "any good"/"all products". Note 1: <u>A GI indicator is not satisfied by laws/administrative bodies meant for Trademarks -> excludes GI norms contained in Trademarks' sections.</u> Note 2: Wine and Spirits are already protected under TRIPS.	66	Canada Korea 2014, Article 16.10 Albania EFTA 2006, Annex V Title II, Article 7.5	Canada shall, with respect to the geographical indications ⁴ of "GoryeoHongsam", "GoryeoBaeksam", "GoryeoSusam", and "IcheonSal" and their translations, respectively, "Korean Red Ginseng", "Korean White Ginseng", "Korean Fresh Ginseng" and "Icheon Rice", provide the legal means ⁵ for interested parties to prevent: ... The Parties shall provide the legal means for interested parties to prevent the use of a geographical indication for agricultural products and foodstuffs for identical or comparable products not originating in the place indicated by the designation in question.
17	Geographical Indications	geographical_indication_scope_non_agricultural	Scope of protection: Non-agricultural products This variable codes the extent of protection available to products other than wine/spirits in the form of geographical indications.	Code if non-agricultural products (foodstuff) are covered. Code if geographical indications are granted for "any good"/"all products". Note 1: A GI indicator is not satisfied by laws/administrative bodies meant for Trademarks -> excludes GI norms contained in Trademarks' sections. Wine and Spirits are already protected under TRIPS. Note 2: Foodstuff is not agricultural (processed goods)	64	Albania EFTA 2009, Annex V, Title II, Article 7.1 EC Kosovo 2015, Title IV, Chapter II, Article 35	The Parties shall ensure in their national laws adequate and effective means to protect geographical indications with regard to all products, and indications of source with regard to all products and services. Protection of geographical indications for agriculture and fishery products and <u>foodstuffs</u> other than wine and spirit drinks 1. Kosovo shall provide protection for the geographical indications of the EU registered in the EU under Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs, in accordance with the terms laid down in this Article. Geographical indications of Kosovo shall be eligible for registration in the EU under the conditions set out in that Regulation.

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18	Geographical Indications	geographical_indication_registered_names_generic	Protection against genericity: This variable codes whether a registered geographical indication can become a generic term for a product/service that others can use.	Code if registered names cannot become generic. Note: <u>A GI indicator is not satisfied by laws/administrative bodies meant for Trademarks -> excludes GI norms contained in Trademarks' sections.</u>	13	EC Moldova 2014, Annex XXX-A Part C, Article 6	A rule that protected names may not become generic.
19	Geographical Indications	geographical_indication_extent_delocalizers	Extent of protection: Delocalizers This variable codes whether it is possible to circumvent GI protection by the use of delocalizers (product accompanied by expressions such as "imitation of", "style", "type", "kind", etc.) or by translation. This variable codes the extent of protection available to products other than wine/spirits in the form of geographical indications. Note: make sure that the PTA does not <u>only</u> cover wine and spirit related GIs and that the delocalizers are not only prohibited for wine and spirits (if so it is not TRIPS+ and should not be coded).	Code if delocalizers are prohibited without GI holder consent. Note: <u>A GI indicator is not satisfied by laws/administrative bodies meant for Trademarks -> excludes GI norms contained in Trademarks' sections.</u>	18	EC Montenegro 2007, Article 33.2 and Annex II Article 6.5 NAFTA 1992, Article 1712.3	Montenegro shall prohibit any use in its territory of the names protected in the Community for comparable products not complying with the geographical indication's specification. This shall apply even where the true geographical origin of the good is indicated, the geographical indication in question is used in translation, the name is accompanied by terms such as "kind", "type", "style", "imitation", "method" or other expressions of the sort. 3. Each Party shall also apply paragraphs 1 and 2 to a geographical indication that, although correctly indicating the territory, region or locality in which the goods originate, falsely represents to the public that the goods originate in another territory, region or locality.
20	Geographical Indications	geographical_indication_extent_translations	Extent of protection: Translations This variable codes whether it is possible to circumvent GI protection by the use of delocalizers (product accompanied by expressions such as "imitation of", "style", "type", "kind", etc.) or by translation. This variable codes the extent of protection available to products other than wine/spirits in the form of geographical indications. Note: make sure that the PTA does not only cover wine and spirit related GIs and that the delocalizers are not only prohibited for wine and spirits (if so it is not TRIPS+ and should not be coded).	Code if translation are prohibited without GI holder consent. Note: <u>A GI indicator is not satisfied by laws/administrative bodies meant for Trade-marks -> excludes GI norms contained in Trademarks' sections.</u>	19	EC Montenegro 2007, Article 33.2 and Annex II Article 6.5	Montenegro shall prohibit any use in its territory of the names protected in the Community for comparable products not complying with the geographical indication's specification. This shall apply even where the true geographical origin of the good is indicated, the geographical indication in question is used in translation, the name is accompanied by terms such as "kind", "type", "style", "imitation", "method" or other expressions of the sort.

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21	Geographical Indications	geographical_indication_extent_homonymous	Extent of protection: Homonymous geographical indications This variable codes whether it is possible to circumvent GI protection by the use of homonymous goods. This variable codes the extent of protection available to products other than wine/spirits in the form of geographical indications.	Homonymous means an ambiguous GI with multiple meaning which are defined by context. I.e. same name (spelled/pronounced) can stand for products from different places/countries <u>Note 1: excludes GI norms contained in Trademarks' sections.</u> Note 2: TRIPS grants protection to homonymous Gis, yet only for wines.	24	Panama Taiwan 2003, Article 16.04.4	4. The above mentioned provisions shall be understood without prejudice to the recognition that the Parties may accord to the homonymous geographical indications that may lawfully belong to a non-Party.
22	Geographical Indications	geographical_indication_country_name	Commercial use of country names is protected	<u>Note: excludes GI norms contained in Trademarks' sections.</u>	27	Albania EFTA 2009, Annex V, Title II, Article 7.7	The Parties shall prevent any incorrect or misleading use or registration of country names of a Party as trademarks, designs or as any other protected title, such as company names or names of associations.
23	Geographical Indications	geographical_indication_list	Codes specific GI lists	Note: this can range from a couple of protected names such as Pisco to page-long listings of protected Gis.	44	Costa Rica Peru 2011, Anexo 9.4	Sección A: Indicaciones Geográficas del Perú 1. Pisco (DO) 2. Maíz Blanco Gigante Cusco (DO) 3. Chulucanas (DO) 4. Pallar de Ica (DO) 5. Café Villa Rica (DO) 6. Loche de Lambayeque (DO) 7. Café Machu Picchu -Huadquiña (DO) Sección B: Indicaciones Geográficas de Costa Rica Banano de Costa Rica (IG)
24	Industrial Design	industrial_desgin_term	Term of industrial design protection	Code if term of protection is more than 10 years. Can be accumulated number of years. Note: This is a clarification of TRIPS Art. 26.3.	52	EFTA Morocco 1997, Annex V, Article 3.1	Additional substantive standards 1. The States Parties to this Agreement shall ensure in their national laws at least the following: [...] - adequate and effective protection of industrial designs by providing in particular a period of protection of five years from the date of application with a possibility of renewal for two consecutive periods of five years each;
25	Patent	patent_scope_plants	Scope of coverage: Plants This variable codes the nature of the inventions that can be patentable.	Code if plants are patentable. Sui generis system is not the same (other form of protection than patents). Note 1: only code if namely mentioned as patentable ("any invention", "any application", "any fields of technology" does not suffice). Note 2: excludes implicit patentability,	17	Bahrain US 2004, Article 14.8.2	Each Party shall make patents available for plant inventions. In addition, the Parties confirm that patents shall be available for any new uses or methods of using a known product, including products to be used for particular medical conditions, subject to the exclusions provided in Article 14.8.1 and the conditions of patentability.

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26	Patent	patent_scope_animals	Scope of coverage: Animals This variable codes the nature of the inventions that can be patentable.	Code if animals are patentable. Note 1: only code if namely mentioned as patentable ("any invention", "any application", "any fields of technology" does not suffice). Note 2: excludes implicit patentability, e.g. if Parties are given the possibility to exclude plants from patentability.	7	Colombia US 2006, Article 16.9.2	Any Party that provides patent protection for plants or animals on or after the date of entry into force of this Agreement shall maintain such protection.
27	Patent	patent_scope_transitional_extension	Transitional extension for developing countries. TRIPS Article 65.2 grants a transitional period for DCs.	Code if there are transitional extensions for developing countries. Note 1: includes references to transitional extension for Intellectual property rights in general as it includes patents. Note 2: already coded for all countries in DESTA dataset.	16	Chile US 2003, Article 17.9.2 Colombia US 2006, Article 16.14.2	2. Each Party will undertake reasonable efforts, through a transparent and participatory process, to develop and propose legislation within 4 years from the entry into force of this Agreement that makes available patent protection for plants that are new, involve an inventive step, and are capable of industrial application. 2. A Party may delay giving effect to certain provisions of this Chapter as specified in Annex 16.1.
28	Patent	patent_permitted_second_use	Permitted double-patenting (selection/second Use): Second-use patents This variable codes for the availability of selection patents (i.e. a patent claiming a subclass of a previously patent genus for a particular feature not included in the initial patent) or second-use patents (i.e. a patent claiming a new use from a previously existing patent).	Code if second-use/new use of patents are allowed. Note: Patents of Addition do not qualify for either Selection or Second Use.	8	Australia US 2004, Article 17.9.1	Each Party shall make patents available for any invention, whether a product or process, in all fields of technology, provided that the invention is new, involves an inventive step, and is capable of industrial application. The Parties confirm that patents shall be available for any new uses or methods of using a known product. For the purposes of this Article, a Party may treat the terms "inventive step" and "capable of industrial application" as synonymous with the terms "non-obvious" and "useful", respectively. <i>Belongs to scope of coverage</i>
29	Patent	patent_term_extension	Patent term extensions: This variable codes whether an extension is given to patent term when regulation requirements have unduly delayed market entry.	Code if there is compensation/ patent term extension (<u>further period</u>) for unreasonable delay due to patent examination and/or marketing approval process.	40	CAFTA 2004, Article 15.9.6 Canada EC (CETA) 2004: Art. 20.27. 5	6. (a) Each Party, at the request of the patent owner, shall adjust the term of a patent to compensate for unreasonable delays that occur in granting the patent. For purposes of this paragraph, an unreasonable delay shall at least include a delay in the issuance of the patent of more than five years from the date of filing of the application in the territory of the Party, or three years after a request for examination of the application has been made, whichever is later, provided that periods attributable to actions of the patent applicant need not be included in the determination of such delays. (b) With respect to any pharmaceutical product that is covered by a patent, each Party shall make available a restoration of the patent term to compensate the patent owner for unreasonable curtailment of the effective patent term resulting from the marketing approval process related to the first commercial marketing of the product in that Party. 5. Each Party shall provide that the period of sui generis protection be for a period equal to the period which elapsed between the date on which the application for the basic patent was filed and the date of the first marketing authorisation, reduced by a period of five years.

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30	Patent	patent_compulsory_licenses_restriction	Compulsory licenses are restricted/limited to specific scenarios/ grounds	Limited to national emergencies, as antitrust remedy, and for public non-commercial use (limits competition for generic products such as medicines). Note 1: Compulsory licenses can be circumscribed as "Neither Party shall permit the use of the subject matter of a patent without the authorization of the right holder except in the following circumstances". Note 2: TRIPS grants right for each country to determine the grounds upon which licenses are granted. TRIPS makes examples, but does not provide a fixed list. Note 3: in Spanish PTAs search for "licencias obligatorias"	3	Australia US 2004, Article 17.9.7	A Party shall not permit the use17-15 of the subject matter of a patent without the authorisation of the right holder except in the following circumstances: (a) to remedy a practice determined after judicial or administrative process to be anti- competitive under the Party's laws relating to prevention of anti-competitive practices;17-16 or (b) in cases of public non-commercial use, or of national emergency, or other circumstances of extreme urgency, provided that: (i) the Party shall limit such use to use by the government or third persons authorised by the government; (ii) the Party shall ensure that the patent owner is provided with reasonable compensation for such use; and (iii) the Party may not require the patent owner to provide undisclosed information or technical know-how related to a patented invention that has been authorised for use in accordance with this paragraph.
31	Patent	patent_novelty_disclosure_grace_period	Novelty/disclosure grace period: This variable codes the length of the grace period in which a patentee may disclose the invention without that disclosure being considered as prior art to invalidate the patent based on novelty.	Code if 12 months Note: in Spanish PTAs search for "periodo de gracia" or "novedad/novela"	17	Australia Chile 2008, Article 17.22	Neither Party shall use the information contained in a public disclosure to prevent patentability due to a lack of novelty or inventive step if the public disclosure: (a) was made or authorised by, or derived from, the patent applicant; and (b) occurs within 12 months prior to the date of filing of the application in the territory of the Party.
32	Patent	patent_burden_of_proof_patent_office	Burden of proof: This variable codes whether, when examining an invention, the burden of proof lies on the patent office or on the applicant to demonstrate non-patentability/patentability.	Code if burden of proof lies on the patent office, i.e. if the patent office has to prove that an invention is or is not patentable. Code as '0' if country has a formal review only. Note: make sure not to confuse it with the TRIPS burden of proof (Article 34).	0	no example	
33	Patent	patent_revocation_restrictions	Restriction of revocation rights for patents	Restriction of revocation rights for patents to cases of fraud and misrepresentation (limits flexibility granted under TRIPS).	21	Morocco US 2004, Article 15.9.5	Each Party shall provide that a patent may be revoked only on grounds that would have justified a refusal to grant the patent. A Party may also provide that fraud, misrepresentation, or inequitable conduct may be the basis for revoking a patent or holding a patent unenforceable. Where a Party provides proceedings that permit a third party to oppose the grant of a patent, a Party shall not make such proceedings available before the grant of the patent.

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34	Undisclosed Information	undisclosed_information_scope	Scope of trade secret protection: This variable codes whether or not a country exceeds TRIPS' expectations on the definition of trade secret.	Code if the definition of trade secret is broader than the TRIPS definition ; 0 if the definition is no broader (or less broad) than that in TRIPS article 39(2) 1) check if there is something specific on trade secrets in PTA 2) if yes: compare to TRIPS Article 39 3) Examples of TRIPS+: No limitation of duration; detailed definition of trade secret (documents, microfilms) Note: in Spanish PTAs search for "secreto comercial/industrial/de negocio"	8	Bolivia Mexico 1994, Article 16-37.3 to 16-37.5	3. Para otorgar la protección a que se refiere este artículo, cada Parte exigirá que un secreto industrial y de negocios conste en documentos, medios electrónicos o magnéticos, discos ópticos, microfilmes, películas u otros instrumentos similares. 4. Ninguna Parte podrá limitar la duración de la protección para los secretos industriales y de negocios, en tanto existan las condiciones descritas en los literales a), b) y c) del párrafo 2. 5. Ninguna Parte desalentará ni impedirá el licenciamiento voluntario de secretos industriales y de negocios imponiendo condiciones excesivas o discriminatorias a esas licencias, o condiciones que diluyan el valor de los secretos industriales y de negocios.
35	Undisclosed Information	undisclosed_information_liability_disclosure	Scope of liability: Disclosure type of action that can trigger liability for misappropriation of a trade secret	Code if disclosure of trade secrets can be litigated as misappropriation (criminal procedures and penalties).	3	Transpacific Partnership 2015, Article 18.78.2 c)	2. Subject to paragraph 3, each Party shall provide for <u>criminal procedures and penalties</u> for one or more of the following: [...] (c) the <u>fraudulent disclosure</u> , or alternatively, the unauthorised and wilful disclosure, of a trade secret, including by means of a computer system.
36	Undisclosed Information	undisclosed_information_liability_receipt	Scope of liability: Receipt type of action that can trigger liability for misappropriation of a trade secret	Code if receipt of trade secrets can be litigated as misappropriation including inducing disclosure (criminal procedures and penalties).	3	Transpacific Partnership 2015, Article 18.78.2 b) and c)	2. Subject to paragraph 3, each Party shall provide for <u>criminal procedures and penalties</u> for one or more of the following: [...] (b) The unauthorized and wilful <u>misappropriation</u> of a trade secret, including by means of a computer system; (c) the fraudulent disclosure, or alternatively, the unauthorised and wilful disclosure, of a trade secret, including by means of a computer system.
37	Undisclosed Information	undisclosed_information_liability_use	Scope of liability: Use type of action that can trigger liability for misappropriation of a trade secret	Code if use of trade secrets can be litigated as misappropriation (criminal procedures and penalties).	3	Transpacific Partnership 2015, Article 18.78.2 a)	2. Subject to paragraph 3, each Party shall provide for <u>criminal procedures and penalties</u> for one or more of the following: (a) the unauthorised and wilful <u>access</u> to a trade secret held in a computer system; [...]
38	Undisclosed Information	undisclosed_information_test_data_exclusivity	Test data exclusivity for a specific timeframe	Code if there is a specific period or additionally exclusivity for test data (e.g. due to new clinical information). Often around 3-5 years. Note: in Spanish PTAs search for "aprobación de comercialización"	41	Chile US 2003, Article 17.10.1	If a Party requires the submission of undisclosed information concerning the safety and efficacy of a pharmaceutical or agricultural chemical product which utilizes a new chemical entity, which product has not been previously approved, to grant a marketing approval or sanitary permit for such product, the Party shall not permit third parties not having the consent of the person providing the information to market a product based on this new chemical entity, on the basis of the approval granted to the party submitting such information. A Party shall maintain this prohibition for a period of at least five years from the date of approval for a pharmaceutical product and ten years from the date of approval for an agricultural chemical product. ²⁵ Each Party shall protect such information against disclosure except where necessary to protect the public.

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39	Undisclosed Information	undisclosed_infor_mation_test_data_new_use	Test data exclusivity for new uses of registered products	Code if marketing approval for <u>unapproved use of approved drugs</u> (new use of patented product) requires new clinical data. This test data is exclusive (limited timeframe).	8	Bahrain US 2004, Art. 14.9.2 a)	If a Party requires or permits, as a condition of granting marketing approval for a pharmaceutical product that includes a chemical entity that has been previously approved for marketing in another pharmaceutical product, the submission of new clinical information, other than information related to bioequivalency, the Party shall not, without the consent of a person that previously submitted such new clinical information to obtain marketing approval in the Party, authorize another to market a same or a similar product based on: (i) the new clinical information submitted in support of the marketing approval; or (ii) evidence of the marketing approval based on the new clinical information; for at least three years from the date of marketing approval in the Party.
40	Undisclosed Information	undisclosed_infor_mation_test_data_foreign_approve_d_submitted	Foreign test data exclusivity for accepted/approved and/ or submitted applications	Test data exclusivity is allowed, also for <u>marketing approval submissions</u> of foreign regulators for same products in home market.	14	Bahrain US 2004, Art. 14.9.4	4. Where a Party permits, as a condition of approving the marketing of a pharmaceutical product, persons, other than the person originally submitting safety or efficacy information, to rely on evidence of safety or efficacy information of a product that was previously approved, such as evidence of prior marketing approval in the Party or in another territory, that Party: (a) shall implement measures in its marketing approval process to prevent such other persons from marketing a product covered by a patent claiming the product or its approved method of use during the term of that patent, unless by consent or acquiescence of the patent owner; and (b) shall provide that the patent owner shall be notified of the identity of any such other person who requests marketing approval to enter the market during the term of a patent notified to the approving authority as covering that product.
41	Semiconductors	layout_design_no_compulsory_licen_ se	Prohibition of compulsory licenses for layout designs	Compulsory license not permitted for layout designs	3	US Vietnam 2000, Chapter II, Article 8.5	Neither Party may permit the compulsory licensing of layout designs of integrated circuits.
42	New Plant Varieties	new_plant_varieties_upov_accees_ reaffirm	Accession/Reaffirmation of the International Convention for the Protection of New Varieties of Plants (UPOV) (1961)	Code if the PTA reaffirms the UPOV Convention Note 1: Convention references are already coded in DESTA. Note 2: Code as '1' if level of regulation in DESTA is 5 (reaffirmation) or 4 (accession). Note 3: Accession/Reaffirmation of the UPOV Convention is TRIPS +	83	EFTA Egypt 2007, Annex V, Article 2.2. e)	By the end of the fourth year after the entry into force of this Agreement, the Parties shall have acceded to the following multilateral conventions on intellectual property: (e) International Convention for the Protection of New Varieties of Plants 1978 ("1978 UPOV Convention"), or the International Convention for the Protection of New Varieties of Plants 1991 ("1991 UPOV Convention"); and
43	New Plant Varieties	new_plant_varieties_upov_plus	Specific regulation on new plant varieties which go <u>beyond</u> the UPOV Convention .	Not coded if there is only a reference to UPOV or if the Article in the PTA is copying UPOV regulations.	13	Central America EC 2012, Article 259	1. The Parties shall provide for the protection of plant varieties either by patents or by an effective sui generis system or by any combination thereof. 2. The Parties understand that no contradiction exists between the protection of plant varieties and the capacity of a Party to protect and conserve its genetic resources. 3. The Parties shall have the right to provide for exceptions to exclusive rights granted to plant breeders to allow farmers to save, use and exchange protected farm-saved seed or propagating material.

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
44	Traditional Knowledge & Genetic Resources	genetic_resources_duty_to_consult_prior_informed_consent_hard	Duty to consult/prior informed consent: Genetic resources (binding obligations) This variable codes whether a proposed user of TK or GR must first obtain prior informed consent from the use of genetic resources or traditional knowledge from the country/indigenous people/local community.	Code if there is a duty to obtain consent before use of genetic resources Includes shall, should, must, have to, etc. <u>Hard version:</u> binding commitments ("acknowledge", "reaffirm", "shall", "should", "must", "have"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "consentimiento"	12	EC Vietnam 2016, Chapter Trade and Sustainable Development, Article 6.2	Furthermore, the Parties shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses and not to impose restrictions that run counter to the objectives of the CBD, and recognise that access to genetic resources shall be subject to the prior informed consent of the Party providing genetic resources, unless otherwise determined by that Party.
45	Traditional Knowledge & Genetic Resources	genetic_resources_duty_to_consult_prior_informed_consent_soft	Duty to consult/prior informed consent: Genetic resources (non-binding obligations) This variable codes whether a proposed user of TK or GR must first obtain prior informed consent from the use of genetic resources or traditional knowledge from the country/indigenous people/local community.	Code if there is a duty to obtain consent before use of genetic resources Includes may, best efforts, resolve, wish, etc. <u>Soft version:</u> non-binding commitments ("may", "best efforts", "resolve", "wish"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "consentimiento"	0	no example	
46	Traditional Knowledge & Genetic Resources	traditional_knowledge_duty_to_consult_prior_informed_consent_hard	Duty to consult/prior informed consent: traditional knowledge (binding obligations) This variable codes whether a proposed user of TK or GR must first obtain prior informed consent from the use of genetic resources or traditional knowledge from the country/indigenous people/local community.	Code if there is a duty to obtain consent before use of traditional knowledge Includes shall, should, must, have to, etc. <u>Hard version:</u> binding commitments ("acknowledge", "reaffirm", "shall", "should", "must", "have"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "consentimiento"	11	EFTA Peru 2010, Article 6.5.5	5. According to their national law, the Parties shall require that patent applications contain a declaration of the origin or source of a genetic resource, to which the inventor or the patent applicant has had access. As far as provided in their national legislation, the Parties will also require the fulfilment of prior informed consent and they will apply the provisions set out in this Article to traditional knowledge as applicable.
47	Traditional Knowledge & Genetic Resources	traditional_knowledge_duty_to_consult_prior_informed_consent_soft	Duty to consult/prior informed consent: traditional knowledge (non-binding obligations) This variable codes whether a proposed user of TK or GR must first obtain prior informed consent from the use of genetic resources or traditional knowledge from the country/indigenous people/local community.	Code if there is a duty to obtain consent before use of traditional knowledge Includes may, best efforts, resolve, wish, etc. <u>Soft version:</u> non-binding commitments ("may", "best efforts", "resolve", "wish"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "consentimiento"	0	no example	

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
48	Traditional Knowledge & Genetic Resources	genetic_resources_defensive_protection_disclosure_of_source_hard	Defensive protection/disclosure of the source - patent: Genetic resources (binding obligations) This variable codes whether or not there is a requirement for the patent holder to indicate the origin of genetic resources/traditional knowledge used in a patent application.	Code if patent application must disclose origin of genetic resources used The requirements for this indicator is met even if an applicant is relieved of the obligation to disclose it when origin is unknown. Includes shall, should, must, have to, etc. <u>Hard version:</u> binding commitments ("acknowledge", "reaffirm", "shall", "should", "must", "have"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "divulgación del origen"	8	Costa Rica Peru 2011, Article 9.5.7	7. Las Partes requerirán que en las solicitudes de patentes desarrolladas a partir de recursos biológicos, genéticos [...], de los que sean país de origen, se demuestre el acceso legal a dichos recursos [...], así como la divulgación del origen del recurso [...] accedido, en caso que la legislación nacional de la Parte así lo requiera.
49	Traditional Knowledge & Genetic Resources	genetic_resources_defensive_protection_disclosure_of_source_soft	Defensive protection/disclosure of the source - patent: Genetic resources (non-binding obligations) This variable codes whether or not there is a requirement for the patent holder to indicate the origin of genetic resources/traditional knowledge used in a patent application.	Code if patent application must disclose origin of genetic resources used The requirements for this indicator is met even if an applicant is relieved of the obligation to disclose it when origin is unknown. Includes may, best efforts, resolve, wish, etc. <u>Soft version:</u> non-binding commitments ("may", "best efforts", "resolve", "wish"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "divulgación del origen"	2	Colombia Peru EC 2012, Article 201.7	7. The Parties acknowledge the usefulness of requiring the disclosure of the origin or source of genetic resources[...] in patent applications, considering that this contributes to the transparency about the uses of genetic resources [...].
50	Traditional Knowledge & Genetic Resources	traditional_knowledge_defensive_protection_disclosure_of_source_hard	Defensive protection/disclosure of the source - patent: traditional knowledge (binding obligations) This variable codes whether or not there is a requirement for the patent holder to indicate the origin of genetic resources/traditional knowledge used in a patent application.	Code if patent application must disclose origin of traditional knowledge used The requirements for this indicator is met even if an applicant is relieved of the obligation to disclose it when origin is unknown. Includes shall, should, must, have to, etc. <u>Hard version:</u> binding commitments ("acknowledge", "reaffirm", "shall", "should", "must", "have"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "divulgación del origen"	6	Costa Rica Peru 2011, Article 9.5.7	Las Partes requerirán que en las solicitudes de patentes desarrolladas a partir de [...]o conocimientos tradicionales asociados, de los que sean país de origen, se demuestre el acceso legal a dichos [...] conocimientos, así como la divulgación del origen del [...] conocimiento tradicional accedido, en caso que la legislación nacional de la Parte así lo requiera.

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
51	Traditional Knowledge & Genetic Resources	traditional_knowledge_defensive_protection_disclosure_of_source_soft	Defensive protection/disclosure of the source - patent: traditional knowledge (non-binding obligations) This variable codes whether or not there is a requirement for the patent holder to indicate the origin of genetic resources/traditional knowledge used in a patent application.	Code if patent application must disclose origin of traditional knowledge used The requirements for this indicator is met even if an applicant is relieved of the obligation to disclose it when origin is unknown. Includes may, best efforts, resolve, wish, etc. <u>Soft version:</u> non-binding commitments ("may", "best efforts", "resolve", "wish"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "divulgación del origen"	1	Colombia Peru EC 2012, Article 201.7	7. The Parties acknowledge the usefulness of requiring the disclosure of the origin or source of [...] associated traditional knowledge in patent applications, considering that this contributes to the transparency about the uses of [...] associated traditional knowledge.
52	Traditional Knowledge & Genetic Resources	genetic_resources_benefit_sharing_hard	Benefit sharing/equitable sharing of benefits: Genetic resources (binding obligations) This variable codes the existence of a mandated equitable benefits sharing mechanism enforced by government.	Code if some form of mandatory, fair and equitable benefits sharing for genetic resources is mandated Includes shall, should, must, have to, etc. <u>Hard version:</u> binding commitments ("acknowledge", "reaffirm", "shall", "should", "must", "have"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "participación justa y equitativa en los beneficios"	16	Panama Taiwan 2003, Article 16.07.2	2. Each Party shall accord a fair and equitable participation in the benefits derived from the access to its genetic resources and [...].
53	Traditional Knowledge & Genetic Resources	genetic_resources_benefit_sharing_soft	Benefit sharing/equitable sharing of benefits: Genetic resources (non-binding obligations) This variable codes the existence of a mandated equitable benefits sharing mechanism enforced by government.	Code if some form of mandatory, fair and equitable benefits sharing for genetic resources is mandated Includes may, best efforts, resolve, wish, etc. <u>Soft version:</u> non-binding commitments ("may", "best efforts", "resolve", "wish"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "participación justa y equitativa en los beneficios"	7	Central America EFTA 2012, Annex XIX, Article 9.1	1. The Parties reaffirm their sovereign rights over their natural resources and recognise their rights and obligations under the Convention on Biological Diversity with respect to access to genetic resources and to the fair and equitable sharing of benefits arising out of the utilisation of these genetic resources.

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
54	Traditional Knowledge & Genetic Resources	traditional_knowledge_benefit_sharing_hard	Benefit sharing/equitable sharing of benefits: traditional knowledge (binding obligations) This variable codes the existence of a mandated equitable benefits sharing mechanism enforced by government.	Code if some form of mandatory, fair and equitable benefits sharing for traditional knowledge is mandated Includes shall, should, must, have to, etc. <u>Hard version:</u> binding commitments ("acknowledge", "reaffirm", "shall", "should", "must", "have"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "participación justa y equitativa en los beneficios"	14	EFTA Peru 2010, Article 6.5.10	10. The Parties shall take legislative, administrative or policy measures, as appropriate, with the aim of ensuring the fair and equitable sharing of the benefits arising from the use of genetic resources or associated traditional knowledge. Such sharing shall be based on mutually agreed terms.
55	Traditional Knowledge & Genetic Resources	traditional_knowledge_benefit_sharing_soft	Benefit sharing/equitable sharing of benefits: traditional knowledge (non-binding obligations) This variable codes the existence of a mandated equitable benefits sharing mechanism enforced by government.	Code if some form of mandatory, fair and equitable benefits sharing for traditional knowledge is mandated Includes may, best efforts, resolve, wish, etc. <u>Soft version:</u> non-binding commitments ("may", "best efforts", "resolve", "wish"). Note 1: TK/GR provisions can occur in other sections of PTA than IPR chapter. Note 2: in Spanish PTAs search for "participación justa y equitativa en los beneficios"	7	China Korea 2015, Article 15.17.3	3. Subject to each Party's international rights and obligations and domestic laws, the Parties may adopt or maintain measures to promote the conservation of biological diversity and the equitable sharing of benefits arising from the use of genetic resources and traditional knowledge.
56	Encrypted program-carrying satellite signals	encrypted_program_carrying_satellite_signals	Protection of encrypted program-carrying satellite signals	Code if encrypted program-carrying satellite signals are protected.	29	Oman US 2006, Article 15.7	Protection of encrypted program-carrying satellite signals 1. Each Party shall make it a criminal offense: (a) to manufacture, assemble, modify, import, export, sell, lease, or otherwise distribute a tangible or intangible device or system, knowing or having reason to know that the device or system is primarily of assistance in decoding an encrypted program-carrying satellite signal without the authorization of the lawful distributor of such signal; and (b) willfully to receive or further distribute a program-carrying signal that originated as an encrypted satellite signal knowing that it has been decoded without the authorization of the lawful distributor of the signal. 2. Each Party shall provide for civil remedies, including compensatory damages, for any person injured by any activity described in paragraph 1, including any person that holds an interest in the encrypted programming signal or its content.

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
57	Domain names	domain_names	Protection of domain names on the internet	Code if domain names on the internet are protected.	17	Australia Chile 2008, Article 17.24	1. Each Party shall require that the management of its country-code top-level domain (ccTLD) provide an appropriate procedure for the settlement of disputes, based on the principles established in the Uniform Domain-Name Dispute-Resolution Policy. 2. Each Party shall require that the management of its ccTLD provide online public access to a reliable and accurate database of domain-name registrations in accordance with each Party's law regarding protection of personal data.
58	Enforcement	enforcement_preliminary_injunctions_patent	Preliminary injunctions: Patent This variable codes for whether preliminary injunctions are available for patent, copyright, and trademark infringement actions.	Code if available for patent. Note 1: Preliminary/ interlocutory injunctions is an instrument to protect the right owner before actual judicial decision on case of infringement is made. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "medidas cauteleras/preliminares", "resolución interlocutoria" or	16	Panama US 2007, Article 15.10.3 a)	Each Party shall provide:procedures, such as judicial or administrative proceedings, and remedies, such as <u>preliminary injunctions</u> or equivalent effective provisional measures, for the expeditious adjudication of disputes concerning the validity or infringement of a patent with respect to patent claims that cover an approved pharmaceutical product or its approved method of use
59	Enforcement	enforcement_preliminary_injunctions_copyright	Preliminary injunctions: Copyright This variable codes for whether preliminary injunctions are available for patent, copyright, and trademark infringement actions.	Code if available for copyright. Note 1: Preliminary/ interlocutory injunctions is an instrument to protect the right owner before actual judicial decision on case of infringement is made. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "medidas cauteleras/preliminares", "resolución interlocutoria" or "orden/madamiento preliminar"	11	EC Moldova 2014, Article 322.1	1. Each Party shall ensure that the judicial authorities may, at the request of the applicant, issue against the alleged infringer an <u>interlocutory injunction</u> intended to prevent any imminent infringement of an intellectual property right, or to forbid, on a provisional basis and subject, where appropriate, to a recurring penalty payment where provided for by domestic law, the continuation of the alleged infringements of that right, or to make such continuation subject to the lodging of guarantees intended to ensure the compensation of the right holder. An interlocutory injunction may also be issued, under the same conditions, against an intermediary whose services are being used by a third party to infringe an intellectual property right.

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
60	Enforcement	enforcement_preliminary_injunctions_trademarks	Preliminary injunctions: Trademarks This variable codes for whether preliminary injunctions are available for patent, copyright, and trademark infringement actions.	Code if available for trademark. Note 1: Preliminary/ interlocutory injunctions is an instrument to protect the right owner before actual judicial decision on case of infringement is made. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "medidas cauteleras/preliminares", "resolución interlocutoria" or "orden/madamiento preliminar"	11	EC Vietnam 2016, Chapter Intellectual Property, Article 14.1 a)	(i) An <u>interlocutory injunction</u> may also be issued against a party whose services are being used by a third party to infringe an intellectual property right and over whom the relevant judicial authority exercises jurisdiction.
61	Enforcement	enforcement_ex parte_search_and_seizure_patent	Ex parte search and seizure: Patent This variable codes whether it is possible for a party to ask for search and seizure of goods without notifying the other party of this procedure (i.e. Anton Piller order).	Code if available for patent. Note 1: also code if either only search (of goods/premises) or only seizure (of goods/evidence) without prior warning as precautionary measure for alleged infringed goods is mentioned. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "embargo" or "retirados de los circuitos comerciales"	29	EC Georgia 2014, Article 192.2	2. Such measures may include the detailed description, with or without the taking of samples, or the physical <u>seizure of the alleged infringing goods</u> , and, in appropriate cases, the materials and implements used in the production and/or distribution of these goods and the documents relating thereto. Those measures shall be taken, if necessary without the other party being heard, in particular where any delay is likely to cause irreparable harm to the right holder or where there is a demonstrable risk of evidence being destroyed.
62	Enforcement	enforcement_ex parte_search_and_seizure_copyright	Ex parte search and seizure: Copyright This variable codes whether it is possible for a party to ask for search and seizure of goods without notifying the other party of this procedure (i.e. Anton Piller order).	Code if available for copyright. Note 1: also code if either only search (of goods/premises) or only seizure (of goods/evidence) without prior warning as precautionary measure for alleged infringed goods is mentioned. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "embargo" or "retirados de los circuitos comerciales"	51	Barhain US 2004, Article 14.10.9	9. In civil judicial proceedings concerning <u>copyright or related rights infringement</u> [...], each Party shall provide that its judicial authorities shall have the authority to order the <u>seizure of suspected infringing goods</u> , any related materials and implements [...].
63	Enforcement	enforcement_ex parte_search_and_seizure_trademark	Ex parte search and seizure: Trademarks This variable codes whether it is possible for a party to ask for search and seizure of goods without notifying the other party of this procedure (i.e. Anton Piller order).	Code if available for trademark. Note 1: also code if either only search (of goods/premises) or only seizure (of goods/evidence) without prior warning as precautionary measure for alleged infringed goods is mentioned. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "embargo" or "retirados de los circuitos comerciales"	49	CAFTA Dominican Republic 2004, Article 15.11.10	10. In civil judicial proceedings concerning[...] <u>trademark counterfeiting</u> , each Party shall provide that its judicial authorities shall have the authority to order the <u>seizure of suspected infringing goods</u> , any related materials and implements, and, at least for trademark counterfeiting, documentary evidence relevant to the infringement.

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
64	Enforcement	enforcement_statutory_damages_patent	Measure of damages: Statutory damages, patent This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.	Code if statutory damages are available for patent. Note 1: Statutory damages are predefined/pre-established damages awarded for cases of infringement. Level of damage award is thus based on the act of infringement and not on the specific harm caused in specific case. It is used in IP infringement cases because it is often difficult to establish the value loss suffered by IP owners. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "daños previamente determinados"	15	EC Ukraine 2014, Article 240.2	2. Where the infringer did not knowingly, or with reasonable grounds to know, engage in infringing activity, the Parties may lay down that the judicial authorities may order in favour of the injured party the <u>recovery of profits or the payment of damages which may be pre-established.</u>
65	Enforcement	enforcement_statutory_damages_copyright	Measure of damages: Statutory damages, copyright This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.	Code if statutory damages are available for copyright. Note 1: Statutory damages are predefined/pre-established damages awarded for cases of infringement. Level of damage award is thus based on the act of infringement and not on the specific harm caused in specific case. It is used in IP infringement cases because it is often difficult to establish the value loss suffered by IP owners. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "daños previamente determinados"	40	Canada Korea 2014, Article 16.13.12	12. At least with respect to <u>infringement of copyright or related rights protecting works, phonograms, and performances</u> , [...] each Party shall also establish or maintain a system that provides for one or more of the following: (a) <u>pre-established damages</u> ; [...]
66	Enforcement	enforcement_statutory_damages_trademarks	Measure of damages: Statutory damages, trademarks This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.	Code if statutory damages are available for trademarks. Note 1: Statutory damages are predefined/pre-established damages awarded for cases of infringement. Level of damage award is thus based on the act of infringement and not on the specific harm caused in specific case. It is used in IP infringement cases because it is often difficult to establish the value loss suffered by IP owners. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "daños previamente determinados"	33	CAFTA 2004, Article 15.11.8	8. In civil judicial proceedings, each Party shall, at least with respect to civil judicial proceedings <u>concerning copyright or related rights and trademark counterfeiting</u> , establish or maintain <u>pre-established damages</u> as an alternative to actual damages. Such preestablished damages shall be set out in domestic law and determined by the judicial authorities in an amount sufficient to compensate the right holder for the harm caused by the infringement and constitute a deterrent to future infringements.

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
67	Enforcement	enforcement_compensatory_damages_patent	Measure of damages: Compensatory damages, patent This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.	Code if compensatory damages are available for patent. Note 1: Compensatory damages are damages that compensate/counterbalance/reimburse the owner of IPRs in cases of infringement. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "indemnización/resarcimiento/comensación" or "daño"	56	Barhain US 2004, Article 14.10.6	6. Each Party shall provide that: (a) in civil judicial proceedings, the judicial authorities shall have the authority to order the infringer to pay the right holder: (i) <u>damages adequate to compensate for the injury the right holder has suffered as a result of the infringement</u> , and [...]
68	Enforcement	enforcement_compensatory_damages_copyright	Measure of damages: Compensatory damages, copyright This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.	Code if compensatory damages are available for copyright. Note 1: Compensatory damages are damages that compensate/counterbalance/reimburse the owner of IPRs in cases of infringement. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "indemnización/resarcimiento/comensación" or "daño"	58	Jordan US 2000, Article 4.24	24. Each Party shall provide that, at least in cases of knowing <u>infringement of [...] copyright and related rights</u> , its judicial authorities shall have the authority to <u>order the infringer to pay the right holder damages adequate to compensate for the injury the right holder has suffered as a result of the infringement</u> and any profits of the infringer that are attributable to the infringement that are not taken into account in computing such damages.
69	Enforcement	enforcement_compensatory_damages_trademarks	Measure of damages: Compensatory damages, trademarks This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.	Code if compensatory damages are available for trademarks. Note 1: Compensatory damages are damages that compensate/counterbalance/reimburse the owner of IPRs in cases of infringement. Note 2: also code if available for IP in general. Note 3: in Spanish PTAs search for "indemnización/resarcimiento/comensación" or "daño"	58	Singapore US 2003, Article 16.9.8	8. Each Party shall provide that in civil judicial proceedings, its judicial authorities shall have the authority, at least with respect to works, phonograms, and performances protected by copyright or related rights, and in cases of <u>trademark infringement, to order the infringer to pay the right holder damages adequate to compensate for the injury the right holder has suffered because of an infringement of that person's intellectual property by an infringer engaged in infringing activity</u> , [...].
70	Enforcement	enforcement_damages_accounting_of_profits_patent	Measure of damages: Accounting of profits, patent This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.	Code if accounting of profits is available for patent. Note 1: Accounting of profits is when the damages include (recovery of) profits gained by IPR infringement. Note 2: also code if available for IP in general.	23	Canada EC (CETA) 2014, Chapter 20, Article 20.40	1. Each Party shall provide that: (a) in civil judicial proceedings, its judicial authorities shall have the authority to order the infringer who knowingly or with reasonable grounds to know, engaged in <u>infringing activity of intellectual property rights to pay the right holder</u> : [...] ii) <u>the profits of the infringer that are attributable to the infringement, which may be presumed to be the amount of damages referred to in paragraph (i)</u>

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
71	Enforcement	enforcement_damages_accounting_of_profits_copyright	Measure of damages: Accounting of profits, copyright This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.	Code if accounting of profits is available for copyright. Note 1: Accounting of profits is when the damages include (recovery of) profits gained by IPR infringement. Note 2: also code if available for IP in general.	43	CAFTA 2004, Article 15.11.7 a)	7. Each Party shall provide that: (a) in civil judicial proceedings concerning the enforcement of intellectual property rights, its judicial authorities shall have the authority to order the infringer to <u>pay the right holder: [...]</u> (ii) <u>at least in the case of copyright or related rights [...], the profits of the infringer that are attributable to the infringement</u> and are not taken into account in computing the amount of the damages referred to in clause (i); [...]
72	Enforcement	enforcement_damages_accounting_of_profits_trademark	Measure of damages: Accounting of profits, trademarks This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.	Code if accounting of profits is available for trademarks. Note 1: Accounting of profits is when the damages include (recovery of) profits gained by IPR infringement. Note 2: also code if available for IP in general.	39	Chile US 2003, Article 17.11.8 a)	8. Each Party shall provide that: (a) in civil judicial proceedings, the judicial authorities shall have the authority to order the <u>infringer to pay the right holder: (ii) at least in the case of infringements of trademark[...] the profits of the infringer that are attributable to the infringement</u> and are not already taken into account in determining injury."
73	Enforcement	enforcement_punitive_damages_patent	Measure of damages: Punitive damages, patent This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.	Code if punitive damages are available for patent. Note 1: Punitive/exemplary damages are damages imposed to deter alleged infringer/others from (further) committing IPR infringement by setting the damage higher than what the evidence-based loss could be (e.g. exceeding statutory damages). Often additional damages to already imposed damages based on the severity of the infringement. Note 2: Includes references providing for the possibility to impose sanctions on parties to a litigation, their counsel, experts, or other persons subject to the court's jurisdiction, for violation of judicial orders regarding the protection of undisclosed information produced or exchanged in a proceeding. Note 3: Excludes criminal penalties (e.g. pecuniary fines). Note 4: Also code if available for IP in general.	1	Morocco US 2004, Article 15.11.7	7. In civil judicial proceedings, each Party shall, at least with respect to works, phonograms, and performances protected by copyright or related rights, and in cases of trademark counterfeiting, establish or maintain pre-established damages, which shall be available on the election of the right holder. Pre-established damages shall be in an amount sufficient to constitute a deterrent to future infringements and to compensate fully the right holder for the harm caused by the infringement. In civil judicial proceedings concerning patent infringement, each Party shall provide that its judicial authorities, except in exceptional circumstances, shall have the authority to <u>increase damages to an amount that is up to three times the amount of the injury found or assessed.</u>

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
74	Enforcement	enforcement_punitive_damages_copyright	<p>Measure of damages: Punitive damages, copyright</p> <p>This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.</p>	<p>Code if punitive damages are available for patent.</p> <p>Note 1: Punitive/exemplary damages are damages imposed to deter alleged infringer/others from (further) committing IPR infringement by setting the damage higher than what the evidence-based loss could be (e.g. exceeding statutory damages). Often additional damages to already imposed damages based on the severity of the infringement.</p> <p>Note 2: Includes references providing for the possibility to impose sanctions on parties to a litigation, their counsel, experts, or other persons subject to the court's jurisdiction, for violation of judicial orders regarding the protection of undisclosed information produced or exchanged in a proceeding.</p> <p>Note 3: Excludes criminal penalties (e.g. pecuniary fines).</p> <p>Note 4: Also code if available for IP in general.</p>	5	<p>Australia US 2004, Article 17.11.7</p> <p>Morocco US 2004, Article 15.10.12</p> <p>Korea US 2007, Article 18.10.26</p>	<p>7.(b) As an alternative to the requirements in sub-paragraph (a) with respect to both copyright and to trademark counterfeiting, a Party may maintain a system of additional damages in civil judicial proceedings involving infringement of copyright in works, phonograms, and performances[...]. Korea FTA has only criminal sanctions whereas the Morocco FTA has both ((a) is criminal; (b) is punitive).</p> <p>Each Party shall provide that its judicial authorities have the authority to: (a) fine or imprison, in appropriate cases, a party to a litigation who fails to abide by valid orders issued by such authorities; and (b) impose sanctions on parties to a litigation, their counsel, experts, or other persons subject to the court's jurisdiction, for violation of judicial orders regarding the protection of undisclosed information produced or exchanged in a proceeding. Note: (a) regards criminal and (b) punitive sanctions</p> <p>NON-EXAMPLE: Each Party shall provide for criminal procedures and penalties to be applied at least in cases of willful trademark counterfeiting or copyright or related rights piracy on a commercial scale. Willful copyright or related rights piracy on a commercial scale includes: (a) significant willful copyright or related rights infringements that have no direct or indirect motivation of financial gain; and (b) willful infringements for purposes of commercial advantage or private financial gain.</p>
75	Enforcement	enforcement_punitive_damages_trademarks	<p>Measure of damages: Punitive damages, trademarks</p> <p>This variable codes for the types of damages that are available for patent, copyright, and trademarks infringement.</p>	<p>Code if punitive damages are available for patent.</p> <p>Note 1: Punitive/exemplary damages are damages imposed to deter alleged infringer/others from (further) committing IPR infringement by setting the damage higher than what the evidence-based loss could be (e.g. exceeding statutory damages). Often additional damages to already imposed damages based on the severity of the infringement.</p> <p>Note 2: Includes references providing for the possibility to impose sanctions on parties to a litigation, their counsel, experts, or other persons subject to the court's jurisdiction, for violation of judicial orders regarding the protection of undisclosed information produced or exchanged in a proceeding.</p> <p>Note 3: Excludes criminal penalties (e.g. pecuniary fines).</p> <p>Note 4: Also code if available for IP in general.</p>	4	<p>Australia US 2004, Article 17.11.7 b)</p>	<p>7. [...]</p> <p>(b) As an alternative to the requirements in sub-paragraph (a) with respect to both copyright and to trademark counterfeiting, a Party may maintain a system of <u>additional damages</u> in civil judicial proceedings involving infringement of copyright in works, phonograms, and performances; provided that if such additional damages, while available, are <u>not regularly awarded</u> in proceedings involving deliberate acts of infringement where needed to deter infringement, that Party shall promptly ensure that such damages are regularly awarded or establish a system of pre-established damages as specified in sub-paragraph (a) with respect to copyright infringement.</p>

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
76	Enforcement	enforcement_criminal_sanctions_patent	Criminal sanctions for IP Infringement: Patent This variable codes for the availability of criminal sanctions for IP infringement	Code if criminal sanctions are available for patent. Note 1: Criminal sanctions include imprisonment, fines, capital punishment, restitution. Note 2: TRIPS already grants criminal sanctions for copyrights and trademarks thus not coded. Note 3: also code if available for IP in general.	16	Chile US 2003, Article 17.11.1	1. Each Party shall ensure that procedures and remedies set forth in this Article for enforcement of intellectual property rights are established in accordance with its domestic law. <u>Such administrative and judicial procedures and remedies, both civil and criminal</u> , shall be made available to the holders of such rights in accordance with the principles of due process that each Party recognizes as well as with the foundations of its own legal system.
77	Enforcement	enforcement_presumption_of_validity_patent	Presumption of validity: Patent This variable codes for the existence of a presumption of validity in favour of the holder of the IP right in any litigation.	Code if presumption of validity for patent exists, i.e. patent is considered to be valid. Note 1: Procedural consideration (preliminary injunctions, order of issues, etc.) that may lead to a form of presumption of validity in favour of the IP holder do not count toward this indicator. Note 2: This differs from the presumption applies by the IP office in reviewing applications for IP. Note 3: also code if available for IP in general.	14	Morocco US 2004, Article 15.11.19	In proceedings concerning the grant of provisional measures in relation to enforcement of a patent, each Party shall provide for a <u>rebuttable presumption that the patent is valid</u> .
78	Enforcement	enforcement_presumption_of_validity_copyright	Presumption of validity: Copyright This variable codes for the existence of a presumption of validity in favour of the holder of the IP right in any litigation.	Code if presumption of validity for copyright exists (presumption of authorship or ownership), i.e. copyright is considered to be valid. Note 1: Procedural consideration (preliminary injunctions, order of issues, etc.) that may lead to a form of presumption of validity in favour of the IP holder do not count toward this indicator. Note 2: This differs from the presumption applies by the IP office in reviewing applications for IP. Note 3: also code if available for IP in general.	31	EC Korea 2010, Article 10.53	In civil proceedings involving copyright or related rights, each Party shall provide for a <u>presumption that, in the absence of proof to the contrary, the person or entity whose name is indicated as the author or related right holder of the work or subject matter in the usual manner is the designated right holder in such work or subject matter</u> .

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
79	Enforcement	enforcement_presumption_of_validity_trademark	Presumption of validity: Trademark This variable codes for the existence of a presumption of validity in favour of the holder of the IP right in any litigation. Note: Also code for trademark licenses	Code if presumption of validity for trademarks exists, i.e. trademark is considered to be valid. Note 1: Procedural consideration (preliminary injunctions, order of issues, etc.) that may lead to a form of presumption of validity in favour of the IP holder do not count toward this indicator. Note 2: This differs from the presumption applies by the IP office in reviewing applications for IP. Note 3: also code if available for IP in general.	16	Bahrain US 2004, Article 14.2.11	<u>Neither Party may require recordation of trademark licenses to establish the validity of the license, to assert any rights in a trademark, or for other purposes.</u>
80	Enforcement	enforcement_restriction_of_institutional_flexibility	Restriction of institutional flexibility in IPR enforcement	Code if the flexibility regarding IPR enforcement is restricted, e.g. resource constraints shall not prevent IPR enforcement. Note: in Spanish PTAs search for "distribución de los recursos"	11	Singapore US 2004, Article 16.9.4	The Parties understand that a decision that a Party makes on the distribution of enforcement resources shall not excuse that Party from complying with this Chapter.
81	Enforcement	enforcement_border_measures_importing_exporting_transiting_goods	Border measures: Code if border measures apply to imported and exported or/and transiting goods	Note: TRIPS applies border measures only to imported goods, except for suspension of exported goods.	84	Singapore US 2004, Article 16.9.19	Each Party shall provide that its competent authorities may initiate border measures ex officio, without the need for a formal complaint from a private party or right holder. <u>Such measures shall apply to shipments of pirated and counterfeit goods imported into or exported out of a Party's territory, including shipments consigned to a local party. For transshipped goods that are not consigned to a local party, each Party shall, upon request, endeavor to examine such goods.</u> For products transshipped through the territory of a Party destined for the Each Party shall provide, at least in cases of copyright piracy or trademark counterfeiting, that its authorities may initiate criminal actions and border measure actions ex officio, without the need for a formal complaint by a private party or right holder.
82	Enforcement	enforcement_criminal_procedures_remedies_no_formal_complaint_copyright	Criminal Procedures and Remedies: no formal complaint needed for copyright infringement	Copyright infringement (piracy): authorities may initiate criminal actions and border measures without the need for formal complaint. Note: in Spanish PTAs search for "solicitud formal"	48	Jordan US 2000, Article 4.26	26. Each Party shall provide, at least in cases of copyright piracy or trademark counterfeiting, that its authorities may initiate criminal actions and border measure actions ex officio, without the need for a formal complaint by a private party or right holder.
83	Enforcement	enforcement_criminal_procedures_remedies_no_formal_complaint_trademark	Criminal Procedures and Remedies: no formal complaint needed for trademark infringement	Trademark infringement (counterfeiting): authorities may initiate criminal actions and border measures without the need for formal complaint. Note: in Spanish PTAs search for "solicitud formal"	48	Jordan US 2000, Article 4.26	26. Each Party shall provide, at least in cases of copyright piracy or trademark counterfeiting, that its authorities may initiate criminal actions and border measure actions ex officio, without the need for a formal complaint by a private party or right holder.

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
84	Enforcement	enforcement_service_provider_liability_copyright	Is there a service provider liability defined for the enforcement of IPRs?	Expeditious remedies to prevent infringements and criminal and civil remedies - legal incentives for service providers to cooperate with copyright owners in deterring the unauthorised storage and transmission of copyrighted material - limitations preclude monetary relief and should provide restrictions on court-ordered relief to compel or restrain eg. transmitting and routing	28	Australia US 2004, Article 17.11.29	Consistent with Article 41 of the TRIPS Agreement, for the purpose of providing enforcement procedures that permit effective action against any act of copyright infringement covered under this Chapter, including expeditious remedies to prevent infringements and criminal and civil remedies, each Party shall provide, consistent with the framework specified in this Article: (a) legal incentives for service providers to cooperate with copyright owners in deterring the unauthorised storage and transmission of copyrighted materials; and (b) limitations in its law regarding the scope of remedies available against service providers for copyright infringements that they do not control, initiate, or direct, and that take place through systems or networks controlled or operated by them or on their behalf, as set forth in this sub-paragraph. ...
85	Exhaustion	exhaustion_national_patents	National exhaustion for patents is stated	Code if anti-parallel importation provisions exist for importation beyond the country (national exhaustion) for patents Note 1: also code if available for IP in general. Note 2: in Spanish PTAs search for "agotamiento" or "importación paralela"	4	EC Georgia 2014, Article 152	Exhaustion. Each Party shall provide for a regime of domestic or regional exhaustion of intellectual property.
86	Exhaustion	exhaustion_regional_patents	Regional exhaustion for patents is stated	Code if anti-parallel importation provisions exist for importation beyond the region (regional exhaustion) for patents Note 1: also code if available for IP in general. Note 2: in Spanish PTAs search for "agotamiento" or "importación paralela"	4	EC Georgia 2014, Article 152	Exhaustion. Each Party shall provide for a regime of domestic or regional exhaustion of intellectual property.
87	Exhaustion	exhaustion_national_copyright	National exhaustion for copyrights is stated	Code if anti-parallel importation provisions exist for importation beyond the country (national exhaustion) for copyrights Note 1: also code if available for IP in general. Note 2: in Spanish PTAs search for "agotamiento" or "importación paralela"	4	Panama Taiwan 2003, Article 16.03	Exhaustion of Copyright and Related Rights. 1. The Parties agree to apply the principle of the copyright and related rights exhaustion, meaning that the holder of the copyright and related rights shall not hinder free trade of legitimate products in a Party, once legally introduced for trade into that Party, by the same right or license holder or by any other authorized third person, provided that these products and the packages that are in immediate contact with them have not suffered and modification or alteration. 2. The Parties have one year from the entry into force of this Agreement to incorporate this principle into its national legislation.
88	Exhaustion	exhaustion_regional_copyright	Regional exhaustion for copyrights is stated	Code if anti-parallel importation provisions exist for importation beyond the region (regional exhaustion) for copyrights Note 1: also code if available for IP in general. Note 2: in Spanish PTAs search for "agotamiento" or "importación paralela"	5	EC Georgia 2014, Article 152	Exhaustion. Each Party shall provide for a regime of domestic or regional exhaustion of intellectual property.

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ID	Category	Variable Name	Description	Note	Occurrence (out of 128)	Example PTA	Wording
89	Exhaustion	exhaustion_national_trademarks	National exhaustion for trademarks is stated	Code if anti-parallel importation provisions exist for importation beyond the country (national exhaustion) for trademarks Note 1: also code if available for IP in general. Note 2: in Spanish PTAs search for "agotamiento" or "importación paralela"	3	EC Georgia 2014, Article 152	Exhaustion. Each Party shall provide for a regime of domestic or regional exhaustion of intellectual property.
90	Exhaustion	exhaustion_regional_trademarks	Regional exhaustion for trademarks is stated	Code if anti-parallel importation provisions exist for importation beyond the region (regional exhaustion) for trademarks Note 1: also code if available for IP in general. Note 2: in Spanish PTAs search for "agotamiento" or "importación paralela"	4	EC Georgia 2014, Article 152	Exhaustion. Each Party shall provide for a regime of domestic or regional exhaustion of intellectual property.