Department for International Trade

Department for Business, Energy & Industrial Strategy

Lord Grimstone of Boscobel, Kt
Minister for Investment

Department for International Trade
Old Admiralty Building
Admiralty Place
London
SW1A 2DY

T +44 (0) 20 7215 5000
E grimstone.correspondence@trade.gov.uk
W www.gov.uk/dit

The Rt Hon Lord Goldsmith QC
Chairman
International Agreements Committee
House of Lords
London
SW1A 0PW

14 July 2021

Dear Peter,

Thank you for your recent letter relating to our negotiations to accede to CPTPP. I understand that you have been in correspondence with organisations and individuals who have expressed concerns about CPTPP, particularly in the realm of Intellectual Property (IP). I have passed on these concerns to the specialist teams in my department to ensure that they are understood and addressed.

CPTPP greatly benefits Britain, as we are the world's second-largest services exporter. Joining CPTPP would make travel easier for businesspeople moving between CPTPP countries. The agreement also goes further in key areas of UK interest, with advanced provisions to facilitate digital trade, and modern rules on data that will help our cutting-edge tech sector go global. Overall, joining CPTPP could open up more financial and professional services markets to UK firms.

I would like to reassure you that we recognise that the UK's IP regime achieves an effective balance between rewarding creators and innovation and reflecting wider public interests such as ensuring access and use of IP on reasonable terms. During our accession negotiations, we will ensure that the UK maintains this effective balance.

CPTPP builds on the multilateral IP framework and sets coherent and consistent IP standards and rules across the region, benefitting businesses and consumers. We understand that the European Patent Convention (EPC) is of vital importance to both applicants and the patent attorney profession. In accession negotiations we will ensure that we adopt positions consistent with both national interest and the Government's policies and priorities, including our obligations as members of the EPC and other international IP treaties. We have no intention of leaving the EPC and our decision to accede to CPTPP has not altered this.

Provisions in CPTPP commit parties to a minimum level of IP standards. This is not uncommon in plurilateral trade agreements, which often seek to set a baseline on which parties can build, and the UK's accession to CPTPP will not limit our ability to seek more ambitious trade agreements with others, including those that are members of the agreement.

In the IP chapter with Australia, we have enshrined the standards set out in the WTO's agreement on Trade related Aspects of Intellectual Property (TRIPS) and other international agreements on IP in many areas and explored ways we can go beyond these standards with Australia. We have secured commitments underpinning the protection of intellectual property for our world-leading innovative sectors, including provisions on patents, and trade secrets. These provisions will not require regulatory changes and will not affect the cost of medicines in either country. The UK has not agreed to introduce a grace period for patents.

We would be happy to discuss these issues further with stakeholders if you would like to put them in contact with our department directly, and of course we will soon be taking part in a briefing with the IAC in which we can discuss this matter with the UK's Chief Negotiator of the agreement.

Yours sincerely,

Lord Grimstone of Boscobel, Kt
Minister for Investment
Department for International Trade
Department for Business, Energy and Industrial Strategy