

DISCUSSION OF THE FIRST UNITED KINGDOM-ANDEAN COUNTRIES INTELLECTUAL PROPERTY SUB-COMMITTEE

UK HOSTED VIRTUALLY, 17 MARCH 2022

The first meeting of the United Kingdom-Andean Countries Intellectual Property Sub-Committee took place on 17 March 2022 via videoconference.

1. Greetings and opening remarks

The UK chair welcomed Andean and UK colleagues, setting out the UK's ambitions for the sub-committee and bilateral relationship going forward. The Andean countries welcomed and reiterated the chairs' comments.

2. Adoption of the Agenda

The agenda was adopted.

3. Adoption of the Rules of Procedure (RoP)

The UK explained that the UK-ANDEAN Trade Committee (TC) RoP have not yet been finalised but that it was expected that, at subsequent Sub-Committees, countries will adopt the overarching TC RoP *mutatis mutandis*. Therefore, the UK proposed that for the purpose of this meeting, the countries should adopt the EU-Andean overarching RoP to be applied *mutatis mutandis* and that the new RoPs will also applied for this SC once adopted by the Trade Committee. This was agreed by all parties.

4. General IP Segment

Update from the United Kingdom:

The UK provided an update that, now that it has left the EU, the UK government has committed to ratifying and implementing the World Intellectual Property Organization (WIPO) Beijing Treaty on Audio-visual Performances. The UK noted that Peru and Ecuador are party to the treaty and noted it would ask Colombia in writing after the meeting if it had any plans to ratify or accede to the Beijing Treaty, as well as for more information on the protection it currently grants in respect to Audio-visual Performances.

The UK then provided an update on its music streaming inquiry, following a report and recommendation published by a UK Parliamentary Committee in July 2021. The UK government will launch a comprehensive programme of work addressing issues identified by the committee. The UK will provide an update on this work at the next IP Sub-Committee.

The UK's Intellectual Property Office (IPO) recently ran a consultation on the UK's future exhaustion of IP rights regime. The government hopes to decide on the UK's future exhaustion regime during 2022. The IPO will keep stakeholders informed of developments and publish updates on the UK government website and will seek to update on this at the next Sub-Committee meeting.

On 4 February 2022, the IPO published the UK's new IP Counter-Infringement Strategy which sets out how the UK government will address IP crime and infringement over the next five years. The UK promised to share a link to the strategy after the meeting [IP Counter-Infringement Strategy \(publishing.service.gov.uk\)](https://publishing.service.gov.uk).

The UK also provided updates on recent calls for views on Standard Essential Patents (closed March 2022) and artificial intelligence (closed 2021). As well as legislative changes including the Copyright and Performances Order 2016 and the Copyright, Designs and Patents Act 1988. All legislative changes can be found online at gov.uk.

Update from Ecuador:

Ecuador noted a 2020 legislation change to adopt the regulations linked to the Ingenuity Code, the Ecuador national law for intellectual property. Ecuador also informed the Sub-Committee that Decision 486 [Common Provisions on Intellectual Property] will be amended in the next 6-8 weeks. Finally, Ecuador provided an update on Decision 876 [which establishes a Common Regime for protection of Country Brands against any possible unauthorized registrations or the use of identical or similar signs].

Update from Peru:

Peru highlighted that Decision 876 [Common Regime on Country Brands] was published on 23 April 2021 and is the first global regulatory text that regulates country brands. Peru updated that this Decision was published in the Official Gazette of the Andean Community.

Finally, Peru updated on Supreme Decree No. 170-2021-PCM which regulates the Regime of Protection for Traditional Specialities Guaranteed (TSG) and the Regime for Geographical Indications (GIs). This decree creates protective mechanisms, and grants the necessary tools, for adequate surveillance and respect of IP rights in Peru.

The UK asked for further clarification on what encompasses a 'country brand', which Peru provided.

Update from Colombia:

Colombia did not provide an update as it has not yet acceded to the agreement. The United Kingdom will bilaterally reach out to Colombia on some topics of interest.

5. Geographical Indications Update

Update from the United Kingdom:

The UK provided a presentation for the UK GI scheme which launched on 1 January 2021. The slides were shared with the Andean countries following the meeting. The presentation outlined why the UK government supports GI's, what the UK GI scheme looks like, and why a producer would apply to the UK GI Scheme. The presentation also set out who is involved in creating GI protections in the UK's new schemes and provided a generic process of how trade-deal generated GIs are added to the UK register. The UK then explained what happens after registration, including outlining where the Andean countries can find UK GI's.

Ecuador requested further clarity regarding circumstances in which GIs may not be accepted. The UK clarified this refers only to cases where the product is not covered by the UK scheme and that there is no suggestion that we would reject eligible GI applications.

Following requests from Ecuador and Peru, the UK provided updates on the status and progress of their GI's, noting that the pending GI applications from Peru and Ecuador are currently at the stage of panel

scrutiny. Peru asked about the UK's non-Agricultural GI scheme. The UK noted that non-Agricultural GIs are protected through its Collective and Certification Trade Mark Regimes, rather than its sui generis GI schemes.

Peru asked for more detail on timelines of GIs under scrutiny. The UK clarified that, if no objections are made, the process could be as fast as four months for registration to happen.

Peru noted that handicraft items are not covered under the UK's GI scheme and asked if they could be registered as a collective trademark. The UK noted that they will follow this up in writing.

Update from Ecuador:

Ecuador confirmed that they have not modified any of the GIs listed and had nothing further to update on.

Update from Peru:

Regarding the information requested by UK on the status of Irish Whiskey and Irish Cream GIs, Peru recalled that when the EU-Andean Countries Agreement was being negotiated, they stated clearly that they were unable to give automatic recognition to GIs, so the EU had to apply for the registrations on these GIs. The EU, on behalf of Ireland, noted that the scope of protection of both Irish Whiskey and Irish Cream was for the whole island of Ireland. Peru suggests two possible solutions:

1. Ireland, the current holder of the GI registration, or the EU on behalf of Ireland, could request the modification of its registrations by submitting evidence that Northern Ireland is the co-owner of the GIs. This would be evaluated by the Director for a fee of around \$100 and is a non-contentious procedure.
2. The UK would need to submit a claim where they state that are co-owners of the GI registrations. Peru would then notify Ireland or the EU (on behalf of Ireland) that the actions are taking place, granting a term for a response to these actions. The action is a contentious procedure and is therefore subject to a decision of a board of Indecopi. There is no fee but there are likely legal costs.

On the other hand, Peru provided an update on its Traditional Specialities Guaranteed (TSG) Regime which seeks to promote better development of Peruvian gastronomy and culinary tourism by protecting traditional products and its preparation methods. Peru will share the TSG regulation with the UK.

Finally, Peru provided parties an update on its GI regulation to bring additional certainty in the scope of the protection. The UK asked whether the fee related to direct applications or the application under the trade agreement. Peru noted that there is no difference. When the EU apply, they go through the regular procedure even for those GIs requested at a Sub-Committee.

The UK asked if Peru has a register for GIs published online and how infringing products are removed from the market. Peru clarified that they only had an internal database for GIs. Due to a poor connection, it was agreed the UK should send technical questions on this topic in writing.

Update from Colombia:

Colombia did not provide an update as it has not yet acceded to the agreement. The United Kingdom will bilaterally reach out to Colombia.

6. Next steps, operational conclusions, and joint minutes

The UK chair thanked Andean partners for agreeing to its proposal for publication of the joint minutes for this Sub-Committee, confirming that it would send out drafts of the minutes within 10 working days. When both chairs have agreed these minutes, the UK will publish a summary of them for transparency.

7. Closing remarks

The UK, Peru and Ecuador expressed mutual gratitude for the productive and informative meeting, noting that they look forward to further engagements.

Annex 1: Attendee list

Country	Name	Title
United Kingdom	Luke Jessop	Department for International Trade (DIT)
United Kingdom	Luke Philips	DIT
United Kingdom	Jena Dewji	DIT
United Kingdom	Chris Blake	Department for Environment, Food and Rural Affairs (DEFRA)
United Kingdom	Emma Mehta	DEFRA
United Kingdom	Alison Stanley	DEFRA
United Kingdom	Nnenna Orji	Intellectual Property Office (IPO)
United Kingdom	Susanna Friedman	DIT
United Kingdom	Aisha Gleadhall	DIT
United Kingdom	Alice Tongue	DIT
United Kingdom	Anna Andreozzi	IPO
United Kingdom	Melissa Roberts	DIT
United Kingdom	Anthony Gilmore	DIT
Colombia	Juan Felipe Quintero Maya	N/A
Colombia	Juan Carlos Cadena	N/A
Ecuador	Paulina Mosquera	National Director of Plant Varieties
Ecuador	María José Bucheli	Industrial Property National Direction Delegate
Ecuador	Esteban Machuca	International Relations Delegate
Ecuador	Javier Latorre	Undersecretary for Origin, Defense and Trade Regulation
Ecuador	Dulce María García	Director of Negotiations of Government Procurement and Intellectual Property

Peru	Pamela Huaman	IP Coordinator, General Directorate of International Trade Negotiations (Country chair)
Peru	Laura Flores	IP Coordination Team, General Directorate of International Trade Negotiations
Peru	Diego Ortega	Secretary of the Commission of Inventions and New Technologies, INDECOPI (National Institute for the Defense of Free Competition and the Protection of Intellectual Property)
Peru	Liliana Palomino	Deputy Director of Inventions and New Technologies, INDECOPI (National Institute for the Defense of Free Competition and the Protection of Intellectual Property)
Peru	Sergio Chuez	Director of Distinctive Signs, INDECOPI (National Institute for the Defense of Free Competition and the Protection of Intellectual Property)
Peru	Angela Vizcarra	Directorate of Distinctive Signs, INDECOPI (National Institute for the Defense of Free Competition and the Protection of Intellectual Property)
Peru	Luis Gallardo	Directorate of Distinctive Signs, INDECOPI (National Institute for the Defense of Free Competition and the Protection of Intellectual Property)
Peru	Rubén Trajtman	Deputy Director of Copyright, INDECOPI (National Institute for the Defense of Free Competition and the

		Protection of Intellectual Property)
Peru	Yesica Fonseca	Deputy Director of WTO and Intellectual Property, Ministry of Foreign Affairs
Peru	Juan Carlos Hurtado	Directorate of WTO and Intellectual Property, Ministry of Foreign Affairs
Peru	Alejandro Matsuno	Directorate of WTO and Intellectual Property, Ministry of Foreign Affairs
Peru	Greysse Colonio	Advisor of the General Directorate of Environmental Health and Food Safety, Ministry of Health
Peru	Claudia Solano Ore	PROMPERU (Commission for Promotion of Export and Tourism)
Peru	Jesús Asencios Sosa	PROMPERU (Commission for Promotion of Export and Tourism)


United Kingdom



Ecuador

Javier Latorre

Undersecretary for Origin, Defense and Trade Regulation



Pamela Huaman

Ministry of Foreign Trade and Tourism
Peru