

Specific WTO-Plus Issue in Plurilateral FTAs

THE IMPLICATIONS OF ACTA FOR ASIA'S PLURILATERAL TRADE AGREEMENTS REGARDING THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

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ABSTRACT

The IP rules being negotiated in international forums can be divided into substantive and procedural perspectives. The procedural perspective of IP protection is an equally vital element in the struggle to seek an optimal level of IPR protection. The forum of IP enforcement advancement began from unilateral/bilateral channel. The TRIPS is the first and only meaningful multilateral forum that established stringent IP enforcement standards. The further negotiations on the implementation of IPRs are surprisingly difficult, as the history of ACTA shows. Since the bilateral process through FTAs after the TRIPS have been slow for the IP demandeurs, the ACTA is a new attempt to multiply the process through bilateral means. The goals failed, but the true lesson for the demandeurs is that trade incentives other than IP enforcement are necessary for this strategy to work in plurilateral settings.

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