



**2002 Fast Track and 2015 Fast Track Bill: Side-By-Side Differences in Intellectual Property Negotiating Objectives Language**

2002 Fast Track	2015 Fast Track
(II) ensuring that the provisions of any <b>multilateral or bilateral</b> trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;	(II) ensuring that the provisions of any trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;
(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property;	(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property, <b>including in a manner that facilitates legitimate digital trade;</b>
(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works; <b>and</b>	(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works;
(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms;	(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; <b>and</b>
	<b>(vi) preventing or eliminating government involvement in the violation of intellectual property rights, including cyber theft and piracy;</b>
(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.	(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001, <b>and to ensure that trade agreements foster innovation and promote access to medicines.</b> <sup>1</sup>

<sup>1</sup> Note that this change is a reference to the “May 10 Agreement” in its mention of access to medicines and innovation, though the impact of its inclusion in the Fast Track bill is uncertain. Representative Sander Levin’s memo released the same day as the 2015 Fast Track bill reads, “The Hatch-Wyden-Ryan bill includes additional language on access to medicines that was not part of the 2002 bill, apparently as a nod to the May 10 Agreement. But it is unclear what this language means.” See

<http://democrats.waysandmeans.house.gov/sites/democrats.waysandmeans.house.gov/files/LEVIN%20--%20TPA%20--%20A%20Major%20Step%20Back%20on%20TPP%20Negotiations.pdf>.

Also see the USTR fact sheet on the May 10 Agreement, which reads “These modifications are aimed at further ensuring that developing country free trade agreement partners are able to achieve an appropriate balance between fostering innovation in, and promoting access to, life-saving medicines.” at

[https://ustr.gov/sites/default/files/uploads/factsheets/2007/asset\\_upload\\_file127\\_11319.pdf](https://ustr.gov/sites/default/files/uploads/factsheets/2007/asset_upload_file127_11319.pdf).