



# Internet issues in trade agreements

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## The rise of digital issues in trade agreements

- Factors influencing the rise of digital issues:
  - **Tariffs are already low**, biggest barriers are behind the border rules
  - Trade in **intangible goods and services** has become more prominent
  - **Tech industry** has acquired more political power domestically



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  - **Tech industry** has acquired more political power domestically
- This has resulted in moves towards **deeper integration of behind the border standards** such as intellectual property and e-commerce



# Most Internet issues are considered trade issues

## Trade agreements becoming the default global Internet policy tool

- Since intellectual property became a trade issue in TRIPS, trade has also engulfed:
  - Data localisation (TPP, TISA, TTIP)
  - Encryption standards (TPP, TISA)
  - Software source code disclosure (TPP, TISA)
  - Spam control (TPP, TISA)
  - Cyber-espionage (TPP, TTIP)
  - Even Internet domain name management (TPP)



## Internet rules in the TPP

- Copyright
  - Life + 70 year terms
  - DRM anticircumvention
  - High criminal and civil penalties
  - DMCA-style takedowns
- Trade secrets
  - Criminal penalties for accessing secrets on a computer system
- Domain names
  - UDRP-style mediation
  - Public registration data
- Investment
  - IP claims included
- E-commerce
  - Data localization
  - No source code release mandates
  - Privacy laws not to be trade restrictive
  - Checkbox net neutrality
  - Checkbox anti-spam
- Technical barriers to trade
  - No crypto standard mandates



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- Regional Comprehensive Economic Partnership
  - Even more secretive than the TPP!
  - Japan and Korea pushing for TPP+ rules, India and China pushing back





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  - U.S. non-paper draws strongly on TPP and TISA
- Consensus that it is impossible to exclude the Internet from global trade talks
- Likely to be significantly less ambitious than TISA