

INTELLECTUAL PROPERTY AND ECONOMIC INTEGRATION

It is anticipated, at this time, that negotiation of intellectual property issues in the bilateral discussions will be directed largely towards the reduction of irritants as seen from the American viewpoint. It is possible, however, that negotiations will proceed to consideration of a more comprehensive integration of the economies of Canada and the U.S. Some discussion of the role of intellectual property in such a common market would, therefore, be useful.

In a situation incorporating comprehensive economic integration, Canadian and American intellectual property legislation would have to be closely harmonized in terms of scope of protection. Implicit in this is the recognition that Canada would have to come to an accommodation with the Americans on all of the issues which have been discussed in the context of irritants. Indeed, proposing such a common market, at least in intellectual property matters, might be one way by which the U.S. could achieve all of its objectives in this area. Under such a circumstance, for example, it would be impossible for one country not to protect, say, pharmaceuticals, because this would lead to imports to the second country which would violate that country's laws.