INTERIM AGREEMENT ON TRADE BETWEEN

THE EUROPEAN UNION AND THE REPUBLIC OF CHILE

Sub-Committee on Intellectual Property

Brussels, 6 November 2025

JOINT MINUTES

1. Introduction

The EU and Chile exchanged welcome remarks, highlighting their shared commitment to the rules on the protection and enforcement of intellectual property (IP) rights (IPR) contained in the EU-Chile Interim Trade Agreement.

2. Adoption of the agenda

The agenda was adopted without amendments.

3. Exchange of views on the implementation of the Intellectual Property (IP) Chapter

The EU side considers completed the implementation of the IP Chapter by the EU.

Chile indicated that, in accordance to their assessment of the state of play of the implementation of the IP Chapter by Chile, the following legislative measures should be completed:

- Resale right: the bill known as "Ley Balmes" is under discussion in the Chilean Parliament. This would grant EU authors the resale right, in accordance with Article 25.15 of the IP Chapter.
- Protection of technological measures: A bill is in Congress to implement the obligations contained in Article 25.18 of the IP Chapter.
- Enforcement – Chile informed that copyright enforcement online in Chile is based on rules on "notice and notice" and "cease-and-desist letters", which all depend on judicial decisions before an infringing website can be blocked. In the absence of "notice-and-take-down" and "notice-and-stay-down" schemes, or of administrative enforcement measures, some stakeholders put into question the effectiveness of the enforcement measures currently available for right holders.
- Protection of plant variety rights: Chile informed that it plans to adopt legislation in accordance with UPOV 91, as provided for in Article 25.48 of the IP Chapter. However, no bill has been submitted to the Congress yet. Technical work on this bill is quite mature.

In addition to these elements, the EU inquired about possible plans to ratify The Hague Agreement. Chile noted that INAPI is currently assessing the requirements for a potential ratification and is engaging in technical exchanges with WIPO to better understand the

adjustments that would be needed for its registry and operational systems to align with Hague standards.

On other topics related to IP law, the EU and Chile exchanged views on: patent examination timelines, including for pharmaceutical products; the treatment of well-known trademarks under the TRIPS Agreement; and the interplay between copyright protection and the development of Artificial Intelligence.

4. Geographical Indications

Chile acknowledged that work remains pending to set up an effective system of administrative enforcement of the obligations under the Interim Trade Agreement. Chile confirmed that it intends to ensure full compliance with its obligations. The EU presented a number of examples of alleged breaches as spotted on the Chilean market, and Chile pledged to look closely into them.

5. Enforcement of intellectual property rights

The EU and Chile exchanged views on the challenges related to enforcement of IPR, in particular online and at the border.

The discussion on online enforcement built upon point #3 above. The EU recalled the importance of having enforcement measures in place that are effective, proportionate and dissuasive.

On border enforcement, the EU transmitted information from EU stakeholders related to challenges faced at the border, notably in the area of destruction of suspected goods, the long duration of certain procedures and burdensome formalities before the customs authorities (e.g. on the appointment of legal representatives, request to have powers of attorney, etc.).

6. Technical cooperation

The EU reported on the end of the IP Key Latin America Programme in February 2025. They stated that the new IP technical cooperation programme will be the AL-Invest Next programme, which is expected to start in 2026.

Chile acknowledged the importance of the technical cooperation and thanked the EU for its cooperation in the framework of IP Key Latin America. Chile indicated that, for the future AL-Invest Next, a possible activity of interest could be capacity building of customs official dealing with IP enforcement.

Chile also referred to TAIEX and the successful outcome of the cooperation activity that led to the recognition by Chile of the plant variety test reports carried out by the Community Plant Variety Office.

7. Any other business

None.

8. Closure of the meeting

The EU and Chile concluded the meeting by summarising the conclusions and reiterating the importance of the commitments under the IP Chapter.