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presents the

2018 G20 Buenos Aires Summit Final Compliance Report

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“The University of Toronto ... produced a detailed analysis to the extent of which each G20 country has met its commitments since the last summit ... I think this is important; we come to these summits, we make these commitments, we say we are going to do these things and it is important that there is an organisation that checks up on who has done what.”

— *David Cameron, Prime Minister, United Kingdom, at the 2012 Los Cabos Summit*

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3. Digital Economy: Data Governance

“We support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

Buenos Aires Leaders’ Declaration

Assessment

Country	No Compliance	Partial Compliance	Full Compliance
Argentina		0	
Australia			+1
Brazil		0	
Canada		0	
China			+1
France		0	
Germany		0	
India	-1		
Indonesia			+1
Italy		0	
Japan		0	
Korea		0	
Mexico		0	
Russia			+1
Saudi Arabia		0	
South Africa	-1		
Turkey		0	
United Kingdom		0	
United States	-1		
European Union			+1
Average		+0.10	

Background

The Global Partnership for Financial Inclusion’s G20 Policy Guide on Digitisation and Informality describes digitalization as “an unprecedented opportunity to address eligibility and affordability barriers to formal financial inclusion faced by informal individuals and firms.”³³⁵ As such, the G20 recognizes the digital economy as a means of promoting sustainable economic growth and development in the Internet age.³³⁶

Prior to the 2015 Antalya Summit, G20 members committed to promoting the flow and sharing of information in areas outside of the economic growth and development. Their commitments focused solely on sharing best practices to protect the integrity of financial markets, to exchange tax information, and converge regulatory practices between members.³³⁷ The sharing of information as a means to achieve their broader commitments continued to be part of communiqués and leader

³³⁵ G20 Policy Guide: Digitisation and informality, Global Partnership for Financial Inclusion (Salta) 24 July 2018. Access Date: 26 December 2018. <https://www.gpfi.org/publications/g20-policy-guide-digitisation-and-informality-harnessing-digital-financial-inclusion-individuals-and->

³³⁶ G20 Digital Economy Development and Cooperation Initiative, G20 Information Centre (Toronto) 5 September 2016. Access Date: 26 November 2018. <http://www.g20.utoronto.ca/2016/160905-digital.html>.

³³⁷ Declaration of the Summit on Financial Markets and the World Economy, G20 Information Centre (Toronto) 15 November 2008. Access Date: 22 December 2018. <http://www.g20.utoronto.ca/2008/2008declaration1115.html>.

declarations in subsequent summits.³³⁸ It was not until the Antalya Summit where commitments by G20 members explicitly addressed explicitly the digital economy.

At the 2015 Antalya Summit, G20 members made their first explicit commitment in the area of digital economy. For the first time, the Leaders' Declaration signified the role of the Internet and information and communications technologies (ICTs) as a collective means of bolstering “economic growth and development around the world.”³³⁹ Also, members committed to bridging the “digital divide” and the need to secure the use of ICTs by not engaging in “ICT-enabled theft of intellectual property” while respecting user privacy and international law.³⁴⁰ Further, the declaration emphasized that in the digital realm, “states have a special responsibility to promote security, stability, and economic ties with other nations,” as in the physical realm.³⁴¹

At the 2016 Hangzhou Summit, leaders recognized the role of the digital economy as part of their broader economic growth and innovation agenda. Leaders also endorsed the *G20 Digital Economy Development and Cooperation Initiative*, which expands on their commitment during the 2015 Antalya summit to seize opportunities in the Internet age.³⁴² The initiative outlined: specific guiding principles, areas of focus and next steps for the digital economy.³⁴³ In particular, the G20 recognized that the free flow of information, and the protection of intellectual property (IP) rights, personal data, and privacy “are essential to strengthening confidence and trust in the digital economy.”³⁴⁴

At the 2017 Hamburg Summit, leaders echoed the commitment they made to develop trust in digital technologies and to “foster favourable conditions for the development of the digital economy.”³⁴⁵ Leaders recognized that trust in the digital economy requires effective consumer protection, IP rights protection, and the free flow of information that respects “applicable legal frameworks for privacy, data protection and [IP] rights.”³⁴⁶ Germany's G20 presidency also produced a declaration of ministers responsible for the digital economy, which elaborates on the work done by the G20, the Organisation for Economic Co-operation and Development (OECD), the International Monetary Fund (IMF) and other international organizations to develop a common framework to “maximize the contributions that digitalisation can provide to the economy.”³⁴⁷

Argentina's G20 presidency continued work done on the digital economy during the two previous presidencies. On 23-24 August 2018, G20 ministers responsible for the digital economy convened to

³³⁸ G20 Leaders Declaration, G20 Information Centre (Toronto) 18 June 2012. Access Date: 26 December 2018. <http://www.g20.utoronto.ca/2012/2012-0619-loscabos.html>.

³³⁹ G20 Leaders' Communiqué, G20 Information Centre (Toronto) 16 November 2015. Access Date: 26 December 2018. <http://www.g20.utoronto.ca/2015/151116-communiqu.html>.

³⁴⁰ G20 Leaders' Communiqué, G20 Information Centre (Toronto) 16 November 2015. Access Date: 26 December 2018. <http://www.g20.utoronto.ca/2015/151116-communiqu.html>.

³⁴¹ G20 Leaders' Communiqué, G20 Information Centre (Toronto) 16 November 2015. Access Date: 26 December 2018. <http://www.g20.utoronto.ca/2015/151116-communiqu.html>.

³⁴² G20 Digital Economy Development and Cooperation Initiative, G20 Information Centre (Toronto) 5 September 2016. Access Date: 5 January 2019. <http://www.g20.utoronto.ca/2016/160905-digital.html>.

³⁴³ G20 Leaders' Communiqué: Hangzhou Summit, G20 Information Centre (Toronto) 5 September 2016. Access Date: 5 January 2019. <http://www.g20.utoronto.ca/2016/160905-communiqu.html>.

³⁴⁴ G20 Digital Economy Development and Cooperation Initiative, G20 Information Centre (Toronto) 5 September 2016. Access Date: 5 January 2019. <http://www.g20.utoronto.ca/2016/160905-digital.html>.

³⁴⁵ G20 Leaders' Declaration: Shaping an Interconnected World, G20 Information Centre (Toronto) 8 July 2017. Access Date: 22 December 2018. <http://www.g20.utoronto.ca/2017/2017-G20-leaders-declaration.html>.

³⁴⁶ G20 Leaders' Declaration: Shaping an Interconnected World, G20 Information Centre (Toronto) 8 July 2017. Access Date: 22 December 2018. <http://www.g20.utoronto.ca/2017/2017-G20-leaders-declaration.html>.

³⁴⁷ G20 Digital Economy Ministerial Declaration: Shaping Digitalisation for an Interconnected World, G20 Information Centre (Toronto) 7 April 2017. Access Date: 5 January 2019. <http://www.g20.utoronto.ca/2017/170407-digitalization.html>.

“strengthen a digital agenda for development” in Salta, Argentina.³⁴⁸ Ministers acknowledged the need to close the digital divide, build digital infrastructure, engage entrepreneurs and non-large enterprises, and “empower and protect vulnerable and disadvantaged consumers.”³⁴⁹

Commitment Features

Within the context of the development of the digital economy, G20 members committed to 1) “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks” and to work to build 2) consumer trust, 3) consumer privacy, 4) data protection, and 5) intellectual property rights protection. Compliance with this commitment depends on members’ actions on the above five features of the commitment.

The “free flow of information, ideas and knowledge” refers to actions in the realm of the digital economy and digital financial inclusion. In particular, actions must support “improving access, adoption, and effective use of digital technologies that allow [G20 members] to learn from each other in a more agile way.”³⁵⁰ The purpose of this commitment feature is to facilitate the digitalization of national governments as a step to strengthen the digital economy. The “applicable legal frameworks” that need to be “respected” refer to domestic law and international legal frameworks. In the domestic realm, actions that support the free flow of “information, ideas and knowledge” must be consistent with local laws and regulations.³⁵¹ In the international realm, these actions must be consistent with non-binding UN resolution A/C.1/70/L.45 and the UN Charter, among other relevant laws.³⁵² Together, there should be an “environment that empowers entrepreneurs and fosters research, innovation and competition.”³⁵³

Building “consumer trust” in the context of this commitment consists of actions that provide “strong, effective, proportionate and easily accessible legal and judicial or supervisory mechanisms” that sanctions fraud, abuse, technical errors, and promotes consumer protection.³⁵⁴ Actions must build consumer trust and confidence in the acquisition and use of digital financial services, “especially for consumers with limited financial literacy or the resources to absorb losses.”³⁵⁵ Members should also conduct “sound measurement” of the digital economy and how it influences consumer trust and confidence.³⁵⁶ Actions or initiatives that aim to increase digital financial literacy and awareness, to

³⁴⁸ G20 Digital Economy Ministerial Declaration, G20 Information Centre (Toronto) 24 August 2018. Access Date: 5 January 2019. <http://www.g20.utoronto.ca/2018/2018-08-24-digital.html>.

³⁴⁹ G20 Digital Economy Ministerial Declaration, G20 Information Centre (Toronto) 24 August 2018. Access Date: 5 January 2019. <http://www.g20.utoronto.ca/2018/2018-08-24-digital.html>.

³⁵⁰ G20 Digital Economy Ministerial Declaration, G20 Information Centre (Toronto) 24 August 2018. Access Date: 5 January 2019. <http://www.g20.utoronto.ca/2018/2018-08-24-digital.html>.

³⁵¹ G20 Digital Economy Ministerial Declaration, G20 Information Centre (Toronto) 24 August 2018. Access Date: 5 January 2019. <http://www.g20.utoronto.ca/2018/2018-08-24-digital.html>.

³⁵² G20 Leaders' Communiqué, G20 Information Centre (Antalya) 16 November 2015. Access Date: 26 December 2018. <http://www.g20.utoronto.ca/2015/151116-communication.html>.

³⁵³ G20 Digital Economy Ministerial Declaration, G20 Information Centre (Toronto) 24 August 2018. Access Date: 26 December 2018. <http://www.g20.utoronto.ca/2018/2018-08-24-digital.html>.

³⁵⁴ Building a digital world consumers can trust, Consumers International and The Federation of German Consumer Organisations (Berlin) 20 March 2017. Access Date: 4 January 2019. <https://www.consumersinternational.org/media/1251/g20-digital-recs-english-visual.pdf>.

³⁵⁵ G20 High-Level Principles for Digital Financial Inclusion, G20 Information Centre (Toronto) 17 August 2016. Access Date: 4 January 2019. <http://www.g20.utoronto.ca/2016/high-level-principles-for-digital-financial-inclusion.pdf>.

³⁵⁶ Building a digital world consumers can trust, Consumers International and The Federation of German Consumer Organisations (Berlin) 20 March 2017. Access Date: 4 January 2019. <https://www.consumersinternational.org/media/1251/g20-digital-recs-english-visual.pdf>.

make internal dispute mechanisms more accessible, and to facilitate more competition in the digital provider market are indications of compliance with this feature.³⁵⁷

Actions which build “privacy” within the digital economy should “enhance secure and effective consent models.”³⁵⁸ Compliance with this feature includes actions where industry participants build privacy “into all stages” of their practices, minimize data collection, gaining explicit consumer consent for data collection, and the use of “alternative data” in a neutral manner.³⁵⁹

Actions and/or policies that build “data protection” include, but are not limited to: enhancing “access, rectification, cancellation and opposition...rights,” and addressing data security.³⁶⁰ An example of a data protection framework is the EU’s General Data Protection Regulation (GDPR) framework.³⁶¹ The GDPR consolidates national data protection laws into one framework while strengthening individual rights and clarifying rules on businesses throughout the EU.³⁶² Data protection focuses on the conduct of using collected data, whereas privacy deals with consumer access to their data.

Compliance with the “intellectual property rights protection” feature of the commitment must involve new actions which “promote, as ... Government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development.”³⁶³ Protection of these rights prevents unfair competition within both branches of intellectual property: “industrial property” (i.e., patents, trademarks, industrial designs, geographical indications) and “copyright.”³⁶⁴

Thus, full compliance with this commitment entails taking action in all five features, while partial compliance entails taking action in two to four of those features. Negative compliance constitutes taking no action or taking action in one feature.

³⁵⁷ Building a digital world consumers can trust, Consumers International and The Federation of German Consumer Organisations (Berlin) 20 March 2017. Access Date: 4 January 2019.

<https://www.consumersinternational.org/media/1251/g20-digital-recs-english-visual.pdf>.

³⁵⁸ G20 Policy Guide: Digitisation and informality, Global Partnership for Financial Inclusion (Salta) 24 July 2018. Access Date: 29 December 2018. <https://www.gpfi.org/publications/g20-policy-guide-digitisation-and-informality-harnessing-digital-financial-inclusion-individuals-and>.

³⁵⁹ G20 Policy Guide: Digitisation and informality, Global Partnership for Financial Inclusion (Salta) 24 July 2018. Access Date: 29 December 2018. <https://www.gpfi.org/publications/g20-policy-guide-digitisation-and-informality-harnessing-digital-financial-inclusion-individuals-and>.

³⁶⁰ G20 Policy Guide: Digitisation and informality, Global Partnership for Financial Inclusion (Salta) 24 July 2018. Access Date: 4 January 2019. <https://www.gpfi.org/publications/g20-policy-guide-digitisation-and-informality-harnessing-digital-financial-inclusion-individuals-and>.

³⁶¹ G20 Policy Guide: Digitisation and informality, Global Partnership for Financial Inclusion (Salta, Argentina) 24 July 2018. Access Date: 4 January 2019. <https://www.gpfi.org/publications/g20-policy-guide-digitisation-and-informality-harnessing-digital-financial-inclusion-individuals-and>.

³⁶² Data Protection in the EU, European Commission (Brussels) 24 May 2016. Access Date: 17 January 2019. https://ec.europa.eu/info/law/law-topic/data-protection/data-protection-eu_en.

³⁶³ WIPO Intellectual Property Handbook: Policy, Law and Use, World Intellectual Property Organization (Geneva) 2004. Access Date: 4 January 2019. https://www.wipo.int/edocs/pubdocs/en/intproperty/489/wipo_pub_489.pdf.

³⁶⁴ WIPO Intellectual Property Handbook: Policy, Law and Use, World Intellectual Property Organization (Geneva) 2004. Access Date: 4 January 2019. https://www.wipo.int/edocs/pubdocs/en/intproperty/489/wipo_pub_489.pdf.

Scoring Guidelines

-1	The G20 member has taken action in zero OR one feature(s) out of the five features of the commitment to 1) “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks,” OR to work to build 2) consumer trust, OR 3) consumer privacy, OR 4) data protection, OR 5) intellectual property rights protection.
0	The G20 member has taken action in TWO to FOUR features out of the five features of the commitment to 1) “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks,” OR to work to build 2) consumer trust, OR 3) consumer privacy, OR 4) data protection, OR 5) intellectual property rights protection.
+1	The G20 member has taken action in ALL five features of the commitment to 1) “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks” AND to work to build 2) consumer trust AND 3) consumer privacy AND 4) data protection, AND 5) intellectual property rights protection.

*Compliance Director: Steven Camit
Lead Analyst: Arshia Hassani*

Argentina: 0

Argentina has partially complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 7 December 2018, the Agency of Access to Public Information published Resolution No.159/2018.³⁶⁵ The resolution approved guidelines for binding corporate rules that companies can use to legitimize international intra-group data transfers and ensure that they comply with relevant regulations. These corporate rules align with regulations set out by existing Argentinian data protection laws and resemble regulations in the EU’s General Data Protection Regulation.³⁶⁶

On 26 January 2019, Argentina was one of the 76 countries that signed the Joint Declaration of Davos, an initiative which starts negotiations to collaborate on electronic commerce (e-commerce).³⁶⁷ The signatories further recognized the particular challenges and opportunities that e-commerce represents for developing countries and micro, small and medium enterprises. Argentine Secretary of Foreign Economic Relations of the Foreign Ministry Horacio Reyser recognized that e-commerce “represents an enormous opportunity for Argentine products” to reach new markets worldwide and to participate in global value chains.³⁶⁸

³⁶⁵ Argentine DPA approves guidelines for Binding Corporate Rules, International Association of Privacy Professionals (Portsmouth) 11 December 2018. Access Date: 17 February 2019. <https://iapp.org/news/a/argentine-supervisory-authority-approved-guidelines-for-binding-corporate-rules/#>.

³⁶⁶ Argentine DPA approves guidelines for Binding Corporate Rules, International Association of Privacy Professionals (Portsmouth) 11 December 2018. Access Date: 17 February 2019. <https://iapp.org/news/a/argentine-supervisory-authority-approved-guidelines-for-binding-corporate-rules/#>.

³⁶⁷ Agreement in Davos to begin negotiations on electronic commerce, Argentine Ministry of Foreign Affairs and Worship (Buenos Aires) 26 January 2019. Access Date: 17 February 2019. <https://www.cancilleria.gob.ar/en/announcements/news/agreement-davos-begin-negotiations-electronic-commerce>.

³⁶⁸ Agreement in Davos to begin negotiations on electronic commerce, Argentine Ministry of Foreign Affairs and Worship (Buenos Aires) 26 January 2019. Access Date: 17 February 2019. <https://www.cancilleria.gob.ar/en/announcements/news/agreement-davos-begin-negotiations-electronic-commerce>.

On 6 March 2019, Argentina and Peru began the first round of negotiations for the “Bilateral Expansion and Strengthening of the Economic Complementarity Agreement.”³⁶⁹ The objective of these negotiations is to expand “the current economic complementarity agreement” in fields such as small and medium-sized enterprises (SMEs) and e-commerce.³⁷⁰

On 6 April 2019, the second round of trade negotiations between Mercosur and Korea closed. The two parties are working on a trade agreement which address e-commerce, technical barriers to trade, and intellectual property.³⁷¹ Both parties will continue trade negotiations on July 2019.

Argentina has taken action to strengthen data protection and privacy through implementing binding corporate rules of data protection, in accordance to existing Argentine data protection laws. Argentina has also taken action to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks through its participation in the Joint Declaration of Davos initiative and bilateral efforts to promote SMEs and e-commerce. However, Argentina has not taken new actions to build consumer trust.

Thus, Argentina receives a score of 0.

Analyst: Alykhan Jetha

Australia: +1

Australia has fully complied with its commitment to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.

On 18 December 2018, the Australian Minister for Industry, Science and Technology Karen Andrews unveiled a new government strategy that will help small businesses go digital.³⁷² The government has committed AUD3 million, in the creation of a new independent body which will provide small business owners with up to date information on the best digital practices, tailored for each business.³⁷³

On 19 December 2018, Minister Karen Andrews unveiled a new digital economy strategy, “Australia’s Tech Future.”³⁷⁴ The strategy highlights four areas: people, services, digital assets, and

³⁶⁹ 1st Round of Argentina-Peru Trade Negotiations begins in Buenos Aires, Argentine Ministry of Foreign Affairs and Worship (Buenos Aires) 6 March 2019. Access Date: 18 April 2019. <https://www.cancilleria.gob.ar/en/announcements/news/1st-round-argentina-peru-trade-negotiations-begins-buenos-aires>.

³⁷⁰ 1st Round of Argentina-Peru Trade Negotiations begins in Buenos Aires, Argentine Ministry of Foreign Affairs and Worship (Buenos Aires) 6 March 2019. Access Date: 18 April 2019. <https://www.cancilleria.gob.ar/en/announcements/news/1st-round-argentina-peru-trade-negotiations-begins-buenos-aires>.

³⁷¹ Mercosur - Korea: Second Round of Trade Negotiations in Seoul, Argentine Ministry of Foreign Affairs and Worship (Buenos Aires) 6 April 2019. Access Date: 18 April 2019. <https://www.cancilleria.gob.ar/es/actualidad/noticias/mercosur-corea-ii-ronda-de-negociaciones-comerciales-en-seul>.

³⁷² Helping Australia's small businesses go digital, Department of Industry, Science and Technology (Canberra) 18 December 2018. Access Date: 25 January 2019. <https://www.minister.industry.gov.au/ministers/karenandrews/media-releases/helping-australias-small-businesses-go-digital>.

³⁷³ Helping Australia's small businesses go digital, Department of Industry, Science and Technology (Canberra) 18 December 2018. Access Date: 25 February 2019. <https://www.minister.industry.gov.au/ministers/karenandrews/media-releases/helping-australias-small-businesses-go-digital>.

³⁷⁴ Australia finally gets a new digital economy strategy, iNews (Canberra) 19 December 2018. Access Date: 25 February 2019.

the enabling environment.³⁷⁵ This new digital economy strategy aims to increase digital financial literacy through education and training. This strategy also facilitates the free flow of information across borders, while increasing data accessibility. This plan also gives consumers greater control of their data and transaction activities. And ensures Australian infrastructure remains secure, and new technologies are designed to be secure.³⁷⁶

On 24 February 2019, IP Australia, an agency within the Department of Industry, Science and Technology enacted intellectual property legislation changes.³⁷⁷ The changes include clarifying formality requirements for patent specifications, a reduction in the grace period of when a trademark can be challenged for non-use and improvements to the Plant Breeder's Right Enforcement.³⁷⁸ The proposed changes further improve intellectual property rights within the country.

On 4 March 2019, Australia signed the Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA) with Indonesia.³⁷⁹ This trade agreement includes provisions that regulate the "flow of data" between the two countries and commitments to protect "privacy and consumer rights."³⁸⁰ The agreement also contains provisions which "promote confidence in the online environment," which include privacy and consumer protection.³⁸¹

Australia has taken action to support the free flow of information, ideas, and knowledge while respecting applicable legal frameworks. As well, Australia has taken action to build consumer trust, consumer privacy, data protection, and intellectual property rights protection.

Thus, Australia receives a score of +1.

Analyst: Shafna Kallil

Brazil: 0

Brazil has partially complied with its commitment to "support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection."

<https://www.itnews.com.au/news/australia-finally-gets-a-new-digital-economy-strategy-517102>.

³⁷⁵ Australia's Tech Future - Introduction, Department of Industry, Innovation and Science (Canberra) 19 December 2018. Access Date: 3 May 2019. <https://www.industry.gov.au/data-and-publications/australias-tech-future/introduction>.

³⁷⁶ Australia's Tech Future, Department of Industry, Science and Technology (Canberra) 19 December 2018. Access Date: 25 February 2019.

<https://www.industry.gov.au/sites/default/files/2018-12/australias-tech-future.pdf>.

³⁷⁷ Changes affecting all IP rights commencing February 2019, Department of Industry, Science and Technology (Canberra) 20 February 2019. Access Date: 8 March 2019. <https://www.ipaustralia.gov.au/about-us/news-and-community/news/changes-affecting-all-ip-rights-commencing-february-2019>.

³⁷⁸ Changes affecting all IP rights commencing February 2019, Department of Industry, Science and Technology (Canberra) 20 February 2019. Access Date: 8 March 2019. <https://www.ipaustralia.gov.au/about-us/news-and-community/news/changes-affecting-all-ip-rights-commencing-february-2019>.

³⁷⁹ Australia and Indonesia sign landmark trade agreement, Australian Department of Foreign Affairs and Trade (Canberra) 4 March 2019. Access Date: 3 May 2019. <https://dfat.gov.au/news/news/Pages/indonesia-australia-comprehensive-economic-partnership-agreement0304-2643.aspx>.

³⁸⁰ IA-CEPA Outcomes and background documents - Outcomes: Electronic Commerce, Australian Department of Foreign Affairs and Trade (Canberra) 4 March 2019. Access Date: 3 May 2019. <https://dfat.gov.au/trade/agreements/not-yet-in-force/iacepa/outcomes-documents/Pages/outcomes-electronic-commerce.aspx>.

³⁸¹ IA-CEPA Outcomes and background documents - Outcomes: Electronic Commerce, Australian Department of Foreign Affairs and Trade (Canberra) 4 March 2019. Access Date: 3 May 2019. <https://dfat.gov.au/trade/agreements/not-yet-in-force/iacepa/outcomes-documents/Pages/outcomes-electronic-commerce.aspx>.

On 12 December 2018, the Constitution and Justice Commission approved the creation of special courts designed to efficiently handle lesser offenses related to computing and resolve conflicts within the digital sphere.³⁸²

On 12 December 2018, Brazil signed an agreement promoting the development of an integrated system of regulation of agricultural defenses in Brazil, Latin America and the Caribbean.³⁸³ The agreement consists of the development of an integrated agrochemical system that unifies the registration process of pesticides in Brazil.³⁸⁴ Another system will also be developed for use throughout Latin America and the Caribbean.

On 21 December 2018, Brazil's Central Bank (BCB) published guidelines for the Brazilian instant payments through Communiqué 32,927.³⁸⁵ The communiqué is the start of Brazil's development of an instant payment system in the country, which sets out rule-making procedures, forms of participation, settlement infrastructure, connectivity services and liquidity provisions. BCB's guidelines emphasizes an "instant payments ecosystem" that has a "flexible and open structure" and that works with existing business models and market participants.³⁸⁶

On 31 January 2019, the Central Bank of Brazil launched Din, an online chatbot application that helps citizens access information regarding their finances.³⁸⁷ Din assists with analyzing reports on debt, foreign exchange operations, accounts and other matters within the financial system.³⁸⁸ The artificial intelligence and machine learning technologies within Din allow for guided conversations.³⁸⁹ Din Alos can issue a certificate attesting that the user has no engagements with financial institutions, which can be used as a low-income certification for scholarship, legal aid, and other services.³⁹⁰

On 6 April 2019, the second round of trade negotiations between Mercosur and Korea closed. The two parties are working on a trade agreement which address e-commerce, technical barriers to trade, and intellectual property.³⁹¹ Both parties will continue trade negotiations on July 2019.

³⁸² CCJ aprova criação de juizados especiais digitais, Brazilian Federal Senate (Brasília) 13 December 2018. Access Date: 17 February 2019. <https://www12.senado.leg.br/noticias/audios/2018/12/ccj-aprova-criacao-de-juizados-especiais-digitais>.

³⁸³ Cooperação técnica contribuirá para efetividade e transparência no registro de agrotóxicos na AL e Caribe, Brazilian Cooperation Agency, Ministry of Foreign Affairs (Brasília) 14 December 2018. Access Date: 17 February 2019. <http://www.abc.gov.br/imprensa/mostrarconteudo/1083>.

³⁸⁴ Cooperação técnica contribuirá para efetividade e transparência no registro de agrotóxicos na AL e Caribe, Brazilian Cooperation Agency, Ministry of Foreign Affairs (Brasília) 14 December 2018. Access Date: 17 February 2019. <http://www.abc.gov.br/imprensa/mostrarconteudo/1083>.

³⁸⁵ Banco Central do Brasil announces the guidelines for the Brazilian instant payments ecosystem, Central Bank of Brazil (Brasília) 11 January 2019. Access Date: 17 February 2019. <https://www.bcb.gov.br/en/#!/c/news/1867>.

³⁸⁶ Banco Central do Brasil announces the guidelines for the Brazilian instant payments ecosystem, Central Bank of Brazil (Brasília) 11 January 2019. Access Date: 17 February 2019. <https://www.bcb.gov.br/en/#!/c/news/1867>.

³⁸⁷ Central Bank launches a virtual assistant service to keep you on track with your finances, Central Bank of Brazil (Brasília) 31 January 2019. Access Date: 17 February 2019. <https://www.bcb.gov.br/en/#!/c/news/1868>.

³⁸⁸ Central Bank launches a virtual assistant service to keep you on track with your finances, Central Bank of Brazil (Brasília) 31 January 2019. Access Date: 17 February 2019. <https://www.bcb.gov.br/en/#!/c/news/1868>.

³⁸⁹ Central Bank launches a virtual assistant service to keep you on track with your finances, Central Bank of Brazil (Brasília) 31 January 2019. Access Date: 17 February 2019. <https://www.bcb.gov.br/en/#!/c/news/1868>.

³⁹⁰ Central Bank launches a virtual assistant service to keep you on track with your finances, Central Bank of Brazil (Brasília) 31 January 2019. Access Date: 17 February 2019. <https://www.bcb.gov.br/en/#!/c/news/1868>.

³⁹¹ Mercosur - Korea: Second Round of Trade Negotiations in Seoul, Argentine Ministry of Foreign Affairs and Worship (Buenos Aires) 6 April 2019. Access Date: 18 April 2019. <https://www.cancilleria.gob.ar/es/actualidad/noticias/mercosur-corea-ii-ronda-de-negociaciones-comerciales-en-seul>.

Brazil has taken action to build consumer trust with the creation of the special “digital” courts, the publication of new guidelines to govern the instant payment realm of the economy, and the creation of Din. Brazil has also taken action to support the free flow of information through the Brazil government’s agreement with Latin American and Caribbean countries to integrate agricultural defense regulations. Brazil did not take actions to build privacy, data protection and intellectual property rights protection.

Thus, Brazil receives a score of 0.

Analyst: Atykhan Jetha

Canada: 0

Canada has partially complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 30 December 2018, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) took effect, a trade agreement which strengthened IP rights.³⁹² The CPTPP contains provisions which strengthen intellectual property rights protection and enforcement by creating a “transparent and predictable standard” between Canada and ten other member countries.³⁹³

On 11 January 2019, the Canadian Minister of Innovation, Science and Economic Development Navdeep Bains committed to an investment of up to CAD750,000 to a project by the Peel Multicultural Council to develop essential computing skills.³⁹⁴ The investment is part of the larger Digital Literacy Exchange Program which helps to provide digital training to groups most likely to be “left behind” by digital technology adoption.³⁹⁵

On 24 January 2019, Minister Navdeep Bains announced an investment of CAD40 million to support Nokia Canada’s research in protecting data in telecommunications networks in Canada.³⁹⁶ This investment will allow Nokia to develop cybersecurity tools and to conduct research to build up

³⁹² At long last, 11-member Pacific trade deal takes effect, Japan Times (Tokyo) 30 December 2018. Access Date: 7 March 2019. <https://www.japantimes.co.jp/news/2018/12/30/business/long-last-11-member-pacific-trade-deal-takes-effect/>.

³⁹³ How to read the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), Global Affairs Canada (Ottawa) 15 February 2019. https://international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cptpp-ptpgp/chapter_summaries-sommaires_chapitres.aspx?lang=eng.

³⁹⁴ Government of Canada investing in teaching digital skills to Canadians who need them most, Innovation, Science and Economic Development Canada (Mississauga) 11 January 2019. Access Date: 17 February 2019. <https://www.canada.ca/en/innovation-science-economic-development/news/2019/01/government-of-canada-investing-in-teaching-digital-skills-to-canadians-who-need-them-most.html>.

³⁹⁵ Government of Canada investing in teaching digital skills to Canadians who need them most, Innovation, Science and Economic Development Canada (Mississauga) 11 January 2019. Access Date: 17 February 2019. <https://www.canada.ca/en/innovation-science-economic-development/news/2019/01/government-of-canada-investing-in-teaching-digital-skills-to-canadians-who-need-them-most.html>.

³⁹⁶ Minister Bains finalizes new agreements with world-leading companies, Innovation, Science and Economic Development Canada (Davos) 25 January 2019. Access Date: 17 February 2019. <https://www.canada.ca/en/innovation-science-economic-development/news/2019/01/minister-bains-finalizes-new-agreements-with-world-leading-companies.html>.

the infrastructure of telecommunications networks needed for the future implementation of 5G technology.³⁹⁷

On 13 February 2019, Minister Bains announced a CAD30 million investment in the “Patent Collective pilot program.”³⁹⁸ This pilot program assists small and medium-sized enterprises (SMEs) in ensuring their patent and IP needs. The CAD30 million investment is spread over four years and is aimed to help SMEs use their IP “more strategically” to build their business and compete in the world market.³⁹⁹

On 18 March 2019, Canada joined three World Intellectual Property Organization (WIPO) treaties that promote the worldwide use of trademarks, giving a boost to Canadian brand owners as well as consumers and underlining Canada’s strong multilateral engagement with WIPO.⁴⁰⁰

On 18 March 2019, Canada joined three World Intellectual Property Organization (WIPO) treaties which better align Canada’s trademark regime with other signatories of these three treaties.⁴⁰¹ The treaties include the Madrid System for the International Registration of Marks, the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks and the Singapore Treaty on the Law of Trademarks.⁴⁰² This set of agreements allow Canadian trademark owners to better protect their trademarks around the world. On 17 June 2019, the three treaties will enter into force.

On 25 April 2019, the Office of the Privacy Commissioner of Canada announced that the Office will take Facebook to federal court “to force the company to correct its privacy practices.”⁴⁰³ Privacy Commissioner Daniel Therrien said that Facebook committed “serious contraventions” of privacy laws neglected to actively protect personal information of Canadians.⁴⁰⁴

Canada has taken action to build consumer trust in its efforts to build digital literacy, to build data protection in building up telecommunications networks, and to build intellectual property rights protection through the enactment of the CPTPP and efforts to equip SMEs with the tools necessary

³⁹⁷ Minister Bains finalizes new agreements with world-leading companies, Innovation, Science and Economic Development Canada (Davos) 25 January 2019. Access Date: 17 February 2019. <https://www.canada.ca/en/innovation-science-economic-development/news/2019/01/minister-bains-finalizes-new-agreements-with-world-leading-companies.html>.

³⁹⁸ Government of Canada announces call to launch intellectual property collective, Innovation, Science and Economic Development Canada (Ottawa) 13 February 2019. Access Date: 17 February 2019. <https://www.canada.ca/en/innovation-science-economic-development/news/2019/02/government-of-canada-announces-call-to-launch-intellectual-property-collective.html>.

³⁹⁹ Government of Canada announces call to launch intellectual property collective, Innovation, Science and Economic Development Canada (Ottawa) 13 February 2019. Access Date: 17 February 2019. <https://www.canada.ca/en/innovation-science-economic-development/news/2019/02/government-of-canada-announces-call-to-launch-intellectual-property-collective.html>.

⁴⁰⁰ Canada Joins Three Key WIPO Trademark Treaties (Geneva) 18 March 2019. Access Date: 10 April 2019. https://www.wipo.int/portal/en/news/2019/article_0012.html.

⁴⁰¹ Canada Joins Three Key WIPO Trademark Treaties (Geneva) 18 March 2019. Access Date: 10 April 2019. https://www.wipo.int/portal/en/news/2019/article_0012.html.

⁴⁰² Canada Joins Three Key WIPO Trademark Treaties (Geneva) 18 March 2019. Access Date: 10 April 2019. https://www.wipo.int/portal/en/news/2019/article_0012.html.

⁴⁰³ Facebook refuses to address serious privacy deficiencies despite public apologies for “breach of trust,” Office of the Privacy Commissioner of Canada (Ottawa) 25 April 2019. Access Date: 26 April 2019. https://www.priv.gc.ca/en/opc-news/news-and-announcements/2019/nr-c_190425/.

⁴⁰⁴ Facebook refuses to address serious privacy deficiencies despite public apologies for “breach of trust,” Office of the Privacy Commissioner of Canada (Ottawa) 25 April 2019. Access Date: 26 April 2019. https://www.priv.gc.ca/en/opc-news/news-and-announcements/2019/nr-c_190425/.

to build their IP. However, Canada has not taken new actions to build privacy, as well as to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks.

Thus, Canada receives a score of 0.

Analyst: Omolade Ogunsanya

China: +1

China has fully complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 18 December 2018, China published a policy paper on measures to enhance the China-European Union Comprehensive Strategic Partnership and development of China-EU relations.⁴⁰⁵ The policy paper encourages “...advancing the reform of the global internet governance system for a peaceful, secure, open, cooperative and orderly cyberspace.”⁴⁰⁶ The policy paper also notes the higher requirements of the EU on the necessities on privacy protection and data security under the General Data Protection Regulation.⁴⁰⁷

On 19 December 2019, the National Intellectual Property Administration (NIPA) announced that China will step up to protect intellectual property rights by imposing tougher punishments on intellectual property rights infringements.⁴⁰⁸ In addition, 38 governmental departments jointly signed a memorandum to strengthen cooperation in the crackdown on intellectual property rights infringement.⁴⁰⁹ Repeated patent infringements, declining to execute punishments on patent violations and using fake documents in patent applications are some of the six types of infractions listed in the memorandum.⁴¹⁰

On 1 January 2019, China’s new e-commerce law took effect, which encompasses chapters that promote data protection, consumer protection and fair competition, and requires online businesses to register and acquire all necessary licenses.⁴¹¹ The new law strengthens intellectual property protection by addressing the problem of manufacturing and sale of counterfeit goods. Counterfeiters and e-commerce operators who fail to take necessary measures to prevent and stop sellers in violation of intellectual property rights can be fined up to RMB2 million. The new e-commerce law fosters consumer trust by requiring e-commerce operators to disclose accurate product and service information and avoid engaging in deceptive practices such as misleading promotions, fake reviews

⁴⁰⁵ Full text of China's Policy Paper on the European Union, Xinhua (Beijing) 18 December 2018. Access Date: 24 February 2019. http://www.xinhuanet.com/english/2018-12/18/c_137681829.htm.

⁴⁰⁶ Full text of China's Policy Paper on the European Union, Xinhua (Beijing) 18 December 2018. Access Date: 24 February 2019. http://www.xinhuanet.com/english/2018-12/18/c_137681829.htm.

⁴⁰⁷ Full text of China's Policy Paper on the European Union, Xinhua (Beijing) 18 December 2018. Access Date: 24 February 2019. http://www.xinhuanet.com/english/2018-12/18/c_137681829.htm.

⁴⁰⁸ China to boost crackdown on IPR infringement, Xinhua (Beijing) 19 December 2018. Access Date: 10 April 2019. http://www.xinhuanet.com/english/2018-12/19/c_137684821.htm.

⁴⁰⁹ China to boost crackdown on IPR infringement, Xinhua (Beijing) 19 December 2018. Access Date: 10 April 2019. http://www.xinhuanet.com/english/2018-12/19/c_137684821.htm.

⁴¹⁰ China to boost crackdown on IPR infringement, Xinhua (Beijing) 19 December 2018. Access Date: 10 April 2019. http://www.xinhuanet.com/english/2018-12/19/c_137684821.htm.

⁴¹¹ China's new e-commerce law: A step in the right direction, China.org.cn (Beijing) 9 January 2019. Access Date: 13 February 2019. http://www.china.org.cn/opinion/2019-01/09/content_74355741.htm.

and attempts to manipulate the market.⁴¹² Consumers will be able to opt-out of particular services in effort to restrict abuse of consumer profiling.⁴¹³

On 3 January 2019, the Ministry of Industry and Information Technology published a list of 14 mobile applications that excessively and illegally collected sensitive personal data without user consent.⁴¹⁴ The inspectors put these companies on a blacklist and now face public pressure to change how they handle data.⁴¹⁵ The China Internet Society organized an expert council deployed by the Ministry of Industry and Information Technology to conduct the investigations in December 2018.⁴¹⁶

On 25 January 2019, the Cyberspace Administration of China, the Ministry of Public Security, the Ministry of Industry and Information Technology and the State Administration of Market Regulation jointly announced in a press conference in Beijing that they will conduct a national crackdown on mobile applications to assess how they collect personal data.⁴¹⁷ Mobile applications that excessively collect or use consumers' personal information will have their business licenses revoked.⁴¹⁸

On 1 February 2019, the Cyberspace Administration of China issued new regulations that prohibit financial information service providers from producing, copying, publishing or disseminating information containing false financial information or information that may distort national fiscal and monetary policies.⁴¹⁹ The regulations define the scope of financial information services, clarifies responsibilities on financial information service providers and penalties for breaches.⁴²⁰

On 23 March 2019, the Chinese government announced that its National Intellectual Property Administration (CNIPA) will take measures to "strengthen IP protection."⁴²¹ The deputy head of CNIPA Gan Shaoning said that the measures will consist of "optimizing the mechanisms governing IP," raising fines for IP infringements and equalizing treatment of all entities when protecting their IP.⁴²²

China has taken action to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, to build consumer trust, to build privacy, to build data protection, and to build intellectual property rights protection.

⁴¹² China's new e-commerce law: A step in the right direction, China.org.cn (Beijing) 9 January 2019. Access Date: 13 February 2019. http://www.china.org.cn/opinion/2019-01/09/content_74355741.htm.

⁴¹³ China's new e-commerce law: A step in the right direction, China.org.cn (Beijing) 9 January 2019. Access Date: 13 February 2019. http://www.china.org.cn/opinion/2019-01/09/content_74355741.htm.

⁴¹⁴ China's Privacy Conundrum, Slate Group (New York) 7 February 2019. Access Date: 18 February 2019. <https://slate.com/technology/2019/02/china-consumer-data-protection-privacy-surveillance.html>.

⁴¹⁵ China's Privacy Conundrum, Slate Group (New York) 7 February 2019. Access Date: 18 February 2019. <https://slate.com/technology/2019/02/china-consumer-data-protection-privacy-surveillance.html>.

⁴¹⁶ China's Privacy Conundrum, Slate Group (New York) 7 February 2019. Access Date: 18 February 2019. <https://slate.com/technology/2019/02/china-consumer-data-protection-privacy-surveillance.html>.

⁴¹⁷ Authorities launch national crackdown on illegal information use by apps, China Daily (Beijing) 25 January 2019. Access Date: 24 February 2019. <http://www.chinadaily.com.cn/a/201901/25/WS5c4ab87ca3106c65c34e6937.html>.

⁴¹⁸ Authorities launch national crackdown on illegal information use by apps, China Daily (Beijing) 25 January 2019. Access Date: 24 February 2019. <http://www.chinadaily.com.cn/a/201901/25/WS5c4ab87ca3106c65c34e6937.html>.

⁴¹⁹ China tells domestic online financial info providers to keep 'economic order,' Reuters (Beijing) 26 December 2018. Access Date: 24 February 2019. <https://www.reuters.com/article/us-china-internet-finance/china-tells-domestic-online-financial-info-providers-to-keep-economic-order-idUSKCN1OPOJH>.

⁴²⁰ China tells domestic online financial info providers to keep 'economic order,' Reuters (Beijing) 26 December 2018. Access Date: 24 February 2019. <https://www.reuters.com/article/us-china-internet-finance/china-tells-domestic-online-financial-info-providers-to-keep-economic-order-idUSKCN1OPOJH>.

⁴²¹ China to cut patent review time by 15 pct, Xinhua (Beijing) 23 March 2019. Access Date: 3 May 2019. http://www.xinhuanet.com/english/2019-03/23/c_137918421.htm.

⁴²² China to cut patent review time by 15 pct, Xinhua (Beijing) 23 March 2019. Access Date: 3 May 2019. http://www.xinhuanet.com/english/2019-03/23/c_137918421.htm.

Thus, China receives a score of +1.

Analyst: Florence Chan

France: 0

France has partially complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 13 February 2019, France ratified the agreement on New EU Copyright Rules in the Digital Single Market.⁴²³ The agreement reinforces the protection of the “intellectual properties of European authors and performers” in a digitalized environment.⁴²⁴ In particular, the agreement brings “tangible benefits” to creative sectors and gives European journalists rights to “receive a greater share of the revenues generated by the online uses of press publications.”⁴²⁵ The agreement also brought forward new licencing rules, which allows citizens and internet users to upload copyright protected content on digital platforms legally.⁴²⁶

On 21 January 2019, the French National Commission on Informatics and Liberty (CNIL) imposed a financial penalty of EUR50 million against Google LLC. in accordance with the General Data Protection Regulation (GDPR) for the first time.⁴²⁷ The aim of the penalty is to comply with the obligations on the matter of data protection raised by the GDPR. It is imposed to “enable the users to control their data and therefore to sufficiently inform them and allow them to validly consent.”⁴²⁸ CNIL’s EUR50 million penalty on Google not only reiterates the importance of GDPR’s national data protections, but also helps to reduce the abuse of collected data and builds consumer trust in using digital services.

On 15 April 2019, the French Parliament passed a new law that regulates cryptocurrencies.⁴²⁹ The new regulations allow cryptocurrency issues and traders to gain some legal recognition, as well as allow the French government to collect tax on their profits.⁴³⁰ France’s Finance Minister Bruno Le

⁴²³ Digital Single Market: EU negotiators reach a breakthrough to modern copyright rules, European Commission (Brussels) 13 February 2019. Access Date: 23 February 2019. http://europa.eu/rapid/press-release_IP-19-528_en.htm.

⁴²⁴ Digital Single Market: EU negotiators reach a breakthrough to modern copyright rules, European Commission (Brussels) 13 February 2019. Access Date: 23 February 2019. http://europa.eu/rapid/press-release_IP-19-528_en.htm.

⁴²⁵ Digital Single Market: EU negotiators reach a breakthrough to modern copyright rules, European Commission (Brussels) 13 February 2019. Access Date: 23 February 2019. http://europa.eu/rapid/press-release_IP-19-528_en.htm.

⁴²⁶ Digital Single Market: EU negotiators reach a breakthrough to modern copyright rules, European Commission (Brussels) 13 February 2019. Access Date: 23 February 2019. http://europa.eu/rapid/press-release_IP-19-528_en.htm.

⁴²⁷ The CNIL’s restricted committee imposes a financial penalty of 50 Million euros against GOOGLE LLC, CNIL (Paris) 21 January 2019. Access Date: 23 February 2019. <https://www.cnil.fr/en/cnils-restricted-committee-imposes-financial-penalty-50-million-euros-against-google-llc>.

⁴²⁸ The CNIL’s restricted committee imposes a financial penalty of 50 Million euros against GOOGLE LLC, CNIL (Paris) 21 January 2019. Access Date: 23 February 2019. <https://www.cnil.fr/en/cnils-restricted-committee-imposes-financial-penalty-50-million-euros-against-google-llc>.

⁴²⁹ France to ask EU partners to adopt its cryptocurrency regulation, Reuters (Paris) 15 April 2019. Access Date: 18 April 2019. <https://www.reuters.com/article/us-france-cryptocurrencies/france-to-ask-eu-partners-to-adopt-its-cryptocurrency-regulation-idUSKCN1RR1Y0>.

⁴³⁰ France to ask EU partners to adopt its cryptocurrency regulation, Reuters (Paris) 15 April 2019. Access Date: 18 April 2019. <https://www.reuters.com/article/us-france-cryptocurrencies/france-to-ask-eu-partners-to-adopt-its-cryptocurrency-regulation-idUSKCN1RR1Y0>.

Maire encouraged other European countries to use this regulation as a model for a larger “single regulatory framework on crypto-assets.”⁴³¹

France has taken action to build intellectual property rights protection, to build data protection, and to build privacy by ratifying the agreement on New EU Copyright Rules in the Digital Single Market as well as imposing a financial penalty against Google LLC. in accordance with the General Data Protection Regulation (GDPR). France has also taken action to support the free flow of information, ideas and knowledge by being one of the first major countries to create a framework on regulating cryptocurrencies. But France has not taken new actions to build consumer trust.

Thus, France receives a score of 0.

Analyst: Gabriella Shiyuan Zhao

Germany: 0

Germany has partially complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 14 January 2019, the Trade Mark Law Modernization Act came into force.⁴³² The German Patent and Trade Mark Office (DPMA) announced that applicants were able to apply for a new category of trademarks that “strengthen the rights of trade mark owners.” The new “quality trademarks” would disclose the standards by which products were created rather than solely disclosing the origin of the product. It ensures greater transparency by having “licences or the willingness to grant licences entered in the Trade Mark Register.”⁴³³ Due to the expansion of the digital economy, the certificates of the DPMA will contain a QR code that leads to its corresponding electronic Trade Mark Register.⁴³⁴

On 7 February 2019, the German Federal Cartel Office (Bundeskartellamt), Germany’s national competition regulator, imposed data restrictions on Facebook’s practice of combining user data from different sources.⁴³⁵ The restriction mainly covers two different data sources. Firstly, Facebook-owned services such as WhatsApp and Instagram can continue to collect data, however, the permission of assigning the data to Facebook user accounts will only be possible through voluntary consent.⁴³⁶ Secondly, collecting data from third party websites and assigning them to a Facebook user

⁴³¹ France to ask EU partners to adopt its cryptocurrency regulation, Reuters (Paris) 15 April 2019. Access Date: 18 April 2019. <https://www.reuters.com/article/us-france-cryptocurrencies/france-to-ask-eu-partners-to-adopt-its-cryptocurrency-regulation-idUSKCN1RR1Y0>.

⁴³² New types of trade marks and changed procedures, German Patent and Trade Mark Office (Berlin) 11 January 2019. Access Date: 24 February 2019. https://www.dpma.de/english/services/public_relations/press_releases/20190111.html.

⁴³³ New types of trade marks and changed procedures, German Patent and Trade Mark Office (Berlin) 11 January 2019. Access Date: 24 February 2019. https://www.dpma.de/english/services/public_relations/press_releases/20190111.html.

⁴³⁴ New types of trade marks and changed procedures, German Patent and Trade Mark Office (Berlin) 11 January 2019. Access Date: 24 February 2019. https://www.dpma.de/english/services/public_relations/press_releases/20190111.html.

⁴³⁵ Bundeskartellamt prohibits Facebook from combining user data from different sources, Bundeskartellamt (Berlin) 2 February 2019. Access Date: 24 February 2019. https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2019/07_02_2019_Facebook.html.

⁴³⁶ Bundeskartellamt prohibits Facebook from combining user data from different sources, Bundeskartellamt (Berlin) 2 February 2019. Access Date: 24 February 2019. https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2019/07_02_2019_Facebook.html.

account will also be voluntary.⁴³⁷ The data restriction aims to eliminate Facebook’s “abuse of market power based on the extent of collecting, using and merging data in a user account.”⁴³⁸ The restriction demonstrates Germany’s commitment to prevent misconduct of collected data and ensure a fair competition between businesses.

Germany has taken action to build consumer trust, data protection and to build privacy with the Bundeskartellamt restrictions on Facebook. Germany has taken action to build intellectual property rights protection with the implementation of the Trade Mark Law Modernization Act. However, Germany has not taken new action to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks.

Thus, Germany receives a score of 0.

Analyst: Gabriella Shiyuan Zhao

India: -1

India has not complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 6 January 2019, Minister of Electronics and Information Technology Ravi Shankar Prasad stated that the Indian government’s intention to pass the Data Protection Bill.⁴³⁹ The proposed bill would regulate how data is used and processed by government and private entities.⁴⁴⁰ The bill did not become law prior to the 2019 General Election, which took place in April and May.⁴⁴¹

On 20 February 2019, the Indian Deputy Prime Minister, Minister of Defence and Chairman of the Centre for Excellence for Data Analysts to India, and the Saudi Crown Prince and the Saudi Ministry of Communications and information Technology signed two memorandums aimed at localization of technology, transfer of knowledge within Saudi Arabia.⁴⁴²

India has taken action to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks. However, India has failed to take new actions that build consumer trust, privacy, data protection and intellectual property rights protection.

Thus, India receives a score of -1.

Analyst: Susba Guan

⁴³⁷ Bundeskartellamt prohibits Facebook from combining user data from different sources, Bundeskartellamt (Berlin) 2 February 2019. Access Date: 24 February 2019.

https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2019/07_02_2019_Facebook.html.

⁴³⁸ Bundeskartellamt prohibits Facebook from combining user data from different sources, Bundeskartellamt (Berlin) 2 February 2019. Access Date: 24 February 2019.

https://www.bundeskartellamt.de/SharedDocs/Meldung/EN/Pressemitteilungen/2019/07_02_2019_Facebook.html.

⁴³⁹ Government to bring Data Protection Law, says Union minister Ravi Shankar Prasad, Hindustan Times (New Delhi) 6 January 2019. Access Date: 25 February 2019. <https://www.hindustantimes.com/india-news/government-to-bring-data-protection-law-says-union-minister-ravi-shankar-prasad/story-aSVvvd4PKMzq6htKSBPa6l.html>.

⁴⁴⁰ Personal Data Protection Bill only after new government takes over, The Economic Times (Mumbai) 4 January 2019. Access Date: 11 March 2019. <https://economictimes.indiatimes.com/tech/internet/personal-data-protection-bill-only-after-new-government-takes-over/articleshow/67374919.cms>.

⁴⁴¹ India’s Data Protection Bill Will Now Be Tabled in June, Analytics India Magazine (Bengaluru) 4 January 2019. Access Date: 3 May 2019. <https://www.analyticsindiamag.com/indias-data-protection-bill-in-june/>.

⁴⁴² Ministry Of ICT Concludes Partnerships With Major Indian Companies For Technology Localization, Ministry of Communications and Information Technology (Saudi Arabia) 20 February 2019. Access Date: 7 March 2019. <https://www.mcit.gov.sa/en/media-center/news/145668>.

Indonesia: +1

Indonesia has fully complied with its commitment to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.

On 20 December 2018, the Indonesian government proposed a bill that would protect the personal data of the Indonesian people on digital platforms.⁴⁴³ Subject to ratification by the People's Representative Council of Indonesia, the bill would eliminate the need for a separate council to handle data protection matters and prevent Indonesians' personal data from being accessed abroad. As of 6 March 2019, the Council has yet to ratify the bill.⁴⁴⁴

On 22 January 2019, Indonesia's Creative Economy Agency, or Bekraf, called for collaboration with the Directorate General of Intellectual Property and the Ministry of Law and Human Rights; to work on programs that promote intellectual property (IP).⁴⁴⁵ The Indonesian Director General of Intellectual Property emphasized that Indonesia needs to prioritize the promotion of IP rights in order to "move forward" as an ASEAN member, to protect IP rights of communities and entrepreneurs, and to leverage Indonesian IP that generates economic value.⁴⁴⁶

On 19 February 2019, Indonesia's Ministry of Communication and Information collaborated with Saudi Arabia's Digital Transformation Team to hold, a two-day workshop aiming to advance digital cooperation between the two states.⁴⁴⁷ Both signed a memorandum of understanding, which in part, commits to developing "joint centres for digital innovation," collaborating in research and development of digital technologies and allowing exchange of information on "Information Technology (IT) policies, techniques and regulations."⁴⁴⁸

On 4 March 2019, Indonesia signed the Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA) with Australia.⁴⁴⁹ This trade agreement includes provisions that regulate the "flow of data" between the two countries, commitments to protect "privacy and consumer rights."⁴⁵⁰

⁴⁴³ Pemerintah Siapkan Pengaturan Perlindungan Data Pribadi di Platform Digital, Indonesia Ministry of Communications and Information Technology (Jakarta) 20 December 2018. Access Date: 6 March 2019. https://www.kominfo.go.id/content/detail/15721/pemerintah-siapkan-pengaturan-perlindungan-data-pribadi-di-platform-digital/0/berita_satker.

⁴⁴⁴ Indonesia to protect personal data of citizens on digital platforms, OpenGov Asia (Singapore) 5 January 2019. Access Date: 25 February 2019. <https://www.opengovasia.com/indonesia-to-protect-personal-data-of-citizens-on-digital-platforms/>.

⁴⁴⁵ Synergy between Institutions Strengthens Intellectual Property Protection, Directorate General of Intellectual Property, Ministry of Law and Human Rights Republic of Indonesia (Jakarta) 22 January 2019. Access Date: 25 February 2019. <http://en.dgip.go.id/synergy-between-institutions-strengthens-intellectual-property-protection>.

⁴⁴⁶ Synergy between Institutions Strengthens Intellectual Property Protection, Directorate General of Intellectual Property, Ministry of Law and Human Rights Republic of Indonesia (Jakarta) 22 January 2019. Access Date: 25 February 2019. <http://en.dgip.go.id/synergy-between-institutions-strengthens-intellectual-property-protection>.

⁴⁴⁷ Indonesia and Saudi Arabia hold workshop for digital collaboration, OpenGov Asia (Singapore) 19 February 2019. Access Date: 25 February 2019. <https://www.opengovasia.com/indonesia-and-saudi-arabia-hold-workshop-for-digital-collaboration/>.

⁴⁴⁸ Indonesia and Saudi Arabia hold workshop for digital collaboration, OpenGov Asia (Singapore) 19 February 2019. Access Date: 25 February 2019. <https://www.opengovasia.com/indonesia-and-saudi-arabia-hold-workshop-for-digital-collaboration/>.

⁴⁴⁹ Australia and Indonesia sign landmark trade agreement, Australian Department of Foreign Affairs and Trade (Canberra) 4 March 2019. Access Date: 3 May 2019. <https://dfat.gov.au/news/news/Pages/indonesia-australia-comprehensive-economic-partnership-agreement0304-2643.aspx>.

⁴⁵⁰ IA-CEPA Outcomes and background documents - Outcomes: Electronic Commerce, Australian Department of Foreign Affairs and Trade (Canberra) 4 March 2019. Access Date: 3 May 2019. <https://dfat.gov.au/trade/agreements/not-yet-in-force/iacepa/outcomes-documents/Pages/outcomes-electronic-commerce.aspx>.

The agreement also contains provisions which “promote confidence in the online environment,” which include privacy and consumer protection.⁴⁵¹

Indonesia has taken action in all five features of this commitment: supporting the free of information, ideas and knowledge, while respecting applicable legal frameworks, building consumer trust, privacy, data protection and intellectual property rights protection.

Thus, Indonesia receives a score of +1.

Analyst: Diego Vasquez

Italy: 0

Italy has partially complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 7 December 2018, Italian government regulators fined Facebook EUR10 million for misleading users on how their personal data is used and Facebook’s “aggressive” practices of data transmission to third parties and for commercial purposes.⁴⁵² The penalty helps to reiterate the importance of data protections and to reduce the abuse of collected data, thus protects consumer privacy in using digital services.

On 29 December 2018, the Italian Parliament approve the 2019 Budget Law, which introduces a new tax on digital services.⁴⁵³ The digital services tax would apply to resident and non-resident individuals and enterprises. This law is the Italian government’s acknowledgement of the need to create a safe and well-built digital environment for consumers within the realm of digitalization as national services become digitalised.⁴⁵⁴

On 25 January 2019, the Minister of Foreign Affairs and International Cooperation, Enzo Moavero Milanesi met with the Minister of Foreign Affairs of the People’s Republic of China. The meeting was held to discuss further development of Euro-Asian connectivity, specifically emphasizing the importance of assuring “full protection of intellectual property rights and designations of origin.”⁴⁵⁵

Italy has taken action to build consumer trust through the digital services tax and the ECU and to build data protection in fining Facebook for their misuse of data of Facebook users. However, Italy has not taken new actions to build privacy and intellectual property rights protection, and to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks.

Thus, Italy receives a score of 0.

⁴⁵¹ IA-CEPA Outcomes and background documents - Outcomes: Electronic Commerce, Australian Department of Foreign Affairs and Trade (Canberra) 4 March 2019. Access Date: 3 May 2019. <https://dfat.gov.au/trade/agreements/not-yet-in-force/iacepa/outcomes-documents/Pages/outcomes-electronic-commerce.aspx>.

⁴⁵² Italian regulator fines Facebook £8.9m for misleading users, The Guardian (London) 7 December 2018. Access Date: 8 March 2019. <https://www.theguardian.com/technology/2018/dec/07/italian-regulator-fines-facebook-89m-for-misleading-users>.

⁴⁵³ Italy approves 2019 budget law, Ernst & Young Global Limited (London) 9 January 2019. Access Date: 25 February 2019. <https://www.ey.com/gl/en/services/tax/international-tax/alert--italy-approves-2019-budget-law>.

⁴⁵⁴ Italy approves 2019 budget law, Ernst & Young Global Limited (London) 9 January 2019. Access Date: 25 February 2019. <https://www.ey.com/gl/en/services/tax/international-tax/alert--italy-approves-2019-budget-law>.

⁴⁵⁵ 9th Meeting of the Joint Italy-China Committee, Ministry of Foreign Affairs (Rome) 25 January 2019. Access Date: 20 April 2019. https://www.esteri.it/MAe/en/sala_stampa/archivionotizie/comunicati/ix-riunione-del-comitato-congiunto-italia-cina.html

Analyst: Gabriella Shiyuan Zhao

Japan: 0

Japan has partially complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 21 December 2018, the Financial Services Agency published the “Report from the Study Group on the Virtual Currency Exchange Services,” which proposed recommendations to address virtual currency issues, such as “[theft] of customers’ virtual currencies,” the “high [fluctuation] in price” of virtual currencies, the trading of virtual currencies “based on speculation,” the failure of service providers “to develop appropriate internal management capabilities in response to rapid business expansion,” and the emergence of “new types transactions involving virtual currencies (trading on margin and ICOs).”⁴⁵⁶

On 30 December 2018, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) took effect, a trade agreement which strengthened intellectual property (IP) rights.⁴⁵⁷ The CPTPP contains provisions which strengthen intellectual property rights protection and enforcement by creating a “transparent and predictable standard” between Japan and ten other member countries.⁴⁵⁸

On 23 January 2019, the European Commission adopted the adequacy decision on Japan, which allows personal data to flow freely between EU and Japan “on the basis of strong protection guarantees”⁴⁵⁹ subject to European standards. These guarantees include “a set of rules (Supplementary Rules) that will bridge several differences between the two data protection systems,”⁴⁶⁰ assurance by the Japanese government “to the Commission regarding safeguards concerning the access of Japanese public authorities for criminal law enforcement and national security purposes,”⁴⁶¹ and a “complaint-handling mechanism” to handle complaints regarding Japanese public authorities’ access to data of EU citizens.⁴⁶² The adoption of this decision

⁴⁵⁶ Publication of Report from Study Group on Virtual Currency Exchange Services, Financial Services Agency (Tokyo) 22 March 2019. Date Accessed: 20 April 2019. <https://www.fsa.go.jp/en/refer/councils/virtual-currency/20181228.html>.

⁴⁵⁷ At long last, 11-member Pacific trade deal takes effect, Japan Times (Tokyo) 30 December 2018. Access Date: 7 March 2019. <https://www.japantimes.co.jp/news/2018/12/30/business/long-last-11-member-pacific-trade-deal-takes-effect/>.

⁴⁵⁸ How to read the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), Global Affairs Canada (Ottawa) 15 February 2019. https://international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cptpp-ptpgp/chapter_summaries-sommaires_chapitres.aspx?lang=eng.

⁴⁵⁹ European Commission Adopts Adequacy Decision on Japan, Creating the World's Largest Area of Safe Data Flows, European Union (Brussels) 23 January 2019. Access Date: 23 February 2019. http://europa.eu/rapid/press-release_IP-19-421_en.htm.

⁴⁶⁰ European Commission Adopts Adequacy Decision on Japan, Creating the World's Largest Area of Safe Data Flows, European Union (Brussels) 23 January 2019. Access Date: 23 February 2019. http://europa.eu/rapid/press-release_IP-19-421_en.htm.

⁴⁶¹ European Commission Adopts Adequacy Decision on Japan, Creating the World's Largest Area of Safe Data Flows, European Union (Brussels) 23 January 2019. Access Date: 23 February 2019. http://europa.eu/rapid/press-release_IP-19-421_en.htm.

⁴⁶² European Commission Adopts Adequacy Decision on Japan, Creating the World's Largest Area of Safe Data Flows, European Union (Brussels) 23 January 2019. Access Date: 23 February 2019. http://europa.eu/rapid/press-release_IP-19-421_en.htm.

harmonizes data protection and privacy regulations in Japan with existing regulations in the EU, particularly those in the EU General Data Protection Regulation.⁴⁶³

On 1 February 2019, the Japan-EU Economic Partnership Agreement (Japan-EU EPA) took force.⁴⁶⁴ The Japan-EU EPA allows for greater collaboration between both parties in the fields of e-commerce, intellectual property and small and medium-sized enterprises.⁴⁶⁵ The EPA also regulates data transfers, the protection of IP, and the “free and secure cross-border flow of data” between Japan and the EU.⁴⁶⁶

As of 1 February 2019, the Strategic Partnership Agreement (SPA) between the EU and Japan entered into force on a provisional basis.⁴⁶⁷ The agreement will “strengthen cooperation” between the two countries on many issues affecting both parties, such as “international peace and security, cyber crime, energy security [and] climate change mitigation.”⁴⁶⁸ The SPA will be in full force when all EU members ratify the agreement in their respective legislatures.⁴⁶⁹

Japan has taken action to support the free flow of information, ideas and knowledge while respecting applicable legal frameworks, as well as building privacy, data protection and intellectual property rights protection through the enactment of the Japan-EU EPA. However, Japan has not yet committed new actions to build consumer trust.

Thus, Japan receives a score of 0.

Analyst: Susba Guan

Korea: 0

Korea has partially complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On December 2018, Korea updated the “Act on the Promotion of IT Network Use and Information Protection,” or the “Network Act.”⁴⁷⁰ The amendments to the act focus on aligning with the EU General Data Protection Regulation in terms of protecting personal data in the hands of companies.

⁴⁶³ Japan data adequacy and economic partnership agreement will strengthen EU digital economy, DigitalEurope (Brussels) 23 January 2019. Access Date: 23 February 2019. <https://www.digitaleurope.org/wp/wp-content/uploads/2019/01/Japan-adequacy-press-release-23012019.pdf>.

⁴⁶⁴ EU-Japan trade agreement enters into force, European Commission (Brussels) 31 January 2019. Access Date: 23 February 2019. http://europa.eu/rapid/press-release_IP-19-785_en.htm.

⁴⁶⁵ Exchange of Diplomatic Notes concerning Entry into Force of the Agreement between the European Union and Japan for an Economic Partnership, Ministry of Foreign Affairs of Japan (Tokyo) 21 December 2018. Access Date: 23 February 2019. https://www.mofa.go.jp/press/release/press1e_000110.html.

⁴⁶⁶ Japan-EU trade deal offers model for cross-border data rules, Nikkei Asian Review (Tokyo) 1 February 2019, Access Date: 7 March 2019. <https://asia.nikkei.com/Politics/International-relations/Japan-EU-trade-deal-offers-model-for-cross-border-data-rules>.

⁴⁶⁷ EU-Japan trade agreement enters into force, European Commission (Brussels) 31 January 2019. Access Date: 23 February 2019. http://europa.eu/rapid/press-release_IP-19-785_en.htm.

⁴⁶⁸ EU-Japan trade agreement will enter into force on 1 February 2019, European Council of the European Union (Brussels) 21 December 2018. Access Date: 23 February 2019. <https://www.consilium.europa.eu/en/press/press-releases/2018/12/21/eu-japan-trade-agreement-will-enter-into-force-on-1-february-2019/>.

⁴⁶⁹ EU-Japan trade agreement will enter into force on 1 February 2019, European Council of the European Union (Brussels) 21 December 2018. Access Date: 23 February 2019. <https://www.consilium.europa.eu/en/press/press-releases/2018/12/21/eu-japan-trade-agreement-will-enter-into-force-on-1-february-2019/>.

⁴⁷⁰ South Korea Privacy Law Changes May Help EU Data Transfer Talks, Bloomberg Law (Washington DC) 22 February 2019. Access Date: 11 March 2019. <https://news.bloomberglaw.com/privacy-and-data-security/south-korea-privacy-law-changes-may-help-eu-data-transfer-talks>.

As of 19 March 2019, the Korean Communications Commission will “limit data transfers to countries that implemented data localization requirements.”⁴⁷¹

On 17 December 2018, the Korean Ministry of Strategy and Finance devised the framework for 2019 economic policies, “with the goal of inclusive growth in mind.”⁴⁷² The Ministry outlined their priority to promote innovative growth and a fair economy for the purpose of “boost the economy, work on industrial restructuring, pursue inclusive growth, address mid- to long-term challenges.”⁴⁷³

On 9 January 2019, the Saudi Authority for Intellectual Property (SAIP) signed an agreement with the Korean Intellectual Property Office. The memorandum of understanding, a patent prosecution highway agreement, aims to develop a bilateral relationship in the field, streamline Saudi patent registration procedures in Korea and to attract patent applications from Korea in Saudi Arabia. In addition, it aimed to enhance the efficiency of patent granting procedures by the SAIP.⁴⁷⁴

On 7 March 2019, the Financial Services Commission released their roadmap for financial literacy for the year.⁴⁷⁵ Policies in this roadmap include enacting “a comprehensive bill on financial consumer protection” and to reform the regulatory framework on “electronic financial business.”⁴⁷⁶ The roadmap also include aims to boost financial innovation, ensure “trust in finance” and secure financial stability.⁴⁷⁷

Korea has taken action to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, as well as to build data protection through the update of the Network Act and intellectual property protections. Though the Korean Ministry of Strategy and Finance’s framework for their economic policies and the Financial Services Commission’s Financial Policy Roadmap indicate opportunities to build consumer trust, there have not yet been actions that follow through on those plans. In addition, Korea has not taken new actions to build privacy.

Thus, Korea receives a score of 0.

Analyst: Susba Guan

Mexico: 0

Mexico has partially complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 30 December 2018, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) took effect, a trade agreement which strengthened intellectual property (IP)

⁴⁷¹ South Korea Privacy Law Changes May Help EU Data Transfer Talks, Bloomberg Law (Washington DC) 22 February 2019. Access Date: 11 March 2019. <https://news.bloomberglaw.com/privacy-and-data-security/south-korea-privacy-law-changes-may-help-eu-data-transfer-talks>.

⁴⁷² 2019 Economic Policies, Ministry of Economy and Finance (Sejong) 17 December 2018. Access Date: 25 February 2019. <http://english.moef.go.kr/pc/selectTbPressCenterDtl.do?boardCd=N0001&seq=4600>.

⁴⁷³ 2019 Economic Policies, Ministry of Economy and Finance (Sejong) 17 December 2018. Access Date: 25 February 2019. <http://english.moef.go.kr/pc/selectTbPressCenterDtl.do?boardCd=N0001&seq=4600>.

⁴⁷⁴ Saudi Authority for Intellectual Property Signed First PPH Agreement, Saudi Authority for Intellectual Property (Seoul). 9 April 2019. Access Date: 24 June 2019. <https://www.saip.gov.sa/en/saudi-authority-for-intellectual-property-signed-first-pph-agreement/>.

⁴⁷⁵ Financial Policy Roadmap for 2019, Financial Services Commission (Seoul) 7 March 2019. Access Date: 20 April 2019 http://meng.fsc.go.kr/common/pdfjs/web/viewer.html?file=/upload/press1/20190308085738_decadca7.pdf.

⁴⁷⁶ Financial Policy Roadmap for 2019, Financial Services Commission (Seoul) 7 March 2019. Access Date: 20 April 2019 http://meng.fsc.go.kr/common/pdfjs/web/viewer.html?file=/upload/press1/20190308085738_decadca7.pdf.

⁴⁷⁷ Financial Policy Roadmap for 2019, Financial Services Commission (Seoul) 7 March 2019. Access Date: 20 April 2019 http://meng.fsc.go.kr/common/pdfjs/web/viewer.html?file=/upload/press1/20190308085738_decadca7.pdf.

rights.⁴⁷⁸ The CPTPP contains provisions which strengthen intellectual property rights protection and enforcement by creating a “transparent and predictable standard” between Mexico and ten other member countries.⁴⁷⁹

On 8 January 2019, Central Bank Governor Alejandro Díaz de León, Finance Minister Carlos Urzúa, and Finance Vice Minister Arturo Herrera outlined a plan to improve the electronic transfer payment system, which would allow smartphones to complete transactions.⁴⁸⁰ The plan also includes revising regulations for repurchase and securities lending transactions to allow more financial entities to complete these operations. Improvements to the electronic transfer payment system will allow smartphones to be used to execute transactions. President Andrés Manuel López Obrador committed to allow at least 30 million people to join operations, including vulnerable groups, and to encourage entry of new companies into the stock market, as a part of the Program to Promote the Financial Sector. Alejandro Díaz de León, governor of the Bank of Mexico, announced that the fiber optic infrastructure of the Federal Electricity commission will be used to achieve connectivity throughout the country.⁴⁸¹

On 9 January 2019, the Mexican Institute of Industrial Property (IMPI), the patent and trademark administration body of Mexico, published information about the services IMPI offer.⁴⁸² It explains common administrative procedures for obtaining patents, trademark registration, requesting bibliographic searches or patent document techniques, and the filing of lawsuits against patents.⁴⁸³

On 28 January 2019, the National Center for Energy Control (CENACE) affirmed its commitment to follow the “Ley General de Protección de Datos Personales en Posesión de Sujetos Obligados,” or the General Law of the Protection of Personal Data in Possession of Obligated Subjects.⁴⁸⁴ This commitment consists of training CENACE staff on protecting personal data, coordinating with energy-related government agencies to handle personal data appropriately and issuing privacy notices to CENACE’s administrative bodies to inform them of how their data will be used.⁴⁸⁵

Mexico has worked to build consumer trust, privacy, data protection and intellectual property rights protection through its Program to Promote the Final Sector, its entry into the CPTPP and CENACE’s implementation of personal data protections. However, Mexico has not taken action in

⁴⁷⁸ At long last, 11-member Pacific trade deal takes effect, Japan Times (Tokyo) 30 December 2018. Access Date: 7 March 2019. <https://www.japantimes.co.jp/news/2018/12/30/business/long-last-11-member-pacific-trade-deal-takes-effect/>.

⁴⁷⁹ How to read the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), Global Affairs Canada (Ottawa) 15 February 2019. https://international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cptpp-ptppg/chapter_summaries-sommaires_chapitres.aspx?lang=eng.

⁴⁸⁰ Mexico launches major new initiative to boost financial sector, Business News Americas (Santiago) 9 January 2019. Access Date: 17 February 2019. <http://www.bnamericas.com/en/news/privatization/mexico-launches-major-initiative-to-boost-financial-sector>.

⁴⁸¹ Mexico launches major new initiative to boost financial sector, Business News Americas (Santiago) 9 January 2019. Access Date: 17 February 2019. <http://www.bnamericas.com/en/news/privatization/mexico-launches-major-initiative-to-boost-financial-sector>.

⁴⁸² Servicios que ofrece el IMPI, Instituto Mexicano de la Propiedad industrial (Mexico City) 9 January 2019. Access Date: 17 February 2019. <https://www.gob.mx/imp/acciones-y-programas/servicios-que-ofrece-el-imp>.

⁴⁸³ Servicios que ofrece el IMPI, Instituto Mexicano de la Propiedad industrial (Mexico City) 9 January 2019. Access Date: 17 February 2019. <https://www.gob.mx/imp/acciones-y-programas/servicios-que-ofrece-el-imp>.

⁴⁸⁴ CENACE refrenda su compromiso con el respeto y protección de datos personales, National Energy Control Center (Mexico City) 28 January 2019. Access Date: 17 February 2019. <https://www.gob.mx/cenace/articulos/cenace-refrenda-su-compromiso-con-el-respeto-y-proteccion-de-datos-personales>.

⁴⁸⁵ CENACE refrenda su compromiso con el respeto y protección de datos personales, National Energy Control Center (Mexico City) 28 January 2019. Access Date: 17 February 2019. <https://www.gob.mx/cenace/articulos/cenace-refrenda-su-compromiso-con-el-respeto-y-proteccion-de-datos-personales>.

“supporting the free flow of information, ideas and knowledge, while respecting applicable legal frameworks.”

Thus, Mexico receives a score of 0.

Analyst: Alykhan Jettha

Russia: +1

Russia has fully complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 1 January 2019, Russia implemented the “honest mark labelling system,” which is part of the amended Consumer Protection Act.⁴⁸⁶ This system mandates that certain consumer products must be marked with labels containing a QR code to prevent counterfeiting.⁴⁸⁷ Manufacturers, importers, distributors, suppliers and retailers are required to submit information on the circulation of the products.⁴⁸⁸ The new labelling requirements will be monitored by consumer supervisory authority Rospotrebnadzor to ensure compliance.⁴⁸⁹ Russia also proposed to increase fines by three to six times for the sale of poor quality products, providing misleading information and failure to provide information about products and services.⁴⁹⁰

On 21 January 2019, Roskomnadzor, Russia’s federal executive body for censorship and telecommunications regulation, “opened administrative proceedings” against Facebook and Twitter for not elaborating on how the platforms will store data.⁴⁹¹ Roskomnadzor emphasizes that these platforms must comply with legislation that requires all servers which store personal data of Russians must be stored inside Russia.

On 13 February 2019, the Government of the Russian Federation issues the Executive Order N 146 “On approval of the Rules for the organization and implementation of state control and supervision of the processing of personal data.” The order requires the state agency Roskomnadzor to carry out periodical review of data operators once every three years to prevent violations of the Federal Law “On personal data” as a measure to build information services consumers trust.⁴⁹²

⁴⁸⁶ Russia: Recent developments in Russian consumer protection law, Noerr (Moscow) 17 January 2019. Access Date: 21 February 2019. https://www.noerr.com/en/newsroom/News/russia-recent-developments-in-russian-consumer-protection-law.aspx?utm_source=Mondaq&utm_medium=syndication&utm_campaign=View-Original.

⁴⁸⁷ Russia: Recent developments in Russian consumer protection law, Noerr (Moscow) 17 January 2019. Access Date: 21 February 2019. https://www.noerr.com/en/newsroom/News/russia-recent-developments-in-russian-consumer-protection-law.aspx?utm_source=Mondaq&utm_medium=syndication&utm_campaign=View-Original.

⁴⁸⁸ Russia: Recent developments in Russian consumer protection law, Noerr (Moscow) 17 January 2019. Access Date: 21 February 2019. https://www.noerr.com/en/newsroom/News/russia-recent-developments-in-russian-consumer-protection-law.aspx?utm_source=Mondaq&utm_medium=syndication&utm_campaign=View-Original.

⁴⁸⁹ Russia: Recent developments in Russian consumer protection law, Noerr (Moscow) 17 January 2019. Access Date: 21 February 2019. https://www.noerr.com/en/newsroom/News/russia-recent-developments-in-russian-consumer-protection-law.aspx?utm_source=Mondaq&utm_medium=syndication&utm_campaign=View-Original.

⁴⁹⁰ Russia: Recent developments in Russian consumer protection law, Noerr (Moscow) 17 January 2019. Access Date: 21 February 2019. https://www.noerr.com/en/newsroom/News/russia-recent-developments-in-russian-consumer-protection-law.aspx?utm_source=Mondaq&utm_medium=syndication&utm_campaign=View-Original.

⁴⁹¹ Russia opens civil cases against Facebook, Twitter: report, Reuters (Moscow) 21 January 2019. Access Date: 8 March 2019. <https://www.reuters.com/article/us-russia-facebook/russia-opens-civil-cases-against-facebook-twitter-report-idUSKCN1PFORX>.

⁴⁹² Executive Order on Personal Data Operators Review Approved 15 February 2019(in Russian). Access Date: 14 May 2019. <https://rkn.gov.ru/news/rsoc/news65696.htm>.

On 27 March 2019, the Ministry of Communications of the Russian Federation presented the draft law on digital profiles. Digital profiles will allow individuals, entrepreneurs and governmental bodies to exchange information briefly. Individual's digital profile will allow using various governmental services as well as financial services such as credit scoring. Private enterprises, on the other hand, will have better access to taxation instruments. This initiative is designed as a measure to improve privacy protection, but at the same time it eases flow of information between various entities thus supporting free flow of information.⁴⁹³

On 9 April 2019, the Government of the Russian Federation amended the maintenance rules of the Unified Register of Russian Software. The amendment requires that only Russian nationals and Russian companies are allowed to modernize and maintain software included in the Register. This amendment is basically aimed at improving data protection, but could also be viewed as a measure to enhance intellectual property rights protection.⁴⁹⁴

On 6 May 2019, the Government of the Russian Federation approved the procedure for digital marking of consumer goods. The order also implies establishment of an information system that will contain all the relevant information concerning consumer goods that have to be marked with a special code. The system will provide consumers with product data upon the request.⁴⁹⁵

Russia has taken action to build data protection, consumer trust, consumer privacy and intellectual property rights protection and has taken actions to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks.

Thus, Russia receives a score of +1.

Analyst: Florence Chan

Saudi Arabia: 0

Saudi Arabia has partially complied with its commitment to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.

As of 3 December 2018, Saudi Arabia has a “freedom of information and protection of private data law under review by the Advisory Shoura Council.”⁴⁹⁶ As of 6 March 2019, the law has not been ratified.

On 11 December 2018, the Saudi Arabian Ministry of Communications and Information Technology (CITC) launched a partnership with Chinese telecommunications manufacturer Huawei to launch the country's first Internet of Things (IoT) lab with a fund of USD1 million.⁴⁹⁷ This partnership is part of the Kingdom's plan to build the knowledge economy through building up local skillsets, accelerate

⁴⁹³ Ministry of Communications to Present Draft Law on Individual Digital Profile 27 March 2019 (in Russian). Access Date: 14 May 2019. <https://digital.ac.gov.ru/news/824>.

⁴⁹⁴ Government Amends Procedure for Maintaining the Unified Register of Russian Software 09 April 2019 (in Russian). Access Date: 14 May 2019. <https://digital.ac.gov.ru/news/887>.

⁴⁹⁵ Cabinet Approved Procedure for Digital Marking of Goods 6 May 2019 (In Russian). Access Date: 14 May 2019. <https://digital.ac.gov.ru/news/933>.

⁴⁹⁶ New EU data protection law a harbinger of change, Saudi Gazette (Jeddah) 3 December 2018. Access Date: 25 February 2019. <http://saudigazette.com.sa/article/549425>.

⁴⁹⁷ Ministry Of ICT Partners With Huawei To Launch First IoT Lab In Saudi Arabia, Ministry of Communications and Information Technology (Riyadh) 11 December 2018. Access Date: 6 March 2019. <https://www.mcit.gov.sa/en/media-center/news/137055>.

the adoption of digital technologies and promote innovation of information and communications technologies.⁴⁹⁸

On 2 January 2019, the CITC launched a document about the modernization of SMS service conditions to improve the service of SMS services and their delivery conditions. The purpose of this launch was to enhance both competition in the telecom market and user experiences.⁴⁹⁹

On 9 January 2019, the CITC organized a workshop for the information and communications technology (ICT) sector with the National Risk Unit. The aim of the workshop was to define national risk, its objectives, principles and methodology and increase awareness amongst ICT stakeholders about identifying and assessing risks.⁵⁰⁰

On 9 January 2019, the Saudi Authority for Intellectual Property (SAIP) signed an agreement with the Korean Intellectual Property Office. The memorandum of understanding, a patent prosecution highway agreement, aims to develop a bilateral relationship in the field, streamline Saudi patent registration procedures in Korea and to attract patent applications from Korea in Saudi Arabia. In addition, it aimed to enhance the efficiency of patent granting procedures by the SAIP.⁵⁰¹

On 17 February 2019, the CITC launched a public consultation document on a draft of the IoT regulatory framework and on the “Special Conditions for Type B Licenses” for the provision of Internet access services.⁵⁰²

On 19 February 2019, Saudi Arabia’s Digital Transformation Team, in collaboration with Indonesia’s Ministry of Communication and Information, held a two-day workshop aiming to advance digital cooperation between the two states.⁵⁰³ Both parties signed a memorandum of understanding, which in part, commits to developing “joint centres for digital innovation,” collaborating in research and development of digital technologies and allowing exchange of information on “Information Technology (IT) policies, techniques and regulations.”⁵⁰⁴

On 20 February 2019, the Crown Prince of Saudi Arabia in collaboration with Deputy Prime Minister, Minister of Defence and Chairman of the Centre of Excellence for Data Analytics to the Republic of India, and the Ministry of Communications and information Technology signed two

⁴⁹⁸ MCIT, Huawei launch Kingdom’s first IoT Lab, Arab News (Riyadh) 10 December 2018. Access Date: 6 March 2019. <http://www.arabnews.com/node/1418626/corporate-news>.

⁴⁹⁹ الرسائل خدمة تقديم شروط تحديث حول العموم مرئيات وثيقة طرح عن تعلن المدعومات وتقنية الاتصالات هيئة القصرية، Communications and Information Technology Commission (Riyadh) 2 January 2019. Access Date: 24 June 2019. <https://www.citc.gov.sa/ar/mediacenter/pressreleases/Pages/2019010201.aspx>.

⁵⁰⁰ المدعومات وتقنية الاتصالات لقطاع الوطنية المخاطر تقويم عمل ورشة تقييم المدعومات وتقنية الاتصالات هيئة، Communications and Information Technology Commission (Riyadh) 9 January 2019. Access Date: 24 June 2019. <https://www.citc.gov.sa/ar/mediacenter/pressreleases/Pages/2019010902.aspx>.

⁵⁰¹ Saudi Authority for Intellectual Property Signed First PPH Agreement, Saudi Authority for Intellectual Property (Seoul). 9 April 2019. Access Date: 24 June 2019. <https://www.saip.gov.sa/en/saudi-authority-for-intellectual-property-signed-first-pph-agreement/>.

⁵⁰² التنظيدي الإطار مسودة حيال العموم مرئيات طلب وثيقة طرح عن تعلن المدعومات وتقنية الاتصالات هيئة، Communications and Information Technology Commission (Riyadh) 17 February 2019. Access Date: 24 June 2019. <https://www.citc.gov.sa/ar/mediacenter/pressreleases/Pages/2019021701.aspx>.

⁵⁰³ Indonesia and Saudi Arabia hold workshop for digital collaboration, OpenGov Asia (Singapore) 19 February 2019. Access Date: 25 February 2019. <https://www.opengovasia.com/indonesia-and-saudi-arabia-hold-workshop-for-digital-collaboration/>.

⁵⁰⁴ Indonesia and Saudi Arabia hold workshop for digital collaboration, OpenGov Asia (Singapore) 19 February 2019. Access Date: 25 February 2019. <https://www.opengovasia.com/indonesia-and-saudi-arabia-hold-workshop-for-digital-collaboration/>.

memorandums aimed at localization of technology, transfer of knowledge within Saudi Arabia.⁵⁰⁵ The memorandum is in line with Saudi Arabia's Vision 2030, preparing the way "for a future digital society, digital government, and thriving digital economy."⁵⁰⁶

Saudi Arabia has taken new actions in two features: supporting the free flow of information, ideas, and knowledge, while respecting applicable legal frameworks and intellectual property rights protection. However, Saudi Arabia has failed to take new actions in the other four features: building consumer trust, consumer privacy, data protection.

Thus, Saudi Arabia receives a score of 0.

Analyst: Diego Vasquez

South Africa: -1

South Africa has not complied with its commitment to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.

On 28 March 2019, the upper house of the South African Parliament, the National Council of Provinces, passed the Copyright Amendment Bill.⁵⁰⁷ South African Minister of Trade and Industry Rob Davies says this bill updates South Africa's regulatory framework on copyright and that the bill "allows fair use of copyright works."⁵⁰⁸ As of 16 April 2019, South African President Cyril Ramaphosa has yet to sign the bill into law.⁵⁰⁹

South Africa has taken action to build protection of intellectual property rights with the Copyright Amendment Bill, but the bill has yet to become law. Otherwise, South Africa has not taken new actions to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks. In addition, South Africa has not taken actions to build consumer trust, privacy and data protection.

Thus, South Africa receives a score of -1.

Analyst: Shafna Kallil

Turkey: 0

Turkey has partially complied with its commitment to "support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection."

⁵⁰⁵ Ministry Of ICT Concludes Partnerships With Major Indian Companies For Technology Localization, Ministry of Communications and Information Technology (Riyadh) 20 February 2019. Access Date: 7 March 2019. <https://www.mcit.gov.sa/en/media-center/news/145668>.

⁵⁰⁶ Ministry Of ICT Concludes Partnerships With Major Indian Companies For Technology Localization, Ministry of Communications and Information Technology (Riyadh) 20 February 2019. Access Date: 7 March 2019. <https://www.mcit.gov.sa/en/media-center/news/145668>.

⁵⁰⁷ Parliament Passed 11 Bills Today, Parliament of the Republic of South Africa (Cape Town) 28 March 2019. Access Date: 3 May 2019. <https://www.parliament.gov.za/press-releases/parliament-passed-11-bills-today>.

⁵⁰⁸ The National Assembly Passed the Copyright Amendment Bill, the Performers' Protection Amendment Bill and the Gambling Amendment Bill, Africanews (Cape Town) 6 December 2018. Access Date: 3 May 2019. <https://www.africanews.com/2018/12/06/the-national-assembly-passed-the-copyright-amendment-bill-the-performers-protection-amendment-bill-and-the-gambling-amendment-bill/>

⁵⁰⁹ Ramaphosa petitioned not to sign Copyright Amendment Bill into law, The Sunday Times (Johannesburg) 16 April 2019. Access Date: 3 May 2019. <https://www.timeslive.co.za/news/south-africa/2019-04-16-ramaphosa-petitioned-not-to-sign-copyright-amendment-bill-into-law/>.

On 1 January 2019, Turkey implemented Law 7155 which requires a mediation procedure before instituting court action for commercial disputes, including the collection of receivables or compensation claims.⁵¹⁰ Intellectual property disputes involving monetary compensation claims are included under this provision, which encompasses trademark and patent disputes, copyright infringements involving compensation claims, disputes regarding payment of calculation of remuneration for employee inventions and designs and disputes regarding license agreements.⁵¹¹

On 18 February 2019, the Turkish Data Protection Authority (DPA) introduced the procedure that should be followed by data controllers in the event of a data breach under the purview of the Turkish Data Protection Law.⁵¹² The new procedure includes provisions such as the responsibility for the data controller to notify the DPA of the data breach within 72 hours after becoming aware of the breach, to notify the concerned data subjects in the shortest time possible following the determination of affected individuals, to document effects and measures taken regarding the data breach and explain any reasons if the notification to the DPA is not made within 72 hours.⁵¹³

On 1 April 2019, the Data Officers Registry Information System registration (VERBİS) for public institutions began.⁵¹⁴ Data processing companies in Turkey and non-resident legal entities must appoint a representative and register with VERBİS.⁵¹⁵ Administrative fines will be applied to those responsible for personal data if the disclosure requirement is not fulfilled, if VERBİS is not registered or if data security is violated and necessary measures are not taken.⁵¹⁶

Turkey has taken action to build privacy, data protection and intellectual property rights. However, Turkey has not taken action to build consumer trust, and support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks.

Thus, Turkey receives a score of 0.

Analyst: Florence Chan

⁵¹⁰ Turkey Introduces Mandatory Mediation for Money-Related IP Disputes, Managing Intellectual Property (Istanbul) 4 February 2019. Access Date: 9 April 2019. <https://www.managingip.com/Article/3857104/Turkey-Turkey-introduces-mandatory-mediation-for-money-related-ip-disputes.html?ArticleId=3857104>.

⁵¹¹ Turkey Introduces Mandatory Mediation for Money-Related IP Disputes, Managing Intellectual Property (Istanbul) 4 February 2019. Access Date: 9 April 2019. <https://www.managingip.com/Article/3857104/Turkey-Turkey-introduces-mandatory-mediation-for-money-related-ip-disputes.html?ArticleId=3857104>.

⁵¹² Turkish Data Protection Authority Announces The Procedure To Be Taken By Companies In Cases Of Data Breaches, Mondaq (Istanbul) 20 February 2019. Access Date: 22 February 2019. <http://www.mondaq.com/turkey/x/783136/data+protection/Turkish+Data+Protection+Authority+Announces+The+Procedure+To+Be+Taken+By+Companies+In+Cases+Of+Data+Breach>.

⁵¹³ Turkish Data Protection Authority Announces The Procedure To Be Taken By Companies In Cases Of Data Breaches, Mondaq (Istanbul) 20 February 2019. Access Date: 22 February 2019. <http://www.mondaq.com/turkey/x/783136/data+protection/Turkish+Data+Protection+Authority+Announces+The+Procedure+To+Be+Taken+By+Companies+In+Cases+Of+Data+Breach>.

⁵¹⁴ Facebook sends 30-page plea to Turkish data protection authority, Daily Sabah (Ankara) 25 March 2019. Access Date: 11 April 2019. <https://www.dailysabah.com/technology/2019/03/25/facebook-sends-30-page-plea-to-turkish-data-protection-authority>.

⁵¹⁵ Facebook sends 30-page plea to Turkish data protection authority, Daily Sabah (Ankara) 25 March 2019. Access Date: 11 April 2019. <https://www.dailysabah.com/technology/2019/03/25/facebook-sends-30-page-plea-to-turkish-data-protection-authority>.

⁵¹⁶ Facebook sends 30-page plea to Turkish data protection authority, Daily Sabah (Ankara) 25 March 2019. Access Date: 11 April 2019. <https://www.dailysabah.com/technology/2019/03/25/facebook-sends-30-page-plea-to-turkish-data-protection-authority>.

United Kingdom: 0

The United Kingdom has partially complied with its commitment to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.

On 6 January 2019, the UK Department for Digital, Culture, Media & Sport contributed GBP400,000 to the Digital Inclusion Innovation Fund, part of which was to a project which will introduce “smart homes” for “older and disabled people” in rural areas.⁵¹⁷ This initiative encourages the attainment of digital skills through learning from fellow elders, especially regarding the operation of smart technologies within their smart home.⁵¹⁸

On 28 January 2019, the UK Information Commissioner’s Office issued guidance to organizations currently sharing personal data with organizations in the European Economic Area (EEA).⁵¹⁹ The Commissioner’s Office warned these organization that they may need to take extra measures to comply with data protection laws if the UK Parliament does not ratify an exit agreement with the European Union. Personal data transfers from the UK to the EEA will remain the same as the UK does not plan to impose any additional requirements.⁵²⁰

On 31 January 2019, Digital Secretary Jeremy Wright announced that the Government will contribute GBP30 million, to the Social Tech Venture Fund. The government intends that their contribution will further allow for greater access to finance for “socially transformative” and innovative technology that promotes community connectedness.⁵²¹

On 31 January 2019, Digital Secretary Jeremy Wright announced that the government would be contributing GBP700,000 to a “data trust” pilot project.⁵²² The Open Data Institute and the Government’s Office for Artificial Intelligence-run project will facilitate data exchange between organizations with raw data and those who are able to process it. This project aims to capitalize the

⁵¹⁷ ‘Smart homes’ to help older and disabled people get digital skills and tackle loneliness in rural areas, Department of Digital, Culture, Media and Sport (London) 6 January 2019. Access Date: 24 February 2019. <https://www.gov.uk/government/news/smart-homes-to-help-older-and-disabled-people-get-digital-skills-and-tackle-loneliness-in-rural-areas>.

⁵¹⁸ ‘Smart homes’ to help older and disabled people get digital skills and tackle loneliness in rural areas, Department of Digital, Culture, Media and Sport (London) 6 January 2019. Access Date: 24 February 2019. <https://www.gov.uk/government/news/smart-homes-to-help-older-and-disabled-people-get-digital-skills-and-tackle-loneliness-in-rural-areas>.

⁵¹⁹ Data Protection and Brexit - Is your organisation prepared?, Department of Digital, Culture, Media and Sport (London) 28 January 2019. Access Date: 6 March 2019. <https://www.gov.uk/government/news/data-protection-and-brexit-is-your-organisation-prepared>.

⁵²⁰ Data Protection and Brexit - Is your organisation prepared?, Department of Digital, Culture, Media and Sport (London) 28 January 2019. Access Date: 6 March 2019. <https://www.gov.uk/government/news/data-protection-and-brexit-is-your-organisation-prepared>.

⁵²¹ Digital revolution to use the power of data to combat illegal wildlife trade and reduce food waste, Department of Digital, Culture, Media and Sport (London) 31 January 2019. Access Date: 24 February 2019. <https://www.gov.uk/government/news/digital-revolution-to-use-the-power-of-data-to-combat-illegal-wildlife-trade-and-reduce-food-waste>.

⁵²² Digital revolution to use the power of data to combat illegal wildlife trade and reduce food waste, Department of Digital, Culture, Media and Sport (London) 31 January 2019. Access Date: 24 February 2019. <https://www.gov.uk/government/news/digital-revolution-to-use-the-power-of-data-to-combat-illegal-wildlife-trade-and-reduce-food-waste>.

“power of data exchange” in a in a “safe, fair and ethical way” between these entities to tackle global issues.⁵²³

The United Kingdom has taken action in supporting the free flow of information, ideas, and knowledge while respecting applicable legal frameworks and has worked in building consumer trust, consumer privacy, and data protection. The United Kingdom has not currently undertaken any initiatives to improve intellectual property rights.

Thus, the United Kingdom receives a score of 0.

Analyst: Shafna Kallil

United States: –1

The United States has not complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 6 December 2018, the US Department of Commerce and the National Institute of Standards and Technology announced a green paper to modernize the U.S. system of technology transfer and innovation.⁵²⁴ The green paper outlines actions which would create a better return on investment in the United States government’s yearly investment in research and development of USD150 billion. The actions also aim to develop a modern, user friendly federal intellectual property (IP) data reporting system to more effectively track IP and streamline regulations.⁵²⁵ However, this green paper merely a “discussion document, not a policy commitment or decision by the [United States] federal government.”⁵²⁶

On 30 January 2019, the United States Patent and Trademark Office announced their ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.⁵²⁷ This treaty would protect intellectual property rights of blind, visually impaired, or print disable people as well as expand their access to information and resources. It would also allow limited copyright exceptions for the reproduction of published works in formats accessible to these people.⁵²⁸

⁵²³ Digital revolution to use the power of data to combat illegal wildlife trade and reduce food waste, Department of Digital, Culture, Media and Sport (London) 31 January 2019. Access Date: 24 February 2019. <https://www.gov.uk/government/news/digital-revolution-to-use-the-power-of-data-to-combat-illegal-wildlife-trade-and-reduce-food-waste>.

⁵²⁴ Commerce’s NIST Announces Actions to Stimulate Commercialization of Federally Funded R&D, National Institute of Standards and Technology (Gaithersburg) 6 December 2018. Access Date: 18 February 2019. <https://www.nist.gov/news-events/news/2018/12/commerces-nist-announces-actions-stimulate-commercialization-federally>.

⁵²⁵ Commerce’s NIST Announces Actions to Stimulate Commercialization of Federally Funded R&D, National Institute of Standards and Technology (Gaithersburg) 6 December 2018. Access Date: 18 February 2019. <https://www.nist.gov/news-events/news/2018/12/commerces-nist-announces-actions-stimulate-commercialization-federally>.

⁵²⁶ Commerce’s NIST Announces Actions to Stimulate Commercialization of Federally Funded R&D, National Institute of Standards and Technology (Gaithersburg) 6 December 2018. Access Date: 18 February 2019. <https://www.nist.gov/news-events/news/2018/12/commerces-nist-announces-actions-stimulate-commercialization-federally>.

⁵²⁷ U.S. ratification of the Marrakesh Treaty, United States Patent and Trademark Office (Washington) 30 January 2019. Access Date: 20 February 2019. <https://www.uspto.gov/about-us/news-updates/us-ratification-marrakesh-treaty>.

⁵²⁸ U.S. ratification of the Marrakesh Treaty, United States Patent and Trademark Office (Washington) 30 January 2019. Access Date: 20 February 2019. <https://www.uspto.gov/about-us/news-updates/us-ratification-marrakesh-treaty>.

The United States has taken action to build intellectual property rights protection in its ratification of the Marrakesh Treaty. However, the United States has not taken any new actions to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks; to build consumer trust; to build privacy; and to build data protection.

Thus, the United States receives a score of -1.

Analyst: Omolade Ogunsanya

European Union: +1

The European Union has fully complied with its commitment to “support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks, and working to build consumer trust, privacy, data protection and intellectual property rights protection.”

On 7 December 2018, the European Commission presented a plan to “foster the development and use of artificial intelligence (AI) in Europe” between EU members, Norway, Switzerland and the European Commission.⁵²⁹ The parties will act jointly to increase investment in AI, availability of data, and to ensure trust in AI that is “cutting-edge, ethical and secure.”⁵³⁰

On 10 December 2018, the EU struck a “political agreement” on the Cyber-Security Act, which strengthens the European Union Agency for Network and Information and Security (ENISA).⁵³¹ The Act reinforces the ENISA’s mandate and empower EU members to handle cybersecurity threats and attacks through creating an EU framework for “cybersecurity certification, boosting the cybersecurity of online services and consumer devices.”⁵³²

On 22 January 2019, the European Union reached an agreement on the revised Directive on Open Data and Public Sector Information.⁵³³ This directive stipulates rules and guidelines for the facilitation of the reuse of public sector data in accordance with the General Data Protection Regulation (GDPR), the 2003 EU Open Data Policy and the current reality of data in the present day. These data will be used by a variety of actors with the intention to spark innovation within the EU.⁵³⁴

On 1 February 2019, the Japan-EU Economic Partnership Agreement (Japan-EU EPA) took force.⁵³⁵ The Japan-EU EPA allows for greater collaboration between both parties in the fields of e-commerce, intellectual property and small and medium-sized enterprises.⁵³⁶ The EPA also regulates

⁵²⁹ Member States and Commission to work together to boost artificial intelligence “made in Europe,” European Commission (Brussels) 7 December 2018. Access Date: 24 February 2019. http://europa.eu/rapid/press-release_IP-18-6689_en.htm.

⁵³⁰ Member States and Commission to work together to boost artificial intelligence “made in Europe,” European Commission (Brussels) 7 December 2018. Access Date: 24 February 2019. http://europa.eu/rapid/press-release_IP-18-6689_en.htm.

⁵³¹ EU negotiators agree on strengthening Europe's cybersecurity, European Commission (Brussels) 10 December 2018. Access Date: 24 February 2019. http://europa.eu/rapid/press-release_IP-18-6759_en.htm.

⁵³² EU negotiators agree on strengthening Europe's cybersecurity, European Commission (Brussels) 10 December 2018. Access Date: 24 February 2019. http://europa.eu/rapid/press-release_IP-18-6759_en.htm.

⁵³³ Digital Single Market: EU negotiators agree on new rules for sharing of public sector data, European Commission (Brussels) 22 January 2019. Access Date: 24 February 2019. http://europa.eu/rapid/press-release_IP-19-525_en.htm.

⁵³⁴ Digital Single Market: EU negotiators agree on new rules for sharing of public sector data, European Commission (Brussels) 22 January 2019. Access Date: 24 February 2019. http://europa.eu/rapid/press-release_IP-19-525_en.htm.

⁵³⁵ EU-Japan trade agreement enters into force, European Commission (Brussels) 31 January 2019. Access Date: 23 February 2019. http://europa.eu/rapid/press-release_IP-19-785_en.htm.

⁵³⁶ Exchange of Diplomatic Notes concerning Entry into Force of the Agreement between the European Union and Japan for an Economic Partnership, Ministry of Foreign Affairs of Japan (Tokyo) 21 December 2018. Access Date: 23 February 2019. https://www.mofa.go.jp/press/release/press1e_000110.html.

data transfers, the protection of IP, and the “free and secure cross-border flow of data” between Japan and the EU.⁵³⁷

On 4 April 2019, the European Parliament passed the “Open Data and Public Sector Information Directive.”⁵³⁸ This directive revises existing regulations that govern the use of public sector data for commercial and non-commercial purposes.⁵³⁹ The revised regulations aim to reduce market barriers for small and medium-sized enterprises and increase the availability of data for non-large companies.⁵⁴⁰ As well, the regulations of this directive were revised to comply with the EU General Data Protection Regulation.⁵⁴¹

On 15 April 2019, the Council of the EU adopted the EU Copyright Directive.⁵⁴² The directive updates the existing legal framework on copyright to strengthen copyright protection within the EU in the “digital single market.”⁵⁴³ The new regulations offers copyright reforms for authors and performers, allowing them to upload copyright protected content on platforms legally.⁵⁴⁴

The European Union has taken action to support the free flow of information, ideas and knowledge, while respecting applicable legal frameworks; to build consumer trust; to build privacy; to build data protection; and to build intellectual property rights protection.

Thus, the European Union receives a score of +1.

Analyst: Omolade Ogunsanya

⁵³⁷ Japan-EU trade deal offers model for cross-border data rules, Nikkei Asian Review (Brussels) 1 February 2019, Access Date: 7 March 2019. <https://asia.nikkei.com/Politics/International-relations/Japan-EU-trade-deal-offers-model-for-cross-border-data-rules>.

⁵³⁸ Digital Single Market: Commission welcomes European Parliament's vote on new rules for sharing public sector data, European Commission (Brussels) 4 April 2019. Access Date: 19 April 2019. http://europa.eu/rapid/press-release_STATEMENT-19-1935_en.htm.

⁵³⁹ Digital Single Market: Commission welcomes European Parliament's vote on new rules for sharing public sector data, European Commission (Brussels) 4 April 2019. Access Date: 19 April 2019. http://europa.eu/rapid/press-release_STATEMENT-19-1935_en.htm.

⁵⁴⁰ Proposal for a revision of the Public Sector Information (PSI) Directive, European Commission (Brussels) 24 January 2019. <https://ec.europa.eu/digital-single-market/en/proposal-revision-public-sector-information-psi-directive>.

⁵⁴¹ Digital Single Market: Commission welcomes European Parliament's vote on new rules for sharing public sector data, European Commission (Brussels) 4 April 2019. Access Date: 19 April 2019. http://europa.eu/rapid/press-release_STATEMENT-19-1935_en.htm.

⁵⁴² Copyright reform clears final hurdle: Commission welcomes approval of modernised rules fit for digital age, European Commission (Luxembourg) 15 April 2019. Access Date: 19 April 2019. http://europa.eu/rapid/press-release_IP-19-2151_en.htm.

⁵⁴³ EU adjusts copyright rules to the digital age, Council of the European Union (Brussels) 15 April 2019. Access Date: 3 May 2019. <https://www.consilium.europa.eu/en/press/press-releases/2019/04/15/eu-adjusts-copyright-rules-to-the-digital-age/>.

⁵⁴⁴ Copyright reform clears final hurdle: Commission welcomes approval of modernised rules fit for digital age, European Commission (Luxembourg) 15 April 2019. Access Date: 19 April 2019. http://europa.eu/rapid/press-release_IP-19-2151_en.htm.