

Intellectual Property Rights (IPR)

October 2009

The U.S.-EU IPR Working Group met most recently September 23-24, 2009. A copy of the final report of the September meeting can be found at www.stopfakes.gov. The public session of the meeting opened with a briefing for transatlantic stakeholders, hosted by the U.S. Chamber of Commerce's Global Intellectual Property Center. U.S. and EU officials reviewed the status of various cooperative efforts and ongoing multilateral discussions currently underway, pledging to keep the various constituency groups informed as negotiations progress. Government-to-government discussions focused on common goals in key third-country markets – e.g., China, Russia, and India, as well as Brazil, Canada, and ASEAN – and other areas of IPR cooperation. Both parties agreed to continue to work together to strengthen intellectual property protection through bilateral and multilateral mechanisms, and we reaffirmed our commitment to the successful completion of the Anti-Counterfeiting Trade Agreement (ACTA) negotiations. Cooperation between U.S. and EU customs authorities has been noteworthy, resulting in joint seizure operations at U.S. and EU ports, the joint-development of a brochure “Protecting Intellectual Property at Our Borders” to educate rights holders on working with customs officials in the U.S. and EU, and the development of joint Web-Toolkit Product Guidelines to enable rights holders to develop toolkits to assist customs authorities in both markets with authenticating suspect shipments.

The next meeting of the U.S.-EU IPR Working Group is tentatively scheduled to take place in Europe during the first quarter of 2010. While the agenda is yet to be agreed, third-country cooperation discussions will continue to figure prominently; additional countries and/or regions of concern may be identified together with industry. The United States and the EU also will continue to work cooperatively to advance common objectives in the ACTA negotiations, and within the OECD and the United Nations. Discussions will be held on future joint operations between the two customs agencies, and DG Enterprise and the U.S. Department of Commerce will continue to cooperate in the development of resources for SMEs in both markets and linking their respective online IPR web portals to each other. The U.S. and EU also note industry concerns on the nexus between climate change negotiations, mitigation technology and intellectual property protection

December 2008

The United States and the European Union (together with others) continue to negotiate an Anti-Counterfeiting Trade Agreement to enhance international leadership on IPR enforcement and cooperation. Additionally, the United States and the European Union are eager to continue their successful co-operation on IPR enforcement. U.S. and EU IPR enforcement experts are deepening their information-sharing about key countries, such as China and Russia, by means of joint IP networks of diplomats. These networks contribute to improving IPR enforcement abroad, including through outreach to small- and medium-sized enterprises in key markets. Customs cooperation also continues actively and cooperation with the private sector is increasing. The United States Patent and Trademark Office and the European Commission also agree that efforts can be stepped up to advance patent global harmonisation.

May 2008

The EU-U.S. cooperation on IP enforcement has been a success story. In the past year, the activities have focussed in particular on joint enforcement efforts at the WTO and in third countries, in particular in China and Russia; joint organisation of seminars in Russia (digital piracy), in Latin America and in ASEAN countries; and development of IP networks of EU and U.S. diplomats in third countries, starting with Russia and China. Closer customs co-operation, including joint border enforcement actions, has been an area of particular attention this year, namely the first joint customs cooperation project (Operation INFRASTRUCTURE) was a success. In addition, the United States and the European Union are working together and with other trading partners to negotiate a strong Anti-Counterfeiting Trade Agreement, which they will seek to conclude by the end of 2008. Further, the United States Patent and Trademark Office and the European Commission have agreed to a roadmap to advance global patent harmonization. During the remainder of 2008, they will elaborate on the roadmap to identify implementation options and engage in consultations with stakeholders.

November 2007

We have agreed that by the next meeting of the Council, the U.S. Government and European Commission will agree on a roadmap to support and facilitate international patent law harmonization.

The U.S. government and the European Commission have agreed to combat counterfeiting and piracy by the following customs actions:

- Providing business with clear information on the procedures for seeking Customs IPR protection in the U.S. and the EU;
- Exchanging information on detection techniques, tools and seizures for IPR violations to improve the targeting of shipments containing counterfeit and pirated goods; and
- Undertaking joint control actions to disrupt trade in fakes, focusing particularly on commerce that threatens health and safety.

The U.S. and EC have also agreed to:

- work closely to launch and complete the Anti-Counterfeiting Trade Agreement negotiations;
- cooperate to encourage third countries to enhance their enforcement efforts;
- develop “IP networks” of U.S. and EU diplomats;
- increase collaboration with the private sector, including education and support to SMEs;
- enhance co-operation in multilateral organisations, such as the G8, the OECD and the WTO; and
- cooperate in implementing technical assistance programmes in third countries.

Further steps to strengthen cooperation will be developed by the next Council meeting.