

Anti-Counterfeiting: EU, U.S. and Others Meet in Washington to Advance ACTA - Washington, 31 July 2008

Discussion on ACTA, the proposed Anti-Counterfeiting Trade Agreement, continued in Washington, D.C., July 29-31. Participants, who included Australia, Canada, the European Union, Japan, Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland, and the United States, welcomed the statement in the July 2008 G8 Toyako Summit Declaration that G8 Members support "the acceleration of negotiations to establish a new international legal framework, the Anti-Counterfeiting Trade Agreement (ACTA), and seek to complete the negotiation by the end of the year."

Participants reaffirmed their goal to combat global infringements of intellectual property rights, particularly counterfeiting and piracy, by increasing international cooperation, strengthening the framework for effective enforcement and relevant IPR enforcement measures themselves.

The July 29-31 meeting was the latest in a series to develop aspects of the proposed agreement and discussion focused on civil remedies for infringements of intellectual property rights, including the availability of preliminary measures, preservation of evidence, damages, and legal fees and costs. Participants made steady progress, continued previous discussions on border enforcement of intellectual property rights, and agreed to continue their work at another substantive meeting to be held at a mutually convenient time in the near future.

They also agreed to continue consulting with stakeholders through domestic processes, to share the results of these consultations at their next meeting, and to continue exploring opportunities for stakeholder consultations in connection with future ACTA meetings.

Background

ACTA's goal is to provide a high-level international framework that strengthens the global enforcement of intellectual property rights and helps in the fight to protect consumers from the health and safety risks associated with many counterfeit products. The European Union hopes this agreement will set a positive agenda for IPR enforcement and that other countries will join.

The EU has a mandate to negotiate ACTA and the European Commission already has and will continue to consult with industry and other interested stakeholders, as have other interested participants.

ACTA would contribute to fighting counterfeiting in three ways:

- Building international cooperation leading to harmonized standards and better communication between authorities. This will build on coordinated anti-counterfeiting work the EU is already doing with large partners like the U.S. These standards would then be spread to other countries if they wished to sign up to ACTA. The EU has proposed transitional mechanisms and technical assistance to help advanced developing countries join the pact in the future.
- Establishing common enforcement practices to promote strong intellectual property protection in coordination with right holders and trading partners. The EU is consistently pushing countries like China to enforce anti-counterfeiting legislation and to toughen the legal penalties for intellectual property theft. Closer coordination on international benchmarks can reinforce this pressure.
- Creating a strong modern legal framework which reflects the changing nature of intellectual property theft in the global economy, including the rise of easy-to-copy digital storage mediums and the increasing danger of health threats from counterfeit food and pharmaceutical drugs.