

3. Intellectual Property Rights [38]

Commitment:

“We will advance existing anti-counterfeiting and piracy initiatives through, inter alia, promoting information exchange systems amongst our authorities, as well as developing non-binding Standards to be employed by Customs for Uniform Rights Enforcement (SECURE) at the World Customs Organization.”

G8 Leaders Declaration on the World Economy

Assessment:

Compliance Score

Country	Lack of Compliance -1	Work in Progress 0	Full Compliance +1
Canada			+1
France		0	
Germany			+1
Italy			+1
Japan			+1
Russia			+1
United Kingdom		0	
United States			+1
European Union			+1
Average Score			+0.77

Background:

Intellectual property rights (IPR) are widely thought to support technological innovation and economic growth. However, identifying which policies best support intellectual property rights is a more controversial matter. One forum for intergovernmental discussion on IPR is the World Customs Organization (WCO), an independent organization that works with customs agencies around the world.²⁶⁶ Customs agencies have a role in enforcing intellectual property rights, partially codified in a non-binding international agreement, the provisional Standards Employed by Customs for Uniform Rights Enforcement (SECURE).²⁶⁷

SECURE is a continuously developing document, overseen by the WCO’s SECURE Working Group. At the Hokkaido-Toyako Summit, G8 states expressed support for the

²⁶⁶ About Us, World Customs Organization. Date of Access: 28 December 2008.
http://www.wcoomd.org/home_about_us.htm.

²⁶⁷ Provisional Standards Employed by Customs for Uniform Rights Enforcement (SECURE) June 2007. Date of Access: 28 December 2008.
http://www.wcoomd.org/files/1.%20Public%20files/PDFandDocuments/Enforcement/SECURE_E.pdf.

continued development of SECURE.²⁶⁸ The SECURE Working Group has met four times, most recently 30-31 October 2008 in Brussels.²⁶⁹

During the Working Group’s most recent meeting, G8 members were all unable to reach a consensus on the scope of the application of SECURE. On 4 December 2008, Kunio Mikuriya, the Secretary General of the WCO, stated public concerns about the sustainability of SECURE at the third Pan European Intellectual Property Summit.²⁷⁰ There are reports that some countries are in favour of disbanding the SECURE working group altogether, but to date, there have been no public moves to disband the SECURE working group.²⁷¹

The second IPR initiative covered in this commitment is the expansion of information exchange systems between G8 member authorities. At the Hokkaido-Toyako Summit, G8 leaders discussed the need for increased information exchange among states, in particular among customs and border enforcement agencies, in order to fight counterfeiting and piracy.

Commitment Features:

Compliance with this commitment can be separated into two areas: the development of SECURE and information exchange systems.

SECURE is revised by the SECURE Working Group, so “developing non-binding Standards...” can be understood to mean participating in the working group meetings. Note that the commitment concerns developing standards, not implementing the standards laid out in SECURE. A move to disband the SECURE working group would be the equivalent of not attending a SECURE working group meeting.

The commitment calls on members to develop information exchange systems, not simply exchange information. To qualify for compliance, these systems must enhance the enforcement of anti-counterfeiting and piracy laws.

Scoring:

-1	Member does not attend any meetings of the SECURE Working Group AND does not create or further develop information exchange systems to
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²⁶⁸ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.

²⁶⁹ Strengthening the Fight against Counterfeiting and Piracy, 3rd Pan European Intellectual Property Summit, “Brussels IP 2008”. 4-5 December. Access: 10 December 2008.

²⁷⁰ Strengthening the Fight against Counterfeiting and Piracy, 3rd Pan European Intellectual Property Summit, “Brussels IP 2008”. 4-5 December. Access: 10 December 2008.

²⁷¹ Policy Commission, World Customs Organization (Brussels) 26 November 2008. Date of Access: 9 December 2008. <http://www.vpac.gov.ar/documentsE/archivos/SP0284E1a.pdf>.

Trade: WCO secretariat for disbanding SECURE Working Group, Third World Network, 2 December 2008. Date of Access: 29 December 2008. http://www.twinside.org.sg/title2/intellectual_property/info.service/2008/twn.ipr.info.081201.htm.

	combat counterfeiting and piracy.
0	Member attends a meeting of the SECURE Working Group OR creates or further develops information exchange systems to combat counterfeiting and piracy.
+1	Member attends a meeting of the SECURE Working Group AND creates or further develops information exchange systems to combat counterfeiting and piracy.

Lead Analyst: Nike Adebowale

Canada: +1

Canada has fully complied with its commitment to advance international property rights.

On 30-31 October 2008, Canada attended the fourth meeting of the WCO's SECURE Working Group in Brussels.²⁷² Canada and other countries, however, "failed to reach consensus on any substantive matter," including non-binding standards.²⁷³ No subsequent progress has been made by the SECURE Working Group since then. On 9-11 December 2009 the WCO Policy Commission decided that no further meetings would be held by the SECURE Working Group until the WCO Policy Commission meeting in June 2009.²⁷⁴ The details of this meeting are not yet available.

Canada has also pursued information exchange systems. On 28 April 2009, Canada and the Netherlands agreed to extend the application of their Customs Mutual Assistance Agreement.²⁷⁵ The extension will lead to greater information exchange with customs authorities in the Netherlands Antilles and Aruba.²⁷⁶

Thus, Canada has been awarded a score of +1 for participating in the SECURE Working Group, and for promoting information exchange systems aimed at advancing anti-counterfeiting and piracy initiatives.

²⁷² Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.

<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

²⁷³ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.

<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

²⁷⁴ 60th Session of the Policy Commission Summary of Outcomes, Outcomes, World Customs Organization. 911 December 2009. Date of Access: April 20 2009.

<http://www.ifcba.org/UserFiles/File/summaryofoutcomesdec2008council.pdf>.

²⁷⁵ Extension Mutual Customs Assistance Agreement with Canada to the Netherlands Antilles and Aruba, Dutch Ministry of Foreign Affairs, 15 May 2009. Date of Access: 29 June 2009.

<http://www.minbuza.nl/verdragen/en/news,EXTE-Customs-Agreement-Canada.html>.

²⁷⁶ Extension Mutual Customs Assistance Agreement with Canada to the Netherlands Antilles and Aruba, Dutch Ministry of Foreign Affairs, 15 May 2009. Date of Access: 29 June 2009.

<http://www.minbuza.nl/verdragen/en/news,EXTE-Customs-Agreement-Canada.html>.

France: 0

France has partially complied with its commitment to advance intellectual property rights. France has participated in the SECURE Working Group, and has signed a declaration in support of information exchange, but has not actively pursued information exchange systems.

On 30-31 October 2008 France attended the fourth meeting of the WCO's SECURE Working Group in Brussels.²⁷⁷ France and other countries, however, "failed to reach consensus on any substantive matter," including non-binding standards.²⁷⁸ No subsequent progress has been by the SECURE Working Group since then. On 9-11 December 2009 the WCO Policy Commission decided that no further meetings would be held by the SECURE Working Group until the WCO Policy Commission meeting in June 2009.²⁷⁹ The details of this meeting are not yet available.

On 27 October 2008 the French representative of the national anti-counterfeiting coalition signed the Cannes Declaration Against Counterfeiting along with representatives from Bulgaria, Italy, Morocco, Portugal, Romania and Spain.²⁸⁰ The declaration collectively noted the dangers of counterfeiting, and addressed measures that could be taken to tackle counterfeiting.²⁸¹ Countries agreed to "strengthen their cooperation through exchange of information."²⁸²

Thus, France has been awarded a score of 0 for participating in the SECURE working group. France's initiatives in promoting information exchange systems aimed at advancing anti-counterfeiting and piracy initiatives are still in progress.

Analyst: Amartya Biswas

Germany: +1

Germany has fully complied with its commitment to advance intellectual property rights.

²⁷⁷ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.

<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

²⁷⁸ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.

<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

²⁷⁹ 60th Session of the Policy Commission Summary of Outcomes, Outcomes, World Customs Organization. 911 December 2009. Date of Access: April 20 2009

<http://www.ifcba.org/UserFiles/File/summaryofoutcomesdec2008council.pdf>.

²⁸⁰ Cannes Declaration Against Counterfeiting, Tax Free World Association (Cannes) 27 October 2008. Date of Access: 9 December 2008.

http://www.uibm.eu/contraffazione/Cannes_declaration_against_counterfeiting.pdf.

²⁸¹ Cannes Declaration Against Counterfeiting, Tax Free World Association (Cannes) 27 October 2008. Date of Access: 9 December 2008.

http://www.uibm.eu/contraffazione/Cannes_declaration_against_counterfeiting.pdf.

²⁸² Cannes Declaration Against Counterfeiting, Tax Free World Association (Cannes) 27 October 2008. Date of Access: 9 December 2008.

http://www.uibm.eu/contraffazione/Cannes_declaration_against_counterfeiting.pdf.

On 30-31 October 2008, Germany attended the fourth meeting of the WCO's SECURE Working Group in Brussels.²⁸³ Germany and other countries, however, "failed to reach consensus on any substantive matter," including non-binding standards.²⁸⁴ No subsequent progress has been by the SECURE Working Group since then. On 9-11 December 2009 the WCO Policy Commission decided that no further meetings would be held by the SECURE Working Group until the WCO Policy Commission meeting in June 2009 at which it would be decided whether the SECURE Working Group will be officially disbanded and replaced with another IPR body.²⁸⁵ The details of this meeting are not yet available.

On 4-5 November 2008, Germany and Singapore held a bilateral business forum to promote collaboration between small and medium-sized businesses.²⁸⁶ German delegates discussed the importance of IPR with their Singaporean counterparts, with Professor Dr Lotha Späth, German Singapore Business Forum Co-Chairman and former Chairman of Jenoptik AG noting that both Germany and Singapore "should make greater effort to further improve the framework to protect innovation worldwide."²⁸⁷

On 4-5 December 2008, the World Intellectual Property Organization, European Commission, and Office for Harmonization in the Internal Market co-sponsored the 2008 Brussels IP Summit.²⁸⁸ The German government sent government and business delegates to the summit. At the summit, Dr Stefan Waltz of the German Federal Department of Justice discussed the different steps in implementing the Single Integrated Court and community patent systems.²⁸⁹

On 20 April 2009 the USPTO and the German Patent and Trade Mark Office (DPMA) announced the establishment of a PPH Pilot Program between the two nations to enhance

²⁸³ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.

<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

²⁸³ Global Dialogue on Customs Capacity Building, World Customs Organization (Brussels) 2 October

²⁸⁴ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.

<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

²⁸⁵ 60th Session of the Policy Commission Summary of Outcomes, Outcomes, World Customs Organization. 911 December 2009. Date of Access: April 20 2009

<http://www.ifcba.org/UserFiles/File/summaryofoutcomesdec2008council.pdf>.

²⁸⁶ German-Singapore Business Forum 2008 Promotes Bilateral Collaboration Among SMEs, SPRING Singapore 5 November 2008. Date of Access: 17 December 2008.

<http://www.spring.gov.sg/Content/ModulePage.aspx?group=nw&id=0a541ddd-7dff-42eb-97d1-26a6e90de91a>.

²⁸⁷ German-Singapore Business Forum 2008 Promotes Bilateral Collaboration Among SMEs, SPRING Singapore 5 November 2008. Date of Access: 17 December 2008.

<http://www.spring.gov.sg/Content/ModulePage.aspx?group=nw&id=0a541ddd-7dff-42eb-97d1-26a6e90de91a>.

²⁸⁸ PanEuropean IP Summit 2008, 4 December 2008. Date of Access: 17 December 2008.

<http://premiercercle.com/ips2008/overview.php>.

²⁸⁹ PanEuropean IP Summit 2008, 4 December 2008. Date of Access: 17 December 2008.

<http://premiercercle.com/ips2008/agenda-day1-plenary.php>.

cooperation.²⁹⁰ Cornelia Rudloff-Schaffer, President of the DPMA, concluded that the program would “intensify cooperation [between the] two offices [and] would enhance efficiency and quality of the patent grant procedure.”²⁹¹ The USPTO-DPMA PPH is the ninth such agreement signed by the United States with a foreign country.²⁹²

Thus, Germany has been awarded a score of +1 for participating in the SECURE working group, and for promoting information exchange systems aimed at advancing anti-counterfeiting and piracy initiatives.

Analyst: Colum Grove-White

Italy: +1

Italy has fully complied with its commitment to advance intellectual property rights.

On 30-31 October 2008, Italy attended the fourth meeting of the WCO’s SECURE Working Group in Brussels.²⁹³ Italy and other countries, however, “failed to reach consensus on any substantive matter,” including non-binding standards.²⁹⁴ No subsequent progress has been by the SECURE Working Group since then. On 9-11 December 2009 the WCO Policy Commission decided that no further meetings would be held by the SECURE Working Group until the WCO Policy Commission meeting in June 2009 at which it would be decided whether the SECURE Working Group will be officially disbanded and replaced with another IPR body.²⁹⁵ The details of this meeting are not yet available.

On 21 October 2008, the Italian Ministry of Economic Development, the Italian Confederation of Industries, and the Association of Italian Banking signed a protocol on the understanding of economic evaluation of patents.²⁹⁶ The Protocol is a tool which

²⁹⁰ USPTO, German Patent Office Partner to Expedite Processing and Improve Patent Quality, United States Patent and Trademark Office (Washington) 20 April 2009. Date of Access: May 7 2009 <http://www.uspto.gov/web/offices/com/speeches/09-05.htm>.

²⁹¹ USPTO, German Patent Office Partner to Expedite Processing and Improve Patent Quality, United States Patent and Trademark Office (Washington) 20 April 2009. Date of Access: May 7 2009 <http://www.uspto.gov/web/offices/com/speeches/09-05.htm>.

²⁹² USPTO, German Patent Office Partner to Expedite Processing and Improve Patent Quality, United States Patent and Trademark Office (Washington) 20 April 2009. Date of Access: May 7 2009 <http://www.uspto.gov/web/offices/com/speeches/09-05.htm>.

²⁹³ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008. <http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

²⁹⁴ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008. <http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

²⁹⁵ 60th Session of the Policy Commission Summary of Outcomes, Outcomes, World Customs Organization. 911 December 2009. Date of Access: April 20 2009 <http://www.ifcba.org/UserFiles/File/summaryofoutcomesdec2008council.pdf>.

²⁹⁶ MSE, Confindustria, ABI, CRUI: firmato il Protocollo di intesa sulla valutazione economica dei brevetti, Istituto per la Promozione Industriale (Italy) 19 December 2008. Date of Access: 19 December 2008. http://www.ipi.it/en_inside.asp?id=297&id_madrP=933&id_modu=2079&id_serv=55.

should raise the quality and value of Italian innovative industries through better communications systems between the public and private sectors.²⁹⁷

On 27 October 2008, the Italian representative of the national anti-counterfeiting coalition signed the Cannes Declaration Against Counterfeiting along with along with representatives from Bulgaria, France, Morocco, Portugal, Romania and Spain.²⁹⁸ The declaration collectively noted the dangers of counterfeiting, and addressed measures that could be taken to tackle counterfeiting.²⁹⁹ One of the measures include countries to “strengthen their cooperation through exchange of information.”³⁰⁰

On 5 December 2008, the Italian and Chinese governments held meetings to strengthen bilateral customs and trade relations.³⁰¹ A memorandum was signed between Joseph Peleggi, the Director of Italy’s Customs Department, and Sun Songpu, the Deputy Minister of China’s Custom’s Department. The memorandum reaffirmed the importance of mutual assistance to facilitate trade, improve security, and promote information exchange systems about piracy and anti-counterfeiting activities.³⁰²

Thus, Italy has been awarded a score of +1 for participating in the SECURE working group, and for promoting information exchange systems aimed at advancing anti-counterfeiting and piracy initiatives.

Analysts: Colum Grove-White and Ekaterina Nikolaeva

Japan: +1

Japan has fully complied with its commitment to advance intellectual property rights.

On 30-31 October 2008, Japan attended the fourth meeting of the WCO’s SECURE Working Group in Brussels.³⁰³ Japan and other countries, however, “failed to reach

²⁹⁷ MSE, Confindustria, ABI, CRUI: firmato il Protocollo di intesa sulla valutazione economica dei brevetti, Istituto per la Promozione Industriale (Italy) 19 December 2008. Date of Access: 19 December 2008. http://www.ipi.it/en_inside.asp?id=297&id_madrP=933&id_modu=2079&id_serv=55.

²⁹⁸ Cannes Declaration Against Counterfeiting, Tax Free World Association (Cannes) 27 October 2008. Date of Access: 9 December 2008.

http://www.uibm.eu/contraffazione/Cannes_declaration_against_counterfeiting.pdf.

²⁹⁹ Cannes Declaration Against Counterfeiting, Tax Free World Association (Cannes) 27 October 2008. Date of Access: 9 December 2008.

http://www.uibm.eu/contraffazione/Cannes_declaration_against_counterfeiting.pdf.

³⁰⁰ Cannes Declaration Against Counterfeiting, Tax Free World Association (Cannes) 27 October 2008. Date of Access: 9 December 2008.

http://www.uibm.eu/contraffazione/Cannes_declaration_against_counterfeiting.pdf.

³⁰¹ Incontro Bilaterale Tra l’Agenzia Delle Dogane e l’Amministrazione Doganale Cinese (Rome) 5 December 2008. Date of Access: 1 January 2009.

<http://www.agenziadogane.it/wps/wcm/connect/resources/file/ebadd7406f59443/cre-s-20081205-61698.pdf?MOD=AJPERES>.

³⁰² Incontro Bilaterale Tra l’Agenzia Delle Dogane e l’Amministrazione Doganale Cinese (Rome) 5 December 2008. Date of Access: 1 January 2009.

<http://www.agenziadogane.it/wps/wcm/connect/resources/file/ebadd7406f59443/cre-s-20081205-61698.pdf?MOD=AJPERES>.

³⁰³ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.

consensus on any substantive matter,” including non-binding standards.³⁰⁴ No subsequent progress has been by the SECURE Working Group since then. On 9-11 December 2009 the WCO Policy Commission decided that no further meetings would be held by the SECURE Working Group until the WCO Policy Commission meeting in June 2009, at which it would be decided whether the SECURE Working Group would be officially disbanded and replaced with another IPR body.³⁰⁵ The details of this meeting are not yet available.

On 28 July 2008, the Japanese government launched the Triway Pilot Project. This one year program was planned by the Japan Patent Office (JPO), United States Patent and Trademark Office (USPTO), and the European Patent Office at the November 2007 Trilateral Pre-conference.³⁰⁶ The program is intended to promote work sharing amongst the three members in “order to improve the resulting quality of any patents issued ...by each of the Trilateral Offices.”³⁰⁷

On 24 September 2008, the Japanese Commissioner of the JPO, Takashi Suzuki, and the US Under Secretary of Commerce for Intellectual Property and Director of the USPTO Jon Dudas signed a statement to “enhance mutual cooperation on work sharing and international patent harmonization.”³⁰⁸ In the statement, both Japan and the US committed to enhance their current examiner exchange program to foster improved bilateral cooperation and understanding amongst their patent examiners.³⁰⁹

On 8 December 2008, the JPO and the State Intellectual Property Office of the People’s Republic of China met for the 15th Commissioners Meeting between the two countries. At the meeting the two offices agreed to “make concerted efforts to harmonize IP systems,” mutually dispatch patent examiners, and exchange data on industrial property information.³¹⁰

<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

³⁰⁴ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.

<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

³⁰⁵ 60th Session of the Policy Commission Summary of Outcomes, Outcomes, World Customs Organization. 911 December 2009. Date of Access: April 20 2009

<http://www.ifcba.org/UserFiles/File/summaryofoutcomesdec2008council.pdf>.

³⁰⁶ Triway Pilot Programme between the United States Patent and Trademark Office, the European Patent Office, and the Japan Patent Office, European Patent Office (Munich) 16 July 2008. Date of Access: 3 December 2008. <http://www.epo.org/patents/law/legal-texts/InformationEPO/archiveinfo/20080716.html>.

³⁰⁷ Triway Pilot Programme between the United States Patent and Trademark Office, the European Patent Office, and the Japan Patent Office, European Patent Office (Munich) 16 July 2008. Date of Access: 3 December 2008. <http://www.epo.org/patents/law/legal-texts/InformationEPO/archiveinfo/20080716.html>.

³⁰⁸ Statement on Enhanced Mutual Cooperation between the United States Patent and Trademark Office and the Japan Patent Office, Japan Patent Office (Tokyo) 26 September 2008. Date of Access: 3 December 2008. http://www.jpo.go.jp/cgi/linke.cgi?url=/torikumi_e/puresu_e/mou_uspto2008.htm.

³⁰⁹ Statement on Enhanced Mutual Cooperation between the United States Patent and Trademark Office and the Japan Patent Office, Japan Patent Office (Tokyo) 26 September 2008. Date of Access: 3 December 2008. http://www.jpo.go.jp/cgi/linke.cgi?url=/torikumi_e/puresu_e/mou_uspto2008.htm.

³¹⁰ The 15th Commissioners Meeting between the JPO and SIPO, Japan Patent Office (Tokyo) 8 December 2008. Date of Access: 8May 2009. http://www.jpo.go.jp/torikumi_e/kokusai_e/15th_commissioners.htm.

On 21 April 2009, the JPO and the Russian Federal Service for Intellectual Property, Patents and Trademarks held a meeting in Russia where they announced the 18 May 2009 commencement of a bilateral PPH Pilot Program. The JPO concluded that the “PPH is expected to allow applicants to obtain patents faster and more efficiently in foreign countries and to permit each office to utilize the search and examination results of other offices.”³¹¹

Thus, Japan has been awarded a score of +1 for participating in the SECURE working group, and for promoting information exchange systems aimed at advancing anti-counterfeiting and piracy initiatives.

Analyst: Jim Mylonas

Russia: +1

Russia has fully complied with its commitment to advance intellectual property rights. Russia participated in the SECURE Working Group meeting and undertook several measures in order to strengthen intellectual property rights and combat piracy. Moreover, the protection of the intellectual property rights continues to be one of the priorities for the sustainable business development in Russia. On 9 February 2009 the President of Russia Dmitry Medvedev stressed that Russia should improve the existing patent system and adjust it to the modern conditions.³¹²

On 30-31 October 2008, Russia attended the fourth meeting of the WCO’s SECURE Working Group in Brussels.³¹³ Russia and other countries, however, “failed to reach consensus on any substantive matter,” including non-binding standards.³¹⁴ No subsequent progress has been by the SECURE Working Group since then. On 9-11 December 2009 the WCO Policy Commission decided that no further meetings would be held by the SECURE Working Group until the WCO Policy Commission meeting in June 2009, at which it would be decided whether the SECURE Working Group would be officially disbanded and replaced with another IPR body.³¹⁵ The details of this meeting are not yet available.

Russia has also pursued information exchange systems. On 12 May 2009, the governments of Japan and Russia signed a Customs Mutual Assistance Agreement. The

³¹¹ Commencement of Patent Prosecution Highway Pilot Program between Japan Patent Office and the Russian Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT), Japan Patent Office (Russia) 21 April 2009. Date of Access: 8 May 2009.
http://www.meti.go.jp/english/press/data/20090421_01.html.

³¹² Russia should adjust patent system, RiaNews (Moscow) 9 February 2009. Date of Access: 8 May 2009.
<http://rian.ru/science/20090209/161462358.html>.

³¹³ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.
<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

³¹⁴ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.
<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

³¹⁵ 60th Session of the Policy Commission Summary of Outcomes, Outcomes, World Customs Organization. 9-11 December 2009. Date of Access: April 20 2009
<http://www.ifcba.org/UserFiles/File/summaryofoutcomesdec2008council.pdf>.

agreement lays out a framework for information exchange on customs matters between the two governments, “particularly with regard to movement of [...] goods infringing intellectual property rights.”³¹⁶

Russia celebrated the World Intellectual Property Day by holding several events from 20-26 April 2009. The events were organized by the Chamber of Commerce and Industry of the Russian Federation, the Duma and Rospatent, the Federal Service for Intellectual Property, Patents and Trademarks. Among the issues discussed were the protection of intellectual property rights in the frameworks of globalization, and developing interaction between the government and business in the field of fighting with piracy.³¹⁷ Information exchange systems

Thus, Russia has been awarded a score of +1 for participating in the SECURE working group, and for promoting information exchange systems aimed at advancing anti-counterfeiting and piracy initiatives.

Analyst: Yulia Ovchinnikova

United Kingdom: 0

The United Kingdom has partially complied with its commitment to advance intellectual property rights.

On 30-31 October 2008, the United Kingdom attended the fourth meeting of the WCO’s SECURE Working Group in Brussels.³¹⁸ The United Kingdom and other countries, however, “failed to reach consensus on any substantive matter,” including non-binding standards.³¹⁹ No subsequent progress has been by the SECURE Working Group since then. On 9-11 December 2009 the WCO Policy Commission decided that no further meetings would be held by the SECURE Working Group until the WCO Policy Commission meeting in June 2009 at which it would be decided whether the SECURE Working Group will be officially disbanded and replaced with another IPR body.³²⁰ The details of this meeting are not yet available.

Thus, the UK has been awarded a score of 0 for participating in the SECURE working group. There is no evidence that the United Kingdom has participated in promoting information exchange systems.

³¹⁶ Agreement between the government of Japan and the government of the Russian Federation regarding cooperation and mutual assistance in customs matters, Ministry of Finance Japan, 12 May 2009. Date of Access: 28 June 2009. <http://www.mof.go.jp/english/tariff/tariff.htm>.

³¹⁷ The World Intellectual Property Day in Russia. Date of access: 5 May 2009. http://www.copyright.ru/ru/news/main/2009/4/21/dni_intellek/.

³¹⁸ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008. <http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

³¹⁹ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008. <http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

³²⁰ 60th Session of the Policy Commission Summary of Outcomes, Outcomes, World Customs Organization. 911 December 2009. Date of Access: April 20 2009 <http://www.ifcba.org/UserFiles/File/summaryofoutcomesdec2008council.pdf>.

United States: +1

The United States has fully complied with its commitment to advance intellectual property rights.

On 30-31 October 2008, the United States attended the fourth meeting of the WCO's SECURE Working Group in Brussels.³²¹ The United States and other countries, however, "failed to reach consensus on any substantive matter," including non-binding standards.³²² No subsequent progress has been by the SECURE Working Group since then. On 9-11 December 2009 the WCO Policy Commission decided that no further meetings would be held by the SECURE Working Group until the WCO Policy Commission meeting in June 2009 at which it would be decided whether the SECURE Working Group will be officially disbanded and replaced with another IPR body.³²³ The details of this meeting are not yet available.

On 24 September 2008, the US Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO) Jon Dudas and the Japanese Commissioner of the JPO, Takashi Suzuki signed a statement to "enhance mutual cooperation on work sharing and international patent harmonization."³²⁴ In the statement, both Japan and the US committed to enhance their current examiner exchange program to foster improved bilateral cooperation and understanding amongst their patent examiners.³²⁵

On 13 October 2008, then-President George W. Bush signed the Prioritizing Resources and Organization for Intellectual Property (PRO-IP) Act of 2008 into law. Title III of the Act, entitled "Coordination and Strategic Planning of Federal Effort Against Counterfeiting and Infringement," establishes several measures that improve US cooperation and coordination efforts with foreign governments in pursuit of intellectual property rights enforcement. Included in these provisions is a commitment to "work with other countries and exchange information with appropriate law enforcement agencies in

³²¹ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.

<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

³²² Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008.

<http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

³²³ 60th Session of the Policy Commission Summary of Outcomes, Outcomes, World Customs Organization. 911 December 2009. Date of Access: April 20 2009

<http://www.ifcba.org/UserFiles/File/summaryofoutcomesdec2008council.pdf>.

³²⁴ Statement on Enhanced Mutual Cooperation between the United States Patent and Trademark Office and the Japan Patent Office, Japan Patent Office (Tokyo) 26 September 2008. Date of Access: 3 December 2008. http://www.jpo.go.jp/cgi/linke.cgi?url=/torikumi_e/puresu_e/mou_uspto2008.htm.

³²⁵ Statement on Enhanced Mutual Cooperation between the United States Patent and Trademark Office and the Japan Patent Office, Japan Patent Office (Tokyo) 26 September 2008. Date of Access: 3 December 2008. http://www.jpo.go.jp/cgi/linke.cgi?url=/torikumi_e/puresu_e/mou_uspto2008.htm.

other countries.”³²⁶ This legislation will encourage US government officials to share critical anti-counterfeiting and piracy information with other countries.

On 30 January 2009, the USPTO and the Intellectual Property Office of Singapore announced that they would be commencing a bilateral Patent Prosecution Highway (PPH) on 2 February 2009. This pilot program will be a trial cooperation between both states which will allow officials to share information across offices to improve patent quality.³²⁷

On 20 April 2009, the USPTO and the German Patent and Trade Mark Office (DPMA) announced the establishment of a PPH Pilot Program between the two nations to enhance cooperation.³²⁸ Cornelia Rudloff-Schaffer, president of the DPMA, concluded that the program would “intensify cooperation [between the] two offices [and] would enhance efficiency and quality of the patent grant procedure.”³²⁹ The USPTO-DPMA PPH is the ninth such agreement signed by the United States with a foreign country.³³⁰

Thus, the United States has been awarded a score of +1 for participating in the SECURE working group, as well as for promoting information exchange systems aimed at advancing anti-counterfeiting and piracy initiatives.

Analyst: Jim Mylonas

European Union: +1

The EU has fully complied with its commitment to advance intellectual property rights. By participating in bilateral discussions it has further developed information exchange systems to combat counterfeiting and piracy.

On 30-31 October 2008, the European Union attended the fourth meeting of the WCO’s SECURE Working Group in Brussels.³³¹ The EU and other participants, however, “failed to reach consensus on any substantive matter,” including non-binding standards.³³² No

³²⁶ Prioritizing Resources and Organization for Intellectual Property (PRO-IP) Act of 2008, H.R. 3325, Public Law No: 110-403 Library of Congress (Washington) 13 October 2008. Date of Access: 3 December <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:SN03325:@@D&summ2=1&>.

³²⁷ USPTO and IPOS to Pilot Patent Prosecution Highway, United States Patent and Trademark Office (Washington) 30 January 2009. Date of Access: 8 May 2009. <http://www.uspto.gov/web/offices/com/speeches/09-02.htm>.

³²⁸ USPTO, German Patent Office Partner to Expedite Processing and Improve Patent Quality, United States Patent and Trademark Office (Washington) 20 April 2009. Date of Access: May 7 2009 <http://www.uspto.gov/web/offices/com/speeches/09-05.htm>.

³²⁹ USPTO, German Patent Office Partner to Expedite Processing and Improve Patent Quality, United States Patent and Trademark Office (Washington) 20 April 2009. Date of Access: May 7 2009 <http://www.uspto.gov/web/offices/com/speeches/09-05.htm>.

³³⁰ USPTO, German Patent Office Partner to Expedite Processing and Improve Patent Quality, United States Patent and Trademark Office (Washington) 20 April 2009. Date of Access: May 7 2009 <http://www.uspto.gov/web/offices/com/speeches/09-05.htm>.

³³¹ Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008. <http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

³³² Management Committee Meeting Summary Report, World Customs Organization (Brussels) 10 November 2008. Date of Access: 9 December 2008. <http://www.vpac.gov.ar/documentsE/archivos/November%202008%20E%20-%20Members.pdf>.

subsequent progress has been by the SECURE Working Group since then. On 9-11 December 2009 the WCO Policy Commission decided that no further meetings would be held by the SECURE Working Group until the WCO Policy Commission meeting in June 2009 at which it would be decided whether the SECURE Working Group will be officially disbanded and replaced with another IPR body.³³³ The details of this meeting are not yet available.

On 19 November 2009, the European Commission hosted a one day workshop in Brussels to facilitate dialogue and learning between European officials on intellectual property rights and ICT standardization.³³⁴

On 2 December 2008, the European Council discussed the need to enhance the existing patent system in Europe.³³⁵ Proposals included establishing an EU patent court, and establishing a single patent litigation system in the EU that would apply to both European patents and to future EU patents.³³⁶

On 4-5 December 2008, the World Intellectual Property Organization, European Commission, and Office for Harmonization in the Internal Market co-sponsored the 2008 Brussels IP Summit.³³⁷ Topics included the promotion of global information exchange systems.³³⁸

On 30 January 2009, the EU Commissioner for Taxation and Customs and the Chinese Ambassador to the EU signed an action plan on customs cooperation to strengthen intellectual property protection.³³⁹ The action plan included the establishment of a working group to study the flow of counterfeit goods between China and the EU, information exchange on intellectual property risks, pragmatic cooperation of major ports and airports, officials interaction, cooperation in private sector and better monitoring of suspicious transport.³⁴⁰

³³³ 60th Session of the Policy Commission Summary of Outcomes, Outcomes, World Customs Organization. 911 December 2009. Date of Access: 20 April 2009.

<http://www.ifcba.org/UserFiles/File/summaryofoutcomesdec2008council.pdf>.

³³⁴ European Commission Workshop on IPR in ICT Standardization, TACD Working Group on Intellectual Property. 20 November 2008. Date of Access: 8 May 2009. <http://www.tacd-ip.org/blog/2008/11/20/the-european-commission-speaks-about-ict-standards/>.

³³⁵ Press Release on Competitiveness (Internal Market, Industry and Research), Council of the European Union (Brussels) 2 December 2008. Date of Access: 10 December 2008.

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/intm/104497.pdf

³³⁶ Press Release on Competitiveness (Internal Market, Industry and Research), Council of the European Union (Brussels) 2 December 2008. Date of Access: 10 December 2008.

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/intm/104497.pdf

³³⁷ PanEuropean IP Summit 2008, 4 December 2008. Date of Access: 17 December 2008.

<http://www.premiercercle.com/ips2008/index.php>.

³³⁸ PanEuropean IP Summit 2008, 4 December 2008. Date of Access: 17 December 2008.

<http://www.premiercercle.com/ips2008/index.php>.

³³⁹ National Working Group for IPR Protection Press Release, Ministry of Commerce of the P.R.C. (Beijing) 03 February 2009. Date of Access: 07 May 2009.

http://english.ipr.gov.cn/ipr/en/info/Article.jsp?a_no=264615&col_no=1083&dir=200902.

³⁴⁰ National Working Group for IPR Protection Press Release, Ministry of Commerce of the P.R.C. (Beijing) 03 February 2009. Date of Access: 07 May 2009.

On 6 March 2009, high-level officials from both the EU and China held a forum on the protection of intellectual property rights.³⁴¹ The focus of the meeting was on establishing further bilateral cooperation and dialogue with regard to intellectual property procedures.

On 2 April 2009, at the European High Level Conference on Counterfeiting and Piracy the European Commission launched a European Observatory on Counterfeiting and Piracy. This program will help enhance cooperation in tackling intellectual property infringements across Europe. The Observatory will act as a platform for data collection, facilitated dialogue, the exchange of views and best practices and to raise awareness among all European nations.³⁴²

Thus, the EU has been awarded a score of +1 for participating in the SECURE working group, as well as committing to develop further information exchange systems to combat counterfeiting and piracy.

Analyst: Amartya Biswas

http://english.ipr.gov.cn/ipr/en/info/Article.jsp?a_no=264615&col_no=1083&dir=200902.

³⁴¹ EU, China Hold High-Level Forum on IPR Protection, Ministry of Commerce of the P.R.C. (Beijing). 09 March 2009. Date of Access: 06 May 2009.

http://english.ipr.gov.cn/ipr/en/info/Article.jsp?a_no=270369&col_no=1083&dir=200903.

³⁴² Internal Market: Commission Launches European Observatory on Counterfeiting and Piracy, Europa Press Releases RAPID (Brussels) 30 March 2009. Date of Access: 7 May 2009.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/497&format=HTML&aged=0&language=EN&guiLanguage=fi>.