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Ambassador Schwab Announces U.S. Will Seek New Trade Agreement to Fight Fakes

Anti-Counterfeiting Trade Agreement will boost the fight against counterfeiting and piracy

WASHINGTON D.C. - In a major step in the fight against intellectual property rights (IPR) counterfeiting and piracy, U.S. Trade Representative Susan C. Schwab today announced the United States and some of its key trading partners will seek to negotiate an Anti-Counterfeiting Trade Agreement (ACTA).

“Global counterfeiting and piracy steal billions of dollars from workers, artists and entrepreneurs each year and jeopardize the health and safety of citizens across the world,” said Ambassador Schwab. “The United States looks forward to partnering with many of our key trading partners to combat this global problem. Today launches our joint efforts to confront counterfeiters and pirates across the global marketplace.”

In a press conference on Capitol Hill with Members of Congress and Ambassadors from countries who will be part of the new initiative, Schwab explained that ACTA is a bold leadership effort among countries that support high standards of enforcement against piracy and counterfeiting.

The participants in this effort will elaborate on a vision, developed over the past year, for a new agreement addressing three main areas: cooperation, best practices, and a strong legal framework for IPR enforcement.

Trading partners engaged in discussions so far include Canada, the European Union (with its 27 Member States), Japan, Korea, Mexico, New Zealand, and Switzerland.

The ACTA would complement the Administration's work to encourage other countries to meet the enforcement standards of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) under the World Trade Organization, and to comply with other international IPR agreements. It will not involve any changes to the TRIPS Agreement. Rather, the goal is to set a new, higher benchmark for enforcement that countries can join on a voluntary basis. The negotiations represent a cooperative effort by the governments involved, and will not be conducted as part of any international organization.

Schwab said the United States and its ACTA partners will work closely to complete the new agreement as quickly as possible. She added that she expects other trading partners to join in the emerging consensus for stronger IPR enforcement and stressed that all countries, including developing countries, have a major stake in fighting counterfeiting and piracy.

Background

Counterfeiting and piracy threaten U.S. jobs and economic growth, striking at the reputation of U.S. brands and stealing the products of U.S. creativity and innovation. Industry loss estimates run into hundreds of billions of dollars. It poses a similar threat to U.S. trading partners around the world. Developing countries are among the biggest victims, as counterfeiters passing off shoddy and unsafe goods undermine emerging local economies.

The envisioned ACTA will include commitments in three areas: (1) strengthening international cooperation, (2) improving enforcement practices, and (3) providing a strong legal framework for IPR enforcement. No precise deadline has been agreed for conclusion of negotiations, but the concepts have been vetted with multiple countries and the U.S. Government is eager to move ahead as quickly as possible.

The ACTA will complement a wide range of other trade policy tools that USTR and other agencies use as part of our long-standing and enduring efforts to help protect U.S. intellectual property overseas, working in cooperation with our foreign trading partners and with U.S. right holders. These tools include U.S. free trade agreements, negotiation of Trade and Investment Framework Agreements (TIFAs), WTO accession negotiations, bilateral discussions of IP issues, the Special 301 process, U.S. preference programs, and dispute settlement.

The ACTA will complement the Administration's on-going work to address IPR piracy. Under the STOP! initiative, announced in October 2004, the Administration has been working to step up the fight against this illegal activity, including strengthening cooperation with trading partners. STOP! is a comprehensive initiative to fight global piracy by systematically dismantling piracy networks, blocking counterfeits at our borders, helping American businesses secure and enforce their rights around the world, and collaborating with our trading partners to ensure the fight against fakes is global. A key goal of STOP! is to aggressively engage U.S. trading partners to join our efforts against counterfeiting and piracy.

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