

## **EU – US Action Strategy for the Enforcement of Intellectual Property Rights**

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At the 2005 EU–US Summit, our Leaders agreed that:

*“Growing global piracy and counterfeiting threatens the competitiveness of innovative industries, the livelihoods of creative artists and workers, and the health and safety of consumers in the European Union, the United States and beyond. We are committed to effectively combating piracy and counterfeiting at home and abroad”* (2005 EU-US Economic Initiative)

In order to implement this objective, the EU and the US have issued this Action Strategy for the Enforcement of Intellectual Property Rights with concrete actions aimed at:

- Promoting strong and effective enforcement internally and at our borders;
- Strengthening cooperation to reduce global piracy and counterfeiting; and
- Fostering public-private partnerships to protect intellectual property.

Following the informal EU-US Economic Ministerial in November 2005, a working group composed of officials representing lead agencies and services from both administrations was constituted to identify the areas and modalities for joint action. The working group has operated in close consultation with industry and other interested parties and will ensure their active participation in the strategy’s implementation.

The EU and the US now agree to the following action points:

### **I. Improving Enforcement**

#### ***a) On Customs and border control***

1. Increase cooperation to strengthen border enforcement of IP rights, taking fully into account the five-point plan agreed in the framework of the Joint Customs Cooperation Committee (JCCC):

- Exchange IPR border enforcement practices and experiences: Risk analysis and management, statistical seizure data, working with right holders and right holder use of customs resources to enforce their rights, enforcement techniques, and legislation.
- Exchange of operational staff: Jointly target and examine shipments to obtain additional insight into IPR enforcement practices and experiences.
- Exchange of enforcement information on IPR seizures and trends Enhancing targeting and controls for counterfeit goods posing health and safety or security risks is a priority for cooperation in this area. A mechanism for making exchanges is under development.

- Identification of specific areas for cooperation. Issuance of joint guidelines to assist the private sector to take advantage of the border enforcement tools that are available to protect IP. Closer cooperation with customs authorities, for example by creating IP toolkits, to assist customs officers has been identified as an area for cooperation. Development of guidelines underway.
- Engagement in a joint IPR border enforcement action, in areas of particular concern to be jointly agreed (for instance involving security/safety and public health issues).

***b) Bilaterally***

2. Step up our actions to encourage third countries to enforce IPR and to combat counterfeiting and piracy. This should be done *inter alia* through coordinated efforts that draw upon information from industry; coordinated messages on key enforcement issues and active complementing of each others' bilateral efforts working with third countries; and exchange of information about significant IP-related meetings and other events that provide opportunities to advance these objectives.
  - Our initial efforts will focus on China and Russia as well as other infringing and trans-shipment areas of key concern in Asia, Latin America and the Middle East.
3. Create bilateral IP networks in our Embassies/Delegations in relevant third country capitals to facilitate information sharing, delivery of complementary and/or joint messages as appropriate, cooperation on training and technical assistance programmes, and assisting industry enforcement efforts.
  - Expand cooperative action in Beijing and Moscow with future consideration of extension to other third country capitals.

***c) Multilaterally***

4. Facilitate the ongoing OECD IP study by providing data and any other necessary and available resources, recognizing that current, independent and reliable information on the scope and effects of IP theft will shape a more compelling pro-IP enforcement message for consumers and governments worldwide.
5. Support implementation of the 2005 G8 Leaders Statement on Reducing IPR Piracy and Counterfeiting through More Effective Enforcement, in particular in the area of the fight against criminal infringements of IP rights to reduce substantially global trade in pirated and counterfeit goods.
6. Enhance collaboration against counterfeiting and piracy in relevant multilateral venues, including the WTO (TRIPS-Council). In particular, we will ensure cooperation and effective European Community participation in WIPO activities relating to intellectual property rights enforcement.

7. Encourage and assist third countries to implement the WTO Agreement on Trade Related Aspects of Intellectual Property Rights.

*d) **On technical assistance***

8. Strengthen IPR enforcement internationally through coordinated and/or complementary technical assistance cooperation and capacity building programmes, including addressing the issue of public awareness. Share information with each other and with industry on training opportunities and programmes. Launch joint activity in capacity building programmes in select key countries. Identify ways to increase private sector participation/support.
  - Reference US: USG Training Coordination Group site - [www.training.ipr.gov](http://www.training.ipr.gov).
  - Reference EU: DG Trade Website.
  - Initial programmes for cross-participation to include ECAP II and Paraguay.

## **2. Promoting public-private partnerships**

9. Involve industry by providing information on IPR related meetings and activities in third countries to facilitate industry input and providing feedback on meetings and results.
10. Launch joint public-private roundtable discussions in third countries, with the support of our interested parties, to prioritise key IPR enforcement challenges.
11. Assist SMEs with IPR protection and enforcement challenges in third countries.
  - Share information on SME challenges and existing programmes and efforts to educate and cooperate with SMEs on IP protection and enforcement in third countries.
12. Increase public awareness of the need to address IPR infringements such as at trade fairs and share ideas on ways to improve enforcement against such infringements, in cooperation with the interested parties.

***Invite industry to:***

13. Assume an expanded role in the public-private enforcement partnership by working closely with and supporting law enforcement agencies' efforts:
  - Share more information and intelligence with the relevant authorities, lodge well-developed and defined requests for assistance, follow-through on complaints and support measures taken. Authorities will respect industry's confidentiality concerns regarding information provided.
  - Provide us with information on successful IP industry coalition models and explore how such models could be expanded to include industries in third countries.

14. Provide the US and EU with as much reliable and timely information as possible about the IP enforcement environment in key countries to equip senior government officials to address more effectively industry concerns with third country governments.
15. Provide the US and EU with information on industry IP public awareness and other educational campaigns, including programmes for government officials and industry-developed sectoral best practices for enforcement.