

Anti-counterfeiting: Participants meet in Tokyo to discuss ACTA - Tokyo, 9 October 2008

Discussion on the proposed Anti-Counterfeiting Trade Agreement (ACTA) continued in Tokyo October 8-9. Participants in the discussion included Australia, Canada, the European Union (represented by the European Commission and the EU Presidency (France)), Japan, Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland, and the United States.

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

The October 8-9 meeting was the latest in a series of meetings to discuss proposals concerning different aspects of the proposed agreement. The discussion at this meeting focused on criminal enforcement of IPR. Participants also continued their previous discussions of civil enforcement of IPR. Participants made steady progress in these discussions, and decided to continue their work at another substantive meeting to be held at a mutually convenient time in the near future.

Participants confirmed their intention to continue consulting with their respective stakeholders, and to share the results of the consultations at their next meeting.

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.