

Questions of Senator Tom Coburn, M.D.
“Oversight of the Office of the Intellectual Property Coordinator”
United States Senate Committee on the Judiciary
June 28, 2010

To All Panel II Witnesses

- 1. Which country is the biggest violator of American intellectual property rights and laws? Why?**
 - a. I realize the Joint Strategic Plan outlines the fourth critical component of the strategy as enforcing our rights internationally. However, I believe individual countries pose different threats to our rights that necessitate specific responses. From your industry perspective, what do you believe, specifically, should be done by the Intellectual Property Enforcement Coordinator (IPEC) to address the problems created by the country you indicated above as the biggest violator of our rights?**
 - b. How should that response differ from the U.S. response to violations by other countries which may create different and more nuanced problems related to American intellectual property protection?**

Challenges in enforcing IP laws abroad vary widely. Some countries lack effective legal regimes to address IP crimes while others lack the political will to enforce existing IP laws. The impact of copyright infringement also differs depending on the location. In some countries, widespread piracy significantly reduces consumer demand for legitimate content. Other countries serve as a safe-haven for the manufacture and worldwide export of pirated goods.

In terms of specific examples of particular countries where we face distinct challenges, I would direct you to the submission made by the International Intellectual Property Alliance (IIPA) to the U.S. Trade Representative (USTR) as part of USTR’s Annual Special 301 process (which can be found at: http://www.iipa.com/2010_SPEC301_TOC.htm). In its filing, IIPA provides detailed information and recommendations to address the significant IP enforcement challenges facing the copyright industries in a number of countries.

The U.S. Government has multiple tools it can employ to encourage countries to improve their IP enforcement regimes. For example, the federal government should continue to adopt a high standard for IP in its international trade negotiations. This will be especially important as USTR works to negotiate the Anti-Counterfeiting Trade Agreement (ACTA) and the Trans-Pacific Partnership (TPP) agreement. The U.S. Government should also stress to foreign leaders the importance of strong IP protection to their bilateral relationships – specifically in those on the USTR Special 301 list. As in domestic IP enforcement, coordination among the various agencies with jurisdiction over international IP efforts is vital and to this end the Joint Strategic Plan provides an ambitious blueprint to strengthen the government’s enforcement activities.