15. Intellectual Property Rights [247]

Commitment

“to create in each G8 country a website providing businesses and individuals with information on mechanisms available and procedures necessary to secure and enforce their intellectual property rights in that country, on threats posed by piracy and counterfeiting to public health, safety and the national interests of countries, consumers and business communities, as well as on measures taken at the national and international levels to combat intellectual property rights violations, and on relevant legislation and law enforcement practices;”

Combating IPR Piracy and Counterfeiting[218]

Background

St. Petersburg represented the second consecutive G8 summit where the issue of intellectual property rights led to the publication of a full communiqué. The website initiative appears to be a unique effort of the St. Petersburg summit to educate national business and individuals on a broad range of issues relating to intellectual property rights, although the G8 states already agreed in Gleneagles to “raise awareness among government officials and the public of the health risks, economic damage and growth of organized crime groups resulting from counterfeiting and piracy”[219]

At its core, this commitment promises “in each G8 country a website providing business and individuals with information on…”

a) “…mechanisms available…to secure and enforce their intellectual property rights in that country
b) “…procedures necessary to secure and enforce their intellectual property rights in that country
c) “…threats posed by piracy and counterfeiting to public health…”
d) “…threats posed by piracy and counterfeiting to…safety…”
e) “…threats posed by piracy and counterfeiting to…the national interests of countries…”
f) “…threats posed by piracy and counterfeiting to…consumers…”
g) “…threats posed by piracy and counterfeiting to…business communities…”
h) “…measures taken at the national…level to combat intellectual property rights violations…”
i) “…measures taken at…the international level to combat intellectual property rights violations…”
j) “…relevant legislation…”
k) “…relevant…law enforcement practices…”

These eleven points constitute distinct components of information agreed to in the commitment. This information is to be supplied in “a website”, suggesting the need for a single centralized, online access point. The following table summarizes content available as of 31 December 2006.

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Summary of IPR Content on Primary Government Websites

<table>
<thead>
<tr>
<th>Component</th>
<th>CAN</th>
<th>FRA</th>
<th>GER</th>
<th>ITA</th>
<th>JAP</th>
<th>RUS</th>
<th>UK</th>
<th>USA</th>
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<tbody>
<tr>
<td>A. Mechanisms</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>B. Procedures</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>C. Threats – Health</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Y</td>
<td>-</td>
</tr>
<tr>
<td>D. Threats – Safety</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Y</td>
<td>-</td>
</tr>
<tr>
<td>E. Threats – Interest</td>
<td>-</td>
<td>-</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>F. Threats – Consumers</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>G. Threats – Business</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>H. Measures – National</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>I. Measures – International</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>J. Legislation</td>
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<td>Y</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>K. Enforcement</td>
<td>-</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
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</table>

Total Available (11 Max)  5  6  2  6  4  6  11  5

Team Leader: Matto Mildenberger

Assessment

Interim Compliance Score

<table>
<thead>
<tr>
<th>Lack of Compliance</th>
<th>Work in Progress</th>
<th>Full Compliance</th>
</tr>
</thead>
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<td>Canada</td>
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<tr>
<td>France</td>
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<td></td>
</tr>
<tr>
<td>Germany</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Japan</td>
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<td></td>
</tr>
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<td>United States</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>European Union</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

Overall  +0.13

Canada: 0

Canada has only partially complied with its St. Petersburg commitment to provide online information about intellectual property rights. While all the information referenced by the G8 commitment is available on websites maintained by the Canadian Government, updated information on only 5 of the 11 points is maintained on the government’s central intellectual property rights website. To achieve full compliance, the Canadian Government needs to integrate all the information described in the commitment into a single website.

The Canadian Government’s primary website relating to intellectual property rights is the Canadian Intellectual Property Office, available online at: strategis.ic.gc.ca/sc_mrksv/
Commitment components A, B and J are fulfilled by providing information and copies of the Patent Act, the Trade-mark Act, the Copyright Act, the Industrial Design Act, the Consolidated Statutes of Canada and other relevant legislation and procedures available for protecting intellectual property. Furthermore, an 'intellectual property toolkit' fulfills components A and B in full.

CIPO maintains an archive of press releases and news bulletins relating to domestic and international intellectual property rights protection, fulfilling components H and I. The website also contains contact information for government agencies, notably the Intellectual Property Policy Directorate, professional groups, and the Intellectual Property Institute of Canada. These agencies and groups can provide information to users relating to the other criteria outlined in the G8 commitment. However, despite providing contact information for inquiries relating to components C through G and K, the website itself does not host this information.

Elsewhere, the Canadian government provides the information described in commitment components C, D, F and G at the website of the Royal Canadian Mounted Police. While this may benefit consumers and entrepreneurs seeking general information, it does not provide substantial detail. To facilitate specific inquiries, the RCMP website also provides contact information for officers handling intellectual property matters.

**France: 0**

France has only partially complied with its St. Petersburg commitment to provide online information about intellectual property rights. At present, only 6 of the 11 points referenced by the commitment are maintained at a sufficient quality on the government's central intellectual property rights website.

To achieve full compliance, the French government needs to expand the quality and scope of the information it provides about piracy and counterfeiting.

The French government’s primary website relating to intellectual property rights is that of the Institut National de la Propriété Industrielle (INPI), available online at: www.inpi.fr. INPI is a “publicly-owned establishment, financially self-sufficient and placed under the supervision of the Ministry for the economy, finances and industry and the Ministry delegated to industry.”

The INPI website provides access to legislative information and explains the significance of French patent, trademark and design laws. Together, this website content fulfills commitment components A, B and J. The INPI website also offers information on relevant law enforcement...
practices\textsuperscript{743}, fulfilling component K. Finally, the website provides information on how to register innovations so as to protect IP rights on both national and international levels, alongside both national\textsuperscript{744} and international\textsuperscript{745} options to combat intellectual property right violations. This set of content fulfills commitment components H and I.

The INPI has allied with a French anti-counterfeiting committee to launch a national anti-counterfeiting campaign entitled “Contrefaçon: non merci”\textsuperscript{746}. The INPI website encourages visitors to support the campaign by providing statistics\textsuperscript{747} and a link to the affiliated anti-counterfeit campaign website: www.contrefacon-danger.com.\textsuperscript{748} This campaign website emphasizes the threats posed by piracy and counterfeiting but does not adequately elaborate on their implications for “public health, safety and the national interests of countries, consumers and business communities”, information described in components C through G of the St. Petersburg commitment on intellectual property rights.

\textit{Analyst: Sahar Kazranian}

\textbf{Germany: 0}

Germany has only partially complied with its St. Petersburg commitment to provide online information about intellectual property rights. At present, the German Government’s primary online website on intellectual property rights only adequately treats 2 of the 11 points described in the St. Petersburg commitment. To achieve compliance, Germany must work significantly on creating a more comprehensive and centralized online access point for intellectual property rights information.

The German Government’s primary website relating to intellectual property rights is that of the Deutsches Patent und Markenamt (DPMA), available online at: www.dpma.de/index.htm.\textsuperscript{749} Mechanisms and procedures available in Germany to secure intellectual property rights are clearly detailed, fulfilling commitment components A and B.

While very thorough and functional for both businesses and individuals, this site appears focused primarily on providing information regarding industrial patent. Further, the site does not discuss current legislation or law enforcement practices undertaken at the national level to protect intellectual property rights. The website covers the technical rights of the patent holder but does not mention the consequences, legal or otherwise, of their violation.

Moreover, while the DPMA website does briefly address the effects of product piracy on the German economy in a press release\textsuperscript{750}, the website fails to provide information about the threats posed by piracy to public health, safety, national interests, businesses and consumers.

Within the German Federal Ministry of Justice website, there is a webpage for the Federal Ministry of Copyright, the agency that enacts relevant intellectual property rights legislations.\textsuperscript{751} This contains some of the information that comprise commitment components J and K. Germany does not appear to publish online information regarding threats of piracy and counterfeiting to the nation’s health and economic well-being.

\textit{Analyst: Kayla Pries and Igor Churkin}

\textsuperscript{745} Protéger sa marque à l’international, INPI, (Paris), Last Date of Access by G8RG Analyst: 25 January 2007, Last Update: 24 January 2007. www.inpi.fr/front/content/ART_186_115.php?archive=0&amp;StartRow=0&amp;order=1
Italy: 0

Italy has only partially complied with its St. Petersburg commitment to provide online information about intellectual property rights. At present, only 6 of the 11 points described in the commitment are maintained at a sufficient quality on the government’s central intellectual property rights website. To achieve full compliance, the Italian Government needs to particularly expand the quality and scope of the information provided about piracy and counterfeiting.

The primary online resource relating to intellectual property rights of the Italian Government is that of the Italian Patent and Trademark Office available at: www.infobrevetti.camcom.it/welcome.html.752

This website has clear information fulfilling commitment components A and B. Separate sections include information on relevant legislation and law enforcement practices, fulfilling commitment components J and K.

Moreover, the website provides links to international bodies for the protection of IP rights754, such as the World Intellectual Property Organization. It also provides links to regional patent and trademark offices and a number of sites dedicated to the protection of IP rights. Together these sections of the website fulfill commitment components H and I.

While general information on combating piracy and counterfeiting is present755, there is no treatment of the “threats posed by piracy and counterfeiting to public health, safety and the national interests of countries, consumers and business communities.”

Analyst: Sahar Kazranian

Japan: [0]756

Japan has only partially complied with its St. Petersburg commitment to provide online information about intellectual property rights. At present, only 4 of the 11 points described in the commitment appear on the government’s primary intellectual property rights website. To achieve full compliance, the Japanese government needs to expand the range and quality of online information it provides about intellectual property rights.

The primary online resource regarding intellectual property rights maintained by the Japanese government is the website for the Japanese Patent Office (JPO available online at: www.jpo.go.jp).757

The JPO website clearly outlines both the mechanisms and procedures available to enforce and protect intellectual property rights in Japan. Some relevant law enforcement practices are also detailed on this website. It definitively fulfills commitment components A, B, J and K. However the website fails to detail the threats posed by piracy and counterfeiting to public health, safety, national interests, businesses and consumers. International measures taken to combat these piracy threats are also not treated.

The Japanese Copyright Office (JCO) is an arm of the Agency of Cultural Affairs within the Ministry of Education, Culture, Sports, Science and Technology (MEXT).758 While JCO oversees new initiatives, programs and legislation protecting intellectual property rights in Japan, the JCO does not have an English-language website. However, the JCO is reportedly building a virtual copyright help desk that might become a major new primary source of online intellectual property right information published by the Japanese government. 759

Analyst: Kayla Pries

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756 The Japanese Report score must be considered tentative, as it does not include yet information that is accessible in the Japanese-language portions of the Japan Patent Office website.
Russia: 0

Russia has only partially complied with its St. Petersburg commitment to provide online information about intellectual property rights. At present, only 6 of the 11 points described in the commitment are maintained at a sufficient quality on the government’s central intellectual property rights website. To achieve full compliance, the Russian government needs to particularly expand the quality and scope of the information provided about piracy and counterfeiting.

The primary online resource for intellectual property rights maintained by the Russian Government is at: www.copyright.ru. This website provides information on securing copyrights, thus fulfilling commitment component A. It gives information on how to defend intellectual copyright laws in Russia, thus fulfilling component B. In the news section of the website, there is information on national and international measures to combat intellectual property right violations, thus fulfilling components H and I. There is information on relevant legislation, fulfilling component J. There is also information on law enforcement practices, fulfilling component K.

There is no information about counterfeiting and piracy as described in components C through G.

Analyst: Elena Bylina and Jeremy Weiss

United Kingdom: +1

The United Kingdom has achieved full compliance with St. Petersburg commitment to provide online information about intellectual property rights. At present, the UK government has all 11 information points referenced by the commitment available in one central online resource.

The United Kingdom government maintains the UK Patent Office website, available at: www.patent.gov.uk. Components A and B are addressed within the “Get IP Protection” and “Managing your IP” sections of the website. In these sections, information on the mechanisms and the procedures to secure and enforce international property rights in the United Kingdom are provided.

The website provides a link to the United Kingdom’s National IP Crime Strategy. This comprehensive document defines and discusses the threats of intellectual property crime, fulfilling commitment components C, D, E, F and G. As the document’s mandate is to provide a national counteroffensive to intellectual property crime strategy, components H, I and K are also fulfilled.

On the website, the United Kingdom government pledges to publish an annual intellectual property enforcement report in order to review its progress in fighting intellectual property crime as well as to set targets for future enforcement. Commitments to H and I are further reinforced by the Patent Office Annual Report and Accounts documents.

The United Kingdom Patent Office website provides a copy of the principal legislation on copyright, the “Copyright, Designs and Patents Act 1988,” as well as the primary legislations that have amended the act, such as “The Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002.” The availability and information about these documents fulfills commitment component J.

Analyst: Mariann Lau

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760 copyright.ru Интеллектуальная собственность, авторское право, Date of Access: 23 December 2006. www.copyright.ru/ru/
766 www.copyright.ru/ru/documents/23/
**United States: 0**

The United States has only partially complied with its St. Petersburg commitment to provide online information about intellectual property rights. While all the information described by the G8 commitment is available on websites maintained by the US government, updated information on only 6 of the 11 points referenced by the commitment is available on the government’s central intellectual property rights website. To achieve full compliance, the US government needs to integrate all the information described in its G8 commitment onto a single website.

The primary online resource dedicated to intellectual property rights maintained by the US government is that of the "United States Patent and Trademark Office" available at: www.uspto.gov/ The website clearly fulfills commitment components A, B, J and K as it provides links to relevant legislations and regulations relating to patents, as well as patent procedures. Information on US Patent Laws is provided, including relevant enforcement practices regarding the protection of patents, and a number of links regarding international cooperation on intellectual property rights. This content collectively fulfills commitment components H and I.

Some information pertaining to the threats posed by piracy and counterfeiting to public health, safety, the national interests of the United States, consumers and business communities can be found on the U.S. Department of State’s website for International Information Programs, a separate website. Here, commitment components C through G are discussed in appropriate detail.

*Analyst: Mariann Lau*

**European Union: NA**

The text of the commitment, by referencing ‘each G8 member country’ and framing the commitment on national basis, explicitly excludes the EU from compliance efforts. As such, compliance by the EU will not be assessed during this reporting period.

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**References:**


