

### 13. Internet Economy: Intellectual Property [120]

**Commitment:**

“We are renewing our commitment to ensuring effective action against violations of intellectual property rights in the digital arena, including action that addresses present and future infringements.”

-G8 Deauville Declaration: Renewed Commitment for Freedom and Democracy

**Assessment:**

Country	Lack of Compliance	Work in Progress	Full Compliance
Canada			+1
France			+1
Germany		0	
Italy			+1
Japan			+1
Russia			+1
United Kingdom			+1
United States		0	
European Union			+1
Average Score		+0.78	

**Background:**

Intellectual property protection is not a new issue for the G8. However, it has only recently been addressed in an online context. Ongoing problems of counterfeiting and piracy have contributed to increasing international pressure to protect intellectual property rights (IPR) on the internet. The situation has been further aggravated by the inability of intergovernmental efforts to effectively combat infringements due to the transnational and anarchic nature of the worldwide web.

The G7 first addressed intellectual property at the 1988 Summit in Toronto as an extension of the GATT negotiations, where it affirmed its support in protecting “trade-related intellectual property rights.”<sup>1472</sup> The G7 later committed to develop “standards and effective enforcement of all intellectual property rights” at the 1990 Houston Summit within the context of the Uruguay Round.<sup>1473</sup> At the 1991 London Summit, the G7 also called for “enforceable rules and obligations to protect all property rights.”<sup>1474</sup>

The G8 renewed past national commitments to IPR in the *Reducing IPR Piracy and Counterfeiting through More Effective Enforcement* report published at the Gleneagles Summit in 2005. G8 nations agreed upon seven commitments aimed at “reducing substantially global trade in pirated and counterfeit goods, and efficiently combating the transnational networks that

<sup>1472</sup> List of Individual Commitments Cycle Two, 1982-1987, G8 Research Groups (Toronto) 1 September 2006. Date of Access: 18 December 2011.

[http://www.g8.utoronto.ca/datasets/allcommitments/app\\_b\\_cycle2.html#1988](http://www.g8.utoronto.ca/datasets/allcommitments/app_b_cycle2.html#1988).

<sup>1473</sup> List of Individual Commitments Cycle Three, 1989-1995, G8 Research Groups (Toronto) 1 September 2006. Date of Access: 18 December 2011.

[http://www.g8.utoronto.ca/datasets/allcommitments/app\\_b\\_cycle3.html](http://www.g8.utoronto.ca/datasets/allcommitments/app_b_cycle3.html).

<sup>1474</sup> List of Individual Commitments Cycle Three, 1989-1995, G8 Research Groups (Toronto) 1 September 2006. Date of Access: 18 December 2011.

[http://www.g8.utoronto.ca/datasets/allcommitments/app\\_b\\_cycle3.html](http://www.g8.utoronto.ca/datasets/allcommitments/app_b_cycle3.html).

support it.”<sup>1475</sup> The plan also included an agreement to “promote and uphold laws, regulations and/or procedures to strengthen effective intellectual property enforcement” and to improve IPR enforcement capabilities of developing nations.<sup>1476</sup>

More recently, IPR was addressed in the 2006 St. Petersburg Summit and 2007 Heiligendamm Summit. At St. Petersburg, the G8 broadened its scope by committing to foster greater multilateral cooperation with international organizations such as the “WIPO, [World Intellectual Property Organization], WTO, OECD, Interpol and World Customs Organization.”<sup>1477</sup> The Heiligendamm conference also placed emphasis on cooperation between the G8 and related international organizations.<sup>1478</sup>

The 2011 Deauville Summit marked the first time G8 Heads of State and Government had an in-depth discussion on the relationship between the internet and IPR. Its final declaration noted that in regards to IPR, in particular copyright, trademarks, trade secrets and patents, states must “recognize the need to have national laws and frameworks for the protection of intellectual property.”<sup>1479</sup> The declaration notes that implementation requires international cooperation of relevant stakeholders including private sector.

The French Presidency also hosted a special G8 internet conference in the lead-up to the Deauville summit. Dubbed the “e-G8”, it gathered technology corporate CEOs, entrepreneurs, bloggers and academics to discuss the growing internet economy.<sup>1480</sup> One finding was that “a healthy and creative digital economy cannot exist without assertive protection of intellectual property rights.”<sup>1481</sup> Thus, the French presidency has become one of the most prominent supporters of reform in this area, calling for the creation of a “civilized internet” bound by rules of IPR law and regulation.<sup>1482</sup>

The significance that the G8 has placed on the issue of intellectual property protection on the internet suggests that the issue will remain a high priority at the Chicago Summit.

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<sup>1475</sup> List of Individual Commitments Cycle Five, 1975-2006, G8 Research Groups (Toronto) 1 September 2006. Date of Access: 18 December 2011.

[http://www.g8.utoronto.ca/datasets/allcommitments/app\\_b\\_cycle5.html](http://www.g8.utoronto.ca/datasets/allcommitments/app_b_cycle5.html).

<sup>1476</sup> List of Individual Commitments Cycle Five, 1975-2006, G8 Research Groups (Toronto) 1 September 2006. Date of Access: 18 December 2011.

[http://www.g8.utoronto.ca/datasets/allcommitments/app\\_b\\_cycle5.html](http://www.g8.utoronto.ca/datasets/allcommitments/app_b_cycle5.html).

<sup>1477</sup> List of Individual Commitments Cycle Five, 1975-2006, G8 Research Groups (Toronto) 1 September 2006. Date of Access: 18 December 2011.

[http://www.g8.utoronto.ca/datasets/allcommitments/app\\_b\\_cycle5.html](http://www.g8.utoronto.ca/datasets/allcommitments/app_b_cycle5.html).

<sup>1478</sup> Growth and Responsibility in the World Economy, G8 Information Centre (Toronto) 16 July 2006. Date of Access: 18 December 2011. <http://www.g8.utoronto.ca/summit/2007heiligendamm/g8-2007-economy.html>.

<sup>1479</sup> Renewed Commitment for Freedom and Democracy, G8 Information Centre (Toronto) 27 May 2011. Date of Access: 18 December 2011. <http://www.g8.utoronto.ca/summit/2011deauville/2011-declaration-en.html#inte>.

<sup>1480</sup> Paris Will Host the First e-G8 Forum Prior to Summit, e-G8 Forum (Paris) 17 May 2011. Date of Access: 18 December 2011. [http://www.eg8forum.com/en/documents/press-release/EG8\\_Press\\_release.pdf](http://www.eg8forum.com/en/documents/press-release/EG8_Press_release.pdf).

<sup>1481</sup> E-G8 Forum Summary Plenary Session IV, G8 Information Centre (Toronto) 24 May 2011. Date of Access: 18 December 2011. [www.g8.utoronto.ca/summit/2011deauville/eg8/eg8-plenary-4.pdf](http://www.g8.utoronto.ca/summit/2011deauville/eg8/eg8-plenary-4.pdf).

<sup>1482</sup> G8 Leaders to Call for Tighter Internet Regulation, New York Times (New York) 24 May 2011. Date of Access: 18 December 2011. <http://www.nytimes.com/2011/05/25/technology/25tech.html>.

### **Commitment Features:**

The G8 members collectively commit to protect against violations of IPR on the internet. This commitment implies both a national and international dimension. First, the commitment reaffirms the need for G8 members to work towards national laws and frameworks for new enforcement that supports anti-piracy, anti-counterfeiting and the protection of IPR online. Next, this commitment is to be interpreted to include moving forward with multilateral institutions on IPR objectives. To this end, the G8 members must improve cooperation with or initiate new global institutions that specifically address IPR on the internet.

Members will be assessed on whether progress has been made at home in regards to laws and enforcement measures. In this way, the commitment reflects the Deauville report that states that intellectual property rights “must receive the same protection, with the same guarantees, on the Internet as everywhere else.”<sup>1483</sup> Member progress on this objective includes the implementation of regulations on Internet Service Providers (ISPs) related to IPR as well as public laws. This also includes providing financial and/or technical assistance to national IPR enforcement mechanisms.

Considering the transnational nature of the internet, effective enforcement of IPR online will also require international regulations and agreements. Notably, the Deauville declaration announced that “the effective implementation of intellectual property rules requires suitable international cooperation of relevant stakeholders, including with the private sector.”<sup>1484</sup> For instance, the declaration also highlighted the role of the World Intellectual Property Organization “in developing a broad approach to intellectual property in support of business-friendly, robust and efficient national intellectual property systems.”<sup>1485</sup> Other institutions such as the Anti-Counterfeiting Trade Agreement (ACTA), whose signatories include members of G8, aims to put in place international standards for enforcing intellectual property rights.<sup>1486</sup>

Full compliance would thus entail states to work towards strengthening national laws or enforcement frameworks regarding IPR in the digital arena as well as improving or initiating global institutions that address intellectual property infringement online.

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<sup>1483</sup> Renewed Commitment for Freedom and Democracy, G8 Information Centre (Toronto) 27 May 2011. Date of Access: 18 December 2011. <http://www.g8.utoronto.ca/summit/2011deauville/2011-declaration-en.html#inte>.

<sup>1484</sup> Renewed Commitment for Freedom and Democracy, G8 Information Centre (Toronto) 27 May 2011. Date of Access: 18 December 2011. <http://www.g8.utoronto.ca/summit/2011deauville/2011-declaration-en.html#inte>.

<sup>1485</sup> Renewed Commitment for Freedom and Democracy, G8 Information Centre (Toronto) 27 May 2011. Date of Access: 18 December 2011. <http://www.g8.utoronto.ca/summit/2011deauville/2011-declaration-en.html#inte>.

<sup>1486</sup> Anti-Counterfeiting Trade Agreement, Department of Foreign Affairs and International Trade Canada (Ottawa) 5 October 2011. Date of Access: 18 December 2011. [http://www.international.gc.ca/trade-agreements-accords-commerciaux/fo/intellect\\_property.aspx?view=d](http://www.international.gc.ca/trade-agreements-accords-commerciaux/fo/intellect_property.aspx?view=d).

**Scoring Guidelines:**

-1	Member does not work towards strengthening national laws or enforcement frameworks regarding IPR on the web AND does not improve or initiate new global institutions that address online IPR infringements.
0	Member works towards strengthening national laws or enforcement frameworks regarding IPR on the web OR improves or initiates new global institutions that address online IPR infringements.
+1	Member works towards strengthening national laws or enforcement frameworks regarding IPR on the web AND improves or initiates new global institutions that address online IPR infringements.

*Lead Analyst: Patrick Quinton-Brown*

**Canada: +1**

Canada has fully complied with its commitment by working to both strengthen national laws and enforcement frameworks regarding IPR on the internet, and improve global institutions that address IPR infringements online.

On September 29 2011, the Canadian federal parliament introduced the Copyright Modernization Act.<sup>1487</sup> If approved, the Bill will: 1) “implement the rights and protections of the World Intellectual Property Organization’s (WIPO) Internet treaties”; 2) “clarify the roles and responsibilities of Internet Service Providers (ISPs) and search engines”; 3) give copyright owners legal tools for combating Piracy; and 4) legally protect businesses that use digital locks to protect their products.<sup>1488</sup> Thus, Canada is working to allow copyright owners to legally pursue peer-to-peer websites that enable copyright infringements.<sup>1489</sup> Furthermore, the Bill states that individuals who engage in copyright infringements could be legally pursued by copyright owners for damages between CAD100-5000 per infringement.<sup>1490</sup> The Bill states that Canadians can legally retransmit copyrighted digital files legally in their possession to devices they already own, including phones, music players, and computers.<sup>1491</sup>

In addition, the Copyright Modernization introduces a “notice and notice” system that will allow copyright owners to send offenders a warning notice through offenders’ Internet Service Providers (ISPs).<sup>1492</sup> ISPs will be obligated to maintain a record of the notice for up to a year.<sup>1493</sup>

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1487 Harper Government Delivers on Commitment to Reintroduce Copyright Modernization Act, Balanced Copyright (Ottawa) 29 September 2011. Date of Access: 28 December 2011.

<http://www.balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/home>.

1488 Questions and Answers: The Copyright Modernization Act, Balanced Copyright (Ottawa) 29 September 2011. Date of Access: 28 December 2011. [http://balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/h\\_rp01153.html#amend](http://balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/h_rp01153.html#amend).

1489 Questions and Answers: The Copyright Modernization Act, Balanced Copyright (Ottawa) 29 September 2011. Date of Access: 28 December 2011. [http://balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/h\\_rp01153.html#amend](http://balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/h_rp01153.html#amend).

1490 Questions and Answers: The Copyright Modernization Act, Balanced Copyright (Ottawa) 29 September 2011. Date of Access: 28 December 2011. [http://balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/h\\_rp01153.html#amend](http://balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/h_rp01153.html#amend).

1491 Questions and Answers: The Copyright Modernization Act, Balanced Copyright (Ottawa) 29 September 2011. Date of Access: 28 December 2011. [http://balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/h\\_rp01153.html#amend](http://balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/h_rp01153.html#amend).

1492 Amendments To The "Copyright Act" Expected To Pass With The Re-Introduction Of The "Copyright Modernization Act" As Bill C-11, Hafeez Rupani, Mondaq Business Briefing (New York) 14 October 2011. Date of Access: 28 December 2011. <http://simplelink.library.utoronto.ca/url.cfm/223236>.

Furthermore, ISPs will be potentially liable for damage claims between CAD5000-10 000 if they fail to comply with the “notice and notice” system.<sup>1494</sup>

Canadian Minister for Industry Christian Paradis announced that “this bill will make Canada's copyright laws forward-looking and responsive in this fast-paced digital world.”<sup>1495</sup> The Canadian Government's website on the proposed legislation notes that if passed it “will bring Canada in line with its G8 partners and most of the major economies of the Organization for Economic Cooperation and Development.”<sup>1496</sup> As of April 2012, the Bill has completed its first reading before the House of Commons.<sup>1497</sup> It has also passed through parliamentary committees with minor technical amendments.<sup>1498</sup>

On 30 September 2011, Canada also signed the Anti-Counterfeiting Trade Agreement in Tokyo.<sup>1499</sup> The agreement aims to “improve international cooperation over Intellectual Property Rights, establish best practices for their enforcement and provide a more effective legal framework to address the problems of counterfeiting and piracy”.<sup>1500</sup> By signing, signatories commit to give adequate legal protection to the holders of copyrights from copyright infringement, and to implement laws that compel online service providers to assist in identifying IPR offenders.<sup>1501</sup>

Thus, Canada has been provided with a score of +1 for having introduced legislation that strengthens Intellectual Property Rights on the internet, and for having improved global frameworks for addressing online Intellectual Property Right infringements.

*Analyst: Benjamin Donato-Woodger*

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1493 Amendments To The "Copyright Act" Expected To Pass With The Re-Introduction Of The "Copyright Modernization Act" As Bill C-11, Hafeez Rupani, Mondaq Business Briefing (New York) 14 October 2011. Date of Access: 28 December 2011. <http://simplelink.library.utoronto.ca/url.cfm/223236>.

1494 Amendments To The "Copyright Act" Expected To Pass With The Re-Introduction Of The "Copyright Modernization Act" As Bill C-11, Hafeez Rupani, Mondaq Business Briefing (New York) 14 October 2011. Date of Access: 28 December 2011. <http://simplelink.library.utoronto.ca/url.cfm/223236>.

1495 Harper Government Delivers on Commitment to Reintroduce Copyright Modernization Act, Balanced Copyright (Ottawa) 29 September 2011. Date of Access: 28 December 2011. <http://www.balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/home>.

1496 Questions and Answers: The Copyright Modernization Act, Balanced Copyright (Ottawa) 29 September 2011. Date of Access: 28 December 2011. [http://balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/h\\_rp01153.html#amend](http://balancedcopyright.gc.ca/eic/site/crp-prda.nsf/eng/h_rp01153.html#amend).

1497 House Government Bill C-11, Parliament of Canada (Ottawa) 29 September 2011. Date of Access 28 April 2012. <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=5134851>.

1498 Copyright: A New Frontier – Bill C-11 Moves Out of Committee, Lexology, Globe Business Publishing Ltd. England (London) 26 April 2011. Date of Access: 28 April 2012. <http://www.lexology.com/library/detail.aspx?g=e8cc893a-392e-4e67-a8e9-881718e65fdb>

<sup>1499</sup> Canada Signs Historic Anti-Counterfeiting Trade Agreement, Foreign Affairs and International Trade Canada (Ottawa) 30 September 2011. Date of Access 28 December 2011. [http://www.international.gc.ca/media\\_commerce/comm/news-communicues/2011/280.aspx?lang=eng&view=d](http://www.international.gc.ca/media_commerce/comm/news-communicues/2011/280.aspx?lang=eng&view=d).

1500 Canada Signs Historic Anti-Counterfeiting Trade Agreement, Foreign Affairs and International Trade Canada (Ottawa) 30 September 2011. Date of Access 28 December 2011. [http://www.international.gc.ca/media\\_commerce/comm/news-communicues/2011/280.aspx?lang=eng&view=d](http://www.international.gc.ca/media_commerce/comm/news-communicues/2011/280.aspx?lang=eng&view=d).

1501 Anti-Counterfeiting Trade Agreement (English Text), Foreign Affairs and International Trade Canada (Ottawa) 17 June 2011. Date of Access 28 December 2011. <http://www.international.gc.ca/trade-agreements-accords-commerciaux/fo/acta-acrc.aspx?lang=eng&view=d>.

## France: +1

France has remained fully committed to ensuring effective action against violations of intellectual property rights in the digital arena.

France fulfilled the international dimension of its commitment by hosting the first meeting of Ministers of Culture and Intellectual Property at the Cultural Summit at Avignon on 17-18 November 2011. The summit sought to promote “a more responsible usage of the Internet,” as well as to build on the commitments made during the G8 Summit at Deauville with regard to the protection of intellectual property rights on the Internet.<sup>1502</sup> To broaden discussion on the topic beyond the circle of G8 participants to other relevant stakeholders, France invited not only the Ministers of 19 states, but also high-level representatives of the European Commission, OECD, WIPO and UNESCO, as well as non-governmental participants.<sup>1503</sup> By hosting the Summit, France initiated a new global institution that addresses intellectual property rights on the Internet among other related issues.

Following discussions at Avignon, France reaffirmed its belief that “there can be no sustainable creation or cultural diversity without a copyright regime that protects and financially rewards creators.”<sup>1504</sup> France also stressed the importance of concerted international action for ensuring the promotion of intellectual property rights. It lauded what it called “convergent initiatives” to reduce online piracy in other countries.<sup>1505</sup> It suggested that these initiatives should be explored in parallel with each other to improve international cooperation in fighting Internet piracy.<sup>1506</sup> In addition, France expressed its hope that international co-operation of the type launched by the Ministerial Summit will become a feature of both global and regional efforts for addressing international property rights on the Internet.<sup>1507</sup> It has therefore both organized and promoted new international initiatives aimed at protecting intellectual property rights in the digital arena.

France has also taken steps to fulfill the national dimension of its commitment. On 30 November 2011, Prime Minister Francois Fillon stated that the government must work to ensure compliance with the existing laws that ensure intellectual property rights in France.<sup>1508</sup> According to Fillon, France will “fight with determination all those who push for the negation of the right of the

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<sup>1502</sup> Cultural Summit Avignon, Communiqué of the Presidency, Ministry of Culture and Communication (Paris) 17-18 November 2011. Date of Access: 30 December 2011.

[http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique\\_presidence\\_final\\_sommet\\_culturel\\_EN.pdf](http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique_presidence_final_sommet_culturel_EN.pdf).

<sup>1503</sup> Cultural Summit Avignon, Communiqué of the Presidency, Ministry of Culture and Communication (Paris) 17-18 November 2011. Date of Access: 30 December 2011.

[http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique\\_presidence\\_final\\_sommet\\_culturel\\_EN.pdf](http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique_presidence_final_sommet_culturel_EN.pdf).

<sup>1504</sup> Cultural Summit Avignon, Communiqué of the Presidency, Ministry of Culture and Communication (Paris) 17-18 November 2011. Date of Access: 30 December 2011.

[http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique\\_presidence\\_final\\_sommet\\_culturel\\_EN.pdf](http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique_presidence_final_sommet_culturel_EN.pdf).

<sup>1505</sup> Cultural Summit Avignon, Communiqué of the Presidency, Ministry of Culture and Communication (Paris) 17-18 November 2011. Date of Access: 30 December 2011.

[http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique\\_presidence\\_final\\_sommet\\_culturel\\_EN.pdf](http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique_presidence_final_sommet_culturel_EN.pdf).

<sup>1506</sup> Cultural Summit Avignon, Communiqué of the Presidency, Ministry of Culture and Communication (Paris) 17-18 November 2011. Date of Access: 30 December 2011.

[http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique\\_presidence\\_final\\_sommet\\_culturel\\_EN.pdf](http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique_presidence_final_sommet_culturel_EN.pdf).

<sup>1507</sup> Cultural Summit Avignon, Communiqué of the Presidency, Ministry of Culture and Communication (Paris) 17-18 November 2011. Date of Access: 30 December 2011.

[http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique\\_presidence\\_final\\_sommet\\_culturel\\_EN.pdf](http://www.dgmic.culture.gouv.fr/IMG/pdf/Communique_presidence_final_sommet_culturel_EN.pdf).

<sup>1508</sup> Discours du Premier ministre aux 4es Assises du Numérique, Portail du Gouvernement (Paris) 30 November 2011. Date of Access: 30 December 2011. <http://www.premierministre.gouv.fr/premierministre/discours-du-premier-ministre-aux-4es-assises-du-numerique>.

author.”<sup>1509</sup> In particular, the Prime Minister noted that regulations need to evolve and that technological breakthroughs must be used to improve methods of protecting intellectual property rights in all arenas.<sup>1510</sup>

In addition, on 26 January 2012, as a member of the European Union, France became a signatory of the Anti-counterfeiting Trade Agreement (ACTA).<sup>1511</sup> Its purpose is to enable states to cooperate more effectively in combating Intellectual Property Rights (IPRs) infringements by harmonizing their relevant domestic laws and enacting measures to enforce them.<sup>1512</sup> This agreement will specifically address the way companies and individuals can enforce their rights in court, at the borders, and via the Internet.<sup>1513</sup> France’s signing of this agreement is a concrete step towards its fulfillment of the domestic dimension of its commitment.

Since France has complied with both the international and the domestic components of its commitment to combat violations of IPR on the Internet, it is awarded a score of 1.

*Analyst: Anna Postelnyak*

### **Germany: 0**

Germany has worked towards its commitment to support the development of a unitary European Union patent but not to improve global institutions that address intellectual property rights infringements online. Thus, Germany has been awarded a 0.

Germany has supported the development of an intellectual property rights framework and enforcement by supporting the creation of a so-called Unitary Patent through the European Union. A Unitary Patent will bring the legal arbitration and enforcement of patent laws under the auspices of the European Union.<sup>1514</sup> In March 2011, Germany pledged support to the European Union Council’s move to create a unitary patent that would apply to all members of the European Union.<sup>1515</sup> On 22 November 2011, the Legal Affairs Committee approved a mandate to open formal negotiations with national governments to agree to a unitary patent.<sup>1516</sup> A unity patent would reduce costs for business and allow for a more uniform and effective framework for

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<sup>1509</sup> Discours du Premier ministre aux 4es Assises du Numérique, Portail du Gouvernement (Paris) 30 November 2011. Date of Access: 30 December 2011. <http://www.premierministre.gouv.fr/premierministre/discours-du-premier-ministre-aux-4es-assises-du-numerique>.

<sup>1510</sup> Discours du Premier ministre aux 4es Assises du Numérique, Portail du Gouvernement (Paris) 30 November 2011. Date of Access: 30 December 2011. <http://www.premierministre.gouv.fr/premierministre/discours-du-premier-ministre-aux-4es-assises-du-numerique>.

<sup>1511</sup> ACTA - Anti-counterfeiting Trade Agreement, European Commission (Cyprus) 2 February 2012. Date of Access: 22 April 2012. [http://ec.europa.eu/cyprus/news/20120207\\_acta\\_en.htm](http://ec.europa.eu/cyprus/news/20120207_acta_en.htm).

<sup>1512</sup> What is ACTA About, European Commission. Date of Access: 22 April 2012. [http://trade.ec.europa.eu/doclib/docs/2012/january/tradoc\\_149003.pdf](http://trade.ec.europa.eu/doclib/docs/2012/january/tradoc_149003.pdf).

<sup>1513</sup> What is ACTA About, European Commission. Date of Access: 22 April 2012. [http://trade.ec.europa.eu/doclib/docs/2012/january/tradoc\\_149003.pdf](http://trade.ec.europa.eu/doclib/docs/2012/january/tradoc_149003.pdf).

<sup>1514</sup> EU Patent gets Legal Affairs Committee Green Light, European Parliament (Brussels) 20 December 2011. Date of Access 28 April 2012.

<http://www.europarl.europa.eu/news/hu/pressroom/content/20111219IPR34540/html/EU-patent-gets-Legal-Affairs-Committee-green-light>

<sup>1515</sup> EU Patent gets Legal Affairs Committee Green Light, European Parliament (Brussels) 20 December 2011. Date of Access 28 April 2012.

<http://www.europarl.europa.eu/news/hu/pressroom/content/20111219IPR34540/html/EU-patent-gets-Legal-Affairs-Committee-green-light>

<sup>1516</sup> A Step Closer to an EU Patent, European Parliament (Brussels) 22 November 2011. Date of Access 28 April 2012. <http://www.europarl.europa.eu/news/en/pressroom/content/20111211IPR31956/html/A-step-closer-to-an-EU-patent>.

protecting intellectual property.<sup>1517</sup> In January 2012 the Germany pledged itself to the European Council's unanimous support for finalizing a unitary patent system by June 2012.<sup>1518</sup>

However, Germany has refused to sign the Anti-Counterfeiting Trade Agreement.<sup>1519</sup> This agreement aims to “strengthen the international legal framework for effectively combating global proliferation of commercial-scale counterfeiting and piracy, calling for strong legal frameworks,” and “includes innovative provisions to deepen international cooperation and to promote strong intellectual property rights (IPR) enforcement practices.”<sup>1520</sup> Germany, along with five other EU countries refused to sign ACTA with the European Union on 26 January 2012. Germany's Justice Ministry argues that Germany does not need this legislation and that the European Union should vote on ACTA before Germany ratifies it.<sup>1521</sup>

Thus, Germany has been provided with a score of 0 for its progress towards developing a unitary European Union patent.

*Analyst: Benjamin Donato-Woodger*

### **Italy: +1**

Italy has fully complied with the implementation of its commitment against violations of IPR in the digital arena by empowering both national and international governance institutions to protect IPR.

The Italian government dedicated considerable attention towards the internal protection of their ISPs by implementing digital innovation projects through their E-Government Plan 2012, created in January 2009. The plan consists of 80 digital innovation projects to be implemented within a 2012 deadline.<sup>1522</sup>

Italy has previously committed to the 2010 OECD Innovation Strategy. The strategy is built around five priorities to protect innovation in the 21<sup>st</sup> century. One priority is “improving the governance and measurement of policies of innovations” such as IPRs.<sup>1523</sup> The strategy aims to “facilitate efficient knowledge flows and foster the development of networks and markets which enable the creation, circulation and diffusion of knowledge, along with an effective system of

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1517 EU Patent gets Legal Affairs Committee Green Light, European Parliament (Brussels) 20 December 2011. Date of Access 28 April 2012

<http://www.europarl.europa.eu/news/hu/pressroom/content/20111219IPR34540/html/EU-patent-gets-Legal-Affairs-Committee-green-light>.

1518 Statement of the Members of the European Council, European Council (Brussels) 30 January 2012. Date of Access 28 April 2012.

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/127599.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/127599.pdf).

1519 Acta: Germany Delays Signing Anti-piracy Agreement, British Broadcasting Corporation, United Kingdom (London). 10 February 2012. Date of Access 28 April 2012.

<http://www.bbc.com/news/technology-16980451>

1520 Anti-Counterfeiting Trade Agreement (ACTA), Office of the United States Trade Representative (Washington) 1 October 2011. Date of Access 28 April 2012. <http://www.ustr.gov/acta>.

1521 Acta: Germany Delays Signing Anti-piracy Agreement, British Broadcasting Corporation, United Kingdom (London). 10 February 2012. Date of Access 28 April 2012.

<http://www.bbc.com/news/technology-16980451>

<sup>1522</sup> Il Piano Di E-Government 2012, Governo Italiano Presidenza del I Consiglio Dei Ministri (Rome) December 2008. Date of Access: 1 January 2012.

[http://www.e2012.gov.it/userfiles/file/egov\\_2012parte\\_seconda.pdf](http://www.e2012.gov.it/userfiles/file/egov_2012parte_seconda.pdf).

<sup>1523</sup> Ministerial Report on the OECD Innovation Strategy: Innovation to Strengthen Growth and Address Global and Social Challenges, OECD (Paris) May 2010. Date of Access: 1 January 2012.

<http://www.oecd.org/dataoecd/51/28/45326349.pdf>.

intellectual property rights.”<sup>1524</sup> It also noted that “well-functioning venture capital markets and the securitization of innovation- related assets (e.g. intellectual property) are key sources of finance for many innovative start-ups and need to be developed further.”<sup>1525</sup> Italy has not announced new progress with this strategy, however.

On 27-30 September 2011, Italy officially participated in the Sixth Meeting of the Internet Governance Forum in Nairobi, Kenya.<sup>1526</sup> The meeting’s overall theme was “The Internet as a catalyst for change: access, development, freedoms and innovation.” One session of the meeting concluded that “an important part about achieving lower [economic] costs is an intellectual property regime which fosters the flow of ideas around the world at decreasing rates.”<sup>1527</sup>

Finally, as of 26 January 2012 Italy, along with other member states of the EU, signed the Anti-Counterfeiting Trade Agreement (ACTA).<sup>1528</sup>

Thus, Italy has been awarded a score of 1 for fully complying with the implementation of effective actions against violations of IPR in the digital arena. Italy has fulfilled the international dimension of its commitment by participating in global institutions intended to protect IPRs. Through its 2012 E-Government Plan, Italy has also strengthened national laws and frameworks for the protection of IPRs online.

*Analyst: Alfred Galen Cordoba*

#### **Japan: +1**

Japan has taken concrete steps towards fulfilling its commitment of protecting intellectual property rights in the digital arena both domestically and internationally. By strengthening national enforcement frameworks regarding IPR in the digital arena as well as improving global institutions, it has fully complied with its commitment.

In November and December 2011, as well as in January, February and March 2012 Japan held its national Expert Committee on Strengthening Intellectual Property Strategy to consider developing its Intellectual Property Strategic Program 2012.<sup>1529</sup> On 2 November 2011, the president of the committee reiterated the importance of Japan’s commitment to protect intellectual property rights on the Internet.<sup>1530</sup> The Committee also undertook a comprehensive

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<sup>1524</sup> Ministerial Report on the OECD Innovation Strategy: Innovation to Strengthen Growth and Address Global and Social Challenges, OECD (Paris) May 2010. Date of Access: 1 January 2012.

<http://www.oecd.org/dataoecd/51/28/45326349.pdf>.

<sup>1525</sup> Ministerial Report on the OECD Innovation Strategy: Innovation to Strengthen Growth and Address Global and Social Challenges OECD (Paris), May 2010. Date of Access: 1 January 2012.

<http://www.oecd.org/dataoecd/51/28/45326349.pdf>.

<sup>1526</sup> Internet Governance Forum 2011, L’Istituto di Informatica e Telematica (Pisa), December 2011. Date of Access: 9 January 2012. <http://www.iit.cnr.it/en/node/11171>.

<sup>1527</sup> Internet Governance Forum 2011, L’Istituto di Informatica e Telematica (Pisa), December 2011. Date of Access: 9 January 2012. <http://www.iit.cnr.it/en/node/11171>.

<sup>1528</sup> Ratification ACTA, Germany Takes Time, Directorate-General for Combating Counterfeiting Italian Patent and Trademark Office-Department for Enterprise and the Internationalization (Rome) 13 February 2012. Date of Access: 24 April 2012.

[http://www.uibm.gov.it/index.php?option=com\\_content&view=article&id=2005505%3Aratifica-acta-la-germania-prende-tempo&catid=10%3Anotizie&lang=it](http://www.uibm.gov.it/index.php?option=com_content&view=article&id=2005505%3Aratifica-acta-la-germania-prende-tempo&catid=10%3Anotizie&lang=it).

<sup>1529</sup> Enhanced Content Expert Committee, Prime Minister of Japan and His Cabinet (Tokyo). Date of Access: 23 April 2012. [http://www.kantei.go.jp/jp/singi/titeki2/tyousakai/contents\\_kyouka/](http://www.kantei.go.jp/jp/singi/titeki2/tyousakai/contents_kyouka/).

<sup>1530</sup> Enhanced Content Expert Committee (Part 1) Minutes, Prime Minister of Japan and His Cabinet (Tokyo). Date of Access: 31 December 2011.

[http://www.kantei.go.jp/jp/singi/titeki2/tyousakai/contents\\_kyouka/2012/dai1/gijiroku.html](http://www.kantei.go.jp/jp/singi/titeki2/tyousakai/contents_kyouka/2012/dai1/gijiroku.html).

study of the copyright system in the country and offered recommendations endorsed by related stakeholders.<sup>1531</sup>

Japan also participated in international efforts to develop more effective means of combating violations of intellectual property rights on the Internet. In particular, it attended the Cultural Summit at Avignon hosted by France on 17-18 November 2011. The Cultural Summit at Avignon discussed ways of ensuring a more responsible usage of the Internet and developing more effective means of securing intellectual property rights in the digital arena.<sup>1532</sup>

In addition, on 26 January 2012 Japan's Ministry of Foreign Affairs hosted the ceremony for the signing of the Anti-Counterfeiting Trade Agreement (ACTA) by the European Union (EU) and its member states.<sup>1533</sup> Japan is the depositary of the agreement, and it hopes that its agency in promoting it will engender "further momentum towards early entry into the force and expansion of participation to the agreement."<sup>1534</sup>

Because Japan has worked to strengthen national enforcement frameworks regarding IPR in the digital arena as well as participated in relevant global institutions, it has been awarded the score of +1.

*Analyst: Anna Postelnyak*

#### **Russia: +1**

Russia has fully complied with its commitment to strengthen its regulatory framework aimed at addressing violations of intellectual property rights (IPR) in the digital arena.

Several actions have been taken by the Russian authorities to improve national laws or enforcement frameworks regarding IPR on the web.

On 9 December 2011, the President of Russia signed the Federal Constitutional Law providing for the establishment of a specialized arbitration court to settle disputes related to intellectual property rights protection. This court will become the first one in the new system of specialized arbitration courts created in Russia.<sup>1535</sup>

On 13 January 2012, Russian Minister of Communications and Mass Media Igor Shchegolev established a working group responsible for drafting proposals on International Free Licenses

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<sup>1531</sup> Ministries in Charge of Hearing Explanatory Material, Prime Minister of Japan and His Cabinet (Tokyo). Date of Access: 31 December 2011.

[http://www.kantei.go.jp/jp/singi/titeki2/tyousakai/contents\\_kyouka/2012/dai3/siryou2\\_2.pdf](http://www.kantei.go.jp/jp/singi/titeki2/tyousakai/contents_kyouka/2012/dai3/siryou2_2.pdf).

<sup>1532</sup> Sommet Culturel G8-G20 sur la création à l'ère numérique, G8-G20 France 2011 (Paris). Date of Access: 2 January 2012. <http://www.g20-g8.com/g8-g20/g20/francais/actualites/actualites/sommet-culturelg8-g20-sur-la-creation-a-l-ere.1570.html>.

<sup>1533</sup> Signing Ceremony of the EU for the Anti-Counterfeiting Trade Agreement, Ministry of Foreign Affairs of Japan (Tokyo). Date of Access: 23 April 2012.

[http://www.mofa.go.jp/policy/economy/i\\_property/acta1201.html](http://www.mofa.go.jp/policy/economy/i_property/acta1201.html).

<sup>1534</sup> Signing Ceremony of the EU for the Anti-Counterfeiting Trade Agreement, Ministry of Foreign Affairs of Japan (Tokyo). Date of Access: 23 April 2012.

[http://www.mofa.go.jp/policy/economy/i\\_property/acta1201.html](http://www.mofa.go.jp/policy/economy/i_property/acta1201.html)

<sup>1535</sup> Legislation amended in connection with the establishment of the Intellectual Property Rights Court, Office of the President of Russia (Moscow) 9 December 2011. Date of Access 13 February 2012.

<http://eng.kremlin.ru/news/3200>.

Adaptation to Russian legislation.<sup>1536</sup> The group was established in line with the Russian President's instructions on amending Russian legislation "to give authors the right to make their works available on a free-license basis to the public at large (along the lines of Creative Commons [copyright licenses that allow the distribution of copyrighted works] or GNU FDL [GNU Free Documentation License])".<sup>1537</sup>

Some measures have also been undertaken in Russia to improve or initiate global institutions that address intellectual property infringement online.

On 18 July 2011, the agreement between Russia, Belarus and Kazakhstan on common principles of regulation in protecting intellectual property rights was ratified by Russia. It aims at harmonizing the regulatory principles for intellectual property protection, inter alia, in the digital space. Under the Agreement, the permanent Coordinating Council of the Common Economic Space for intellectual property shall be established.<sup>1538</sup>

On 3 November 2011, Russian President Dmitry Medvedev made several proposals concerning intellectual property rights protection on the Internet in his address to the G20 leaders before the G20 Cannes Summit. These proposals include, inter alia, establishing a certain level of legal protection of copyright and related rights on the Internet, giving the rights holder the opportunity to choose the best model of protecting his or her work, and introducing a special presumption that the use of objects of copyright and related rights online is free unless the owner has stated otherwise. The implementation of the proposals would lead to changes in a number of international treaties, including the Berne Convention for the Protection of Literary and Artistic Works. The Russian President proposed an option of drafting a separate new international treaty concerning IPR protection in the web.<sup>1539</sup>

On 22 December 2011, President Medvedev emphasized in his Address to the Federal Assembly that the establishment of a new legal framework for protection of intellectual property rights in the light of the development of the Internet is one of Russia's priorities and it should be promoted in the framework of BRICS and the Shanghai Cooperation Organization.<sup>1540</sup>

Thus, Russia has been awarded a score of +1 for taking measures aimed at strengthening national laws and enforcement of legal frameworks regarding IPR in the digital arena as well as improving and initiating global institutions that address intellectual property infringement online.

*Analyst: Andrey Shelepov*

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<sup>1536</sup> Order on Establishing the Working Group on International Free Licenses Adaptation to Russian Legislation and Their Implementation in Russia, Russian Ministry of Communications and Mass Media 13 January 2012. Date of Access: 13 February 2012. [http://minsvyaz.ru/ru/doc/index.php?id\\_4=676](http://minsvyaz.ru/ru/doc/index.php?id_4=676).

<sup>1537</sup> Presidential instructions following meeting with internet community representatives, Office of the President of Russia (Moscow) 2 June 2011. Date of Access: 15 February 2012. <http://eng.kremlin.ru/news/2315>.

<sup>1538</sup> Law on ratification of agreement between Russia, Belarus and Kazakhstan on common principles of regulation in protecting intellectual property rights, Office of the President of Russia (Moscow) 18 July 2011. Date of Access 13 February 2012. <http://eng.kremlin.ru/news/2594>.

<sup>1539</sup> Dmitry Medvedev's message to the G20 leaders, Office of the President of Russia (Moscow) 3 November 2011. Date of Access 13 February 2012. <http://eng.kremlin.ru/news/3018>.

<sup>1540</sup> Address to the Federal Assembly, Office of the President of Russia (Moscow) 22 December 2011. Date of Access 13 February 2012. <http://eng.kremlin.ru/news/3268>.

### **United Kingdom: +1**

The United Kingdom has fully complied with the implementation of effective actions against violations of IPR in the digital arena. It has fulfilled both the domestic and international dimensions of its commitment.

On 25 November 2011, the United Kingdom published its new Cyber Security Strategy.<sup>1541</sup> The strategy plans for a safe internet by 2015. The document makes reference to reducing internet pirating and cybercrime such as IPR infringement. Moreover, the British Intellectual Property Office (IPO) updated their IP Crime Strategy on 11 August 2011 to complement existing regulations and support enforcement agencies with more focus on interoperability.<sup>1542</sup>

On 1-2 November 2011, the United Kingdom hosted the London Conference on Cyberspace.<sup>1543</sup> The conference welcomed Ministers, senior government officials, industry leaders and representatives from the internet community from over 60 countries.<sup>1544</sup> One of the conference's five themes was "How to Strike a Balance between Protection of Intellectual Property and Access, Innovation and Creation of Markets".<sup>1545</sup> Additionally, the United Kingdom attended the G8/G20 Cultural Summit in Avignon, France on 17-18 November 2011. Members of the summit discussed multiple ways of securing intellectual property on the Internet.<sup>1546</sup>

As of 26 January 2012, the UK signed the Anti-Counterfeiting Trade Agreement (ACTA) at the Ministry of Foreign Affairs in Tokyo alongside 22 European Member States.<sup>1547</sup> While neither a law or a treaty, ACTA is a trade agreement which allows countries to work in alignment on certain matters such as combating copyright infringement, patents, counterfeited goods and intellectual property rights. ACTA awaits formal implementation and ratification from other signatories, especially since the members states of the EU must wait for the European Parliament's approval.<sup>1548</sup>

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<sup>1541</sup> The UK Cyber Security Strategy: Protecting and promoting the UK in the digital world, Cabinet Office UK (London) 25 November 2011. Date of Access: 28 December 2011.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/uk-cyber-security-strategy-final.pdf>.

<sup>1542</sup> IP Crime: Annual Report 2010-2011, IP Crime Group (London) August 2011 Revised November 2011 Date of Access: 28 December 2011 The UK Cyber Security Strategy: Protecting and promoting the UK in the digital world, Cabinet Office UK (London) 25 November 2011. Date of Access: 4 December 2011.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/uk-cyber-security-strategy-final.pdf>.

<sup>1543</sup> Conference on Cyberspace, Foreign and Commonwealth Office (United Kingdom) 1 November 2011. Date of Access: 6 January 2012. <http://www.fco.gov.uk/en/global-issues/london-conference-cyberspace/>.

<sup>1544</sup> Chair's Statement, Foreign and Commonwealth Office (United Kingdom) 9 November 2012. Date of Access: 6 January 2012. <http://www.fco.gov.uk/en/news/latest-news/?view=PressS&id=685663282>.

<sup>1545</sup> Chair's Statement, Foreign and Commonwealth Office (United Kingdom) 9 November 2012. Date of Access: 6 January 2012. <http://www.fco.gov.uk/en/news/latest-news/?view=PressS&id=685663282>.

<sup>1546</sup> Sommet Culturel G8-G20 sur la creation a l'ère numérique, G8-G20 France 2011 (Paris). Date of Access: 2 January 2012. <http://www.g20-g8.com/g8-g20/g20/francais/actualites/actualites/sommet-culturel-g8-g20-sur-la-creation-a-l-ere.1570.html>.

<sup>1547</sup> Anti-Counterfeiting Trade Agreement (English Text), Foreign Affairs and International Trade Canada (Ottawa) 17 June 2011. Date of Access: 28 April 2012. <http://www.international.gc.ca/tradeagreements-accords-commerciaux/fo/acta-acrc.aspx?lang=eng&view=d>.

<sup>1548</sup> Joint Statement on the Anti-Counterfeiting Trade Agreement, European Trade Commission (Brussels) 15 November 2010. Date of Access: 22 April 2012.

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=659>.

Thus, the UK has been awarded a score of +1 for working to strengthen national IPR enforcement frameworks online as well as participating to initiate And participating in new global institutions protecting IPR.

*Analyst: Alfred Galen Cordoba*

### **United States: 0**

The United States has partially complied with its commitment by improving global institutions that address Intellectual Property Right infringements online.

The United States Senate introduced the PROTECT IP Act on 12 May 2011. If enacted, the bill will allow the U.S. Attorney General to seek court orders forcing United States-based online intermediaries (such as Internet service providers, payment processor, online advertisers, and search engines) to prevent those using their service from accessing a website that infringes on intellectual property. Moreover, the intermediaries will be empowered to cease doing business with infringing actors.<sup>1549</sup> The United States Senate has not yet passed the PROTECT IP Act.<sup>1550</sup>

The House of Representatives introduced the corresponding Stop Online Piracy Act on 26 October 2011. The Stop Online Piracy Act also authorizes the Attorney General to use court orders to compel online intermediaries to take action that would discourage and prevent online Intellectual Property Right infringements.<sup>1551</sup> Offenders who fail to cease and desist will become guilty of intellectual property offences under the United States' federal criminal code.<sup>1552</sup> Online intermediaries will be obligated to carry out preventative measures, which may also mean taking action to sever electronic and financial connections with the offending party.<sup>1553</sup> The House of Representatives has not yet passed the Stop Online Piracy Act.<sup>1554</sup>

Though both pieces of legislation are technically still before both Houses of Congress, in January an unprecedented backlash by internet activists eroded both bills' political support.<sup>1555</sup> Neither is

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1549 Press Release: Leahy, Hatch, Grassley Unveil Targeted Bill To Counter Online Infringement, Patrick Leahy (Washington) 12 May 2011. Date of Access: 28 April 2012.

[http://leahy.senate.gov/press/press\\_releases/release/?id=a18ddcc4-8da6-4cb9-b46e-104c21537d50](http://leahy.senate.gov/press/press_releases/release/?id=a18ddcc4-8da6-4cb9-b46e-104c21537d50).

1550 Press Release: Wyden Places Hold on Protect IP Act: Overreaching Legislation Still Poses a Significant Threat to Internet Commerce, Innovation and Free Speech, Ron Wyden (Washington) 26 May 2011. Date of Access: 28 April 2012. <http://wyden.senate.gov/newsroom/press/release/?id=33a39533-1b25-437b-ad1d-9039b44cde92>.

1551 Summary of the Stop Online Piracy Act, Library of Congress (Washington) 16 December 2011. Date of Access: 28 April 2012.

<http://thomas.loc.gov/cgi-bin/bdquery/z?d112:H.R.3261:@@D&summ2=m&>

1552 Summary of the Stop Online Piracy Act, Library of Congress (Washington) 16 December 2011. Date of Access: 28 April 2012.

<http://thomas.loc.gov/cgi-bin/bdquery/z?d112:H.R.3261:@@D&summ2=m&>

1553 Summary of the Stop Online Piracy Act, Library of Congress (Washington) 16 December 2011. Date of Access: 28 April 2012.

<http://thomas.loc.gov/cgi-bin/bdquery/z?d112:H.R.3261:@@D&summ2=m&>

1554 Summary of the Stop Online Piracy Act, Library of Congress (Washington) 16 December 2011. Date of Access: 28 April 2012.

<http://thomas.loc.gov/cgi-bin/bdquery/z?d112:H.R.3261:@@D&summ2=m&>

1555 Bills to Stop Web Piracy Invite a Protracted Battle, Wortham, Jenna, and Sengupta, Somini, New York Times (New York) 15 January 2012. Date of Access: 28 April 2012.

[http://www.nytimes.com/2012/01/16/technology/web-piracy-bills-invite-a-protracted-battle.html?\\_r=1](http://www.nytimes.com/2012/01/16/technology/web-piracy-bills-invite-a-protracted-battle.html?_r=1)

expected to be passed.<sup>1556</sup> Furthermore, on 14 January 2012 the White House announced its opposition to both the Stop Online Piracy and PROTECT IP Acts.<sup>1557</sup>

In February 2011, the Office of the United States Trade Representative published its first standalone Notorious Markets list.<sup>1558</sup> This identified over 30 markets that deal in goods which infringe on property rights and is intended to raise both domestic and international awareness of intellectual property rights violations.<sup>1559</sup> The Office also publically applauded the Chinese website Baidu for entering a licensing agreement with the United States and recording industry rights-holders.<sup>1560</sup>

On 1 October 2011, the United States signed the Anti-Counterfeiting Trade Agreement in Tokyo.<sup>1561</sup> The agreement aims to “strengthen the international legal framework for effectively combating global proliferation of commercial-scale counterfeiting and piracy, calling for strong legal frameworks,” and “includes innovative provisions to deepen international cooperation and to promote strong intellectual property rights (IPR) enforcement practices.”<sup>1562</sup>

Thus, the United States has been provided with a score of 0 for improving global frameworks for addressing online intellectual property right infringements.

*Analyst: Ben Donato-Woodger*

### **European Union: +1**

The European Union has fully complied with its intellectual property commitment by working to improve internal enforcement IPR frameworks and to bolster international partnerships with non-EU member states on IPR protection.

On 10 May 2011, the European Commission organized a public hearing on its intellectual property rights strategy. More than 100 participants attended the hearing, including representatives from prominent industry associations and civil society. The purpose of the hearing

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1556 Bills to Stop Web Piracy Invite a Protracted Battle, Wortham, Jenna, and Sengupta, Somini, New York Times (New York) 15 January 2012. Date of Access: 28 April 2012.

[http://www.nytimes.com/2012/01/16/technology/web-piracy-bills-invite-a-protracted-battle.html?\\_r=1](http://www.nytimes.com/2012/01/16/technology/web-piracy-bills-invite-a-protracted-battle.html?_r=1)

1557 Bills to Stop Web Piracy Invite a Protracted Battle, Wortham, Jenna, and Sengupta, Somini, New York Times (New York) 15 January 2012. Date of Access: 28 April 2012.

[http://www.nytimes.com/2012/01/16/technology/web-piracy-bills-invite-a-protracted-battle.html?\\_r=1](http://www.nytimes.com/2012/01/16/technology/web-piracy-bills-invite-a-protracted-battle.html?_r=1)

1558 USTR Announces Results of Special 301 Review of Notorious Markets, Office of the United States Trade Representative (Washington) 20 December 2011. Date of Access: 28 April 2012.

<http://www.ustr.gov/about-us/press-office/press-releases/2011/december/ustr-announces-results-special-301-review-notorio>.

1559 USTR Announces Results of Special 301 Review of Notorious Markets, Office of the United States Trade Representative (Washington) 20 December 2011. Date of Access: 28 April 2012.

<http://www.ustr.gov/about-us/press-office/press-releases/2011/december/ustr-announces-results-special-301-review-notorio>.

1560 USTR Announces Results of Special 301 Review of Notorious Markets, Office of the United States Trade Representative (Washington) 20 December 2011. Date of Access: 28 April 2012.

<http://www.ustr.gov/about-us/press-office/press-releases/2011/december/ustr-announces-results-special-301-review-notorio>.

1561 Anti-Counterfeiting Trade Agreement (ACTA), Office of the United States Trade Representative (Washington) 1 October 2011. Date of Access: 28 April 2012. <http://www.ustr.gov/acta>.

1562 Anti-Counterfeiting Trade Agreement (ACTA), Office of the United States Trade Representative (Washington) 1 October 2011. Date of Access: 28 April 2012. <http://www.ustr.gov/acta>.

was “to get feedback and input from a broad range of stakeholders regarding the effectiveness of the previous strategy.”<sup>1563</sup>

On 22 November 2011, Neelie Kroes, Vice-President of the European Commission, also spoke to the European Parliament about the “need to support the EU institutions, member states and society at large in getting better internet security.” She also stated that European Network and Information Security Agency (ENISA) must be able to attract and to retain the very best IT security experts in Europe.<sup>1564</sup>

On 18 November 2011, ENISA announced the launch of a series of free videos in all 23 official EU languages, which are designed to help raise awareness of information security risks and encourage secure handling of electronic data. The launch is part of ENISA’s on-going commitment to raise information security awareness, including intellectual property rights.

On 1 December 2011, the European People's Party (EPP) in the European Parliament organized a public hearing on internet issues. Participants included EPP MEPs, representatives of Microsoft, Google and Facebook, as well as the German federal data protection commissioner.<sup>1565</sup>

The EU has also reached out to non-EU member states when dealing with the IPR issue. On 25 February 2011, the EU participated in the first EU-Thailand IPR dialogue in Bangkok. The purpose of the meeting was to “discuss the scope and mechanics of a new bilateral framework for regular and long-term cooperation between the European Union and Thailand on intellectual property.”<sup>1566</sup> Moreover, the EU participated in the 8<sup>th</sup> EU-China IP Working Group meeting on 10 March 2011 in Beijing.<sup>1567</sup>

The EU’s most notable attempt at protecting IPR is the Anti-Counterfeiting Trade Agreement (ACTA). THE EU signed ACTA on 26 January 2012 in Tokyo.<sup>1568</sup> ACTA is a multinational treaty intended to put in place international standards to prevent the distribution of counterfeit goods as well as copyright infringement online.<sup>1569</sup> However, ACTA contains criminal enforcement provisions and so, it must be signed and ratified by the EU and by all 27 Member States in order to be effective.<sup>1570</sup>

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<sup>1563</sup> Report on the Public Hearing Held on 10 May 2011 on the European Commission's Strategy for the Protection and Enforcement of Intellectual Property Rights (IPRs) in Third Countries, European Commission (Brussels) June 27 2011. Date of Access: 6 January 2011.

[http://trade.ec.europa.eu/doclib/docs/2011/august/tradoc\\_148110.pdf](http://trade.ec.europa.eu/doclib/docs/2011/august/tradoc_148110.pdf).

<sup>1564</sup> Address by Neelie Kroes, European Parliament (Brussels) 22 November 2011. Date of Access: 4 December 2011. <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/786&type=HTML>.

<sup>1565</sup> EPP Discusses Internet Challenges with Tech Firms, NewEurope: The European Political Newspaper (Brussels) 5 December 2011. Date of Access: 5 December 2011. <http://www.neurope.eu/article/epp-discusses-internet-challenges-tech-firms>.

<sup>1566</sup> Report on the First EU-Thailand IPR Dialogue, Europa.eu (Brussels) 25 February 2011. Date of Access: 6 January 2011. [http://trade.ec.europa.eu/doclib/docs/2011/april/tradoc\\_147855.pdf](http://trade.ec.europa.eu/doclib/docs/2011/april/tradoc_147855.pdf).

<sup>1567</sup> 8<sup>th</sup> EU-China IP Working Group Meeting, Europa.eu (Brussels) 10 March 2011. Date of Access: 6 January 2011. [http://trade.ec.europa.eu/doclib/docs/2011/april/tradoc\\_147782.pdf](http://trade.ec.europa.eu/doclib/docs/2011/april/tradoc_147782.pdf).

<sup>1568</sup> ACTA – Anti-Counterfeiting Trade Agreement, European Commission (Brussels), 5 March 2012. Date of Access: 1 May 2012. <http://ec.europa.eu/trade/tackling-unfair-trade/acta/>.

<sup>1569</sup> ACTA – Anti-Counterfeiting Trade Agreement, Foreign Affairs and International Trade Canada, 31 January 2012. Date of Access: 1 May 2012. [http://www.international.gc.ca/trade-agreements-accords-commerciaux/fo/intellect\\_property.aspx?view=d](http://www.international.gc.ca/trade-agreements-accords-commerciaux/fo/intellect_property.aspx?view=d)

<sup>1570</sup> ACTA – Anti-Counterfeiting Trade Agreement, European Commission (Brussels), 5 March 2012. Date of Access: 1 May 2012. <http://ec.europa.eu/trade/tackling-unfair-trade/acta/>.

Thus, by strengthening internal IPR strategies for member states and for improving global frameworks for addressing online intellectual property right infringements, the EU has fully complied with its commitment and been awarded a +1.

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