



Trade Facts

Office of the United States Trade Representative
October 2007

www.ustr.gov

Fact Sheet: Anti-Counterfeiting Trade Agreement

The proliferation of infringements of intellectual property rights (“IPR”) particularly in the context of counterfeiting and piracy poses an ever-increasing threat to the sustainable development of the world economy. The consequences of such IPR infringements include (1) depriving legitimate businesses and their workers of income; (2) discouraging innovation and creativity; (3) threatening consumer health and safety; (4) providing an easy source of revenue for organized crime; and (5) loss of tax revenue.

Goal: Establish, among nations committed to strong IPR protection, a common standard for IPR enforcement to combat global infringements of IPR particularly in the context of counterfeiting and piracy that addresses today’s challenges, in terms of increasing international cooperation, strengthening the framework of practices that contribute to effective enforcement of IPRs, and strengthening relevant IPR enforcement measures themselves.

Provisions:

- *International Cooperation:* Cooperation among the parties is a key component of the agreement – including sharing of information and cooperation between our law enforcement authorities, including Customs and other relevant agencies. Areas for possible provisions include:
 - Capacity building and technical assistance in improving enforcement
 - International cooperation among enforcement agencies.
- *Enforcement Practices:* It is necessary to establish enforcement practices that promote strong intellectual property protection in coordination with right holders and trading partners. Such “best practices” would support the application of the relevant legal tools, as outlined by the Legal Framework. Areas for possible provisions include:
 - Formal or informal public/private advisory groups;
 - Fostering of specialized intellectual property expertise within law enforcement structures to ensure effective handling of IPR cases;
 - Measures for raising consumer public awareness about the importance of IPR protection and the detrimental effects of IPR infringements;

- *Legal Framework*: It is critical to have a strong and modern legal framework so that law enforcement agencies, the judiciary, and private citizens have the most up-to-date tools necessary to effectively bring counterfeiters and pirates to justice. Areas for possible provisions include:
 - Criminal enforcement
 - Border measures
 - Civil enforcement
 - Optical disc piracy
 - Internet distribution and information technology