

## ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

### Joint communication from the European Communities, United States, Japan and Switzerland

1. The co-sponsors of this Joint Communication recall the importance of effective IPR enforcement for developing and developed country economies, in particular in terms of innovation and investment.
2. It is clear that global counterfeiting and piracy activity is expanding rapidly. This activity is increasingly sophisticated, in part due to the development and wider availability of new technologies. All economies are facing the problems caused by counterfeiting and piracy, as well as the challenges of measuring these problems. This activity has harmful effects on society as a whole: it puts at risk public health and safety, threatens legitimate commerce, and entails loss of jobs and government tax revenues. This activity is also often linked to organised crime and other types of crimes.
3. Counterfeiting and piracy activity represents a considerable share of the global economy. It concerns most WTO Members, albeit at different levels. Given the international dimension of the issue, there is a need for a co-ordinated action at both national and international levels. In this respect, the co-sponsors take note of the Statement made by the G8 on 16 July 2006 on Combating IPR Piracy and Counterfeiting.
4. The TRIPS Council is an appropriate forum to examine and assist Members in the implementation of enforcement provisions of the TRIPS Agreement. The work of the TRIPS Council in this regard should complement Members' efforts to use other cooperative mechanisms to address IPR enforcement.
5. The co-sponsors acknowledge that Members are free to determine the appropriate method of implementing enforcement provisions while ensuring effective IP enforcement. However, ultimately, such implementation must ensure adequate achievement of the objectives of the TRIPS Agreement.
6. The co-sponsors are convinced that the exchange of experiences and best practices in the TRIPS Council involving all Members would enable all Members to better understand where the problems are, how they can be addressed and what the TRIPS Council can do.
7. The co-sponsors of this communication:
  - Invite other Members to engage in a constructive discussion of how to implement the enforcement provisions of TRIPS in a more effective manner.
  - Invite other Members to engage in a constructive discussion of accompanying measures which could enhance the effectiveness of national implementing legislation and enforcement efforts, such as for example promoting interagency co-operation, fostering a higher public awareness, and reinforcing institutional frameworks.
  - Ask the Secretariat to prepare a synopsis of Members' contributions to the Checklist of Issues on Enforcement that would serve as a basis for the above-mentioned discussion.

- Stand ready, in cooperation with recipients of technical assistance and with relevant international organizations, to better focus the technical assistance they provide in favour of developing countries in order to facilitate the implementation of enforcement provisions.