

**Remarks by ROBERT L. STOLL,
Director, Office of Enforcement, United States Patent and
Trademark Office, on “Public/Private Partnerships on IPR
Enforcement”**

Good afternoon, Mr. Ambassador, distinguished guests, and ladies and gentlemen.

The historic U.S.-Vietnam Bilateral Trade Agreement (BTA), and the on-going working party consultations with Vietnam as part of its process to gain entry into the World Trade Organization (WTO), have highlighted the importance the U.S. Government places on assisting Vietnam in building a strong and effective intellectual property rights enforcement system.

The protection and enforcement of IPRs are key components of both the BTA and WTO TRIPs Agreement, and Vietnam has undertaken extensive commitments as part of both to bring its IPR regime up to international standards.

The U.S. has committed to assist Vietnam in these efforts by providing technical assistance on BTA implementation in general and IPR support in specific, particularly in the area of capacity-building.

Over the last few years, the sheer number of IPR training and capacity-building activities in Vietnam has been impressive.

And it has come from the U.S. Government, IP industries and rights holders, and from other countries and organizations as well, including Australia, Japan, the EU, ASEAN, and WIPO.

We know that Vietnamese governmental agencies and business interests are eager for such support.

The USPTO was one of the very first U.S. Government agencies to become actively involved in providing technical assistance and training in Vietnam, starting in 1995, and we have been engaged ever since.

As the issues have become more complicated, involving everything from optical media piracy, cable and satellite signal piracy, digital and Internet piracy, to transnational counterfeiting by global criminal organizations, we pledge to continue and expand what we have been doing.

But the U.S. Government cannot do it alone.

The success of good capacity-building activities in the area of IPR enforcement must rely heavily on the active involvement, support, and participation of the private sector and affected industries.

This includes not only IPR industries, IP rights holding entities and their various legal and business representatives, but also such groups in civil society and the private sector as legal associations, chambers of commerce, and trade associations.

A recent case in point: The USPTO and the ASEAN Working Group on IP Cooperation co-organized a workshop on effective practices in combating trade in counterfeit hard goods for 60 various governmental officials from all ASEAN member countries.

Since the topics of discussion focused on training law enforcement and customs officials on the forensic and technical aspects of detecting counterfeit goods, it was imperative to have the active involvement of the legitimate rights holders or their agents in the

workshop sessions since neither USPTO nor ASEAN officials can completely explain how to differentiate genuine goods from fakes.

Without the involvement of an array of rights holders, representing such companies as Canon, Epson, Eli Lilly, Levi Strauss, General Motors, Energizer, Pfizer, Microsoft, Procter & Gamble, and adidas, among others, we simply could not have presented to the participants a very practical, “hands-on” type of capacity-building program.

In addition, having the involvement of civil organizations or institutions, like bar associations and chambers of commerce, bring another perspective to the importance of IP enforcement.

Such organizations are also important players and stakeholders in any efforts that the government and IP rights holders may initiate to educate the public as to the importance of, and reason for, stronger IP laws and enforcement.

Such organizations can also educate and inform their own members on issues of IPR protection and enforcement, and how they can play a vital role in making the entire system work better.

Lawyers, in particular, are an important constituency to involve in such training activities since they will often be the ones who not only represent IP rights holders and businesses, but are in a unique position to assist in educating the judiciary as to the importance of stronger IP protection and enforcement.

They do this, of course, not only in informal ways, such as capacity-building activities, but also in the formal forum of the courts by litigating cases of infringement, and assisting law enforcement, prosecutors, and the courts in investigating and preparing cases for criminal prosecution.

All of these activities represent a needed public-private partnership to make an IP regime stronger, more responsive, and effective in protecting and enforcing IP rights.

When public entities and the private sector work together, all can take pride in building a better system for enforcement.