



INTELLECTUAL PROPERTY RIGHTS STUDY MISSION

REPORT

TRADE AND LAW EXCHANGE AND PARTNERSHIP PROGRAM

WITH

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
2002 – 2004 COOPERATIVE AGREEMENT**

**THE U.S.- VIETNAM TRADE COUNCIL
EDUCATION FORUM**

**WASHINGTON, DC
APRIL 30, 2003**

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TABLE OF CONTENTS

I.	INTELLECTUAL PROPERTY RIGHTS (IPR) REPORT.....	3
II.	IPR MISSION SUMMARY.....	17
III.	IPR MISSION SCHEDULE.....	20
IV.	PRESS RELEASE.....	26
V.	MISSION QUESTIONS.....	27
VI.	MEETINGS IN BRIEF.....	28
VII.	DOCUMENTS/MATERIALS LIST.....	32

APPENDIX -- POWER POINT PRESENTATIONS

TRAINING MATERIALS



**INTELLECTUAL PROPERTY RIGHTS
STUDY MISSION**

REPORT

Washington, DC
March 25 – April 2, 2003

Pursuant to a grant from the U.S. Agency for International Development

Delegation:

Mr. Tran Chien Thang	Vice Minister, Ministry of Culture & Information (MOCI)
Mr. Nguyen Hong Son	Deputy Director, Planning Department, MOCI
Mr. Do Khac Chien	Deputy Director, Copy right Office, MOCI
Mr. Pham Huu Khue	Deputy Director, Office of the Government
Mr. Do Cao Thang	Judge, Economic Tribunal, Supreme Court
Mr. Dang Van Tao	Deputy Director General, General Department of Vietnam Customs
Ms. Nguyen Hong Bac	Head, WTO Division and U.S - Vietnam Economic Relations, Ministry of Foreign Affairs
Mr. Duong Dang Hue	Deputy Director, Department of Civilian, Economic Laws, Ministry of Justice
Ms. Nguyen Thi Hong Ha	Deputy Chief, Hanoi People's Committee Secretariat
Ms. Nguyen Thi Thanh Ha	Deputy Director of Legislation and Management Department, National Office of Industrial Property, Ministry of Science and Technology (MOSTI)
Ms. Dinh Thi Quynh Trang	Expert, Department of Legislation, MOSTI
Mr. Pham Binh Dam	Interpreter, Translation Department, Ministry of Foreign Affairs

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EXECUTIVE SUMMARY

As part of the U.S. Agency for International Development supported program to assist Vietnam in the implementation of the U.S.-Vietnam Bilateral Trade Agreement, the U.S.-Vietnam Trade Council Education Forum (USVTC-EF) organized a study mission to Washington DC from March 25 – April 2, 2003 focusing on intellectual property rights. This inter-ministerial mission led by Vice Minister of Culture & Information Tran Chien Thang focused on the legal and practical aspects of provisions as outlined in Chapter II of the BTA on Intellectual Property Rights, while reinforcing the urgency and importance of timely and effective implementation and enforcement. In addition, the mission sought to highlight the “why” and the “how” of an IPR regime, including the policy decisions relevant to the importance of intellectual property protection and issues relating to the development an effective intellectual property legal & enforcement regime.

Key to the success of the mission was invaluable input from key Vietnamese offices and participants, U.S. Embassy in Hanoi, U.S. Consulate in Ho Chi Minh City, the U.S. Agency for International Development, USTR, USPTO, STAR Vietnam, trade associations, private American companies, and think-tanks.

Objectives

On 9 January 2003, Official Letter 147-VPCP of the Office of the Government was issued with the following directives for the various mentioned agencies : 1) The completion of a draft plan from the Ministry of Culture & Information to the Government on Vietnam’s participation and implementation of international conventions on Copyright issues; 2) A report to the Prime Minister by the Ministry of Science & Technology in cooperation with the Ministry of Culture & Information and the Ministry of Justice proposing and outlining reasons for a separate Law governing Intellectual Property, separate from Vietnam’s Civil Code that currently governs intellectual property protection, violations and remedies; and 3) Recommendations to the Government by the Ministry of Science & Technology and the Ministry of Culture & Information on the establishment of one authority for the uniform State administration of an IP regulatory regime.

To assist in the preparation of the delegation’s reports & recommendations to the Government, the U.S.-Vietnam Trade Council Education Forum organized the mission with the following goals:

- To provide opportunities for key policy players from relevant ministries to confer and coordinate with their colleagues and industry experts on issues affecting their own capacities and responsibilities,
- To comparing and contrasting the role of administrative agencies, the Courts, and enforcement agencies in the U.S.
- To engage in discussions relating to Vietnam’s BTA obligations and the importance of timely & effective enforcement of the IPR commitments in the Agreement.
- To engage in discussions relating to Vietnam’s WTO Accession, particularly relating to the importance of charting a IPR roadmap and plan for legislative action, implementation of such legislation and enforcement.
- To build new relationships & develop opportunities with associations and companies for additional technical assistance in this area.

- To build consensus for the benefits of a effective IPR regime on the development of Vietnam addressing the multiple issues of why a IPR regime is an important goal for Vietnam's economy
- To build consensus on some of the tools useful for answering the question of how to establish an effective IPR regime

Program

To meet the objectives of the mission, members of the delegation had meetings with U.S. Government, legal practitioners, industry experts, and U.S. companies on developments in Vietnam's current IPR regime, including policies and legislation as they related to commitments in the BTA, WTO TRIPS Agreement, and other international conventions. Much study was focused on the U.S. IPR regime including its laws, administrative functions, judicial and enforcement systems, and the role of the private sector in formulating policies affecting IP issues in their sector/s.

Further, key policy themes that have arisen out of this mission have reinforced the importance of a strong intellectual property regime and serious efforts to enforce obligations and disciplines necessary to deter future infringement or encourage organized intellectual property crimes.

Particular emphasis was placed on the various themes below which explain the significance of a strong IP enforcement regime:

- The importance of a strong IP enforcement regime in related illegal organized crime and activities such as smuggling, tax evasion, money laundering, and the prevention of providing an open environment for the migration of illegal commercial activities from neighboring countries.
- The importance of the development of a strong court system in combating civil and criminal IP violations
- The importance of a strong IPR regime in attracting inward foreign investment and assisting in the development of a vibrant domestic industry and encouraging research & development, and innovation.
- The importance of the development of an IPR regime that would assist in the successful implementation of the BTA and Vietnam's accession to the WTO.
- The importance of the development of public awareness on why the protection of intellectual property rights is important, and violations illegal.

Techniques used to highlight the tools and means by which effective enforcement could be carried out included:

- Provision of history & evolution, and cases demonstrating how the courts in the U.S. have dealt with civil and criminal IP cases, and the effectiveness of a strong judicial system in supporting strong IP enforcement.
- Case studies on countries that have been particularly successful in certain areas and the impact such enforcement has had on investment in high-tech and value-added areas such as research & development.
- Demonstration of how the US combats border IPR violations including inter-agency coordination themes and the role of the National Center for the Coordination of Intellectual Property Enforcement & its Bureau of Immigration & Customs Enforcement (BICE).

- Demonstration of the various roles of private sector trade associations and their interaction in formulating IP related policies and assisting in enforcement efforts.
- Provision of actual training materials and case examples used by institutions to instruct enforcement officials.
- Provision of actual training materials and case examples used by institutions to educate the general populace.

Accomplishments

As a result, it is our assessment that the discussions had served to build a common understanding among the delegation members on the full range of issues affecting the future development of Vietnam's IP regime including how decisions made on policies would relate to the BTA & other international conventions, reasons for the importance of strong & effective enforcement, and policy considerations for assessing how to build an effective IPR regime. Of particular significance and importance were opportunities created between delegate members and American companies & industry representatives in various sectors to engage in a dialogue on specific intellectual property issues affecting the success of their particular business operation/s and future investment plans for Vietnam. In addition, the delegation saw and discussed the importance of an informed public in pressing the value of IPR. Finally, the mission served to introduce and enhance further understanding of the various aspects of newer intellectual property issues including that of satellite signals, internet-related violations, business methods in an e-environment, and integrated circuits.

It is our initial assessment that members of the delegation were pleased with their program. Many expressed the significance of conducting discussions on issues relevant to particular ministries with different portfolios and responsibilities, and that such opportunities were important to build a common understanding and consensus, while identifying together possible practical solutions. It is our hope that such opportunities and consensus gained on key issues will greatly assist individual policy makers and facilitate the legal drafting of future regulations concerning intellectual property. Further, it is our hope that discussions held on the various roles of agencies including private sector trade associations in the U.S. will assist in identifying portfolios among ministries while highlighting the importance of effective inter-agency coordination and public-private sector dialogue.

Follow-up and Results

In addition to providing additional materials, research & referral information on particular issues, the U.S.-Vietnam Trade Council has been requested by our Vietnamese counterparts at the Copyright Office, National Office of Industrial Property to facilitate technical assistance on legal drafting including drafting of regulations in areas of intellectual property that are new to Vietnam. We look forward to working with our Vietnamese counterparts, U.S. Government Agencies, industry associations and companies to continue the important dialogue that has begun on key policy decisions that need to be made. These policy decisions will facilitate the drafting of key legislation being considered in addition to supporting the overall efforts of technical assistance as provided by STAR Vietnam and others programs.

In particular, the National Office of Industrial Property has requested the following assistance:

- To introduce the U.S. trademark registration and enforcement procedures to Vietnamese enterprises.

- To strengthen the protection of computer software by assisting in drafting related regulations.
- Seeking and facilitating cooperative opportunities with trade associations, think-tanks and other organizations for technical assistance.
- The Vietnam Ministry of Culture and Information has launched a nationwide contest entitled "Vietnamese Intelligence and Copyright", aiming to improve awareness and understanding by students about literary, artistic and scientific creation, and to encourage them to learn domestic and international regulations regarding IPR.

To reinforce and supplement efforts to build a strong enforcement regime for intellectual property rights in Vietnam, we anticipate organizing another mission later this year with particularly focus on enforcement. In addition, we also look forward to working with our Vietnamese counterparts to provide assistance on Vietnam's WTO Accession process and questions & answers relating to TRIPs. Finally, the U.S.-Vietnam Trade Council Education Forum will follow up with trade associations and individual companies who have so generously shared their time and offered their assistance on future cooperative opportunities for technical assistance, particularly relating to legal drafting and commentary on regulations, in addition to public awareness.

PROGRAM

U.S. Patent & Trademark Office - The U.S. Patent & Trademark Office is an office under the U.S. Department of Commerce established to administer the laws relating to patents, trademark and copyright protection. It employs over 5,000 staff to support its major functions -- the examination and issuance of patents and the examination and registration of trademarks. The agency also advises the government on trade-related aspects of intellectual property.

Speakers

Elaine Wu - Attorney Advisor
Eleanor Meltzer - Attorney Advisor
Paul Salmon - Attorney Advisor
Jennifer Ness – Attorney Advisor
Peter Fowler – Deputy Assistant Secretary for Intellectual Property Rights

Issues

- Tour of Facility
- Role of Office of External Affairs
- International Standards for Protecting Patents and TRIPS: ; Patentable Subject Matter, Right Conferred, Conditions on Patent Applications; Exceptions to Rights Conferred, Unauthorized use; Revocation & Forfeiture; Term of Protection; Process Patents & Burden of Proof; Enforcement and Transitional Periods.
- Business Methods Patents – Eligibility Requirements for Inventions in the US; Patentability Requirements for Eligible Inventions, Advantages of Vigorous Protection; Administrative Challenges and PTO Responses
- Geographical Indications – Difference between trademarks & GIs
- Protection of Well-known Marks
- TRIPS & WTO Accession – use of legislative action plan (what laws are lacking, when they will be implemented etc.)
- Enforcement – Administrative review, quasi-judicial functions, Board of Patent Appeals

Materials

“International Standards for Protecting Patents: TRIPS” – Elaine Wu, Attorney Advisor
“Business Method Patents: A U.S. Perspective” – Elaine Wu, Attorney Advisor
Trademark Applications Filed – Eleanor Meltzer
Vietnamese Trademark Applications Filed with USPTO – Eleanor Meltzer
WTO Accession Process and TRIPs – Paul Salmon
IPR Criminal Prosecution and Coordination Resources – Peter Fowler

U.S. Copyright Office - The U.S. Copyright Office provides expert assistance to Congress on intellectual property matters; advises Congress on anticipated changes in U.S. copyright law; analyzes and assists in the drafting of copyright legislation and legislative reports and provides and undertakes studies for Congress; offers advice to Congress on compliance with multilateral agreements such as the Berne Convention for the Protection of Literary and Artistic Works; works with the State Department, the U.S. Trade Representative's Office, and the Patent and Trademark Office in providing technical expertise in negotiations for international intellectual property agreements; provides technical assistance to other countries in developing their own copyright laws; and through its International Copyright Institute, promotes worldwide understanding and cooperation in providing protection for intellectual property. The Copyright

Office is also an office of record, a place where claims to copyright are registered and where documents relating to copyright may be recorded when the requirements of the copyright law are met. The Copyright Office furnishes information about the provisions of the copyright law and the procedures for making registration, explains the operations and practices of the Copyright Office, and reports on facts found in the public records of the Office. The Office also administers various compulsory licensing provisions of the law, which include collecting royalties. Additionally, the Copyright Office and the Library of Congress administer the Copyright Arbitration Royalty Panels, which meet for limited times for the purpose of adjusting rates and distributing royalties.

Speakers

Stephen Tepp – Policy Planning Advisor, Copyright Division
Oksana “Cindy” Ramaryk – Senior Copyright Information Specialist

Issues

- Tour of Facility
- Well Known Copyright Cases: Mazer v. Stern 347 US 201 (1954) - separating copyright from function
- Norris Industries v. International Telephone & Telegraph Corporation – uncopyrightable rights
- King v. Mr. Maestro Inc. 224 E Supp. 101 (SDNY 1963) – unpublished stories not copyrightable
- Card Catalog Archives and Facility
- Copyright Submissions
- Copyright & Generation of Income
- Role of General Counsel’s Office – Amicus Briefs, International negotiations
- Budget of Copyright Office
- Statutory/compulsory licenses
- Exhaustion of copyright
- Discussion on organization of copyright authorities e.g. keeping non-literary works and literary works together because the questions and issues overlap and consistency of application of law is important
- Staff qualifications and training

Materials

“Copyright Law of the United States of America and Related Laws Contained in Title 17 of the U.S. Code”, U.S. Copyright Office, April 2000

“FAQs: US Copyright Office”

“Circular 1: Copyright Basics”

“In Answer to Your Query: International Copyright”

Office of the U.S. Trade Representative - The U.S. Trade Representative is America’s chief trade negotiator and the principal trade policy advisor to the President. USTR is responsible for developing and implementing trade policies which promote world growth and create new opportunities for businesses, workers, and agricultural producers. USTR is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and leading or directing negotiations with other countries on such matters.

Speakers

Ralph Ives – Assistant USTR for South-east Asia, Pacific & APEC Affairs

Elena Bryan – Director, South-East Asia & APEC Affairs

Jennifer Ness – Attorney Advisor, U.S. Patent & Trademark Office

Stephen Tepp – Policy Planning Advisor, Copyright Division, U.S. Copyright Office

- Discussion of bilateral issues relating to the BTA – enforcement, criminal penalties

U.S. Department of State - The Department of State is the leading foreign affairs agency in the executive branch of the United States' government. Its primary role is to advise and then implement the President's foreign policy. The State Department actively works to protect intellectual property rights around the globe to keep US companies competitive in the world market.

Speakers

Carmela Conroy – Economic Officer, Office of the Intellectual Property & Competition Policy

Peter Thorin – Vietnam Desk Officer, Office of Burma, Cambodia, Laos, Thailand and Vietnam Affairs

Charles Jess – Vietnam Desk Officer, Office of Burma, Cambodia, Laos, Thailand and Vietnam Affairs

- Role of the State Department – Coordinates with USTR, Copyright Office, Patent & Trademark Office, U.S. Customs Service, Department of Justice on issues relating to IPR. Contributes to Special 301 process, and bilateral & multilateral agreements. Coordinates with other USG and industry associations to provide training for countries.

Materials

List of U.S. Government Agencies involved in providing technical assistance

U.S. Customs Service - U.S. Customs plays a major role in the U.S. government's effort to combat intellectual property rights (IPR) infringement. Working in partnership with other federal law enforcement organizations, U.S. Customs has structured an aggressive enforcement program aimed at stemming the flow of counterfeit and piratical goods into the United States. Through the collective efforts of over 20,000 employees at 301 ports of entry, U.S. Customs devotes substantial resources to target, intercept, seize and forfeit shipments.

Speaker

Christina Kopitopoulos, Senior Attorney Advisor, IPR Branch, Office of Regulations & Rulings

Issues

- Enforcing TRIPs obligations
- Rights that Customs enforces (trademarks including certification marks and service marks, copyrights, patents, trade names, and trade dress).
- How Customs find violations
- How Right holders request enforcement
- The role of the Customs Service (issues decision, advice, rulings, instruction, and training)
- Information sharing and coordination among ports of entry
- Investigations and laboratories (IPR Lab in San Francisco)

- Recordation System (ACS-IPR System)
- Characterization of offenses (clearly piratical or possibly piratical)
- How to deal with grey market goods
- Determination of Civil Fines

Materials

Presentation – Christina Kopitopoulos, Senior Attorney Advisor, IPR Branch

National Intellectual Property Rights Coordination Center: The National Intellectual Property Rights Coordination Center (IPR Center) is the U.S. Government's latest weapon in the fight against violations of Intellectual Property Rights (IPR) laws. Located at U.S. Customs Service Headquarters in Washington, DC, the IPR Center is a multi-agency Center responsible for coordinating a unified U.S. Government response regarding IPR enforcement issues. Core staffing is provided by investigative personnel from Customs and the Federal Bureau of Investigation (FBI). Particular emphasis is given to investigating major criminal organizations and those using the Internet to facilitate IPR crime. The IPR Center's responsibilities include: Coordinating U.S. Government domestic and international law enforcement activities involving IPR issues; Serving as a collection point for intelligence provided by private industry, as well as a channel for law enforcement to obtain cooperation from private industry (in specific law enforcement situations); Integrating domestic and international law enforcement intelligence with private industry information relating to IPR crime; Disseminating IPR intelligence for appropriate investigative and tactical use; Developing enhanced investigative, intelligence and interdiction capabilities; Serving as a point of contact for all U.S. Government agencies, the Administration, Congress, and media outlets regarding IPR law enforcement-related issues.

Speakers

Nancy Kratzer – Director, National Intellectual Property Rights Coordination Center

Chris Dowd – IPR Special Agent, FBI

- Bureau of Immigration & Customs Enforcement (BICE) + FBI = NIPRCC
- Trends in IPR Violations
- How IPR cases are initiated – investigations done with US Attorney’s Office and CCIPs DOJ
- Role of the Federal Bureau of Investigation – domestic enforcement; no civil authority; no seizure authority; mostly internet related; FBI goes after organizations and not individuals.

Materials

Fact Sheet – NIPRCC

How to Make A Referral to the IPR Center

National IPR Coordination Center Complaint Form

U.S. Customs FY 2002 IPR Seizures by Commodity and by Country

U.S. Department of Justice – Computer Crime & Intellectual Property Section (CCIPS)

The US Department of Justice develops, enforces and supervises the application of all US federal criminal laws, including those dealing with intellectual property rights. Further, the US Department of Justice provides assistance in coordinating international as well as federal, state, and local law enforcement matters.

Speakers

Michael Sussman – Senior Counsel – Computer Crime & Intellectual Property Section
Kenneth Doroshov - Trial Attorney, Computer Crime & Intellectual Property Section

Issues

- Types of IP Crimes – Willful trafficking in counterfeit merchandise; willful copyright infringement; violation of trade secrets.
- Cases examples
- Role of DOJ and FBI

Materials

“*Selected Intellectual Property & Unfair Competition*”, West Group, 2002

Federal Criminal Code & Rules, 2002

“*Prosecuting Intellectual Property Crimes*”, U.S. Department of Justice, Executive Office for US Attorneys, Office of Legal Education, January 2001.

“*Protecting Intellectual Property Rights: Copyrights, Trademarks & Trade Secrets*”, CCIPs,

<http://www.cybercrime.gov/ip.html>

“*Intellectual Property Cases*”, <http://www.cybercrime.gov/ipcases.htm>

U.S. Department of Commerce

The US Department of Commerce provides practical information, including information relating to intellectual property protection to help US businesses select domestic and international markets for their products. This agency also monitors, investigates and evaluates foreign compliance with more than 200 recent trade agreements, including TRIPS, the trade-related agreement on intellectual property.

Speakers

Tim Hauser – Deputy Assistant Secretary, International Trade Administration

Hong Phong Pho –Desk Officer, Vietnam, Laos & Cambodia

David Bisbee – Desk Officer, Philippines & East Timor

Issues

- Overall bilateral commercial relations and intellectual property rights

Judge Randall Rader – U.S. Court of Appeals for the Federal Circuit

Randall Rader, is a Circuit Judge on the United States Court of Appeals for the Federal Circuit. While on the appellate bench, Judge Rader has also served actively as an educator. From 1993-1999, he taught Patent Law I and Patent Law 11 at the University of Virginia School of Law, Charlottesville, Virginia; from 1998-99 Comparative Patent Law at Georgetown University Law Center, Washington, D.C.; and from 1993-97 Trial Advocacy at the George Washington University Law School, Washington, D.C. Currently Judge Rader teaches several general and specialized intellectual property law courses at George Washington University. In addition, he serves on advisory boards affiliated with three law schools. Judge Rader is co-author of a casebook, Patent Law, West Publishing, 1998 - a text used at over 45 law schools. As an appellate judge, Judge Rader has also led or participated in twenty-six delegations to foreign nations, usually to teach rule of law or intellectual property concepts in developing nations.

Speaker

Judge Randall Rader

- Role of the Federal Circuit Court of Appeal
- Specialized IPR courts in civil law systems
- Criminal remedies and civil law systems
- Civil v. criminal violations
- Jurisdictions – application of foreign law in US courts
- Tour of Judge Rader’s chambers

Materials

None

International Intellectual Property Institute (IIPI) - The International Intellectual Property Institute (IIPI) is an international development organization and think tank dedicated to promoting sustainable economic growth in all countries through the use of healthy intellectual property systems. As intellectual assets and creativity increasingly drive economies, the Institute is empowering policymakers, creators and businesspeople with the tools to thrive in the global, knowledge-based economy.

Speakers

Alex Koff – Attorney, Paul Hastings LLP

Bruce Lehman – President, IIPI

Issues

- Historical evolution of IPR in the U.S. and lessons that could be learnt (Important to address weak enforcement; IPR increases development in a repressed economy)
- Development of the court system dealing with IPR
- Transfer ownership of rights to individual and encouraging of rights owner to exploit its rights commercially.

Materials

None

International Anti-Counterfeiting Coalition (IACC) - The International Anti-Counterfeiting Coalition (IACC) is the largest international organization devoted solely to combating product counterfeiting and piracy. Comprised of a cross section of business and industry - from autos, apparel, luxury goods, and pharmaceuticals, to food, book publishing, software and entertainment - the IACC's members' combined annual revenues exceed \$650 billion. The IACC develops and conducts training for domestic and foreign law enforcement officials, submits comments on intellectual property enforcement laws and regulations in the United States and abroad and participates in regional and international programs aimed at improving intellectual property enforcement standards. The touchstone of the IACC's mission is to combat counterfeiting and piracy by promoting laws, regulations and directives designed to render the theft of intellectual property undesirable and unprofitable. The IACC serves as an umbrella organization, offering anti-counterfeiting programs designed to increase protection for patents, trademarks, copyrights, service marks, trade dress and trade secrets.

Pharmaceutical Researchers & Manufacturers of America (PHRMA)

- Importance of enforcement to increasing investment
- PHrMA Special 301 2003 submission

NIKE Inc.

- Suggestions for the improvement of enforcement (transparent and simple procedures; implementation authority delegated to the local level; increase training and for economic police and customs; stronger penalties for property infringement)

Speakers

Darren Pagoda – Attorney, IACC

Brad Figel – Director, International Government Relations, NIKE

Joseph Damond – Associate VP for Asia & Japan, PHRMA

Issues

- Federal Trademark Act
- State-level Criminal legislation for counterfeiting
- Key Considerations for Implementation (consistent and timely)
- “Seize & Destroy” mechanisms
- Training materials
- IACC Special 301 Submission

Materials

IACC Factsheet & Mission

IACC Training CD

IACC Special 301 submission for 2003

“*Fact on Fakes*”, IACC

“*U.S. Intellectual Property Laws Relating to Seizure and Destruction*”

International Intellectual Property Alliance (IIPA) - IIPA is a private sector coalition formed in 1984 to represent the U.S. copyright-based industries in bilateral and multilateral efforts to improve international protection of copyrighted materials. IIPA is comprised of six trade associations who represent over 1,000 US companies that produce and distribute materials protected by copyright laws throughout the world – all types of computer software including business applications software and entertainment software.

Recording Industry Association of America

The Recording Industry Association of America is the trade group that represents the U.S. recording industry. Its mission is to foster a business and legal climate that supports and promotes our members' creative and financial vitality. Its members are the record companies that comprise the most vibrant national music industry in the world. RIAA® members create, manufacture and/or distribute approximately 90% of all legitimate sound recordings produced and sold in the United States. In support of this mission, the RIAA works to protect intellectual property rights worldwide and the First Amendment rights of artists; conduct consumer industry and technical research; and monitor and review - - state and federal laws, regulations and policies.

Speaker

Neil Turkewitz – Executive Vice President, International, RIAA

Issues

- Organization Mission
- Advice on should Vietnam's regime could be improved (limit growth of CD & CDR industry – currently market demand does not correspond to the number of factories with such capabilities; Issue laws and regulations to control CDR production e.g require that source identification code (SID) be used)
- Dealing with economic crimes

Materials

Template for a Law Regulating Optical Disc Production – IIPA, 2002

RIAA: Identifying Unauthorized Sound Recordings

Sidley Austin Brown & Wood LLP – With offices in Asia and across the globe, including Singapore, Hong Kong, Shanghai, Beijing, Tokyo and Geneva, the International Practice Group of Sidley Austin Brown & Wood assists clients in the full range of trade and dispute resolution matters including Antidumping, countervailing duty, safeguard and other trade remedy proceedings; Customs classification, valuation and rule of origin matters, including rules on preferential trade regimes and free trade areas such as NAFTA; Export controls, embargoes and economic sanctions compliance; Food safety, product regulation and industrial standards issues; Trade policy issues before USTR, DG Trade and METI; Disputes arising under the WTO and bilateral investment treaties, as well as international commercial arbitration under the ICC, ICSID, UNCITRAL, LCIA, Stockholm Chamber rules and disputes before the International Court of Justice; and the protection of intellectual property. Under the leadership of Dan Price, the law practice has through the U.S.-Vietnam Trade Council provided technical assistance to Vietnam on issues related to the negotiations of the BTA, BTA implementation and WTO accession.

Speakers

Richard Wilder – Partner

Alan Raul – Partner

Andy Shoyer – Partner

Issues

- Differences between the BTA & TRIPS on Copyright, Patents, Plant Varieties, Trade Secrets, Layout Designs; Trademarks; and on enforcement
- E-Commerce and intellectual property rights
- ICANN
- UNRP Arbitration Process
- Competing conflict of law situations
- Online contracts
- Websites and legal jurisdiction
- Doha Developments

Materials

“US Protection of Encrypted Satellite Signals Legislation”

The WTO TRIPs Agreement & Intellectual Property Chapter of the BTA (Powerpoint Presentation)

“*The Internet: Trademarks, Domain Names, Contracts and Jurisdictions*” by Alan Charles Raul

America Online Time Warner

AOL Time Warner is the world's leading media and entertainment company, whose businesses include interactive services, cable systems, filmed entertainment, television networks, music and publishing.

Speakers

Julie Garcia – Vice President, International

Karim Chrobog – Director, Government Affairs

Issues

- Digital Millennium Copyright Act (DMCA)
- Digital Piracy and development of solutions
- Optical media legislation
- AOL Time Warner’s interest in Vietnam

Materials

Digital Millennium Copyright Act (DMCA)

AOL 2002 Social Responsibility Report

AOL 2002 Factbook

Microsoft/Business Software Alliance

The Business Software Alliance is the foremost organization dedicated to promoting a safe and legal online world. BSA is the voice of the world's commercial software industry before governments and in the international marketplace. Its members represent the fastest growing industry in the world. BSA educates consumers on software management and copyright protection, cyber security, trade, e-commerce and other Internet-related issues. BSA members include Adobe, Apple, Autodesk, Avid, Bentley Systems, Borland, CNC Software/Mastercam, Internet Security Systems, Macromedia, Microsoft, Network Associates and Symantec.

Speakers

Susan Mann – Policy Counsel, US Legal Government Affairs

Jack Krumholtz - Managing Director, Federal Government Affairs Associate General Counsel

Lauren Choi – Trade Policy Manager, BSA

Issues

- Investment Attraction
- Technical Assistance

Materials

Economy, Information Technology, and the Critical Role of the Software & Services Sector – Focus: Indonesia, Laura Sallstrom & Robert Damuth, 2002

Economy, Information Technology, and the Critical Role of the Software & Services Sector – Focus: Singapore, Laura Sallstrom & Robert Damuth, 2002.

Seventh Annual BSA Global Piracy Study, June 2002
Expanding Global Economies: The Benefits of Reducing Software Piracy, Business Software Alliance, April 2, 2003



INTELLECTUAL PROPERTY RIGHTS
STUDY MISSION

MISSION SUMMARY

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March 25 – April 2, 2003

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Delegation:

Mr. Tran Chien Thang	Vice Minister, Ministry of Culture & Information (MOCI)
Mr. Nguyen Hong Son	Deputy Director, Planning Department, MOCI
Mr. Do Khac Chien	Deputy Director, Copy right Office, MOCI
Mr. Pham Huu Khue	Deputy Director, Office of the Government
Mr. Do Cao Thang	Judge, Economic Tribunal, Supreme Court
Mr. Dang Van Tao	Deputy Director General, General Department of Vietnam Customs
Ms. Nguyen Hong Bac	Head, WTO Division and U.S - Vietnam Economic Relations, Ministry of Foreign Affairs
Mr. Duong Dang Hue	Deputy Director, Department of Civilian, Economic Laws, Ministry of Justice
Ms. Nguyen Thi Hong Ha	Deputy Chief, Hanoi People's Committee Secretariat
Ms. Nguyen Thi Thanh Ha	Deputy Director of Legislation and Management Department, National Office of Industrial Property, Ministry of Science and Technology
Ms. Dinh Thi Quynh Trang	Expert, Department of Legislation, Ministry of Science and Technology
Mr. Pham Binh Dam	Interpreter, Translation Department, Ministry of Foreign Affairs

Objective: To seek to reinforce the urgency and importance of implementation and enforcement of IPR commitments in the BTA, and help initiate a dialogue on policies related to Vietnam's IPR regime.

Background: The U.S.-Vietnam Trade Council's Education Forum is organizing study missions for Vietnamese officials involved in implementing the US-Vietnam Bilateral Trade Agreement. These missions are funded by USAID.

Dates: March 25 – April 4, 2003

BTA Reference: Chapter II, Intellectual Property Rights, and other related provisions in the BTA

Proposed Focus of Activities:

- Discuss and consult with U.S. Government, legal practitioners, and industry experts on development of Vietnam's IPR regime, including current policies and legislation, incorporating commitments of BTA, TRIPs and other international conventions.
- Study of U.S. IPR Regime including legislation, judicial system related to enforcement, public awareness activities, royalty collecting societies.
- Seek further training and technical assistance opportunities from various institutions.

Suggested Program:

- U.S. Department Commerce Patent & Trademark Office
- U.S. Copyright Office
- Office of the U.S. Trade Representative
- U.S. Department of State
- U.S. Customs Service
- Federal Bureau of Investigation
- International Anti-Counterfeiting Alliance
- International Intellectual Property Alliance
- Motion Picture Association
- Software & Information Industry Association
- Business Software Alliance
- Pharmaceutical Research & Manufacturers' Association
- Sidley Austin Brown & Wood LLP
- Embassy of Vietnam

Suggested Topics:

Overview of U.S. IPR System

- relevant legislation
- who administers (PTO, Copyright Office) and how
- who enforces and how

Public Awareness of IPR issues

- how to create public awareness of the importance of IPR protection and enforcement
- how to develop training programs for legal and judicial officials

Royalties

- how to collect fees for the performance of copyrighted works
- what are collective societies and how they work

Enforcement

- how does the US enforce IPR rights at the admin and judicial levels

Special 301

- what is it
- how does it work
- complaints against Vietnam

WTO and IPR

- WTO dispute settlement regarding TRIPs (examples of cases and issues that have arisen)
- looking forward to Doha

Vietnam's System

- suggestions of how to strengthen Vietnam's IPR system in order to come into compliance with BTA and TRIPS

Future Cooperation between US/VN on IPR enforcement



**INTELLECTUAL PROPERTY RIGHTS
STUDY MISSION**

MISSION SCHEDULE

Washington, DC
March 25 – April 2, 2003

Pursuant to a grant from the U.S. Agency for International Development

Delegates:

Mr. Tran Chien Thang	Vice Minister, Ministry of Culture & Information (MOCI)
Mr. Nguyen Hong Son	Deputy Director, Planning Department, MOCI
Mr. Do Khac Chien	Deputy Director, Copy right Office, MOCI
Mr. Pham Huu Khue	Deputy Director, Office of the Government
Mr. Do Cao Thang	Judge, Economic Court, Supreme Court
Mr. Dang Van Tao	Deputy Director General, General Department of Customs
Ms. Nguyen Hong Bac	Head, WTO Division and U.S - Vietnam Economic Relations, Ministry of Foreign Affairs
Mr. Duong Dang Hue	Deputy Director, Department of Civilian, Economic Laws, Ministry of Justice
Ms. Nguyen Thi Hong Ha	Deputy Chief, Hanoi People's Committee Secretariat
Ms. Nguyen Thi Thanh Ha	Deputy Director of Legislation and Management Department, National Office of Industrial Property, Ministry of Science and Technology
Ms. Dinh Thi Quynh Trang	Expert, Department of Legislation, Ministry of Science and Technology
Mr. Pham Binh Dam	Interpreter, Ministry of Foreign Affairs

Staff:

Ms. Virginia Foote	President, U.S.-Vietnam Trade Council, Washington, DC
Ms. Shiumei Lin	International Trade Policy Analyst, U.S.-Vietnam Trade Council, Hanoi
Ms. Thuy-Dung Ngo	Program Director, U.S.-Vietnam Trade Council, Washington, DC
Mr. Hank Baker	Legal Advisor, Star-Vietnam, Hanoi

Tuesday, March 25

7:55 AM	Depart Hanoi (Flight #VN 954)
8:30 PM	Arrive Washington International Dulles Airport (Flight #UA 838) Meet by USVTC staff

RON

Jury's Dupont Hotel
1500 New Hampshire Ave, NW
Washington, DC 20036

Wednesday, March 26

11:00 – 12:00 PM

Scheduling meeting

- Virginia Foote – President, U.S.- Vietnam Trade Council

Jury's Dupont Hotel
1500 New Hampshire Ave, NW
Washington, DC 20036

12:30 – 2:00 PM

AOL Time Warner (lunch and meeting)

- Ms. Julie Garcia – Vice President, International Policy
- Mr. Karim Chrobog – Director, Government Affairs

800 Connecticut Ave NW
Suite 800
Tel: 202 530 5462

2:00 – 4:00 PM

Sidley Austin Brown & Wood LLP

- Mr. Richard Wilder, Partner, IP Expert
- Mr. Alan Charles Raul, Partner, IP Expert
- Mr. Andy Shoyer – Partner, WTO and financial services expert

1501 K Street, N.W.
Washington, D.C. 20005
Tel: 202 736 8000

4:30 AM

Embassy of Vietnam

- Ambassador Nguyen Tam Chien meeting with Vice Minister Thang

1233 20th Street NW
Suite 400
Washington, DC 20036

6:30 PM

Dinner with USVTC staff

Saigon Gourmet Restaurant
2635 Connecticut Ave. NW
Washington DC 20008

Thursday, March 27

9:30 – 11:00 AM

International Anti-Counterfeiting Coalition

- Mr. Darran Pogoda – Attorney (Tel: 202 223 6667)
- Mr. Brad Figel – Director, Government Affairs, NIKE

- Mr. Joseph Damond – Vice President for Asia, Phrma

Jury's Dupont Hotel Conference Room
1500 New Hampshire Ave, NW
Washington, DC 20036

11:30 – 1:30 PM

Recording Industry Association of America (meeting and lunch)

- Mr. Neil Turkewitz – Executive VP, International

1330 Connecticut Avenue, NW
Suite 300
Washington, DC 20036
Tel: 202 857 9647

1:30 – 3:30 PM

U.S. Court of Appeals for the Federal Circuit

- Judge Randal R. Rader

717 Madison Pl., NW
Washington, DC 20439
Tel: 202 633 5861

7:00 PM

Dinner

Meiwah Restaurant
1200 New Hampshire Ave. NW
Washington, DC 20036

Friday, March 28

9:00 – 10:30 AM

International Intellectual Property Institute

- Mr. Bruce Lehman – President & CEO
- Mr. Alex Koff – Attorney, Paul Hastings, LLP

Jury's Dupont Hotel
1500 New Hampshire Ave, NW
Washington, DC 20036
Tel IPI: 202 544 6610

11:00 – 12:30 PM

U.S. State Department

- Ms. Carmela Conroy – Economic Officer, Office of the Intellectual Property & Competition Policy
- Peter Thorin – Vietnam Desk Officer, Office of Burma, Cambodia, Laos, Thailand and Vietnam Affairs
- Charles Jess – Vietnam Desk Officer, Office of Burma, Cambodia, Laos, Thailand and Vietnam Affairs

2201 C Street NW
Washington, DC 20520
Tel: 202 647 2324

12:45 – 1:45 PM

Working lunch at the U.S. Department of Commerce

- **Timothy J. Hauser – Deputy Under Secretary for International Trade**
 - Hong Phong Pho – Vietnam, Laos, Cambodia Desk Officer
 - David Bisbee – Country Desk Officer, The Philippines
- U.S. Department of Commerce
14th & Constitution Ave, NW
Washington, DC 20230
Tel: 202 482 3877

2:00 - 5:30 PM

U.S. Customs Service

2:00 – 4:00 PM

- Ms. Christina Kopitopoulos – Senior Attorney Advisor, IPR Branch, Office of Regulations & Rulings

Bureau of Customs and Border Protection
Mint Annex Building
799 Ninth Street, NW
Washington, DC

4:15 – 5:30 PM

- Ms. Nancy Kratzer – Director, International Affairs, National IPR Coordination Center
- Mr. Chris Dowd – IPR special agent, Federal Bureau of Investigation (FBI)

1300 Pennsylvania Ave., NW
Ronald Regan Building
Washington DC 20229

Saturday, March 29

11:00 AM

Lunch and sightseeing

6:30 PM

Dinner

Thai Basil Restaurant
1608 Wisconsin Ave. NW
Washington, DC 20007

Sunday, March 30

AM/PM

Shopping, free time

Monday, March 31

9:00 – 11:00 AM

U.S. Copyright Office

- Mr. Steven Tepp – Policy Planning Advisor, Copyright Division
- Oksama “Cindy” Romanyak – Senior Copyright Specialist, Copyright Division

James Madison Building
Library of Congress
101 Pennsylvania Ave, SE
Washington, DC 20559

11:30 – 1:30 PM

Microsoft (meeting and lunch)

Business Software Alliance

- Jack Krumholtz – Managing Director, Federal Government Affairs
- Susan Mann – Policy Counsel, U.S. Legal Government Affairs
- Lauren Choi – Trade Policy Manager, Business Software Alliance

Bobby Van’s Restaurant
809 15th Street
Washington, DC

2:00 – 4:00 PM

Department of Justice

- Mr. Michael A. Sussmann – Senior Counsel, Computer Crime and Intellectual Property Section
- Mr. Kenneth Doroshov – Trial Attorney, Computer Crime and Intellectual Property Section

1301 New York Avenue
Washington, DC 20530
Tel: 202 514 1026

5:00 PM

U.S. Trade Representative

- Ralph Ives – Assistant USTR for South-east Asia, Pacific & APEC Affairs
- Elena Bryan – Director, Office of Southeast Asia, USTR
- Steven Tepp – Policy Planning Advisor, Copyright Division, U.S. Copyright Office
- Jennifer Ness – Attorney Advisor, USPTO

1724 F Street NW
Room #1
Washington, DC 20508
Tel: 202 395 4510

6:30 PM

Dinner

Tuesday, April 1

9:00 – 1:30 PM

U.S. Patent & Trademark Office

2121 Crystal Drive, Crystal Park 2, Suite 902,
Arlington VA
OLIA Conference Room

9:00 – 10:00 AM

USPTO Tour by Angie Reilly

10:15 – 11:00 AM

Patents Discussion

- Ms. Elaine Wu – Attorney Advisor, Legislative and International Affairs Office

11:15 – 12:00 AM

Trademarks Discussion

- Ms. Eleanor Meltzer – Attorney Advisor, Legislative and International Affairs Office

12:00 – 12:30 PM

WTO Discussion/lunch

- Mr. Paul Salmon – Attorney Advisor, Legislative and International Affairs Office
- Ms. Jennie Ness – Attorney Advisor, Legislative and International Affairs Office

12:30 – 2:00 PM

Enforcement Discussion

- Mr. Peter Fowler – Attorney Advisor, Legislative and International Affairs Office
- Ms. Jennie Ness – Attorney Advisor, Legislative and International Affairs Office

6:00 – 8:00 PM

Farewell dinner in honor of the delegation

Hosted by U.S.- Vietnam Trade Council Education Forum

Special Guests:

- Laura Hudson – international and government affairs, Unocal
- Scott Miller – international and government affairs, Procter & Gamble
- Hong-Phong Pho – Vietnam, Laos and Cambodia desk, Department of Commerce
- Peter Thorin – Vietnam desk, Department of State
- Vietnam Embassy

Mayflower Hotel
1127 Connecticut Avenue NW
Washington, DC 20036

Wednesday, April 2

7:00 AM

Depart Washington International Dulles Airport (Flight # UA837)

8:35 PM

Arrive Hanoi Noi Bai Airport (Flight #VN 959 on April 3, 2003)



PRESS RELEASE

Vietnamese Intellectual Property Rights Study Mission to Washington, DC

March 20, 2003 (Washington, DC): The U.S.-Vietnam Trade Council - Education Forum is pleased to be conducting a study mission on Intellectual Property Rights for a delegation from Vietnam led by the Vice Minister Tran Chien Thang of the Ministry of Culture and Information (MOCI). The delegation will be in Washington, DC from March 25 to April 2, 2003. The program is supported through a grant from the U.S. Agency for International Development (USAID) towards implementation of the US-Vietnam Bilateral Trade Agreement (BTA).

Delegates will focus on studying U.S. and other IPR regimes including legislation, judicial systems related to enforcement, and public awareness activities. They will also examine and discuss international Intellectual Property Conventions, Vietnam's BTA obligations relating to protection and enforcement of intellectual property, and related issues stemming from Vietnam's bid to join the World Trade Organization. The delegation will meet with the U.S. Government, legal practitioners, and industry experts, including consultations and workshops with the U.S. Patent and Trademark Office, U.S. Copyright Office, U.S. Department of State, U.S. Trade Representative, U.S. Department of Justice, U.S. Court of Appeals for the Federal Circuit, U.S. Custom Services and relevant representatives from the private sector and trade associations.

The U.S.-Vietnam Trade Council has worked on economic and political normalization between the two countries for the last decade. Its educational affiliate, the U.S.-Vietnam Trade Council - Education Forum, has since 1997 provided technical assistance to Vietnam on issues relating to the BTA and international global integration including Vietnam's accession to WTO.

For additional information, please contact the Trade Council in Washington at 202-547-3800 ext. 115, 844-822-3653 in Hanoi, 848-824-3651 in Ho Chi Minh City, or visit our website <http://www.usvtc.org>.



MISSION QUESTIONS

In preparation for bilateral talks between the U.S. and Vietnam in Washington on Intellectual Property, we have listed below topics that the U.S. side will likely bring up and expect Vietnam to address. To assist with your preparations, we have prepared the following recommendations for consideration:

Legislation:

- Specific information showing a roadmap for legislating laws & regulations for obligations due one to two years upon entry into force of the BTA.
- Specific plans for legislating laws and regulations for BTA obligations that come into force after two years.
- Specific information on Vietnam's plans for acceding to various international conventions as outlined in the BTA.
- Specific information outlining Vietnam's plans for developing effective judicial oversight on intellectual property rights
- Specific information on customs legislation dealing with import and export of counterfeit goods

Enforcement:

- Specific information on parties responsible for enforcement and formulating remedies
- Specific information on the types of enforcement tools available (administrative fines, civil/criminal offense remedies level of administrative and other fines imposed for violations) and how these tools have been used.
- Specific information on how Vietnam deals with violations and how administrative, civil or criminal procedures are rendered and determined as appropriate for that type of violation (e.g., what kind of IPR case is referred to a criminal court).
- Specific information on Vietnam's plans for establishing a system of deterrence to prevent repeat violations

21 March 2003



INTELLECTUAL PROPERTY RIGHTS STUDY MISSION

MEETINGS IN BRIEF

Washington, DC
March 25 – April 2, 2003

U.S. Patent & Trademark Office - The U.S. Patent & Trademark Office is an office under the U.S. Department of Commerce established to administer the laws relating to patents, trademark and copyright protection. It employs over 5,000 staff to support its major functions -- the examination and issuance of patents and the examination and registration of trademarks. The agency also advises the government on trade-related aspects of intellectual property.

U.S. Copyright Office - The U.S. Copyright Office provides expert assistance to Congress on intellectual property matters; advises Congress on anticipated changes in U.S. copyright law; analyzes and assists in the drafting of copyright legislation and legislative reports and provides and undertakes studies for Congress; offers advice to Congress on compliance with multilateral agreements such as the Berne Convention for the Protection of Literary and Artistic Works; works with the State Department, the U.S. Trade Representative's Office, and the Patent and Trademark Office in providing technical expertise in negotiations for international intellectual property agreements; provides technical assistance to other countries in developing their own copyright laws; and through its International Copyright Institute, promotes worldwide understanding and cooperation in providing protection for intellectual property. The Copyright Office is also an office of record, a place where claims to copyright are registered and where documents relating to copyright may be recorded when the requirements of the copyright law are met. The Copyright Office furnishes information about the provisions of the copyright law and the procedures for making registration, explains the operations and practices of the Copyright Office, and reports on facts found in the public records of the Office. The Office also administers various compulsory licensing provisions of the law, which include collecting royalties. Additionally, the Copyright Office and the Library of Congress administer the Copyright Arbitration Royalty Panels, which meet for limited times for the purpose of adjusting rates and distributing royalties.

Office of the U.S. Trade Representative- The U.S. Trade Representative is America's chief trade negotiator and the principal trade policy advisor to the President. USTR is responsible for developing and implementing trade policies which promote world growth and create new opportunities for businesses, workers, and agricultural producers. USTR is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and leading or directing negotiations with other countries on such matters.

U.S. Department of State- The Department of State is the leading foreign affairs agency in the executive branch of the United States' government. Its primary role is to advise and then implement the President's foreign policy. The State Department actively works to protect



intellectual property rights around the globe to keep US companies competitive in the world market.

U.S. Customs Service - U.S. Customs plays a major role in the U.S. government's effort to combat intellectual property rights (IPR) infringement. Working in partnership with other federal law enforcement organizations, U.S. Customs has structured an aggressive enforcement program aimed at stemming the flow of counterfeit and piratical goods into the United States. Through the collective efforts of over 20,000 employees at 301 ports of entry, U.S. Customs devotes substantial resources to target, intercept, seize and forfeit shipments of IPR-violative goods, as well as investigate and refer IPR crimes for federal prosecution.

Federal Bureau of Investigation- The FBI is the national crime intelligence body within the U.S. It works to protect citizens from security threats within the borders of the country. The foreign liaison offices work abroad with American and local authorities on criminal matters within FBI jurisdiction. It is the FBI's job to prosecute those who break Intellectual Property Rights Law.

National Intellectual Property Rights Coordination Center - The National Intellectual Property Rights Coordination Center (IPR Center) is the U.S. Government's latest weapon in the fight against violations of Intellectual Property Rights (IPR) laws. Located at U.S. Customs Service Headquarters in Washington, DC, the IPR Center is a multi-agency Center responsible for coordinating a unified U.S. Government response regarding IPR enforcement issues. Core staffing is provided by investigative personnel from Customs and the Federal Bureau of Investigation (FBI). Particular emphasis is given to investigating major criminal organizations and those using the Internet to facilitate IPR crime.

The IPR Center's responsibilities include: Coordinating U.S. Government domestic and international law enforcement activities involving IPR issues; Serving as a collection point for intelligence provided by private industry, as well as a channel for law enforcement to obtain cooperation from private industry (in specific law enforcement situations); Integrating domestic and international law enforcement intelligence with private industry information relating to IPR crime; Disseminating IPR intelligence for appropriate investigative and tactical use; Developing enhanced investigative, intelligence and interdiction capabilities; and serving as a point of contact for all U.S. Government agencies, the Administration, Congress, and media outlets regarding IPR law enforcement-related issues.

International Intellectual Property Alliance (IIPA) - IIPA is a private sector coalition formed in 1984 to represent the U.S. copyright-based industries in bilateral and multilateral efforts to improve international protection of copyrighted materials. IIPA is comprised of six trade associations who represent over 1,000 US companies that produce and distribute materials protected by copyright laws throughout the world – all types of computer software including business applications software and entertainment software.

International Intellectual Property Institute (IIPI) - The International Intellectual Property Institute (IIPI) is an international development organization and think tank dedicated to promoting sustainable economic growth in all countries through the use of healthy intellectual property systems. As intellectual assets and creativity increasingly drive economies, the Institute is empowering policymakers, creators and businesspeople with the tools to thrive in the global, knowledge-based economy.

International Anti-Counterfeiting Coalition (IACC) - The International Anti-Counterfeiting Coalition (IACC) is the largest international organization devoted solely to combating product counterfeiting and piracy. Comprised of a cross section of business and industry - from autos,

apparel, luxury goods, and pharmaceuticals, to food, book publishing, software and entertainment - the IACC's members' combined annual revenues exceed \$650 billion. The IACC develops and conducts training for domestic and foreign law enforcement officials, submits comments on intellectual property enforcement laws and regulations in the United States and abroad and participates in regional and international programs aimed at improving intellectual property enforcement standards. The touchstone of the IACC's mission is to combat counterfeiting and piracy by promoting laws, regulations and directives designed to render the theft of intellectual property undesirable and unprofitable. The IACC serves as an umbrella organization, offering anti-counterfeiting programs designed to increase protection for patents, trademarks, copyrights, service marks, trade dress and trade secrets.

Judge Randall Rader – U.S. Court of Appeals for the Federal Circuit

Randall Rader, is a Circuit Judge on the United States Court of Appeals for the Federal Circuit. While on the appellate bench, Judge Rader has also served actively as an educator. From 1993-1999, he taught Patent Law I and Patent Law 11 at the University of Virginia School of Law, Charlottesville, Virginia; from 1998-99 Comparative Patent Law at Georgetown University Law Center, Washington, D.C.; and from 1993-97 Trial Advocacy at the George Washington University Law School, Washington, D.C. Currently Judge Rader teaches several general and specialized intellectual property law courses at George Washington University. In addition, he serves on advisory boards affiliated with three law schools. Judge Rader is co-author of a casebook, Patent Law, West Publishing, 1998 - a text used at over 45 law schools. As an appellate judge, Judge Rader has also led or participated in twenty-six delegations to foreign nations, usually to teach rule of law or intellectual property concepts in developing nations.

Sidley Austin Brown & Wood LLP – With offices in Asia and across the globe, including Singapore, Hong Kong, Shanghai, Beijing, Tokyo and Geneva, the International Practice Group of Sidley Austin Brown & Wood assists clients in the full range of trade and dispute resolution matters including Antidumping, countervailing duty, safeguard and other trade remedy proceedings; Customs classification, valuation and rule of origin matters, including rules on preferential trade regimes and free trade areas such as NAFTA; Export controls, embargoes and economic sanctions compliance; Food safety, product regulation and industrial standards issues; Trade policy issues before USTR, DG Trade and METI; Disputes arising under the WTO and bilateral investment treaties, as well as international commercial arbitration under the ICC, ICSID, UNCITRAL, LCIA, Stockholm Chamber rules and disputes before the International Court of Justice; and the protection of intellectual property. Under the leadership of Dan Price, the law practice has through the U.S.-Vietnam Trade Council provided technical assistance to Vietnam on issues related to the negotiations of the BTA, BTA implementation and WTO accession.

INDUSTRY ASSOCIATION

Business Software Alliance

The BSA is the voice of the world's software and Internet industry before governments and with consumers in the international marketplace. Its members represent the fastest growing industry in the world. BSA educates computer users on software copyrights and cyber security; advocates public policy that fosters innovation and expands trade opportunities; and fights software piracy.

Motion Picture Association- The Motion Picture Association represents and advocates for major producers and distributors of entertainment programming for television, cable, and home video internationally. The MPA directs a comprehensive international anti-piracy program. It works to implement and strengthen existing copyright protection legislation, assist local governments and

law enforcement authorities in the investigation and prosecution of piracy cases, initiate civil litigation on behalf of its' member companies against copyright infringers, and conduct education outreach programs regarding the harmful effects of piracy.

Software & Information Industry Association- SIIA brings together leading companies of the software and information industry. SIIA is a trade association that provides the software and information that underpins the digital economy. SIIA protects the intellectual property of members, and advocates a legal and regulatory environment that benefits the entire industry.

Pharmaceutical Research & Manufacturers' Association - The Pharmaceutical Research and Manufacturers of America (PhRMA) represents the US's leading research-based pharmaceutical and biotechnology companies, which is devoted to inventing medicines that allow patients to live longer, healthier, and more productive lives. The industry invested more than \$30 billion in 2001 in discovering and developing new medicines. PhRMA companies are leading the way in the search for new cures which then need to be patented.



**INTELLECTUAL PROPERTY RIGHTS
STUDY MISSION**

DOCUMENTS/MATERIALS LIST

Washington, DC
March 25 – April 2, 2003

U.S. Patent & Trademark Office

- “International Standards for Protecting Patents: TRIPS” – Elaine Wu, Attorney Advisor
- “Business Method Patents: A U.S. Perspective” – Elaine Wu, Attorney Advisor
- Trademark Applications Filed – Eleanor Meltzer
- Vietnamese Trademark Applications Filed with USPTO – Eleanor Meltzer
- WTO Accession Process and TRIPs – Paul Salmon
- IPR Criminal Prosecution and Coordination Resources – Peter Fowler

U.S. Copyright Office

- “Copyright Law of the United States of America and Related Laws Contained in Title 17 of the U.S. Code”, U.S. Copyright Office, April 2000
- “FAQs: US Copyright Office”
- “Circular 1: Copyright Basics”
- “In Answer to Your Query: International Copyright”

U.S. Department of State

- List of U.S. Government Agencies involved in providing technical assistance

U.S. Customs Service

- Presentation – Christina Kopitopoulos, Senior Attorney Advisor, IPR Branch

National Intellectual Property Rights Coordination Center

- Fact Sheet – NIPRCC
- How to Make A Referral to the IPR Center
- National IPR Coordination Center Complaint Form
- U.S. Customs FY 2002 IPR Seizures by Commodity and by Country

U.S. Department of Justice – Computer Crime & Intellectual Property Section (CCIPS)

- “Selected Intellectual Property & Unfair Competition”, West Group, 2002
Federal Criminal Code & Rules, 2002
- “Prosecuting Intellectual Property Crimes”, U.S. Department of Justice, Executive Office for US Attorneys, Office of Legal Education, January 2001.
- “Protecting Intellectual Property Rights: Copyrights, Trademarks & Trade Secrets”, CCIPs,
<http://www.cybercrime.gov/ip.html>
- “Intellectual Property Cases”, <http://www.cybercrime.gov/ipcases.htm>

International Anti-Counterfeiting Coalition (IACC)

- IACC Factsheet & Mission
- IACC Training CD
- IACC Special 301 submission for 2003
- “Fact on Fakes”, IACC
- “U.S. Intellectual Property Laws Relating to Seizure and Destruction”

Recording Industry Association of America

- Template for a Law Regulating Optical Disc Production – IIPA, 2002
- RIAA: Identifying Unauthorized Sound Recordings

Sidley Austin Brown & Wood LLP

- “US Protection of Encrypted Satellite Signals Legislation”
- The WTO TRIPs Agreement & Intellectual Property Chapter of the BTA (Powerpoint Presentation)
- “The Internet: Trademarks, Domain Names, Contracts and Jurisdictions” by Alan Charles Raul

America Online Time Warner

- Digital Millennium Copyright Act (DMCA)
- AOL 2002 Social Responsibility Report
- AOL 2002 Fact book

Business Software Alliance

- Assessment of Privacy Reduction on Industry Development