

Joint Press Statement of the Anti-Counterfeiting Trade Agreement Negotiating Parties

Today representatives from Australia, Canada, the European Union, Japan, Republic of Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland, and the United States reaffirmed their commitment to the Anti-Counterfeiting Trade Agreement at a Tokyo signing ceremony hosted by the Government of Japan.

Representatives of eight governments – Australia, Canada, Japan, Republic of Korea, Morocco, New Zealand, Singapore, and the United States – signed the Agreement, and took a major step toward its entry into force. Representatives of the European Union, Mexico and Switzerland attended the ceremony and confirmed their continuing strong support for and preparations to sign the Agreement as soon as practicable. All participants expressed their firm resolve to work cooperatively to achieve the Agreement's prompt entry into force, and to support actively its goals.

The ACTA represents a significant achievement in the fight against the infringement of intellectual property rights, in particular the proliferation of counterfeiting and piracy on a global scale, providing a mechanism for the parties to work together in a more collaborative manner to achieve the common goal of effective IPR enforcement. When it enters into force with all participants, the ACTA will formalize the legal foundation for a first-of-its-kind alliance of trading partners, representing more than half of world trade.

At a symposium in Sendai, Japan on September 30, participants in the ACTA negotiations invited other trading partners to consider joining this emerging consensus on stronger IPR enforcement.

The ACTA provides for: (1) enhanced international cooperation; (2) promotion of sound enforcement practices; and (3) a legal framework for IPR enforcement in the areas of criminal enforcement, enforcement at the border, civil and administrative actions, and distribution of IPR infringing material on the Internet. With respect to the legal framework, the ACTA establishes a strengthened standard that builds on the minimum standards of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). This marks a considerable improvement in international trade norms for effectively combating the global proliferation of commercial-scale counterfeiting and piracy in the 21st Century.

BACKGROUND

The proliferation of counterfeit and pirated goods poses considerable challenges for legitimate trade and the sustainable development of the world economy. Trade in these goods causes significant financial losses for right holders and legitimate businesses. It also hinders sustainable economic development in both developed and developing countries and, in some cases, represents a health or safety risk to consumers.

Expertise, innovation, quality, and creativity are the main factors for success in knowledge-based economies. Adequate protection and enforcement of intellectual property rights is a key condition for nurturing those factors.

The Agreement was inspired to a large degree by Japan's proposal at the G8 Gleneagles Summit in 2005 to create a new international framework against counterfeit and pirated products, in the context of the heightened awareness of the need for a higher degree of intellectual property protection. In 2006, Japan and the United States jointly reached out to other partners to develop the idea of a new plurilateral agreement to help in the fight against counterfeiting and piracy, leading to an announcement of the initiative in October 2007. The aim of the ACTA initiative was to bring together those countries, both developed and developing, that are interested in fighting the infringement of intellectual property rights, in particular counterfeiting and piracy, and to negotiate an agreement that enhances international co-operation and contains effective international standards for enforcing intellectual property rights.

Formal negotiations started in June 2008 with the participation of Australia, Canada, the European Union and its 27 member states, Japan, Mexico, Morocco, New Zealand, Republic of Korea, Singapore, Switzerland and the United States. The final Round of negotiations was held in Japan in October 2010. Following translation and technical work, the ACTA opened for signature on May 1, 2011. The Government of Japan will receive further signatures, as the Depositary of the ACTA. For those who have already signed, the next step in bringing the ACTA into force is the deposit of instruments of ratification, acceptance, or approval. The agreement will enter into force following the deposit of the sixth such instrument.