

JAPAN - MEASURES CONCERNING SOUND RECORDINGS

Request for Consultations by the United States

The following communication, dated 9 February 1996, from the Permanent Mission of the United States to the Permanent Mission of Japan and to the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

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My authorities have instructed me to request consultations with the Government of Japan pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes ("DSU"), Article XXII of the General Agreement on Tariffs and Trade 1994, and Article 64 of the Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS") regarding the protection of sound recordings in Japan.

The TRIPS Agreement obligates all Members of the World Trade Organization ("WTO") to grant certain civil rights and remedies in sound recordings originating in other WTO Members or created by nationals of other WTO Members, to generally provide national and most-favoured-nation treatment to such sound recordings, and to provide criminal procedures and penalties for the commercial piracy of sound recordings. Developed country members of the WTO, such as Japan, have been obligated to apply these obligations since January 1, 1996.

The legal regime for the protection of sound recordings in Japan appears to be inconsistent with the TRIPS Agreement, including but not necessarily limited to, Articles 3, 4, 14, 61, 65 and 70.

We look forward to receiving your reply to this request and to fixing a mutually convenient date for consultations. In view of the meeting of the TRIPS Council taking place February 22-23, we propose meeting at 3:00 p.m. on Tuesday, February 20, at the Centre William Rappard, with an option to continue the consultations on February 21, if necessary.