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H. CON. RES. 240

Expressing the sense of the Congress with respect to intellectual property protection.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 1994

Mr. GEJDENSON (for himself and Mr. ROTH) submitted the following concurrent resolution; which was referred to the Committee on Ways and Means

CONCURRENT RESOLUTION

Expressing the sense of the Congress with respect to intellectual property protection.

Whereas industries that are dependent on the protection of intellectual property rights, such as pharmaceutical, audiovisual, and software companies, are major contributors to the growth of the United States economy;

Whereas these industries will need strong intellectual property protection if they are to continue to grow, to create skilled and high paying jobs in the United States, and to expand into new markets worldwide;

Whereas United States copyright-based companies estimate their losses due to piracy at \$15,000,000,000 to \$17,000,000,000 per year, and the pharmaceutical industry estimates its losses due to piracy at \$5,000,000,000 per year;

Whereas the Agreement on Trade-Related Aspects of Intellectual Property Rights (the “TRIPS Agreement”) concluded in the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade provides for the first time an international standard accepted by more than 100 countries for the effective protection and enforcement of intellectual property rights;

Whereas the TRIPS Agreement, on balance, contains high standards for protection and enforcement of patents, copyright, trademarks, trade secrets, industrial designs, and semiconductor designs, provides for a multilateral dispute resolution mechanism, and limits many exceptions and derogations, such as compulsory licenses, from the standards of protection;

Whereas the TRIPS Agreement contains certain deficiencies in intellectual property protection because of the need to bridge differences among the more than 100 participants in the Uruguay Round negotiations;

Whereas newly industrializing countries, which already compete very effectively with the United States among a broad range of technologically-advanced products, may not be required to provide the level of intellectual property protection contained in the TRIPS Agreement until July 1, 2000, generally and, in the case of pharmaceutical and agricultural products, until July 1, 2005;

Whereas these and other deficiencies in the TRIPS Agreement will delay the realization, by United States industries that are dependent on the protection of intellectual property rights, of any commercial benefits from the TRIPS Agreement in many of the major foreign markets of the United States;

Whereas regional negotiations have resulted in higher levels of intellectual property obligations; those contained in the North American Free Trade Agreement (NAFTA) are stronger and more effective than those found in the TRIPS Agreement, especially with respect to national treatment and transition periods;

Whereas while both the TRIPS Agreement and NAFTA make significant strides in providing, on a multilateral and regional basis, improved intellectual property protection, certain gaps still remain, which must be filled through the development and implementation of a strategy to increase the protection of intellectual property rights abroad; and

Whereas the agreements concluded at the Uruguay Round of trade negotiations, in particular the Understanding on Rules and Procedures Governing the Settlement of Disputes, have created a new environment for the conduct of United States trade policy on intellectual property: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of the Congress that—

3 (1) intellectual property protection should con-
4 tinue to be among the principal trade policy objec-
5 tives of the United States;

6 (2) the United States should pursue further
7 strengthened levels of intellectual property protec-
8 tion, even after the TRIPS Agreement is imple-
9 mented, through bilateral, regional, and multilateral
10 negotiations;

1 (3) the level of intellectual property protection
2 should be a determinant of eligibility for participa-
3 tion in all future free trade agreements, and the pro-
4 visions of law relating to existing preferential pro-
5 grams, such as the Caribbean Basin Initiative, the
6 Generalized System of Preferences, and the Andean
7 Trade Preferences, should be strengthened to en-
8 courage accelerated implementation of the TRIPS
9 Agreement; and

10 (4) the authorities in statutes other than trade
11 laws should be clarified to ensure that these authori-
12 ties may be used in support of strong intellectual
13 property protection abroad.

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