

109TH CONGRESS  
1ST SESSION

# S. CON. RES. 28

Expressing the sense of the Congress on World Intellectual Property Day regarding the importance of protecting intellectual property rights globally.

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IN THE SENATE OF THE UNITED STATES

APRIL 26, 2005

Mr. LUGAR (for himself, Mr. BAUCUS, Mr. ALLEN, Mr. HATCH, Mr. DEWINE, Mr. NELSON of Florida, Mr. COLEMAN, Mr. LEAHY, and Mr. CHAFEE) submitted the following concurrent resolution; which was considered and agreed to

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## CONCURRENT RESOLUTION

Expressing the sense of the Congress on World Intellectual Property Day regarding the importance of protecting intellectual property rights globally.

Whereas protection of intellectual property is critical to our nation's economic competitiveness, cultural diversity, health and scientific development;

Whereas the United States economy depends increasingly on the work of authors, artists, inventors, programmers, and many others who create intellectual products of high value;

Whereas theft of intellectual property results in competitive disadvantages to United States industries and job losses

for American workers, and for the United States economy as a whole;

Whereas the copyright industries employ approximately 11,500,000 workers or 8.41 percent of total employment in the United States, a number that approaches the levels of employment in the health care and social assistance sector (15,300,000 employees) and the entire manufacturing sector (14,500,000 workers in 21 manufacturing industries);

Whereas there is great concern about the failure of many of our trading partners to live up to their international obligations in the area of intellectual property protection;

Whereas counterfeiting of copyrighted products in digital and other formats, as well as counterfeiting of all types of trademarked products, has grown to an enormous scale;

Whereas many of our trading partners, in particular Russia and China, have laws in place to prevent piracy and counterfeiting, but are failing to enforce the laws;

Whereas Russia and China alone are responsible for over \$4,000,000,000 in losses a year to United States industries due to piracy;

Whereas piracy in Russia and China is open, notorious, and permitted to operate without meaningful hindrance from the governments of those countries;

Whereas China should be encouraged to meet its intellectual property protection obligations as a member of the World Trade Organization (WTO);

Whereas Russia should be encouraged to explore means to provide effective piracy protection enabling compliance with the rules set forth by the WTO;

Whereas the United States Government must convey to these countries that failure to act will have political and economic consequences for relationships with the United States; and

Whereas Congress has enacted legislation regarding the protection of intellectual property, including measures which direct the Administration to censure countries that fail to provide adequate and effective protection for intellectual property: Now, therefore, be it

1        *Resolved by the Senate (the House of Representatives*  
2 *concurring), That—*

3            (1) the Administration should utilize effective  
4 remedies and solutions in addressing the lack of in-  
5 tellectual property protection in China and Russia,  
6 using all available tools provided by Congress;

7            (2) the Administration should ensure that any  
8 country that enjoys benefits under the Generalized  
9 System of Preferences (GSP) program, such as Rus-  
10 sia, lives up to its obligations to provide adequate  
11 and effective protection for intellectual property  
12 rights, or lose its eligibility to participate in trade  
13 preference programs;

14           (3) the Administration should ensure that ac-  
15 tion is taken against any country with which the  
16 United States shares mutual commitments under the  
17 WTO, such as China, when the country fails to live  
18 up to its WTO commitments;

1           (4) the Administration should urge Russia to  
2           promote measures to enforce intellectual property  
3           protection which will enable compliance with the in-  
4           tellectual property commitments required by the  
5           WTO; and

6           (5) the President should take any additional ac-  
7           tion the President considers appropriate to protect  
8           the intellectual property rights of United States  
9           businesses.

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