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Intellectual Property

Newsletter

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GOVERNMENT DOCUMENTS

THE PRESIDENT'S IDENTITY THEFT TASK FORCE RELEASES COMPREHENSIVE STRATEGIC PLAN TO COMBAT IDENTITY THEFT

For Release: April 23, 2007

WASHINGTON - Attorney General Alberto R. Gonzales and Federal Trade Commission Chairman Deborah Platt Majoras today announced the completion of the President's Identity Theft Task Force strategic plan to combat identity theft. (*See below*)

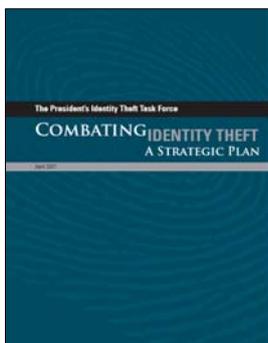
The strategic plan is the result of an unprecedented federal effort to formulate a comprehensive and fully coordinated plan to attack this widespread and destructive crime. The plan focuses on ways to improve the effectiveness of criminal prosecutions of identity theft; enhance data protection for sensitive consumer information maintained by the public sector, private sector, and consumers; provide more comprehensive and effective guidance for consumers and the business community; and improve recovery and assistance for consumers.

"Identity theft is a crime that goes far beyond the loss of money or property," said Attorney General Gonzales. "It is a personal invasion, done in secret, that can rob innocent men and women of their good names. The strategic plan we are releasing today is part of a comprehensive effort to fight this crime, protect consumers, and help victims put their lives back together."

"Identity theft is a blight on America's privacy and security landscape," said FTC Chairman Majoras. "Identity thieves steal consumers' time, money, and security, just as sure as they steal their identifying information, and they cost businesses enormous sums. The Strategic Plan submitted to the President provides a blueprint for increased federal prevention and protection."

<http://www.ftc.gov/opa/2007/04/idtheft.shtm>

COMBATING IDENTITY THEFT: A STRATEGIC PLAN The President's Identity Theft Task Force April 2007



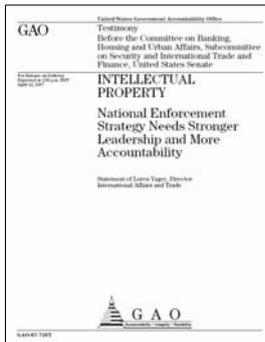
Eight years ago, Congress enacted the Identity Theft and Assumption Deterrence Act,¹ which created the federal crime of identity theft and charged the Federal Trade Commission (FTC) with taking complaints from identity theft victims, sharing these complaints with federal, state, and local law enforcement, and providing the victims with information to help them restore their good name. Since then, federal, state, and local agencies have taken strong action to combat identity theft. The FTC has developed the Identity Theft Data Clearinghouse into a vital resource for consumers and law enforcement agencies; the Department of Justice (DOJ) has prosecuted vigorously a wide range of identity theft schemes under the identity theft statutes and other laws; the federal financial regulatory agencies² have adopted and enforced robust data security standards for entities under their jurisdiction; Congress passed, and the Department of Homeland Security issued draft regulations on, the REAL ID Act of 2005; and numerous other federal agencies, such as the Social Security Administration (SSA), have educated consumers on avoiding and recovering

from identity theft. Many private sector entities, too, have taken proactive and significant steps to protect data from identity thieves, educate consumers about how to prevent identity theft, assist law enforcement in apprehending identity thieves, and assist identity theft victims who suffer losses.

<http://www.identitytheft.gov/reports/StrategicPlan.pdf>

Volume II: Supplemental Information: <http://www.identitytheft.gov/reports/VolumeII.pdf>

INTELLECTUAL PROPERTY: NATIONAL ENFORCEMENT STRATEGY NEEDS STRONGER LEADERSHIP AND MORE ACCOUNTABILITY
GAO-07-710T. April 12, 2007



U.S. government efforts to protect and enforce intellectual property (IP) rights domestically and overseas are crucial to preventing billions of dollars in losses to U.S. industry and IP rights owners and to avoiding health and safety risks resulting from the trade in counterfeit and pirated goods. IP protection and enforcement cut across a wide range of U.S. agencies and a coordinating structure has evolved to address coordination issues. First, Congress created the interagency National Intellectual Property Rights Law Enforcement Coordination Council (NIPLECC) in 1999. Later, in October 2004, the Bush administration initiated the Strategy Targeting Organized Piracy (STOP). GAO's

testimony focuses on (1) the effectiveness of NIPLECC and STOP as a coordinating structure to guide and manage U.S. government efforts; and (2) the extent to which STOP meets the criteria for an effective national strategy. This statement is based on GAO's November 2006 report (GAO-07-74), which included an assessment of STOP using criteria previously developed by GAO. In this report, we recommended that head of NIPLECC, called the IP Coordinator, in consultation with the National Security Council and relevant agencies (1) clarify in the STOP strategy how NIPLECC will carry out its oversight and accountability roles and (2) take steps to ensure that STOP fully addresses the characteristics of a national strategy. The IP Coordinator concurred with our recommendations.

<http://www.gao.gov/docdb/lite/summary.php?rptno=GAO-07-710T&accno=A68108>

UNITED STATES CALLS FOR TRADE CONSULTATIONS WITH CHINA
Intellectual property protection, import access at issue, Schwab says
USINFO 09 April 2007

Washington -- The United States, under the auspices of the World Trade Organization (WTO), has asked China to address deficiencies in its protection of intellectual property and its import barriers that hamper the distribution of foreign books, music, videos and movies.

The high-level discussions, announced by the Office of the U.S. Trade Representative (USTR) April 9, will take place under the WTO's formal dispute resolution process. If the two countries do not resolve their differences within a 60-day consultation period, the United States could refer the matter to a WTO dispute settlement panel, which has the authority to recommend further action.



◀ **WTO Case Challenging Market Access Restrictions in China on Products of Copyright-Intensive Industries**

http://www.ustr.gov/assets/Document_Library/Fact_Sheets/2007/asset_upload_file971_11063.pdf

WTO Case Challenging Weaknesses in China's Legal Regime for Protection and Enforcement of Copyrights and Trademarks ▶

http://www.ustr.gov/assets/Document_Library/Fact_Sheets/2007/asset_upload_file908_11061.pdf ▶

“Piracy and counterfeiting levels in China remain unacceptably high,” U.S. Trade Representative Susan C. Schwab said in a prepared statement. “Inadequate protection of intellectual property rights in China costs U.S. firms and workers billions of dollars each year, and in the case of many products, it also poses serious risk of harm to consumers in China, the United States and around the world,” she said

<http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2007&m=April&x=20070409171956zjsredna0.7277948>



BUSINESS INTEGRITY ESSENTIAL FOR HEALTHY MARKETS, U.S. OFFICIAL SAYS Law enforcement cooperation needed to protect global economy
USINFO 06 March 2007

Washington -- Protecting the freedom and integrity of businesses in the United States and around the world by fighting corruption and ensuring fair competition are among the top priorities of U.S. federal law enforcement, says U.S. Attorney General Alberto Gonzales.

“The interests of business are aligned with the interests of law enforcement: both want to create a free and fair marketplace,” Gonzales said at a March 1 meeting of the American Bar Association in San Diego, California.

The attorney general outlined the U.S. Justice Department’s efforts to combat international corruption, corporate fraud, intellectual property (IP) crimes and other anti-competitive activities.

<http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2007&m=March&x=20070306161529zjsredna0.8107721>

U.S. CONGRESS

THE PATENT REFORM ACT OF 2007

U.S. HOUSE OF REPRESENTATIVES, April 18, 2007

The Patent Reform Act of 2007 was introduced by Senators Patrick Leahy (D-VT), chairman of the Senate Judiciary Committee, Orrin Hatch (R-UT), a senior member of that panel, Chuck Schumer (D-NY) and John Cornyn (R-TX); and by Representatives Howard Berman (D-CA), chairman of the House Judiciary Subcommittee on Courts, the Internet and Intellectual Property, Lamar Smith (R-TX), the ranking Republican on the full committee, John Conyers (D-M), chairman of the full Committee, Howard Coble (R-NC), the subcommittee's ranking Republican, Rick Boucher (D-VA), Bob Goodlatte (R-VA), Zoe Lofgren (D-CA), Darrell Issa (R-CA), Adam Schiff (D-CA), Chris Cannon (R-UT), and Sheila Jackson-Lee (D-TX).

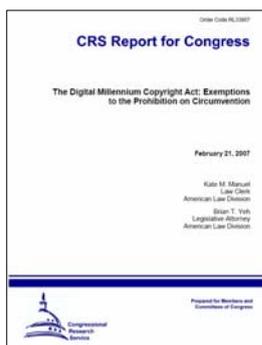
The bill is designed to ensure America remains a leader in global innovation by modernizing U.S. patent law for the growing challenges of the 21st Century. These challenges include ever-faster technological innovation and rising global economic competition. The legislation includes provisions to improve patent quality; ensure remedies for patent infringement are equitable and fair; give the U.S. Patent and Trademark Office greater resources to process a growing number of more complex patent applications; and harmonize the American system with those of other major patent-granting nations.

<http://thomas.loc.gov/cgi-bin/query/z?c110:H.R.1908>:

THE DIGITAL MILLENNIUM COPYRIGHT ACT: EXEMPTIONS TO THE PROHIBITION ON CIRCUMVENTION

Kate M. Manual and Brian T. Yeh

Congressional Research Service (CRS), Library of Congress. February 21, 2007. 07AD385



The Digital Millennium Copyright Act (DMCA) passed in 1998 to protect copyright owners from infringement facilitated by digital technologies. However, the DMCA does permit temporary exemptions, such as “fair use,” which are granted every three years.

Six new exemptions have been granted and will take effect on October 27, 2009. These exemptions permit (1) the making of compilations of video clips for study courses; (2) archiving of obsolete computer programs or games; (3) bypassing obsolete hardware locks; (4) reading-aloud e-book functions; (5) connecting wireless telephone handsets to networks; and (6) testing for and correcting security flaws.

Full Text:

http://opencrs.cdt.org/rpts/RL33887_20070221.pdf [pdf format, 18 pages]

THINK TANKS AND INTERNATIONAL ORGANIZATIONS

BUSINESS SOFTWARE ALLIANCE

STATEMENT FROM BSA PRESIDENT AND CEO ROBERT HOLLEYMAN APPLAUDING NEW TASK FORCE REPORT ON IDENTITY THEFT

Washington, D.C. April 23, 2007

“BSA welcomes today’s report on identity theft from the President’s Identity Theft Task Force. This report represents a critical step in the federal government’s role to protect consumers from identity theft. BSA is pleased that the report recognized the importance of approaching this growing problem in three important areas: improving cyber security, educating consumers, and increasing law enforcement.

“Most importantly, BSA agrees with the Task Force on the importance of closing the gaps in existing criminal statutes in order to provide law enforcement with the ability to effectively prosecute cyber criminals and identity thieves. BSA supports legislation that would update criminal codes and increase resources for law enforcement. We are pleased that the Task Force recommendations include new legislative initiatives to add more tools to the law enforcement tool box to stem the growth of cyber crime and identify theft.

“BSA applauds the work of the Task Force, and the leadership of the co-chairs, Attorney General Gonzales and FTC Chairman Majoras.”

<http://www.bsa.org/usa/press/newsreleases/identity-theft-task-force.cfm>

COUNCIL ON FOREIGN RELATIONS (CFR)

PATCHING UP THE PATENT SYSTEM

By: Lee Hudson Teslik

CFR, March 26, 2007

A battle pitting business-world behemoths against one another is brewing in Congress as legislators consider an overhaul of U.S. patent law. The reforms, which seek to dampen a recent surge in patent legislation and to clarify ambiguities (Bloomberg) in Internet-technology law, have for years been trumpeted by tech-industry lobbyists. They are strongly opposed by pharmaceutical and biotech companies, which fear stricter regulations will make it harder to protect claims on new chemical compounds. With Democrats controlling Congress, the reforms are far more likely to pass—the legislation’s drug-industry opponents have overwhelmingly backed Republicans over the past five years. Now a \$1.52 billion February 2007 verdict against Microsoft (MarketWatch) has brought the debate to a head, and analysts predict Congress could press for reforms in the near future.



The BlackBerry email device was involved in a long-running patent dispute. (AP/Richard Drew) ▲

http://www.cfr.org/publication/12948/patching_up_the_patent_system.html

INTER-AMERICAN DEVELOPMENT BANK

INTELLECTUAL PROPERTY AND TRADE IN LATIN AMERICA

by Juan S. Blyde

IADB Occasional Paper No. 34.

Occasional Paper No. 34 was recently published within the framework of the INTAL-ITD series and evaluates the impacts of intellectual property rights (IPR) on trade flows in Latin America.

The study by Juan S. Blyde addresses the topic of intellectual property (IP) protection which has been the object of great contention between developed and developing countries in the last few years.

The following are the main arguments against strengthening IPRs: (i) the cost of managing a modern intellectual property system can be prohibitive, particularly for countries with limited resources and more urgent needs; (ii) access to some goods could be restricted as domestic competition decreases and greater market power is given to foreign suppliers; (iii) a reduction in national production would be detrimental to employment levels; and (iv) less competition would increase prices, something particularly troublesome in the case of medicines and pharmaceutical products.

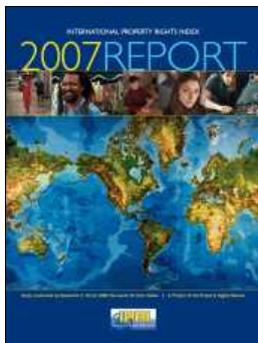
On the other hand, the document points out that the benefits of protecting IP can go beyond fostering domestic innovation since it contributes to the dissemination of technology and an increase in foreign direct investment (FDI).

http://www.iadb.org/intal/aplicaciones/uploads/publicaciones/i_INTALITD_OP_34_2006_Blyde.pdf

PROPERTY RIGHTS ALLIANCE

STRONG PROPERTY RIGHTS LINK TO ECONOMIC WELL-BEING, REPORT SAYS; NEW INDEX RANKS COUNTRIES ON PROPERTY RIGHTS QUALITY, PROTECTIONS

USINFO, 06 March 2007



Washington -- Countries with strong, well-protected property rights are more likely to thrive economically than those with weak property protections, according to a new international report.

A positive correlation between a country's prosperity and the quality and enforcement of its laws in such areas as land titles, copyrights and patents was established by the first International Property Rights Index (IPRI), launched March 6 in Washington by the Property Rights Alliance (PRA) and its 37 global partners.

The PRA is a special project of the Americans for Tax Reform, a lobbying group.

The 2007 International Property Rights Index (IPRI) is the first international comparative study that measures the significance of both physical and intellectual property rights and their protection for economic well-being. In order to incorporate and grasp the important aspects

related to property rights protection, the Index focuses on three areas: Legal and Political Environment (LP), Physical Property Rights (PPR), and Intellectual Property Rights (IPR). The current study analyzes data for seventy countries around the globe, representing ninety-five percent of world GDP. Of great importance, the 2007 gauge incorporates data of PR protection from various sources, often directly obtained from expert surveys within the evaluated countries.

<http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2007&m=March&x=20070306150357saikceinawz0.6093866>

The Report: <http://internationalpropertyrightsindex.org/>

WORLD INTELLECTUAL PROPERTY ORGANIZATION

Free WIPA publications, available to download in PDF format, grouped according to different target audiences:

ARTISTS



COLLECTIVE MANAGEMENT OF COPYRIGHT AND RELATED RIGHTS

http://www.wipo.int/export/sites/www/freepublications/en/copyright/450/wipo_pub_l450cm.pdf



FROM ARTIST TO AUDIENCE

http://www.wipo.int/export/sites/www/freepublications/en/copyright/922/wipo_pub_922.pdf



GOVERNMENT OFFICIALS



UNDERSTANDING INDUSTRIAL PROPERTY

http://www.wipo.int/export/sites/www/freepublications/en/intproperty/895/wipo_pub_895.pdf



THE SETTING-UP OF NEW COPYRIGHT SOCIETIES

http://www.wipo.int/export/sites/www/freepublications/en/copyright/926/wipo_pub_926.pdf



COLLECTIVE MANAGEMENT IN REPROGRAPHY

http://www.wipo.int/export/sites/www/freepublications/en/copyright/924/wipo_pub_924.pdf

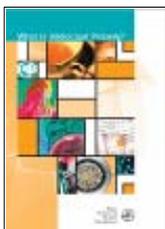


LAW MAKERS



OVERVIEW – INTELLECTUAL PROPERTY: A POWER TOOL FOR ECONOMIC GROWTH

http://www.wipo.int/export/sites/www/freepublications/en/intproperty/888/wipo_pub_888_1.pdf



WHAT IS INTELLECTUAL PROPERTY?

http://www.wipo.int/export/sites/www/freepublications/en/intproperty/450/wipo_pub_450.pdf



SUMMARIES OF CONVENTIONS, TREATIES AND AGREEMENTS ADMINISTERED BY WIPO

http://www.wipo.int/export/sites/www/freepublications/en/intproperty/442/wipo_pub_442.pdf



SMES (SMALL AND MEDIUM-SIZED ENTERPRISES)



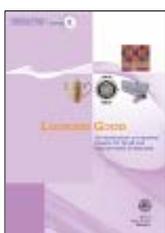
CREATIVE EXPRESSION - AN INTRODUCTION TO COPYRIGHT AND RELATED RIGHTS FOR SMES

http://www.wipo.int/export/sites/www/freepublications/en/sme/918/wipo_pub_918.pdf



INVENTING THE FUTURE - AN INTRODUCTION TO PATENTS FOR SMES

http://www.wipo.int/export/sites/www/freepublications/en/sme/917/wipo_pub_917.pdf



LOOKING GOOD: AN INTRODUCTION TO INDUSTRIAL DESIGNS FOR SMES

http://www.wipo.int/export/sites/www/freepublications/en/sme/498/wipo_pub_498.pdf





MAKING A MARK - AN INTRODUCTION TO TRADEMARKS FOR SMES

http://www.wipo.int/export/sites/www/freepublications/en/sme/900/wipo_pub_900.pdf



TRADITIONAL KNOWLEDGE HOLDERS



INTELLECTUAL PROPERTY AND TRADITIONAL CULTURAL EXPRESSIONS/FOLKLORE

http://www.wipo.int/export/sites/www/freepublications/en/tk/913/wipo_pub_913.pdf



INTELLECTUAL PROPERTY AND TRADITIONAL KNOWLEDGE

http://www.wipo.int/export/sites/www/freepublications/en/tk/920/wipo_pub_920.pdf



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SUCCESSFUL TECHNOLOGY LICENSING

http://www.wipo.int/export/sites/www/ip-development/en/strategies/pdf/publication_903_en.pdf

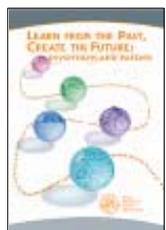


YOUNG PEOPLE



AT HOME WITH INVENTION

http://www.wipo.int/export/sites/www/freepublications/en/intproperty/865/wipo_pub_865.pdf



LEARN FROM THE PAST, CREATE THE FUTURE: INVENTIONS AND PATENTS

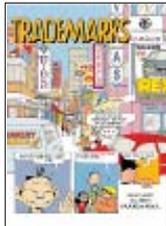
http://www.wipo.int/export/sites/www/freepublications/en/patents/925/wipo_pub_925.pdf





PATENTS - COMIC BOOK

http://www.wipo.int/export/sites/www/freepublications/en/patents/485/wipo_pub_485.pdf



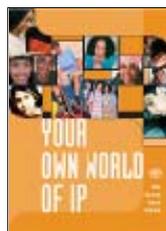
TRADEMARKS - COMIC BOOK

http://www.wipo.int/export/sites/www/freepublications/en/marks/483/wipo_pub_483.pdf



COPYRIGHT - COMIC BOOK

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YOUR OWN WORLD OF IP

http://www.wipo.int/export/sites/www/freepublications/en/intproperty/907/wipo_pub_907.pdf



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http://kyiv.usembassy.gov/irc_subscr_form_ukr.html (Українською)

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