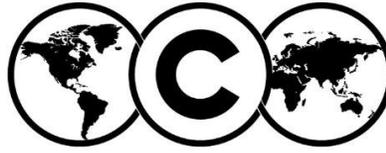


INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE®



1818 N STREET, NW, 8TH FLOOR · WASHINGTON, DC 20036 · TEL (202) 355-7900 · FAX (202) 355-7899 · WWW.IIPA.COM · EMAIL: INFO@IIPA.COM

MILESTONES OF THE INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE® THIRTY YEARS OF GLOBAL COPYRIGHT REFORM (1984-2014)

The IIPA is a private sector coalition, formed in 1984, of trade associations representing U.S. copyright-based industries in bilateral and multilateral efforts working to improve international protection and enforcement of copyrighted materials and open up foreign markets closed by piracy and other market access barriers. IIPA's five member associations appear below, and represent over 3,200 U.S. companies producing and distributing materials protected by copyright laws throughout the world—computer and video games for video game consoles, personal computers, and the Internet; theatrical films, television programs, DVDs and home video and digital representations of audiovisual works; music, records, CDs, and audiocassettes; and fiction and non-fiction books, education instructional and assessment materials, and professional and scholarly journals, databases and software in all formats. Visit www.iipa.com. Members of the IIPA include [Association of American Publishers](#), [Entertainment Software Association](#), [Independent Film & Television Alliance](#), [Motion Picture Association of America](#), and [Recording Industry Association of America](#). For more information, visit the IIPA website at <http://www.iipa.com>.

THIS YEAR (2014)

- **Special 301 Review:** In February 2014, IIPA filed its twenty-sixth (26th) Special 301 submission with the United States Trade Representative. This submission comprehensively detailed barriers to adequate and effective copyright protection, as well as failures to afford equitable market access, in over 46 countries/territories. The report analyzed legal and enforcement deficiencies and recommended corrective actions. USTR's list in the Special 301 process reflects the U.S. government's continuing concerns in the markets identified by IIPA.
- **Trade Investigations under Special 301 and Section 301:** Since 1984, IIPA has participated in Section 301 and Special 301 investigations into the intellectual property practices of Russia, Ukraine, India, China, Brazil, Korea, Taiwan, Thailand, and Honduras. Over the years, IIPA and its members have been engaged to seek progress in dozens of countries which have been placed on the Special 301 "Priority Watch List" and "Watch List."
- **IPR in U.S. Free Trade Agreements (FTAs):** IIPA has also participated in the negotiation of regional and bilateral FTAs over the years. These agreements feature enforceable obligations for key trading partners to modernize their copyright laws and improve enforcement procedures. These agreements have helped U.S. copyright industries compete fairly in foreign markets, and have helped our trading partners develop domestic copyright industries, a true win-win for all parties. In addition to TRIPS implementation, U.S. FTAs with 20 countries have entered into force. The ongoing negotiation for a 12-member Trans-Pacific Partnership (TPP) FTA presents an opportunity to expand the benefits of existing FTAs to a broader range of markets around the Pacific Rim.
- **WTO TRIPS Agreement Marks Its Twentieth Anniversary:** Since the 1994 conclusion of the WTO negotiations, well over 100 countries have adopted copyright legislative reforms as a result of both their multilateral obligations as well as U.S. bilateral engagement. While most WTO members have enacted legislation intended to comply with their substantive TRIPS copyright obligations, the continuing challenge for the WTO, the U.S. government and the U.S. copyright industries is to bring these countries fully into compliance with their obligation to have TRIPS-compliant enforcement systems in place "as applied" or "in practice."

- **WTO Members Increase:** The number of member nations that have joined the international trade community, through the new WTO, has significantly increased in the last 20 years. At the end of the Uruguay Round in 1994, there were 128 members of the GATT. As of July 2014, there are 160 members of the WTO, with 24 countries either engaged in the WTO accession process or serving as observers.
- **Berne Convention Membership Grows:** Between 1984 and 2014, membership in the Berne Convention, the premier international copyright convention, has more than doubled (74 countries at the end of 1984 versus 167 as of July 2014), in part as a result of IIPA and its members' global reform efforts.
- **Implementation of the WIPO "Internet" Treaties Continues:** IIPA and its members remain engaged in efforts to ensure full and prompt implementation of the WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT) as minimum global standards for protection of online copyright in countries worldwide. As of July 2014, 93 nations had adopted the WPPT and 92 nations had adopted the WCT, more than tripling the number in the 12 years since the treaties entered into force. These numbers demonstrate the recognition among developing and developed countries alike that effective copyright protection on the Internet provides incentives for promoting the creation and distribution of creative materials online. Implementation continues even in countries that have not yet ratified the treaties yet; the treaties are now recognized as a cornerstone of international copyright law.
- **30 Years of the IIPA:** IIPA commemorates its 30th Anniversary in the fight for global copyright and enforcement reform that is the *sine qua non* for the global copyright industries to continue as an engine of economic and job growth. The collective effort of IIPA and its members with our own and foreign governments has resulted in billions of dollars of increased revenue to creators and their support organizations, millions of new jobs, and significant contributions to cultural diversity throughout the developing and developed world.

1 YEAR AGO (2013)

- **2013 IIPA Economic Report on the Contribution of Copyright to the U.S. Economy:** In November 2013, IIPA released the latest update of the comprehensive economic report, *Copyright Industries in the U.S. Economy: The 2013 Report*, prepared by Stephen Siwek of Economists Inc. The study tracks the economic impact and contributions of U.S. industries creating, producing, distributing, broadcasting or exhibiting copyright materials. For the first time, we reported that the "core" copyright industries: 1) added over \$1 trillion in value to the U.S. economy in a single year, accounting for almost 6.5% of the total U.S. gross domestic product (GDP); 2) employed nearly 5.4 million U.S. workers – nearly 5% of the total private employment sector – with jobs paying an average of 33% more than the rest of the workforce; 3) grew at an aggregate annual rate of 4.7%, more than twice the rate of growth for the U.S. economy; and 4) accounted for \$142 billion in foreign sales and exports, far more than sectors such as aerospace, agriculture, food, and pharmaceuticals and medicines. IIPA has advocated support for similar studies in other countries conducted under the auspices of the World Intellectual Property Organization (WIPO), which has compiled studies employing virtually the same agreed-upon methodology in 40 countries.
- **Notorious Markets:** IIPA and members filed in a Special 301 Out-of-Cycle Review (OCR) to identify "Notorious Markets," which are significant online and physical marketplaces notorious for piracy and/or counterfeiting activities. IIPA and member filings in this docket were instrumental in assisting USTR in devising a list of "Notorious Markets" which was released in February 2014. Many listings of notorious markets (both by IIPA and members in their filings, and as accepted by USTR) have led to significant enforcement actions taken against those markets identified, and in some cases, have resulted in closure of the market.
- **Generalized System of Preferences (GSP) as Effective Trade Tool for Improving Copyright Protection in Beneficiary Countries:** Over the years, IIPA has participated in dozens of GSP hearings involving the review of the copyright protection and enforcement practices in beneficiary countries. In recent years, those reviews included Indonesia, Russia, Ukraine, and Uzbekistan, all of which were based on petitions submitted by IIPA in prior years. While the program expired in 2013, and has not yet been renewed, the IPR conditionality to provide "adequate and effective" copyright protection, as well as fair and equitable market access, have meant that GSP petitions filed by IIPA over the past 20 years have been effective in securing improved copyright protection in those markets.

2 YEARS AGO (2012)

- **Korea-U.S. (KORUS) FTA Enters Into Force:** On March 15, 2012, the KORUS FTA entered into force. This milestone Agreement forms the baseline for new FTAs and includes strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of the KORUS FTA, as well as implementation efforts.
- **U.S.-Colombia Trade Promotion Agreement (TPA) Enters Into Force:** On April 15, 2012, the U.S.-Colombia TPA entered into force. This Agreement includes strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of the TPA, as well as implementation efforts.
- **U.S.-Panama TPA Enters Into Force:** On October 31, 2012, the U.S.-Panama TPA entered into force. This Agreement includes strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of the TPA, as well as implementation efforts.

5 YEARS AGO (2009)

- **CAFTA-DR FTA Enters Into Force for Costa Rica:** On January 1, 2009, the Central American FTA (CAFTA-DR) entered into force as to Costa Rica. This Agreement includes strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of the FTA, as well as implementation efforts.
- **U.S.-Oman FTA Enters Into Force:** On January 1, 2009, the U.S.-Oman FTA (CAFTA-DR) entered into force. This Agreement includes strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of the FTA, as well as implementation efforts.
- **U.S.-Peru TPA Enters Into Force:** On January 1, 2009, the U.S.-Peru TPA entered into force. This Agreement includes strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of the FTA, as well as implementation efforts.

7 YEARS AGO (2007)

- **CAFTA-DR FTA Enters Into Force for Dominican Republic:** On March 1, 2007, the CAFTA-DR FTA went into force as to the Dominican Republic. This Agreement includes strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of the FTA, as well as implementation efforts.

8 YEARS AGO (2006)

- **U.S.-Morocco FTA Enters Into Force:** On January 1, 2006, the U.S.-Morocco FTA entered into force. This Agreement includes strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of the FTA, as well as implementation efforts.
- **U.S.-Bahrain FTA Enters Into Force:** On January 11, 2006, the U.S.-Bahrain FTA entered into force. This Agreement includes strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of the FTA, as well as implementation efforts.
- **CAFTA-DR FTA Enters Into Force for Most Countries:** In 2006, the CAFTA-DR FTA went into force as to El Salvador, Guatemala, Honduras, and Nicaragua. This Agreement includes strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of the FTA, as well as implementation efforts.

9 YEARS AGO (2005)

- **U.S.-Australia FTA Enters Into Force:** On January 1, 2005, the U.S.-Australia FTA entered into force. This milestone agreement includes strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of the FTA, as well as implementation efforts.

10 YEARS AGO (2004)

- **Singapore and Chile FTAs Enter Into Force:** On January 1, 2004, U.S.-Chile and U.S.-Singapore FTAs entered into force. These milestone agreements formed the baseline for new FTAs and included strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of these FTAs, as well as implementation efforts.

12 YEARS AGO (2002)

- **WIPO Treaties Enter Into Force:** While concluded in 1996, ratification and deposit by 30 countries of both the WCT and WPPT was needed before the treaties would enter into force. The WCT entered into force on March 6, 2002 and the WPPT entered into force on May 20, 2002. In an effort to raise awareness of these critical treaties, IIPA sponsored an event on Capitol Hill honoring key U.S. Congressman and Senators responsible for the DMCA and the Ambassadors from the countries that helped bring the treaties into force.
- **Trade Promotion Authority:** IIPA and its members celebrated the passage of the Trade Act of 2002, which included Trade Promotion Authority which permits the President, in consultation with Congress, to negotiate bilateral, regional and multilateral trade agreements. This was intended to give a jump start to the new Doha Round and to the various bilateral and plurilateral Free Trade Agreements now in process, in all of which the U.S. government, at IIPA's urging, has sought greatly improved levels of copyright protection and enforcement.

13 YEARS AGO (2001)

- **U.S.-Jordan FTA Enters Into Force:** On December 17, 2001, the U.S.-Jordan FTA entered into force. This milestone agreement included modern and strong IPR provisions capable of producing improved protection for U.S. copyright materials. IIPA was involved both in discussions leading to the negotiation and conclusion of these FTAs, as well as implementation efforts.
- **China Becomes a WTO Member:** China became a WTO member on December 11, 2001. IIPA remains engaged in ongoing efforts to bring China's laws and enforcement regime up to TRIPS level protections as required by the WTO. Several IIPA members advocated for WTO cases on IPR protection and market access, which were brought by the United States in 2007, and on which the U.S. largely prevailed in 2009.

14 YEARS AGO (2000)

- **TRIPS Transition Period Ends for Developing Countries:** All developing countries and countries in transition (though not U.N. designated least developing countries) became obligated to meet their substantive and enforcement provisions of the WTO TRIPS Agreement on January 1, 2000. IIPA has actively encouraged all countries, including

15 YEARS AGO (1999)

- **U.S. Ratifies and Joins the WIPO "Internet" Treaties:** The United States deposited its instruments of accession to both the WCT and the WPPT in September 1999. IIPA then began its major effort to persuade countries to ratify and accede to the two Treaties in order to put them into force.

16 YEARS AGO (1998)

- **Congress Passes the Digital Millennium Copyright Act:** In October 1998, the U.S. passed the Digital Millennium Copyright Act (DMCA) which amended U.S. law to meet the obligations of the two “Internet” treaties -- the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) which were completed in 1996. These treaties raised the minimum standards of copyright protection, particularly with respect to the networked-based delivery of copyrighted materials. Adoption of this legislation permitted the U.S. to ratify and accede to these treaties. Since this time, IIPA has been working diligently to ensure global accession to, and proper implementation of, these treaties which are critical to fostering the growth of electronic commerce.
- **WTO Declaration on E-Commerce:** At the Fourth WTO Ministerial Conference in May 1998, trade ministers of all the WTO member nations adopted a “Declaration on Global Electronic Commerce” whereby nations agreed to a moratorium on imposing customs duties on electronic transmissions.

18 YEARS AGO (1996)

- **WIPO “Internet” Treaties Concluded:** With the continuing forceful urging of the U.S. Government, supported by IIPA and its members over a period of many years, a Diplomatic Conference called by the World Intellectual Property Organization (WIPO) culminated at the end of 1996 with the signing of two new international copyright treaties, this time clarifying and extending the Berne Convention to the digital and Internet environment and significantly enhancing protection for sound recordings. IIPA and many of its members served on the U.S. delegation to this Convention.
- **China “Special 301” Action Settled:** Following the designation of China as a Priority Foreign Country (PFC) under Special 301, China and the U.S. agreed on an enforcement “action plan” and, seeking to avoid up to \$2 billion in trade retaliation by the U.S. China thereafter closed 15 pirate CD factories and virtually shut down massive worldwide exports of pirate optical media product. These actions followed the 1995 U.S.-China IPR Agreement which outlined comprehensive obligations on IPR protection which went far to bring China into the modern age in the field of copyright.

20 YEARS AGO (1994)

- **TRIPS Agreement Reached in the WTO:** At the conclusion of the Uruguay Round, a new chapter on intellectual property rights -- the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) -- was included for the first time ever in a global trade instrument. The establishment of new, higher standards of protection, and for the first time, standards of enforcement, gave another jump start to countries’ improving their levels of protection and enforcement of IPR. At the end of the Uruguay Round in 1994, there were 128 members of the GATT (as of July 2014, there are 160 members and 24 additional observers).
- **NAFTA Concluded and Into Force:** In January 1994, the U.S., Mexico and Canada North America Free Trade Agreement (NAFTA) entered into force. IIPA helped shape the text of the intellectual property rights chapter and was a strong supporter of NAFTA’s 1993 passage in Congress.

24 YEARS AGO (1990)

- **First IIPA “Regular” 301 Petition Filed on IPR Grounds:** In November 1990, IIPA, MPAA and RIAA filed the first IPR “regular” Section 301 petition (not under Special 301) against Thailand. Trade retaliation was averted when the Royal Thai Government outlined specific pledges of actions. Similarly, other countries have taken concrete steps to improve their IPR regimes after their IPR practices have been investigated after being designated as “Priority Foreign Countries” under Special 301.
- **IIPA Releases its First Economic Report on the U.S. Copyright Industries:** This study, *Copyright Industries in the U.S. Economy*, prepared by Economists Inc. for the IIPA, confirmed that these industries contributed powerfully to the

U.S. economy, employment and international trade (foreign sales/exports). In 1989, the 'core' copyright industries contributed \$173.7 billion to the U.S. economy (or 3.3% of the U.S. Gross Domestic Product), employed over 2.6 million workers, and had foreign sales/exports of at least \$22.3 billion (larger than the U.S. aircraft and spacecraft industries' exports). This seminal 1990 report established methodologies used in subsequent IIPA reports as well as efforts undertaken by other countries (most recently, with a slightly revised methodology adopted by WIPO).

25-26 YEARS AGO (1988-1989)

- **IIPA Law Reform Efforts:** From 1984 through 1988, pressed by IIPA and its members through bilateral engagement by the U.S. government, many countries, particularly in Asia, revised their copyright laws and/or protected U.S. works for the first time.
- **U.S. Adherence to the Berne Convention:** With the strong support of and lobbying by IIPA and its members, the U.S. passed the Berne Convention Implementation Act in 1988, and in 1989 adhered to the Berne Convention (1971 Paris text). This gave added credibility to U.S. government and industry efforts to secure further global copyright reforms.
- **Special 301 Mechanism Adopted by Congress and IIPA Releases its First Special 301 Submission to USTR:** At the instance of IIPA and the copyright industries, in 1988, Congress passed amendments to Section 301 making the status of global IP protection an annual exercise in what is now called "Special 301." USTR then released its first request for public comments in the annual "Special 301" review. IIPA filed its first set of Special 301 comments in February 1989 (in a format similar to IIPA's first submission in 1985). In April 1989, USTR Carla Hills followed by announcing which countries failed to meet the criteria of the statute, including creating the "Priority Watch List" and "Watch List" categories. USTR's and the rest of the government's IPR focus then greatly expanded in following years, urged on by IIPA and its members as well as by other IPR-based industries.

29-30 YEARS AGO (1984-1985)

- **The Addition of IPR Protection to U.S. Trade Law:** In 1984, the U.S. copyright industries pressed the Congress to make ineffective IPR protection an "unfair trade practice" under Section 301 of the U.S. trade law. Congress made this and other similar changes (to the GSP Program, for example) which marked the first time IPR protection was made part of the U.S. trade agenda.
- **Formation of the IIPA:** At the same time as U.S. trade legislation was being amended, eight copyright industry associations representing over 1,500 U.S. companies united in a coalition called the "International Intellectual Property Alliance" for the purpose of improving copyright laws and fighting massive piracy of U.S. copyrighted products. IIPA and its members together began a global campaign to improve copyright protection and enforcement. Today, IIPA remains active, with six member associations comprising over 3,200 companies.
- **IIPA Trade Policy Report:** In 1985, IIPA wrote its first report recommending to the U.S. government what actions it should take in this area. Entitled "U.S. Government Trade Policy: Views of the Copyright Industries" (1985), IIPA's recommendations have either been fulfilled or still remain U.S. government strategy.
- **IIPA Report on Damage Caused by Piracy:** In 1985, IIPA prepared the first-ever comprehensive review of piracy losses and the status of current laws in 10 selected countries in Asia, in the Middle East, Latin America, and Eastern Europe. This first effort revealed staggering piracy levels in many of these countries and led to a new effort to secure improved protection and enforcement for U.S. copyrighted products.
- **First IPR 301 Action:** The U.S. Government, at IIPA's urging, self-initiated the first IPR-based Section 301 case against Korea, which at that time provided no legal protection for U.S. copyrighted works. This case was successfully settled in 1986 with Korea passing a copyright law protecting U.S. works for the first time.