

109TH CONGRESS
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S. CON. RES. 87

Expressing the sense of Congress that United States intellectual property rights must be protected globally.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2006

Mr. BIDEN (for himself and Mr. SMITH) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Expressing the sense of Congress that United States intellectual property rights must be protected globally.

Whereas the United States is the world's largest creator, producer, and exporter of copyrighted materials;

Whereas this important sector of the United States economy continues to be at great risk due to the widespread unauthorized reproduction, distribution, and sale of copyrighted United States works, including motion pictures, home video and television programming, music and sound recordings, books, video games, and software;

Whereas estimates point to a rate of intellectual property piracy of between 70 to 90 percent in some countries, with annual losses to the United States economy in the billions of dollars;

Whereas the major copyright industries are responsible for an estimated 6 percent of the Nation's total gross domestic product and an annual employment rate of more than 3 percent;

Whereas strong overseas sales and exports by the major copyright industries are even more important as the United States trade deficit continues to increase, and as the United States economy grows more reliant on the generation of intellectual property and in services related thereto;

Whereas the Congress is greatly concerned about the failure of some of the trading partners of the United States to meet their international obligations with respect to intellectual property protection;

Whereas in the Russian Federation, perpetrators of piracy, including one of the largest commercial Internet pirates in the world, are permitted to operate without meaningful hindrance from the Russian Government, and a number of factories located on government property produce pirated products;

Whereas the Russian Federation is now considering the adoption of a civil code that would annul the country's existing intellectual property law, and incorporate principles that do not conform to its international obligations;

Whereas the Senate and the House of Representatives have both overwhelmingly passed legislation expressing the sense of the Congress that the Russian Federation must significantly improve the protection of intellectual property as part of its effort to accede to the World Trade Organization and to maintain eligibility in the generalized system of preferences (GSP) program;

Whereas markets in the People's Republic of China are replete with pirated versions of United States movies, sound recordings, business software, and video games, resulting in over \$2,000,000,000 in losses each year to the United States economy;

Whereas the People's Republic of China has made a number of commitments to the United States which it has yet to meet, including pledges to significantly reduce piracy rates, increase criminal prosecutions of intellectual property rights infringements, reduce exports of infringing goods, improve national police coordination, and join global Internet treaties;

Whereas the People's Republic of China and the Russian Federation export thousands of pirated versions of products of the United States to other countries;

Whereas Mexico has a strong market for pirated goods, with thousands of street vendors offering pirated products throughout the country;

Whereas Canada has become a source of camcorder piracy, has failed to bring its copyright law into conformity with international standards, and has failed to adequately prevent pirated products from other parts of the world from entering the country;

Whereas India can further improve copyright protections, particularly with regard to enforcement, deterrent sentencing, and coordination of national efforts;

Whereas Malaysia continues to be a leading source of pirated entertainment software and other copyrighted materials produced for export; and

Whereas steps must be taken to ensure that the rights of creators and distributors are protected abroad and that cre-

ative industries in the United States continue to flourish:
Now, therefore, be it

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

3 (1) the United States should not complete any
4 agreement relating to the accession of the Russian
5 Federation to the World Trade Organization until
6 the Russian Federation takes concrete steps to ad-
7 dress widespread intellectual property violations, in-
8 cluding—

9 (A) the closure and seizure of factories and
10 machinery used for piracy;

11 (B) imposition of meaningful penal sanc-
12 tions;

13 (C) investigation and prosecution of orga-
14 nized criminal piracy syndicates; and

15 (D) rejection of proposals that would un-
16 dermine its existing intellectual property rights
17 regime and retreat further from global stand-
18 ards;

19 (2) the People’s Republic of China should fun-
20 damentally change its intellectual property rights en-
21 forcement model by significantly increasing the ap-
22 plication of criminal sanctions against major copy-
23 right pirates and imposing effective deterrent pen-
24 alties;

1 (3) Mexico, Canada, India, and Malaysia should
2 work in cooperation with the United States Govern-
3 ment and industries in the United States to address
4 growing piracy problems within their borders;

5 (4) the failure of the countries listed in para-
6 graph (3) to act and protect against the theft of
7 United States intellectual property will have political
8 and economic consequences with regard to relations
9 between these countries and the United States; and

10 (5) the President should use all effective rem-
11 edies and solutions to protect the intellectual prop-
12 erty rights of United States persons and entities,
13 and maintain policies that vigorously respond to the
14 failure by other countries to abide by international
15 standards of protection or to otherwise provide ade-
16 quate and effective protection of intellectual property
17 as provided under United States law.

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