

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE®



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Submitted to www.regulations.gov

Marideth J. Sandler
Executive Director for the GSP Program
Chairman, GSP Subcommittee of
the Trade Policy Staff Committee
Office of the U.S. Trade Representative
1724 F Street, N.W.
Washington, D.C. 20508

Docket: USTR-2009-0030

Re: Generalized System of Preferences (GSP):
Initiation of a Review To Consider the Designation
of the Republic of Maldives as a Beneficiary
Developing Country Under the GSP ,
74 Fed. Reg. 47983 (Sept. 18, 2009)

Dear Ms. Sandler:

The International Intellectual Property Alliance (IIPA) takes this opportunity to briefly respond to the GSP Subcommittee's request for comments in its review to consider the Republic of Maldives as a GSP beneficiary country.

Over the years, IIPA has supported the use of the GSP trade program to promote the adequate protection and enforcement of copyright among our country's trading partners. Countries who are GSP beneficiaries have to hold up their part of the trade bargain by providing "adequate and effective" copyright protection and enforcement of U.S. copyrighted materials in their countries, as required by the GSP statute.

About the IIPA

The International Intellectual Property Alliance (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 is comprised of seven member associations (listed in the letterhead below), which in turn represent over 1,900 U.S. companies producing and distributing materials protected by copyright laws throughout the world—all types of computer software, including business applications software and entertainment software (such as videogame discs and cartridges, personal computer CD-ROMs, and multimedia products); theatrical films, television programs, DVDs and home video and digital representations of audiovisual works;

music, records, CDs, and audiocassettes; and textbooks, trade books, reference and professional publications and journals (in both electronic and print media).

A question whether there is copyright legislation in force in The Maldives

Several years ago, both the World Trade Organization and the World Intellectual Property Organization noted that The Maldives did not even have copyright legislation. For example, circa 2004, WIPO's country report page specifically says that a copyright law in this country was still under consideration (<http://www.wipo.int/about-ip/en/ipworldwide/pdf/mv.pdf>). Furthermore, the Maldives' 2003 WTO Trade Policy Review noted the following:

The Maldives lacks the legal and institutional framework for protecting intellectual property rights, but it intends to comply with the WTO TRIPS requirements by the end of 2005. It is interested in registering "Maldivian Fish" as a geographical indication. With assistance from WIPO, it is drafting copyright legislation. The Maldives has notified to the WTO the Ministry of Trade and Industries as the contact point under TRIPS.

One of the express criteria that the President must take into account in determining whether to designate a country as a beneficiary country for purposes of the GSP program is "[t]he extent to which such country provides adequate and effective protection of intellectual property rights, including patents, trademarks, and copyrights." (19 U.S.C. 2462(c)(5)).

IIPA has not been able to ascertain, definitively, whether there is even any copyright law in place in The Maldives. Informal contact with certain U.S. government sources indicates that no such law appears to be in force. If indeed there is no copyright legislation currently in place, it would seem incongruous, to say the least, for the U.S. to be granting GSP beneficiary status to The Maldives in such clear contradiction to the express terms of the GSP statute.

We ask that the government of The Maldives provide this Subcommittee with a report on the status of all its IPR legislation. If such legislation (including copyright legislation) is in force, then all text should be shared with this Subcommittee for further evaluation.

Respectfully submitted,



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for the
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