

IIPA GSP Post-Hearing Brief on Russia's IPR Review

Accepted Case # 015-CP-05

Kazakhstan IPR

IIPA – ANSWERS TO QUES FROM
HEARING AS POST-HEARING BRIEF

Message From: Eric Schwartz [schwartz@smimetlaw.com]
Sent: Wednesday, December 14, 2005 4:28 PM
To: FN-USTR-FR0441
Cc: Teeter, Regina; Eric Schwartz IIPA; Eric Smith; Joe Papovich; Pam Burchette; Watkins, Ralph J.
Subject: Russia, Kazakhstan, Uzbekistan: IIPA Responses to USG Follow-up Questions at GSP Country Practice Hearing (Nov. 30, 2005)

Attached please find our responses to the questions posed by the U.S. Government at the GSP Country Practice Hearing (Nov. 30, 2005).

The International Intellectual Property Alliance (IIPA) offers the following additional information in response to the three questions posed by the U.S. Government (USG) at the GSP Country Practice Hearing (Nov. 30, 2005):

1. USG Question Regarding KAZAKHSTAN (IPR):

We understand that the recording industry (the International Federation of the Phonographic Industry (IFPI)) inspected the optical disk plant mentioned in the second-to-last paragraph of your filing. This occurred when the plant opened in July of this year. The IFPI representative took exemplars of discs but has taken no further action despite the plant owner's request for a new inspection. Can you update us on this situation? (USTR)

IIPA RESPONSE RE: KAZAKHSTAN:

IIPA has learned that the second optical disc (OD) plant in Kazakhstan, which is located in Almaty, has very recently been issued a Secure Identification (SID) Code by the Philips Corporation.

In addition, IIPA can now confirm that IFPI was given exemplars from the plant – taken this summer – from the plant's manufacturing line. The IFPI forensic reports have shown that, to date, there have been no "hits" on the exemplars received from this plant (nor from the other plant in Kazakhstan which is also SID Coded – as noted in our filing). This means that, at least to date, there is no forensic evidence of illegal production at either OD plant.

As noted in our filing, the growth of these plants, without proper regulation, inspection, and proper legislation (especially tying illegal commercial production to criminal penalties --- which is currently absent from the Kazakh legal regime) is a source of concern and one that we (IIPA and IFPI) will continue to monitor. We would encourage USG to urge the Kazakh Government to adopt the proper regulatory scheme, including criminal penalties, to ensure effective enforcement in Kazakhstan of optical media in the future at these and any other OD plants in Kazakhstan.

{IIPA responses regarding Russia and Uzbekistan have been deleted from this document.}

* * *

Thank you.

Eric J. Schwartz
Vice President and Special Counsel
International Intellectual Property Alliance (IIPA)
Washington, D.C.

- - - ORIGINAL MESSAGE - - -

From: Watkins, Ralph J. [mailto:Ralph_Watkins@ustr.eop.gov]
Sent: Tuesday, December 06, 2005 2:16 PM
To: tdo@pakistan-embassy.org; Eric Schwartz IIPA; Eric Smith; Deborah Lamb
Cc: Sandler, Marideth; Yinug, Christopher F.; Teeter, Regina
Subject: Russia, Kazakhstan, Uzbekistan: Follow-up questions for GSP Country Practice Hearing (Nov. 30, 2005)

Debby Lamb
Christine LoCascio
Ashraf Hayat
Gregory Sadowski
Joseph Popovich
Eric Schwartz

Thank you for providing testimony at the Trade Policy Staff Committee, Subcommittee on GSP hearing November 30, 2005, regarding country practices. We have a few remaining questions for each of you. Please provide your responses by e-mail to FN-USTR-FR0441 by 5:00 p.m., December 14, 2005. Thank you for your important contributions to this process.

Ralph J. Watkins
Deputy Director, GSP
U.S. Trade Representative
1724 F Street, NW
Washington, DC 20508
Telephone (202) 395-9609
FAX (202) 395-9481
Cell (301) 785-9374
E-mail rwatkins@ustr.eop.gov