

EFFECTIVE INTELLECTUAL PROPERTY ENFORCEMENT



**Jordan IP Week II:
Workshop for the Judiciary and
Prosecutors on IPR Enforcement**

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Peter N. Fowler

Senior Counsel

Office of Enforcement

United States Patent and Trademark Office

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What Do TRIPs and the FTA Agreement Require?



Provide for effective action against infringement of intellectual property rights without creating barriers to legitimate trade or opportunities for abuse.



Provide enforcement procedures that are fair, equitable and not unnecessarily complicated or costly; and do not entail unreasonable time limits or unwarranted delays.



Provide decisions on the merits based upon the evidence presented in the case to the parties, preferably in writing with the reasons explained.



Provide for appeals to judicial bodies of final administrative decisions and of at least the legal aspects of initial judicial decisions on the merits of a case.



Provide procedure that allows plaintiffs to bring infringement action; requires defendants be notified; permit both sides to present supporting evidence; and protect confidential information.



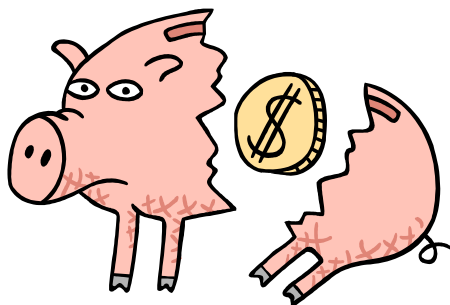
Authorize judges to order production of evidence necessary to substantiate a party's claims where that party has been unable to obtain such evidence from the opposing party.



Authorize judges to enjoin a defendant, except the government, from infringing intellectual property rights.



Authorize judges to order the payment of monetary damages adequate to compensate for the injury done by the infringement.



Authorize judges to order infringer to pay right holders costs of enforcement and recovery of profits and/or statutory damages.



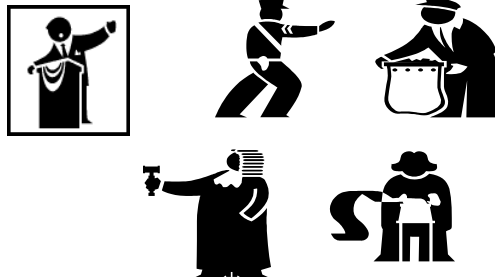
Authorized remedies include: seizure of infringing goods and the confiscation of materials/implements, the predominant use of which is infringement.



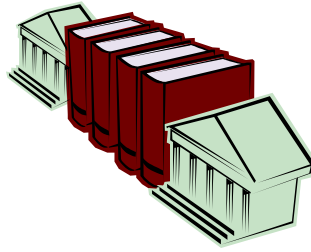
Authorize judicial authorities to order an infringer to reveal the identity of third parties to right holder and the channels of distribution.



Authorize indemnification of defendant, including attorneys' fees in the event of abuse by plaintiffs.



Public authorities/officials are exempted from liability in the administration of IP laws where actions are taken or are intended in good faith within the scope of the relevant authority.



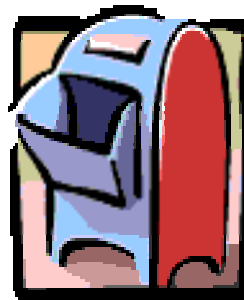
Ensure that administrative remedies conform to the same principles.



Judges must be authorized to grant temporary injunctive relief and other provisional relief to prevent infringement and to preserve evidence.



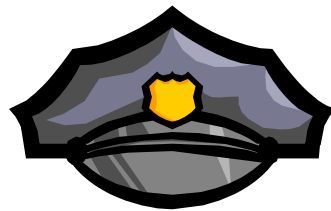
Judges authorized to require complainant to indemnify defendant against harm if decision on merits finds that provisional relief was unjustified.



Provide for notice and for formal action by the plaintiff after temporary relief granted.



Competent authorities must be able to order destruction or disposal other than by re-exportation of infringing goods where appropriate.



Provide criminal procedures/penalties, sufficient to deter, for willful trademark counterfeiting or copyright piracy on commercial scale.

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**Thank you
for your kind
attention.**