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LADB Staff

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U.S. Report Praises Mexico for Advances in Protection of Intellectual Property

by LADB Staff

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In a special report on protection of intellectual property, the US Trade Representative's Office (USTR) praised Mexico for taking significant steps toward enforcing international copyright guidelines. But the report, released the end of April, also listed Mexico on the "watch list" of countries that need continued monitoring of policies regarding protection of intellectual property. The report, which examined the copyright-protection policies of 70 US trading partners, was produced under the Special 301 provisions of the Trade Act of 1974. This year's report emphasized three areas: timely implementing of a World Trade Organization (WTO) agreement on intellectual-property rights; cracking down on pirated production of optical media such as compact discs; and ensuring that government ministries use only authorized computer software.

The USTR report lauded the Mexican government for its commitment to implement and enforce high levels of intellectual-property protection consistent with its international obligations. The USTR said the agency was "encouraged" by a special initiative promoted by President Ernesto Zedillo's administration in 1998 to combat piracy of intellectual property and the passage of anti-piracy legislation in late April of this year. "We look to the government now to devote the resources necessary and efforts necessary to fully enforce the new anti-piracy initiative," the USTR said in a statement.

Report also urges Mexico to take further action

The agency said Mexico was being kept on a watch list because of its recent poor record in enforcing existing counterfeiting and anti-piracy laws. "Despite a significant number of raids in 1998, only a small percentage resulted in court decisions, and the levels of penalties assessed when court decisions are made are inadequate to deter future piracy." Mexico was included on the watch list along with Canada, the third partner in the North American Free Trade Agreement (NAFTA). Spain, Venezuela, Costa Rica, Bolivia, Saudi Arabia, Poland, the Philippines, and 29 other countries are included in this list. The USTR placed 16 other trading partners, including the European Union (EU) and Russia, on a "priority watch list."

Jorge Amigo, president of the government-affiliated Instituto Mexicano de la Propiedad Industrial (IMPI), said the agency is already working hard to enforce copyright laws and protect intellectual property in Mexico, regardless of any USTR rulings. "We are engaged in a project that takes time and significant monetary resources to implement," said Amigo. "In simple terms, the intention of the Mexican government is to continue to improve our protection of copyrights."

The USTR listing of Mexico coincides with complaints from the Recording Industry Association of America (RIAA), which has accused the Mexican government of failing to fully comply with NAFTA clauses that deal with the protection of copyrights for the US recording industry. The RIAA said Mexico is particularly in violation of NAFTA Clause 17, which gives the producer

of a sound recording the right to authorize or prohibit reproduction of such product. The daily business newspaper El Economista said illegal copying of sound recordings is widespread in Mexico, resulting in the loss of US\$60 million to US\$70 million annually for the foreign and Mexican recording industries.

Copyright violations are also widespread for software. Gabriela Espinoza, director of business development for US company Microsoft, said more than 60% of the software programs sold in Mexico in 1998 were illegal copies. She said the watchdog organization Business Software Alliance (BSA) has detected the greatest growth in pirated software in recent years in the industrial cities of Puebla, Leon, Merida, and Tijuana.

The largest incidence of pirated software has been reported in cities with the most computers, Mexico City, Guadalajara, and Monterrey. Espinoza said the copyright violations in Mexico are below 80%, the average for Latin America. She said almost 90% of the software sold in countries like Bolivia and El Salvador has been copied illegally. (Sources: Press release from US Trade Representative's Office, 04/30/99; El Economista, 03/19/99, 05/04/99; El Universal, 04/12/99, 05/05/99, 05/11/99)

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