

The Honourable David Emerson  
Foreign Affairs and International Trade Canada  
Office of the Minister for International Trade  
125 Sussex Drive  
Ottawa, Ontario K1A 0G2  
Canada

5 June 2008

Dear Minister,

The International Chamber of Commerce created BASCAP – Business Action to Stop Counterfeiting and Piracy – to represent member companies concerned by the global magnitude and increasing damages and dangers caused by the illicit trade in fake and pirated goods. Counterfeiting and piracy pose huge risks for consumers and to the growing importance of intellectual capital to research, innovation, international trade, investment, and sound economic growth and development. We have provided our views on this matter and our recommendations for priority action to G8 Ministers prior to summits in Gleneagles, St. Petersburg and Heiligendamm.

We recognize that G8 leaders have progressively advanced their understanding of and resolve to tackle this global challenge. This was evidenced by the declaration in Heiligendamm, which stated, “the benefits of innovation for economic growth and development are increasingly threatened by infringements of intellectual property rights worldwide.” Moreover, we were encouraged by the G8 leaders’ decision to “strongly reaffirm our commitment to combat piracy and counterfeiting.” Unfortunately, there has been little indication that these words have been translated to action. While we are again pleased that protection of intellectual property rights will be among the priority topics for discussion at this year’s G8 Summit, Hokkaido Toyako presents an excellent opportunity for the G8 to demonstrate leadership and to carry through on past declarations through attention to two priorities:

1. The establishment of the Heiligendamm Process to address the issues of product counterfeiting and copyright piracy has the potential to provide a tangible, enduring implementation mechanism. Continued commitment to the Heiligendamm Process is indispensable to the ability of the G8 to contribute value to the resolution of counterfeiting and piracy and to provide leadership to the many non-G8 governments who look to the guidance and precedents established by the G8. Therefore, as you prepare for the Summit this year, we urge you to commit the resources and political direction necessary for the Heiligendamm Process to effectively work against intellectual property theft and facilitate innovation and economic development.

2. The Hokkaido Toyako Summit also comes at a time when seven of the eight G8 governments are actively negotiating the proposed Anti-Counterfeiting Trade Agreement (ACTA). These negotiations provide the first real opportunity in years to build upon existing multilateral frameworks, provide tangible deterrents to IP crimes, and elevate standards for government performance in protecting against intellectual property theft. We would hope that one of the key outcomes of the Hokkaido Toyako Summit will be a strong, visible commitment to a swift conclusion of an Anti-Counterfeiting Trade Agreement that sets new, higher standards for national and international government action to deal with counterfeiting and piracy. A declaration from the G8 Summit calling on the negotiators to conclude a substantive agreement will help ensure we enter a new era where governments around the world assume the responsibility to curb this brazen, illegal activity.

ICC's BASCAP initiative represents a visible and tangible example of the commitment by the international business community to contribute, on its own and in collaboration with governments, to develop and implement programmes to bring an end to counterfeiting and piracy and improve the protection of intellectual property. BASCAP stands ready to support the Heiligendamm Process, elaboration of ACTA and initiatives you may put forward this year that will help deal with this growing international problem.

Kind regards,

Guy Sebban

Attachments: BASCAP 2007 Statement 2008 Business views on ACTA