

September 27, 2010

Ms. Kira M. Alvarez
Chief Negotiator and Deputy Assistant USTR
for Intellectual Property Enforcement
Office of the United States Trade Representative
Executive Office of the President
600 17th Street, NW
Washington, DC 20508

Dear Ms. Alvarez:

The American Intellectual Property Law Association (AIPLA) appreciates the opportunity to offer comments regarding the proposed Anti-Counterfeiting Trade Agreement (“ACTA” or “Agreement”) and the ongoing negotiations between the possible Member States.

AIPLA is a national bar association whose approximately 15,000 members are primarily lawyers in private and corporate practice, in government service, and in the academic community. AIPLA represents a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of trademark, copyright, patent, and unfair competition law, with a wide range of experience in matters involving anti-counterfeiting and anti-piracy. Our members represent both owners and users of intellectual property.

AIPLA appreciates the recent opportunity to meet with members of the ACTA negotiating team. AIPLA offers the following comments regarding the ongoing negotiations.

- AIPLA supports limiting the Agreement to trademark and copyright enforcement. Due to the proliferation of counterfeit goods, it is important that progress be made on setting minimum standards for nations’ laws against counterfeit goods. Attempting to introduce standards for enforcement of patent and industrial design rights into the Agreement will slow this process. Further consideration of this important issue can be made once ACTA is agreed to. Further, due to the many legislative initiatives under consideration for amending our patent laws, the timing does not seem appropriate for introducing patents into the current issues to be addressed by ACTA.
- AIPLA supports keeping the Agreement focused on issues of counterfeiting and piracy. AIPLA supports efforts to avoid peripheral issues from delaying the implementation of the Agreement, including the difficult issue of Geographic Indications.

- Because of the status of these negotiations, AIPLA is not in a position to comment on specific provisions of the draft treaty that has been publicly circulated. However, AIPLA applauds the efforts of the USTR in securing the cooperation of our trading partners to enact strong laws to protect trademark and copyright owners and looks forward to having the opportunity to comment on specific provisions once the treaty is at a later stage.
- AIPLA supports the USTR's efforts to avoid having the final Agreement require amendment to U.S. intellectual property laws.

Thank you for the opportunity to provide these comments. We look forward to further opportunities to meet and discuss issues surrounding the Agreement.

Respectfully submitted,

A handwritten signature in black ink that reads "Alan J. Kasper". The signature is written in a cursive, flowing style.

Alan J. Kasper
President, AIPLA