

## JOINT POLICY STATEMENT ON SPECIAL 301

The Special 301 Report should not be used:

1. To pressure countries to adopt intellectual property protection that exceeds the level required by the TRIPS Agreement
2. To pressure countries to adopt intellectual property protection that exceeds the level of protection found in U.S. law
3. To pressure countries to sign the WIPO Internet Treaties or the Anti-Counterfeiting Trade Agreement

The Special 301 Report and the review conducted to write it should be more open and transparent.

1. Much of the Special 301 Report is vaguely written, leaving readers unsure what USTR is objecting to or asking for. When USTR cites a country for lacking adequate or effective intellectual property protection, it should clearly state laws or policies it views as problematic.
2. When industry groups allege that a country lacks adequate or effective intellectual property protection; the country should have adequate time to review and respond. Interested parties (civil society groups) should be able to use this time to respond as well.
3. Industry allegations that include estimates of losses due to weak intellectual property enforcement should be accompanied by the data and methodology used to arrive at their estimates.

To comply with our WTO obligations to use its system of dispute settlement to resolve bilateral disputes, the annual Special 301 review should be implemented in a way that removes any threat of unilateral trade sanctions.

The Obama administration should convene a process to research and adopt a pro-development copyright policy that guides its trade policy objectives.

### SIGNED

Electronic Frontier Foundation, U.S.

Public Knowledge, U.S.

Knowledge Ecology International, U.S.

IP Justice, U.S.

Centro de Tecnologia e Sociedade, Fundação Getulio Vargas, Brazil

Derechos Digitales, Chile

Centre for Internet and Society, India

Fundación Karisma, Colombia

Closer2Patents, India

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