

109TH CONGRESS
1ST SESSION

S. RES. 142

Expressing the sense of the Senate that the United States Trade Representative should bring a case before the World Trade Organization regarding the violations of intellectual property rights by the People's Republic of China.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2005

Mr. DORGAN (for himself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Finance

RESOLUTION

Expressing the sense of the Senate that the United States Trade Representative should bring a case before the World Trade Organization regarding the violations of intellectual property rights by the People's Republic of China.

Whereas at the Joint Commission on Commerce and Trade (JCCT) meeting in April 2004, the People's Republic of China committed to undertake a significant reduction of infringements on intellectual property rights;

Whereas on April 29, 2005, the United States Trade Representative concluded that, "China has not resolved critical deficiencies in (intellectual property rights) protection and enforcement and, as a result, infringements remain at epidemic levels";

Whereas the United States Trade Representative found that “China’s inadequate intellectual property rights enforcement is resulting in infringement levels at 90 percent or above for virtually every form of intellectual property,”;

Whereas United States Trade Representative further concluded that “there has not been a significant reduction in (intellectual property rights) infringements throughout China,” notwithstanding China’s commitment in April 2004 to achieve such a reduction;

Whereas, according to the United States Chamber of Commerce, China’s violations of intellectual property rights are costing United States industry an estimated \$200,000,000,000 per year; and

Whereas the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (described in section 101(d)(15) of the Uruguay Round Agreements Act) is intended to provide a mechanism for the enforcement of intellectual property rights: Now, therefore, be it

- 1 *Resolved*, That it is the sense of the Senate that the
- 2 United States Trade Representative should immediately
- 3 initiate a case against the People’s Republic of China
- 4 through the World Trade Organization dispute settlement
- 5 process.

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