

United States-Russian Federation Intellectual Property Rights Action Plan

The United States and the Russian Federation remain committed to the protection and enforcement of intellectual property rights (IPR), and confirm the need to work together on improvement of the global approach to IPR protection and enforcement, including over the Internet. Strong IPR protection and enforcement are vital to promoting innovation and creativity by securing the rights of innovators and the creative community, attracting high-technology investment, and fostering the jobs necessary for long-term sustainable growth, as reflected in the Deauville G8 Declaration on a “Renewed Commitment for Freedom and Democracy”.

I. Main Actions to Increase the Level of Protection and Enforcement of Intellectual Property Rights

A. Enforcement

- Piracy over the Internet is a significant global problem. In addition to current actions, the Russian Federation and the United States endorse taking enforcement actions targeting piracy over the Internet, including the following actions, consistent with their respective laws and regulations:
 - Take measures in order to disrupt the functioning of websites that facilitate criminal copyright infringement, and provide for takedown of infringing content;
 - Take actions against the creators and administrators of websites through which intellectual property crimes are committed;
 - Conduct meaningful consultations with rights holders to target and to take action against high-priority infringing websites;
 - Coordinate such actions, where appropriate, with foreign governments through mutual legal assistance treaties (MLATs), the Customs Mutual Assistance Agreement (CMAA), or other mechanisms
 - Encourage active coordination between rights holders and enforcement agencies;
 - Devote sufficient resources within existing law enforcement entities, including specially trained personnel, and encourage creation or maintenance of specialized units with appropriate authority to focus

primarily on combating piracy over the Internet, and promoting coordination between such law enforcement entities; and

- Promote exchange of information on IPR infringements over the Internet (e.g., server location, evidence, persons) when enforcement authorities of one country are proceeding on such cases and apply to the enforcement authorities of another country, including a third country recognizing the time-sensitive nature of many Internet-based investigation.
- **Enforcement Generally.** In addition to current actions, the Russian Federation and the United States endorse taking enforcement actions, including the following actions, consistent with their respective laws and regulations:
 - Conduct enforcement actions against counterfeiting, piracy (including software piracy and unauthorized camcording), and the circumvention of technological protection measures and encouraging the imposition of penalties and sentences that deter further violations;
 - Conduct unannounced raids of plants, retail outlets, and warehouses to detect, seize and, where appropriate, destroy goods that violate intellectual property rights;
 - Seize and destroy goods that violate intellectual property rights and the equipment and materials used to produce them;
 - Promote transparency and public awareness of actions to enforce IPR.

B. Legislation

Russian Federation's Steps:

- *ISP Liability Law:* Support special legislation to combat Internet piracy, which will establish a fair framework for liability of Internet service providers in appropriate cases of infringement of intellectual property rights over the Internet.
- *Regulatory Data Protection:* Hold consultations with the United States regarding the implementation of Russia's WTO data protection commitments.
- *Administrative Code:* Hold consultations with the United States regarding strengthening administrative penalties to deterrent levels.

C. Other Steps

United States' Steps:

- Discussing possibility for Russian right holders to use “Copyright Alerts” system.
- Working toward the shared goal of removing the Russian Federation from the “Priority Watch List” under the Special 301 Report taking into account progress in Russia on improving IPR protection and enforcement.
- The United States is prepared to work with the Russian Federation on continuing to exchange information and best practices for judges with respect to IPR cases, including through the new IPR court.

II. IPR Working Group Activities

- Regular Sessions of Russian Federation-United States IPR Working Group in Moscow and in Washington.
- Organization of bilateral digital video conference on specific issues.