

**DENMARK – MEASURES AFFECTING THE ENFORCEMENT OF
INTELLECTUAL PROPERTY RIGHTS**

Notification of Mutually Agreed Solution

The following communication, dated 7 June 2001, from the Permanent Mission of the United States, the Permanent Mission of Denmark and the Permanent Delegation of the European Commission to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 3.6 of the DSU.

The United States of America and the European Communities – Denmark wish to notify the Dispute Settlement Body that they have reached a mutually satisfactory solution to the matter raised by the Government of the United States in WT/DS83/1, dated 14 May 1997, concerning the obligation of the European Communities and Denmark under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) to make available prompt and effective provisional measures *inaudita altera parte* in civil proceedings involving intellectual property rights.

On March 20, 2001 the Danish Parliament passed amendments to the Administration of Justice Act granting the relevant judicial authorities in Denmark the authority to order provisional measures in the context of civil proceedings involving the enforcement of intellectual property rights. Specifically, the amendments provide that the judicial authorities may decide that an investigation at the place of the defendant shall be carried out in order to secure evidence of an infringement of intellectual property rights, and that such an investigation may be conducted without prior notification of the defendant if it is assumed that the notification would cause a risk of removal, destruction or modifications of objects, documents, information in computer systems or anything else which are comprised by the petition for investigation. These amendments were signed into law as *Act No. 216 – Act on Amendment of the Administration of Justice Act and the Act on Court Fees (Securing of Evidence in Cases of Infringement of Intellectual Property Rights, etc.)* on March 28, 2001.

Based on developments, the European Communities – Denmark and the United States have agreed to terminate consultations on this matter and the United States wishes formally to withdraw this matter from further attention under the provisions of the Understanding on Rules and Procedures Governing the Settlement of Disputes. This agreement is without prejudice to the rights or obligations of the Members under the Agreement Establishing the World Trade Organization and the

TRIPS Agreement. We would ask you to circulate this notification to the relevant Councils and Committees, as well as to the DSB.

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(s) Mr. Carlo Trojan
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