WORLD TRADE

ORGANIZATION

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EUROPEAN COMMUNITIES - ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS FOR MOTION PICTURES ANDTELEVISION PROGRAMS

Request for Consultations by the United States

The following communication, dated 30 April 1998, from the Permanent Mission of the United States to the Permanent Delegation of the European Commission and to the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

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My authorities have instructed me to request consultations with the European Communities pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) and Article 64 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (to the extent it incorporates by reference Article XXIII of the General Agreement on Tariffs and Trade 1994) regarding the enforcement of intellectual property rights in Greece.

The TRIPS Agreement applied to developed Members of the WTO, such as the European Communities, as of 1 January 1996. Such Members are obligated to comply with the provisions of Part III of the TRIPS Agreement regarding the enforcement of intellectual property rights, among other obligations.

A significant number of television stations in Greece regularly broadcast copyrighted motion pictures and television programs without the authorization of copyright owners. Effective remedies against copyright infringement do not appear to be provided or enforced in Greece with respect to these unauthorized broadcasts. Copyrights owned by US nationals have been infringed in this manner repeatedly, and continue to be infringed, despite efforts by US right holders to prevent such infringement and to pursue their rights in Greece. This situation appears to be inconsistent with the obligations of Members under Articles 41 and 61 of the TRIPS Agreement.

We look forward to receiving your reply to the present request and to fixing a mutually convenient date for consultations.

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