
6. (U) THERE HAVE BEEN SOME PROGRESS IN THE LAST YEAR THAT DESERVES RECOGNITION IN OUR VIEW. IN JULY 1998, AN INTELLECTUAL PROPERTY UNIT WAS ESTABLISHED IN THE SANTO DOMINGO DISTRICT ATTORNEY'S OFFICE. WHILE THE IPA, AND OTHERS, HAVE EXPRESSED DISAPPROVAL IN ITS PERFORMANCE TO DATE, WE DO NOT THINK THAT EIGHT MONTHS IS LONG ENOUGH TO DISCOUNT THE WORK OF THE UNIT. STAFFED AT THIS TIME BY ONE OVER-BURDENED AND INEXPERIENCED ASSISTANT DISTRICT ATTORNEY, THE U.S. IPR SPECIALIST DORIS LONG, ASSOCIATE PROFESSOR OF THE JOHN MARSHALL LAW SCHOOL, WORKED FOR A WEEK WITH THE IPR UNIT IN JANUARY IN A PROGRAM ORGANIZED BY USIS AT THE REQUEST OF THE DISTRICT ATTORNEY. PROFESSOR LONG REPORTED EXCELLENT ATTENDANCE AND INTEREST IN SEMINARS WITH JUDGES AND OTHER LEGAL PROFESSIONALS. SHE ALSO IDENTIFIED OTHER TRAINING NEEDS, SUCH AS TRAINING IN HOW TO CONDUCT SEIZURES, THAT USERS PLAN TO ADDRESS WITH OTHER PROGRAMS IN 1999.


8. (SBU) IN ITS OWN SPECIAL 301 SUBMISSION, THE GOVERNMENT IS LIKELY TO MAKE MUCH OF RECENT DEVELOPMENTS THAT HAVE CLEARLY BEEN DRIVEN BY THE 301 PROCESS. AS REPORTED REFTEL B, IN EARLY FEBRUARY THE GOVERNMENT REPEALED THE RESOLUTIONS REFERRED TO IN PARA. 3 ABOVE WHICH HAVE, IN OUR VIEW, CONSTITUTED GOVERNMENT SANCTION OF PHARMACEUTICAL PIRACY. INDUSTRY SOURCES TELL US SESPAS HAS SLOWED IF NOT STOPPED ITS ISSUANCE OF PERMITS SINCE THE RESOLUTIONS WERE REPEALED. THEY BELIEVE, IN ADDITION,
THAT SESPAS STAFF IS PREPARING TO RECOMMEND TO THE
HEALTH SECRETARY THAT NO FURTHER PATENT-INFRINGING
PERMITS BE ISSUED.

9. (U) THE DIRECTORATE GENERAL OF TELECOMMUNICATIONS
ALSO RECENTLY MET WITH COMMERCIAL AND CABLE TV STATIONS
TO TAKE CONCERTE ACTION AGAINST BROADCAST PIRACY.
AFTER A THREE-MONTH "GRACE PERIOD," THE STATIONS WILL
FINALLY BE REQUIRED TO PRESENT DOCUMENTATION OF
BROADCAST RIGHTS. THE GRACE PERIOD WILL BE UP IN MAY.
WE PLAN TO WATCH THIS CLOSELY TO SEE WHAT ENFORCEMENT
ACTION THE GOVERNMENT TAKES -- PARTICULARLY AGAINST ONE
STATION THAT HAS BEEN AN EGREGIOUS PIRATE BUT IS OWNED
BY AN INFLUENTIAL GOVERNMENT SUPPORTER.

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NEXT STEPS
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10. (U) WE BELIEVE, HOWEVER, THAT THE PRIMARY BATTLE
HAS NOW SHIFTED TO THE NEW LEGISLATION NOW BEFORE THE
DOMINICAN CONGRESS. AS THE IIPA NOTES, THE LEGISLATION
FIXES A NUMBER OF SHORTCOMINGS IN CURRENT DOMINICAN
COPYRIGHT LAW. IN THE AREA OF TRADEMARKS AND
PARTICULARLY OF PATENTS, HOWEVER, THE PACKAGE NOW
BEFORE THE CONGRESS HAS SERIOUS DEFECTS WHICH, IF IT IS
ENACTED IN ITS PRESENT FORM, WILL MAKE IT IMPOSSIBLE
FOR THE GOVERNMENT TO COMPLY WITH ITS YEAR 2000 TRIPS
OBLIGATIONS.

11. (U) IN ADDITION TO USTR'S ACTIONS IN THE 301
PROCESS, WE SUGGEST THAT WIPO BE REQUESTED TO REVIEW
THE DOMINICAN LAW. GOVERNMENT OFFICIALS HAVE STATED THAT THE
CURRENT DRAFT LEGISLATION HAS THE IMPRINT OF WIPO
WHICH WE DOUBT. WIPO IS WELL RESPECTED HERE AND A FEW
INSENTIVE WORDS FROM THEM WOULD HELP ENORMOUSLY TO
CREATE AN UNDERSTANDING THAT SOMETHING HAS GONE WRONG.
THE RISK IS THAT INFADOHI, THE LOCAL ASSOCIATION
REPRESENTING THE PIRATE PHARMACEUTICAL INDUSTRY, MAY
SEEK TO PAY OFF NUMBERS OF CONGRESS TO GET RAPID
PASSAGE OF THE LAW.

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NOW HAS MAINTAINED CLOSE CONTACTS WITH THE
SECRETARIAT OF INDUSTRY AND COMMERCE WHICH IS PUSHING
THE LEGISLATION.

12. (U) FINALLY, WE URGE THAT USTR AND OTHER U.S.
AGENCIES TELL U.S. FIRMS TO GET MORE INVOLVED IN
PROVIDING US WITH CONCRETE EXAMPLES WE CAN USE IN OUR
INTERACTIONS WITH THE GOVERNMENT. WE HAVE LITTLE DOUBT THAT
THE PERSISTENCE OF EFID (THE ASSOCIATION REPRESENTING
THE MULTINATIONAL PHARMACEUTICAL COMPANIES) -- AND
PARTICULARLY MERCK SHARP AND DOHME, AND PFIZER -- HAS
PLAYED AN IMPORTANT ROLE IN WINNING SOME CHANGE IN THE
SITUATION WITH PHARMACEUTICAL PATENTS. THE VIDEO
INDUSTRY HAS RECENTLY PROVIDED US FOR THE FIRST TIME
WITH SPECIFIC EXAMPLES OF ILLEGAL BROADCASTS OF FIRST
RUN FILMS. WE THINK THIS HAS PLAYED A PART IN PUSHING
TELECOMMUNICATIONS TO TAKE RECENT ACTIONS AGAINST
BROADCAST PIRACY.

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