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APPROVED BY: EB/IPC:JMCGLINCHEY

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E.O. 12958: DECL: 8/01/2000 TAGS: KIPR, ETRD, WTRO, DR, AR

SUBJECT: GODR'S INDUSTRIAL PROPERTY BILL CONSULTANT

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UNITED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY: SAM A. MOSKOWITZ DATE/CASE ID: 9 FEB 2001 200000002

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Page: 1

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CLASSIFIED BY J. MCGLINCHEY, DIVISION DIRECTOR, REASON: 1.5 (D)

- 1. (U) THIS IS AN ACTION REQUEST.
- 2. (C) SUMMARY. AS REPORTED SEPTEL, THE USG HAS
 COMMENTED ON THE GODR'S DRAFT INDUSTRIAL PROPERTY LAW,
 NOTING THAT IN GENERAL IT REPRESENTS A MAJOR IMPROVEMENT
 IN CURRENT LAW. HOWEVER, WE ARE CONCERNED BY RECENT
 REPORTS FROM PHRMA, THE US-BASED PHARMACEUTICAL RESEARCH
 AND MANUFACTURERS ASSOCIATION, THAT THE GODR IS USING
 TO REVIEW THOSE

COMMENTS. HAS BEEN ASSOCIATED WITH THE ARGENTINE PIRATE PHARMACEUTICAL INDUSTRY. EMBASSY IS ASKED TO PROVIDE THE NAMES OF ALTERNATIVE CONSULTANTS ON INDUSTRIAL PROPERTY ISSUES TO GODR OFFICIALS. END SUMMARY

3. (C) PHRMA (THE PHARMACEUTICAL RESEARCH AND MANUFACTURERS ASSOCIATION) RECENTLY REPORTED THAT THE GODR

IS REVIEWING COMMENTS RECEIVED ON THE DRAFT INDUSTRIAL PROPERTY BILL. PHRMA IS CONCERNED WITH THE MANNER IN WHICH THE GODR IS PROCEEDING. FOR EXAMPLE, IT REPORTS THAT THE DRAFT LAW WAS PROVIDED TO AN AFFILIATED-COMPANY ON JUNE 18 WITH A JUNE 28 DEADLINE FOR COMMENT.

4. (C) PHRMA REPORTS THAT THE SECRETARY OF INDUSTRY AND COMMERCE HAS ENTERED INTO SOME TYPE OF ARRANGEMENT WITH TO REVIEW

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PAGE 03 STATE 144865 020251Z

ALL OF THE COMMENTS RECEIVED ON THE DRAFT LEGISLATION.

| HAS BEEN ASSOCIATED WITH ALIFAR, THE

ASSOCIATION THAT REPRESENTS THE ARGENTINE DOMESTIC
(PIRATE) PHARMACEUTICAL INDUSTRY. IN HIS COMMENTS,
OFTEN CITES THE BENEFITS OF DELAYING TRIPS-IMPLEMENTATION

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Page: 2

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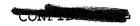
Page: 3

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TO THE EXTENT POSSIBLE, THE NEED FOR BROAD COMPULSORY LICENSING AUTHORITY, AND THE RISKS OF HIGHER PHARMACEUTICAL PRICES WITH PATENT PROTECTION. HE OFTEN NEGATES, RATHER THAN PROMOTES, THE BENEFITS OF TRIPS AND IN THE PAST, THE USG AND US IMPROVED IPR PROTECTION. PRIVATE SECTOR HAVE EXPRESSED CONCERN WITH PARTICIPATION IN INTERNATIONAL DISCUSSIONS WHERE HE IS REPRESENTED AS AN EXPERT ON INTELLECTUAL PROPERTY PROTECTION. THE POSITIONS HE OFTEN ADVOCATES ARE NOT THOSE THAT WE BELIEVE LEAD TO IMPROVED IPR PROTECTION. THUS, WE VIEW PHRMA'S REPORTS OF HIS INVOLVEMENT (REFTEL) WITH CONCERN.

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- IN THE PAST, WASHINGTON IPR AGENCIES HAVE (SBU) WORKED CLOSELY WITH REPRESENTATIVES FROM SIECA, A CENTRAL AMERICAN REGIONAL ECONOMIC INTEGRATION ORGANIZATION, ON IMPROVING INTELLECTUAL PROPERTY PROTECTION IN THAT THE GODR MIGHT BE BETTER SERVED BY CONSULTING WITH MARCO ANTONIO PALACIOS, OR IF HE IS NOT AVAILABLE SILVIA SALAZAR, IN THE REVIEW OF ITS LAWS. THEY CAN BE CONTACTED THROUGH SIECA: TEL 502-368-2151; FAX 502-368-1071.
- (SBU) ACTION REQUEST. WASHINGTON AGENCIES BELIEVE THAT THE GODR COULD BENEFIT FROM A BROADER RANGE OF EXPERT ADVICE. IF POST AGREES, POST IS REQUESTED TO PROVIDE THE L



144865 020251Z STATE PAGE 04 NAMES OF THE SIECA CONSULTANTS TO GODR OFFICIALS. WOULD WELCOME ANY REPORT ON THE GODR'S REACTION.

THANK YOU. ALBRIGHT

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Page: 3