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Current Handling: n/a
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B6 Channel: n/a

PTQ2570

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ORIGIN EB-00

INFO	LOG-00	ACDA-08	ACDE-00	AGRE-00	AID-00	AIT-03	AMAD-01
	ARA-01	CIAE-00	COME-00	CTME-00	OASY-00	DODE-00	EXIM-01
	E-00	FRB-00	H-01	TEDE-00	INR-00	IO-00	ITC-01
	JUSE-00	LOC-01	ADS-00	NSAE-00	OIC-02	OMB-01	OPIC-01
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SOURCE: KODAKB.020076

DRAFTED BY: EB/IPC: SCHMIDT:SMS -- 08/01/97 71998 SEIPC 8481

APPROVED BY: EB/IPC: JMCGLINCHEY

ARA/CEN: RWALSER (SUBSTANCE)

USTR: CBURCKY

USTR: SCRONIN

USPTO: RWILDER

LOC: CSAEZ

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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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REF: 96 LIMA 7836 (NOTAL)

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

1. (U) THIS IS AN ACTION REQUEST.

2. (C) SUMMARY. AS REPORTED SEPTTEL, 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 [REDACTED] TO REVIEW THOSE COMMENTS. [REDACTED] 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

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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 [REDACTED] TO REVIEW [REDACTED]

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[REDACTED]
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ALL OF THE COMMENTS RECEIVED ON THE DRAFT LEGISLATION. [REDACTED] HAS BEEN ASSOCIATED WITH ALIFAR, THE ASSOCIATION THAT REPRESENTS THE ARGENTINE DOMESTIC (PIRATE) PHARMACEUTICAL INDUSTRY. IN HIS COMMENTS, [REDACTED] OFTEN CITES THE BENEFITS OF DELAYING TRIPS-IMPLEMENTATION

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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 IMPROVED IPR PROTECTION. IN THE PAST, THE USG AND US PRIVATE SECTOR HAVE EXPRESSED CONCERN WITH [REDACTED] 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. (REFTEL) THUS, WE VIEW PHARMA'S REPORTS OF HIS INVOLVEMENT WITH CONCERN.

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5. (SBU) IN THE PAST, WASHINGTON IPR AGENCIES HAVE WORKED CLOSELY WITH REPRESENTATIVES FROM SIECA, A CENTRAL AMERICAN REGIONAL ECONOMIC INTEGRATION ORGANIZATION, ON IMPROVING INTELLECTUAL PROPERTY PROTECTION IN THAT REGION. 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.

6. (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 [REDACTED]

[REDACTED]

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NAMES OF THE SIECA CONSULTANTS TO GODR OFFICIALS. WE
WOULD WELCOME ANY REPORT ON THE GODR'S REACTION.

THANK YOU.
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