



Chapter 13

The Anti-Counterfeiting Trade Agreement

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The proliferation of counterfeit and pirated goods in international trade poses an ever-increasing threat to the sustainable development of the world economy. Trade in these goods causes significant financial losses for the right holders and legitimate businesses. It also hinders sustainable economic development in both developed and developing countries and, in some cases, represents a risk to consumers.

Expertise, innovation, quality and creativity are the main factors for success in knowledge-based economies. Adequate protection and enforcement of intellectual property rights is a key condition for nurturing those factors. In 2006, Japan and the United States floated the idea of a new plurilateral treaty to help in the fight against counterfeiting and piracy, the so-called Anti-Counterfeiting Trade Agreement (ACTA). The aim of the initiative was to bring together those countries, both developed and developing, that are interested in fighting counterfeiting and piracy, and to negotiate an agreement that enhances international cooperation and contains effective international standards for enforcing intellectual property rights.

Canada was one of an initial group of interested parties—including the European Commission, Japan, Switzerland and the United States—that participated in preliminary talks about such an anti-counterfeiting trade agreement throughout 2006 and 2007. Negotiations started in June 2008 with the participation of a broader group of participants (Australia, Canada, the European Union and its 27 member states, Japan, Mexico, Morocco, New Zealand, Singapore, South Korea, Switzerland and the United States). Canada has been an active supporter of these negotiations and remains committed to their successful conclusion.

The ACTA initiative aims to establish international standards for enforcing intellectual property rights in order to fight more efficiently the growing problem of counterfeiting and piracy. In particular, the ACTA is intended to establish, among the signatories, agreed standards for the enforcement of intellectual property rights that address today's challenges by increasing international cooperation, strengthening the framework of practices that contribute to effective enforcement of intellectual property rights, and strengthening relevant enforcement measures. The intended focus is on counterfeiting and piracy activities that significantly affect commercial interests, rather than on the activities of ordinary citizens. The ACTA is not intended to interfere with a signatory's ability to respect its citizens' fundamental rights and civil liberties. It will be consistent with the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and will respect the Declaration on TRIPS and Public Health.

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