

*Subject to Legal Review in English and French for Accuracy, Clarity and Consistency
Subject to Authentication of English and French Versions*

IP Border Enforcement – In Transit Information Sharing

Letter from United States to Canada

Dear Minister :

In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honor to confirm the following agreement reached between representatives of the Government of Canada (Canada) and the Government of the United States of America (United States) during the negotiations regarding footnote 116 of Article 18.76.5(c) in Chapter 18 (Intellectual Property) of the TPP Agreement:

Recalling the obligation to provide information pursuant to footnote 116 of Article 18.76.5(c), and given the significant volume of trade between Canada and the United States, both governments share a commitment to eliminate international trafficking in counterfeit trademark and pirated copyright goods. Both governments recognize that the trade in such goods has a negative effect on our respective economies, may cause substantial harm to right holders, and may present a serious threat to public safety. Accordingly, Canada and the United States recognize that robust border enforcement is a critical element of disrupting the supply chain for, and reducing the illicit flow of, counterfeit trademark and pirated copyright goods across our borders.

Both governments recognize that information sharing can contribute to each country's ability to address illicit trade in counterfeit trademark and pirated copyright goods. To that end, Canada and the United States are committed to using appropriate risk management, as determined by each government, to address the challenges that this illicit trade poses at their respective borders, and to notifying the customs administration of the other government, as appropriate, when its customs administration identifies goods that, if destined for its territory, would be suspected of infringing copyright or trademarks. Consistent with their respective domestic requirements, this information may be used by the relevant customs administration of each government to target future illicit shipments and to investigate trade in counterfeit trademark and pirated copyright goods, including with respect to organizations engaged in this illicit activity.

Both governments commit to engage in further cooperation and dialogue to counter evolving risks presented by counterfeit trademark and pirated copyright goods transiting through our respective territories and crossing our shared border. Each government shall provide to the other, on a semi-annual basis, a compilation of notifications provided to the other government's customs administration under footnote 116 of Article 18.76.5(c), highlighting description and quantity of the suspected infringing goods. Finally, representatives of both governments shall meet upon the request of the other government to discuss any aspect of this agreement.

I have the honor to propose that this letter and your letter of confirmation in reply, equally valid in English and French, shall constitute an agreement between our two Governments, subject to

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dispute settlement under Chapter 28 of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between Canada and the United States.

Sincerely,

Ambassador Michael B.G. Froman

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Letter from Canada to the United States

Dear :

I have the honour to acknowledge receipt of your letter of this date, which reads as follows:

“In connection with the signing on this date of the Trans-Pacific Partnership Agreement (TPP Agreement), I have the honor to confirm the following agreement reached between representatives of the Government of Canada (Canada) and the Government of the United States of America (United States) during the negotiations regarding footnote 116 of Article 18.76.5(c) in Chapter 18 (Intellectual Property) of the TPP Agreement:

Recalling the obligation to provide information pursuant to footnote 116 Article 18.76.5(c), and given the significant volume of trade between Canada and the United States, both governments share a commitment to eliminate international trafficking in counterfeit trademark and pirated copyright goods. Both governments recognize that the trade in such goods has a negative effect on our respective economies, may cause substantial harm to right holders, and may present a serious threat to public safety. Accordingly, Canada and the United States recognize that robust border enforcement is a critical element of disrupting the supply chain for, and reducing the illicit flow of, counterfeit trademark and pirated copyright goods across our borders.

Both governments recognize that information sharing can contribute to each country’s ability to address illicit trade in counterfeit trademark and pirated copyright goods. To that end, Canada and the United States are committed to using appropriate risk management, as determined by each government, to address the challenges that this illicit trade poses at their respective borders, and to notifying the customs administration of the other government, as appropriate, when its customs administration identifies goods that, if destined for its territory, would be suspected of infringing copyright or trademarks. Consistent with their respective domestic requirements, this information may be used by the relevant customs administration of each government to target future illicit shipments and to investigate trade in counterfeit trademark and pirated copyright goods, including with respect to organizations engaged in this illicit activity.

Both governments commit to engage in further cooperation and dialogue to counter evolving risks presented by counterfeit trademark and pirated copyright goods transiting through our respective territories and crossing our shared border. Each government shall provide to the other, on a semi-annual basis, a compilation of notifications provided to the other government’s customs administration under footnote 116 of Article 18.76.5(c),

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highlighting description and quantity of the suspected infringing goods. Finally, representatives of both governments shall meet upon the request of the other government to discuss any aspect of this agreement.

I have the honor to propose that this letter and your letter of confirmation in reply, equally valid in English and French, shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between Canada and the United States.”

I have the honour to confirm that your letter and this letter in reply, equally valid in English and in French, shall constitute an agreement between our two Governments, subject to dispute settlement under Chapter 28 of the TPP Agreement, which shall enter into force on the date of entry into force of the TPP Agreement as between Canada and the United States.

Sincerely,