

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE®



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November 18, 2009

Filed via www.regulations.gov

Ms. Carman Suro-Bredie
Chair, Trade Policy Staff Committee
Office of the U.S. Trade Representative
Washington, DC 20508

Re: The 2010 National Trade Estimate Report on
Foreign Trade Barriers, 74 Fed. Reg. 448811
(September 24, 2009)
Docket: USTR-2009-0033

To the Trade Policy Staff Committee:

The International Intellectual Property Alliance (IIPA) takes this opportunity to provide the Trade Policy Staff Committee (TPSC) with our continuing efforts to identify and describe significant market access barriers to U.S. goods and services for inclusion in the preparation of the 2010 National Trade Estimate Report.

This letter summarizes some of the work IIPA and its members have undertaken since we filed our comprehensive comments with USTR in February 2009 in the context of the annual Special 301 review. The U.S. government interagency members received the various IIPA public documents cited below at the time of their filing. We attach our final 2009 estimated trade losses due to copyright piracy, which includes final business software data from IIPA member, the Business Software Alliance.

IIPA plans to participate in the 2010 Special 301 process and will submit our filing in February 2010. Our 2010 submission will contain detailed developments in numerous countries during 2009. As in prior years, IIPA will provide the TPSC with a courtesy copy of our 2010 Special 301 submission in February for its consideration in this NTE docket (we realize that the TPSC considers this docket “final” in November). In years past, the NTE report published in March often has incorporated the most current IIPA information and statistics, even though our 301-related submission arrives later in the NTE production process, and we appreciate your efforts in that regard.

The International Intellectual Property Alliance (IIPA)

The IIPA is a private sector coalition formed in 1984 to represent the U.S. copyright-based industries in bilateral and multilateral efforts to improve international protection of copyrighted materials. The IIPA is comprised of seven trade associations (listed below), which in turn represent over 1,900 U.S. companies producing and distributing materials protected by copyright laws throughout the world – all types of computer software including business applications software and entertainment software; theatrical films, television programs, home videos and digital representations of audiovisual works;

music, records, CDs, and audiocassettes; and textbooks, tradebooks, reference and professional publications and journals (in both electronic and print media).

This past July, IIPA released the latest update of our economic report, Copyright Industries in the U.S. Economy: The 2003-2007 Report, prepared by Stephen Siwek of Economists Inc.¹ The core copyright-based industries in the U.S. continue to be major contributors to the U.S. economy. For example, this data show that the “core” U.S. copyright industries accounted for an estimated \$889.1 billion or 6.44% of the U.S. gross domestic product (GDP) in 2007. These “core” industries were responsible for 22.74% of the growth achieved in 2006-2007 for the U.S. economy as a whole. In addition, the “core” copyright industries employed 5.6 million workers in 2007 (4.05% of U.S. workers) in 2007. And the report provides data on the estimated average annual compensation for a worker in the core copyright industries: \$73,554 in 2007. Finally, estimated 2007 foreign sales and exports of the core copyright industries increased to at least \$126 billion, leading other major industry sectors.

Our Observations for the 2010 NTE

Of the ten categories of issues identified by the TPSC for the 2010 NTE, IIPA’s 2009 Special 301 submission addresses at least three of them: (1) lack of intellectual property (copyright) protection; (2) trade restrictions affecting electronic commerce; and (3) discussion of intellectual property rights practices which violate existing U.S. trade agreements as well as multilateral obligations under the WTO TRIPS Agreement. As an easy reference, attached please find IIPA’s one-page summary of the key global challenges and initiatives the copyright industries face -- which includes these three NTE issues.²

In our 2009 Special 301 filing, IIPA provided USTR and all its interagency colleagues with our detailed report on copyright legislation, piracy and certain other market access barriers in almost 50 countries. Our 2009 submission has been distributed to the TPSC and many U.S. government officials who work on the countries’ issues and who contribute to preparing the NTE. ³ Attached please find four regional charts outlining our members’ estimated trade losses due to piracy and piracy levels (2008 data) in over 60 countries.⁴ In addition, some of IIPA’s Special 301 country reports also identify other issues subject to NTE scrutiny, such as services barriers and import barriers.

Since our February 2009 Special 301 submission, IIPA and its members have kept USTR and other interagency officials, both in the States and abroad, informed of legislative, enforcement and related developments which have taken place in the scores of countries appearing in the NTE 2009 Report. Examples of several actions we have publicly taken include:

- o IIPA has submitted recommendations regarding the Special 301 out-of-cycle-reviews of **Israel, the Philippines, Poland and Saudi Arabia**⁵,

¹ See Stephen Siwek, Copyright Industries in the U.S. Economy: The 2003 - 2007 Report, prepared for the International Intellectual Property Alliance (July 2009). The entire report is posted on the IIPA website at <http://www.iipa.com/pdf/IIPASiwekReport2003-07.pdf>.

² This global challenges paper is also posted on the IIPA homepage at www.iipa.com.

³ IIPA’s report is available to the public via [regulations.gov](http://www.regulations.gov) as well as our website, www.iipa.com. The direct link to our report, which includes the table of contents of all the countries as well as descriptions of our methodology, go to http://www.iipa.com/2009_SPEC301_TOC.htm.

⁴ These four regional charts, updated in June 2009, are also posted on the IIPA website, at <http://www.iipa.com/statistics.html>.

⁵ See IIPA out of cycle review submissions on these four countries, posted on November 9, 2009, at www.iipa.com/pdf/IIPAPhilippinesOCRsubmissionFINAL110909.pdf, www.iipa.com/pdf/IIPAPolandOCRsubmissionFINAL110909.pdf, www.iipa.com/pdf/IIPAIssraelOCRsubmissionFINAL110909.pdf, and www.iipa.com/pdf/IIPASaudiArabiaOCRsubmissionFINAL110909.pdf

- IIPA has participated in an interagency hearing on WTO compliance issues involving copyright and market access problems in **People's Republic of China**⁶;
- IIPA has participated in the ongoing GSP IPR reviews involving **Russia, Lebanon and Uzbekistan**;⁷
- IIPA has testified in support of the **U.S.-Korea FTA**⁸, and supported the **Trans-Pacific Partnership Free Trade Agreement**⁹;
- IIPA has endorsed the **Anti-Counterfeiting Trade Agreement (ACTA)** initiative, and looks forward to an agreement that contains high standards agreed by all the signatories.¹⁰ Achieving an agreement that enhances international coordination, promotes more effective enforcement, and shares ideas on best practices are essential components in the global anti-piracy fight.

Furthermore, throughout the year we have worked with the interagency on developments (both legal reform and enforcement concerns) in dozens of countries as well as in regional initiatives (such as **APEC**) and on issues related to the implementation of the existing Free Trade Agreements. Issues surrounding proper in-country implementation of the IPR elements in the Andean Trade Preferences Act (**ATPA**)¹¹, the Caribbean Basin Economic Recovery Act (**CBERA**)¹² and the African Growth Opportunity Act (**AGOA**)¹³ also continue to be of concern to many IIPA members.

Final Note

IIPA and its members appreciate the opportunity to continue to share our brief update on our recent activities to support strong copyright laws and enforcement abroad. We continue to request that the TPSC and this Administration strongly support the reduction of market access barriers, including piracy, in foreign markets that serve to disrupt the distribution, in both hard copy and electronic means, of legitimate U.S. copyrighted materials. Thank you for your consideration.

Sincerely,



Maria Strong
For the International Intellectual Property Alliance

⁶ See IIPA, Submission on China's WTO commitments to the TPSC, September 22, 2009, posted at <http://www.iipa.com/pdf/IIPACHinaTPSCwrittencomments092209.pdf>.

⁷ See <http://www.iipa.com/pdf/IIPALebanonGSPRequesttoTestifyTestimonyApril2009Hearings.pdf>, <http://www.iipa.com/pdf/RussiaGSPNoticeofIntenttoTestifyPre-HearingBrief.PDF> and <http://www.iipa.com/pdf/UzbekistanGSPPre-hearingbrief-noticeofintentiontotestify.PDF>

⁸ See IIPA letter supporting KORUS, September 15, 2009 at <http://www.iipa.com/pdf/KORUSFTAsubmissiontoUSTR091509.PDF>.

⁹ See IIPA proposed testimony to the TPSC in support of the TPP, March 4, 2009, at <http://www.iipa.com/pdf/IIPANoticeofRequesttoTestifyandOralTestimonyonProposedTransPacFTA022509>.

¹⁰ See IIPA press statement on ACTA, September 22, 2008, at <http://www.iipa.com/pdf/IIPAACTApressreleasefinal092208.pdf>.

¹¹ See IIPA submission to the U.S. International Trade Commission on the Andean Trade Preferences Act, July 29, 2008, posted at <http://www.iipa.com/pdf/IIPAAAndeanATPAfilingtoUSITCfinal07292008.pdf>.

¹² See IIPA submission to the Trade Policy Staff Committee on the Caribbean Basin Economic Recovery Act and the U.S.-Caribbean Trade Partnership Act, September 30, 2009, posted at <http://www.iipa.com/pdf/IIPACBERAfilingtotheTPSCUSTRon093009.pdf>.

¹³ See IIPA submission to the TPSC on AGOA, October 19, 2009, posted at <http://www.iipa.com/pdf/IIPAAGOAfilingtoUSTR101909.PDF>.



COPYRIGHT INDUSTRIES' GLOBAL CHALLENGES FOR 2009

REDUCE COPYRIGHT PIRACY ■ REMOVE MARKET ACCESS BARRIERS ■ STRENGTHEN LAWS

The greatest challenges faced by the U.S. copyright industries in 2009 include convincing foreign governments to take sustained steps to reduce significantly copyright piracy levels, to remove the negative effects of barriers to market entry, and to modernize copyright laws and enforcement tools to meet minimum obligations under copyright treaties and agreements, including the TRIPS Agreement, the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty, and regional and bilateral free trade agreements (FTAs). Technological advances also require foreign governments continually to adjust their laws and enforcement tools to unleash legitimate services providing online delivery of creative content, while deterring use of that content without permission or compensation to its creator. As copyright piracy operations by criminal syndicates become more sophisticated, and they continue their high profit-low risk pirate enterprises, the copyright industries must also look to governments to take leadership through enactment and implementation of strong organized crime statutes with copyright piracy as a predicate offense. The following is a summary of key challenges facing the copyright industries:

- **INTERNET-BASED PIRACY:** Internet piracy, from infringing websites, top site pre-release groups, to unauthorized P2P file sharing, has undergone explosive growth, hindering legitimate electronic commerce opportunities and causing mounting losses to the music, movie, videogame, business software and publishing industries. To respond to the threats posed by Internet infringements, governments should ratify and fully implement the WIPO Treaties, establish a framework encouraging cooperation by Internet service providers with content owners including workable notice and takedown systems and graduated response mechanisms. They should train and empower enforcement authorities to investigate and prosecute computer-based and Internet-based infringements.
- **OPTICAL DISC PIRACY:** Pirate product in optical disc formats (e.g., CDs, VCDs, DVDs, CD-ROMs, recordable discs) has long caused enormous harm to copyright owners. Production capacity continues to outpace legitimate demand with the excess serving pirate markets. Effective and deterrent enforcement must target both pirate optical disc factories and the growing damage caused by burning labs (including tough deterrent sentencing against owners and financiers of these facilities). Some key OD piracy countries still lack regulations to require licensing and allow inspections of industrial factory production.
- **END-USER PIRACY OF BUSINESS SOFTWARE AND OTHER COPYRIGHT MATERIALS:** Unauthorized use of software by businesses and government entities, as well as piracy of other copyright materials like sound recordings, movies, video games, and printed materials using government or corporate servers, computers networks or facilities, result in the loss of billions of dollars to U.S. creative industries. Governments must take steps to deter such infringements, by issuing orders or directives to government agencies, entities, contractors, and educational institutions to use only legal content over their facilities, and by undertaking criminal enforcement against enterprise piracy.
- **PIRACY OF BOOKS AND JOURNALS:** The publishing industry continues to face severe challenges in the physical world, dominated by unauthorized commercial-scale photocopying in shops, underground, and on university campuses, unauthorized photocopying for commercial research, unauthorized translations, and offset print piracy. These highly organized and networked operations require a coordinated government response including effective enforcement and the imposition of deterrent penalties.
- **MOBILE DEVICE PIRACY:** The pre-loading or loading of illegal copyright content onto mobile devices, such as phones, MP3 players, or memory sticks or drives has become a growing new problem. Mobile device piracy often occurs in shopping malls or kiosks, demanding an enforcement response like that for traditional retail store or street stall piracy. Holding mall owners accountable for the illegal activities of their tenants is a key enforcement tool.
- **ILLEGAL CAMCORDING OF THEATRICAL MOTION PICTURES:** Most piracy of motion pictures today begins with an illegally camcordered copy in a movie theater. Countries must enact and enforce measures to make it illegal to use or attempt to use an audiovisual recording device to make or transmit a copy of a motion picture.
- **CARTRIDGE-BASED VIDEOGAME PIRACY:** Factory piracy of entertainment software in cartridge format remains a serious problem, with such cartridges finding their way into numerous countries around the world. Sustained enforcement actions must be taken against these factories and their owners and financiers.
- **PAY TV PIRACY AND SIGNAL THEFT:** Unauthorized transmission of pay TV or satellite signals causes increasing losses to the audiovisual content industries and legitimate broadcasters. Governments must take steps to curtail such illegal activities.
- **MARKET ACCESS:** There exists a strong connection between a country's willingness to open its market to legitimate copyright businesses and its ability to combat piracy effectively. Where there are unjustifiable impediments to the introduction or distribution of legitimate products, or to the commercial establishment of companies involved in the creation, manufacture or distribution of such products, illegal operations fill the void with piratical product.

USTR 2009 "SPECIAL 301" DECISIONS
IIPA 2007-2008 ESTIMATED TRADE LOSSES DUE TO COPYRIGHT PIRACY
(in millions of U.S. dollars)
and 2007-2008 ESTIMATED LEVELS OF COPYRIGHT PIRACY

THE AMERICAS

	Business Software ¹				Records & Music				Motion Pictures ²				Entertainment Software ³				Books		Totals	
	Losses		Levels		Losses		Levels		Losses		Levels		Losses		Levels		Loss	Loss	Loss	Loss
	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007
PRIORITY WATCH LIST																				
Argentina	265.0	222.0	75%	74%	75.1	84.7	60%	60%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	340.1	306.7
Canada	742.0	696.0	32%	33%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	742.0	696.0
Chile ³	109.0	103.0	66%	66%	21.0	29.6	66%	44%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	130.0	132.6
Venezuela	266.0	255.0	86%	87%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	266.0	255.0
WATCH LIST																				
Bolivia	12.0	11.0	81%	82%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	12.0	11.0
Brazil	1068.0	889.0	60%	59%	117.1	151.6	48%	48%	NA	NA	NA	NA	NA	NA	NA	91%	NA	18.0	1185.1	1058.6
Colombia	85.0	70.0	60.0	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	85.0	70.0
Costa Rica	15.0	13.0	60%	61%	14.8	14.5	60%	60%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	29.8	27.5
Dominican Republic	21.0	11.0	79%	79%	NA	9.9	NA	65%	NA	NA	NA	NA	NA	NA	NA	NA	NA	1.0	21.0	21.9
Ecuador	20.0	18.0	66%	66%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	20.0	18.0
Guatemala	27.0	23.0	81%	80%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	27.0	23.0
Jamaica	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Mexico	497.0	460.0	60%	61%	419.7	527.0	80%	71%	NA	NA	NA	NA	NA	273.0	NA	88%	NA	41.0	916.7	1301.0
Peru	52.0	41.0	74%	71%	57.2	58.5	98%	98%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	109.2	99.5
SPECIAL 306 MONITORING																				
Paraguay ⁴	7.0	7.0	81%	82%	NA	128.0	NA	99%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	7.0	135.0
TOTALS	3186.0	2819.0			704.9	1003.8			NA	NA			NA	273.0			NA	60.0	3890.9	4155.8

Endnotes:

¹ BSA's 2008 statistics are now final. They represent the U.S. software publishers' share of software piracy losses in each country, and follow the methodology compiled in the Fifth Annual BSA and IDC Global Software Piracy Study (May 2009), available at <http://global.bsa.org/globalpiracy2008/index.html>. These figures cover, in addition to business applications software, computer applications such as operating systems, consumer applications such as PC gaming, personal finance, and reference software. In IIPA's 2009 Special 301 filing, BSA's 2008 piracy statistics were stated as preliminary, noting that finalized

² MPAA's trade losses and piracy levels for 2006 and 2007 are not available. Details regarding MPAA's methodology for 2005 and prior years are found in Appendix B of the 2009 IIPA submission.

³ ESA's reported dollar figures reflect the value of pirate product present in the marketplace as distinguished from definitive industry "losses." ESA's methodology is described in Appendix B of IIPA's submission. Several piracy rate estimates included for 2006 in this report (for Chile, Colombia, Hungary and Paraguay) reflect only the piracy rate for handheld products -- which may differ from and often underestimate

⁴ Paraguay: RIAA reports that its estimated 2007 losses to the records and music industry include both domestic piracy in Paraguay and estimated losses caused by transshipment.

USTR 2009 "SPECIAL 301" DECISIONS
IIPA 2007-2008 ESTIMATED TRADE LOSSES DUE TO COPYRIGHT PIRACY
(in millions of U.S. dollars)
and 2007-2008 ESTIMATED LEVELS OF COPYRIGHT PIRACY

ASIA PACIFIC

	Business Software ¹				Records & Music				Motion Pictures ²				Entertainment Software ³				Books		Totals	
	Losses		Levels		Losses		Levels		Losses		Levels		Losses		Levels		Loss	Loss	Loss	Loss
	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007
PRIORITY WATCH LIST																				
India	1384.0	1013.0	68%	69%	36.2	13.8	55%	55%	NA	NA	NA	NA	NA	129.9	NA	89%	NA	38.0	1420.2	1194.7
Indonesia	299.0	226.0	85%	84%	20.0	20.2	95%	92%	NA	NA	NA	NA	NA	NA	NA	NA	NA	32.0	319.0	278.2
Pakistan	80.0	63.0	86%	84%	NA	25.0	NA	100%	NA	NA	NA	NA	NA	NA	NA	NA	NA	55.0	80.0	143.0
People's Republic of China	3005.0	2999.0	80%	82%	564.0	451.2	90%	90%	NA	NA	NA	NA	NA	NA	NA	95%	NA	52.0	3569.0	3502.2
Thailand	335.0	253.0	76%	80%	21.7	20.7	50%	50%	NA	NA	NA	NA	91.4	NA	77%	81%	37.0	35.0	485.1	308.7
WATCH LIST																				
Brunei	10.0	NA	68%	85%	2.4	2.4	100%	99%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	12.4	2.4
Malaysia	184.0	156.0	59%	59%	26.2	16.0	60%	45%	NA	NA	NA	NA	NA	NA	NA	83%	NA	9.0	210.2	181.0
Philippines (OCR)	121.0	88.0	69%	69%	117.0	88.3	83%	80%	NA	NA	NA	NA	NA	NA	NA	NA	NA	49.0	238.0	225.3
Vietnam	154.0	120.0	85%	85%	NA	NA	95%	95%	NA	NA	NA	NA	NA	NA	NA	NA	NA	17.0	154.0	137.0
OCR only																				
Fiji (OCR)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
TOTALS	5572.0	4918.0			787.5	637.6			NA	NA			91.4	129.9			37.0	287.0	6487.9	5972.5
Countries IIPA included in its 2009 301 Report, but which are not on USTR's 2009 301 list.																				
Bangladesh	56.0	55.0	92%	92%	NA	NA	90.0	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	56.0	55.0
Hong Kong	135.0	134.0	48%	51%	NA	NA	NA	NA	NA	NA	NA	NA	NA	77.8	NA	80%	NA	4.0	135.0	215.8
Japan	748.0	876.0	21%	23%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	748.0	876.0
New Zealand	49.0	36.0	22%	22%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	49.0	36.0
Singapore	98.0	95.0	36%	37%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	2.0	98.0	97.0
South Korea	342.0	302.0	43%	43%	NA	NA	NA	NA	NA	NA	NA	NA	NA	461.9	NA	66%	NA	44.0	342.0	807.9
Taiwan	111.0	118.0	39%	40%	4.4	4.9	22%	21%	NA	NA	NA	NA	NA	202.9	NA	94%	NA	16.0	115.4	341.8
ESTIMATED REGIONAL TOTALS	7111.0	6534.0			791.9	642.5			NA	NA			91.4	872.5			37.0	353.0	8031.3	8402.0

Endnotes:

¹ BSA's 2008 statistics are now final. They represent the U.S. software publishers' share of software piracy losses in each country, and follow the methodology compiled in the Fifth Annual BSA and IDC Global Software Piracy Study (May 2009), available at <http://global.bsa.org/globalpiracy2008/index.html>. These figures cover, in addition to business applications software, computer applications such as operating systems, consumer applications such as PC gaming, personal finance, and reference software. In IIPA's 2009 Special 301 filing, BSA's 2008 piracy statistics were stated as preliminary, noting that finalized statistics would be forthcoming later in 2009.

² MPAA's trade losses and piracy levels for 2006 and 2007 are not available. Details regarding MPAA's methodology for 2005 and prior years are found in Appendix B of the 2009 IIPA submission.

³ ESA's reported dollar figures reflect the value of pirate product present in the marketplace as distinguished from definitive industry "losses." The value of pirate product in the market in the Philippines reflects only the value of pirate product for personal computers. ESA's methodology is described in Appendix B of IIPA's submission.

"OCR" means out-of-cycle review to be conducted by USTR.

USTR 2009 "SPECIAL 301" DECISIONS
IIPA 2007-2008 ESTIMATED TRADE LOSSES DUE TO COPYRIGHT PIRACY
(in millions of U.S. dollars)
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EUROPE / THE CIS

	Business Software ¹				Records & Music				Motion Pictures ²				Entertainment Software ³				Books		Totals ⁴	
	Losses		Levels		Losses		Levels		Losses		Levels		Losses		Levels		Loss	Loss	Loss	Loss
	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007
PRIORITY WATCH LIST																				
Russian Federation (GSP)	2318.0	2268.0	68%	73%	NA	313.0	NA	58%	NA	NA	NA	NA	NA	NA	79%	NA	42.0	2318.0	2623.0	
WATCH LIST																				
Belarus	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Czech Republic	101.0	97.0	38%	39%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	101.0	97.0
Finland	1518.0	96.0	41%	25%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1518.0	96.0
Greece	131.0	109.0	57%	58%	NA	NA	60%	60%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	131.0	109.0
Hungary	88.0	75.0	42%	42%	NA	20.0	NA	35%	NA	NA	NA	NA	NA	15.9	NA	79%	NA	NA	88.0	110.9
Italy	1137.0	1067.0	48%	49%	350.0	45.0	25%	23%	NA	NA	NA	NA	NA	817.0	NA	64%	NA	20.0	1487.0	1949.0
Norway	137.0	117.0	28%	29%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	137.0	117.0
Poland (OCR)	389.0	348.0	56%	57%	100.0	28.0	27%	36%	NA	NA	NA	NA	NA	76.0	NA	60%	NA	NA	489.0	452.0
Romania	149.0	91.0	66%	68%	10.0	15.0	40%	65%	NA	NA	NA	NA	NA	NA	NA	89%	NA	NA	159.0	106.0
Spain ²	617.0	542.0	42%	43%	13.4	16.7	20%	20%	NA	NA	NA	NA	NA	510.0	NA	35%	NA	NA	630.4	1068.7
Tajikistan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Turkmenistan	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	294.0	222.0	84%	83%	NA	35.0	NA	60%	NA	NA	NA	NA	NA	NA	NA	80%	NA	NA	294.0	257.0
Uzbekistan (GSP)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
TOTALS	6879.0	5032.0			473.4	472.7			NA	NA			NA	1418.9			NA	62.0	7352.4	6985.6
Countries IIPA included in its 2009 301 Report, but which are not on USTR's 2009 301 list.																				
Bulgaria	83.0	38.0	68%	68%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	83.0	38.0
Germany	1291.0	1162.0	27%	27%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1291.0	1162.0
Kazakhstan	63.0	61.0	77%	79%	NA	NA	NA	66%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	63.0	61.0
Lithuania	24.0	22.0	54%	56%	NA	14.0	NA	80%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	24.0	36.0
Sweden	223.0	194.0	25%	25%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	53%	NA	NA	223.0	194.0
Switzerland	207.0	182.0	25%	25%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	207.0	182.0
ESTIMATED REGIONAL TOTALS	8770.0	6691.0			473.4	486.7			NA	NA			NA	1418.9			NA	62.0	9243.4	8658.6

Endnotes:

¹ BSA's 2008 statistics are now final. They represent the U.S. software publishers' share of software piracy losses in each country, and follow the methodology compiled in the Fifth Annual BSA and IDC Global Software Piracy Study (May 2009), available at <http://global.bsa.org/globalpiracy2008/index.html/>. These figures cover, in addition to business applications software, computer applications such as operating systems, consumer applications such as PC gaming, personal finance, and reference software. In IIPA's 2009 Special 301 filing, BSA's 2008 piracy statistics were stated as preliminary, noting that finalized statistics would be forthcoming later in 2009.

² MPAA's trade losses and piracy levels for 2006 and 2007 are not available. Details regarding MPAA's methodology for 2005 and prior years are found in Appendix B of the 2009 IIPA submission.

³ ESA's reported dollar figures reflect the value of pirate product present in the marketplace as distinguished from definitive industry "losses." The value of pirate product in the market in the Philippines reflects only the value of pirate product for personal computers. ESA's methodology is described in Appendix B of IIPA's submission.

"GSP" means that the U.S. government is reviewing this country's IPR practices under the Generalized System of Preferences trade program.

USTR 2009 "SPECIAL 301" DECISIONS

IIPA 2007-2008 ESTIMATED TRADE LOSSES DUE TO COPYRIGHT PIRACY
(in millions of U.S. dollars)
and 2007-2008 ESTIMATED LEVELS OF COPYRIGHT PIRACY

MIDDLE EAST / AFRICA

	Business Software ¹				Records & Music				Motion Pictures ²				Entertainment Software ³				Books		Totals	
	Losses		Levels		Losses		Levels		Losses		Levels		Losses		Levels		Loss	Loss	Loss	Loss
	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007
PRIORITY WATCH LIST																				
Algeria	53.0	47.0	84%	84%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	53.0	47.0
Israel (OCR)	81.0	57.0	32%	32%	NA	NA	NA	50%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	81.0	57.0
WATCH LIST																				
Egypt	87.0	72.0	59%	60%	NA	15.0	NA	75%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	87.0	87.0
Kuwait	41.0	37.0	61%	62%	NA	10.0	NA	75%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	41.0	47.0
Lebanon (GSP)	27.0	24.0	74%	73%	3.0	2.8	70%	60%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	30.0	26.8
Saudi Arabia (OCR)	155.0	97.0	52%	51%	NA	25.0	NA	60%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	155.0	122.0
Turkey	257.0	184.0	64%	64%	22.0	20.0	80%	80%	NA	NA	NA	NA	NA	NA	NA	NA	23.0	23.0	302.0	227.0
TOTALS	701.0	518.0			25.0	72.8			NA	0.0			NA	0.0			23.0	23.0	749.0	613.8
Countries IIPA included in its 2009 301 Report, but which are not on USTR's 2009 301 list.																				
Jordan	12.0	11.0	58%	60%	NA	NA	90.0	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	12.0	11.0
Nigeria	73.0	63.0	83%	82%	NA	55.0	NA	95%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	73.0	118.0
ESTIMATED REGIONAL TOTALS	786.0	592.0			25.0	127.8			NA	NA			NA	NA			23.0	23.0	834.0	742.8

Endnotes:

¹BSA's 2008 statistics are now final. They represent the U.S. software publishers' share of software piracy losses in each country, and follow the methodology compiled in the Fifth Annual BSA and IDC Global Software Piracy Study (May 2009), available at <http://global.bsa.org/globalpiracy2008/index.html>. These figures cover, in addition to business applications software, computer applications such as operating systems, consumer applications such as PC gaming, personal finance, and reference software. In IIPA's 2009 Special 301 filing, BSA's 2008 piracy statistics were stated as preliminary, noting that finalized statistics would be forthcoming later in 2009.

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"GSP" means that the U.S. government is reviewing this country's IPR practices under the Generalized System of Preferences trade program.

"OCR" means out-of-cycle review to be conducted by USTR.