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**Council for Trade-Related Aspects
of Intellectual Property Rights**

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NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE AGREEMENT

United States

By means of communications from the Permanent Mission of the United States to the World Trade Organization, dated 14 March, 24 May, 11 June and 10 September 1996, the United States has notified its laws and regulations under Article 63.2 of the Agreement.

The attached "Index of Laws and Regulations Pertaining to the Subject Matter of the Agreement on Trade-Related Aspects of Intellectual Property Rights" sets out the "main dedicated" and "other" laws regulations, as notified by the United States.

**INDEX OF LAWS AND REGULATIONS PERTAINING TO THE SUBJECT
MATTER OF THE AGREEMENT ON TRADE-RELATED ASPECTS OF
INTELLECTUAL PROPERTY RIGHTS**

Part I - General Provisions and Basic Principles

Notification obligations in relation to the provisions of Part I of the TRIPS Agreement (Articles 1-8), to the extent they exist with regard to the United States, are addressed in the sections of this notification dealing with main dedicated laws and regulations or other laws and regulations, or will be or have been addressed in separate notifications by the United States to the Council for TRIPS.

Part II - Standards Concerning the Availability, Scope and Use of Intellectual Property Rights

All laws and regulations cited below were in effect as of 1 January 1996.

MAIN DEDICATED LAWS AND REGULATIONS

TOPIC CORRESPONDING US LAWS AND REGULATIONS	BRIEF DESCRIPTION
<p>Copyright Laws and Regulations¹ (TRIPS, Part II, Section 1, Articles 9-14)</p> <p>Title 17, United States Code</p> <p>Title 37, Code of Federal Regulations, Chapter II</p>	<p>The referenced laws and regulations define the works protected by copyright, rights associated with copyright, limitations and exceptions in relation to copyright, enforcement provisions and remedies, procedures administered by the Copyright Office in relation to registration of copyright, and other measures that implement referenced Articles.</p>
<p>Trademark Laws and Regulations² (TRIPS, Part II, Section 2, Articles 15-21)</p> <p>Title 15, United States Code, §§1051-1127</p> <p>Title 37, Code of Federal Regulations, Chapter I, Parts 2 and 6</p>	<p>The referenced laws and regulations define the subject matter eligible for registration in the United States as a trademark, the rights and remedies associated with registered trademarks, the procedures for registration and cancellation of registered trademarks, and other measures that implement referenced Articles.</p>
<p>Protection of Geographical Indications Laws and Regulations³ (TRIPS, Part II, Section 3, Articles 22-24)</p> <p>Title 15, United States Code, §§45(a); 1052(a); 1125(a)</p> <p>Title 27, United States Code, §§205(e)-(f)</p> <p><i>See under "Trademark Laws and Regulations" for relevant sections of Title 37, CFR, pertaining to geographical indications</i></p>	<p>The referenced laws and regulations implement the provisions related to the protection of geographical indications in the referenced Articles.</p>

¹The texts of these laws and regulations can be found in documents IP/N/1/USA/C/1 and 2 .

²The texts of these laws and regulations can be found in documents IP/N/1/USA/T/1 and 2.

³The texts of these laws and regulations can be found in documents IP/N/1/USA/G/1.

TOPIC CORRESPONDING US LAWS AND REGULATIONS	BRIEF DESCRIPTION
<p>Industrial Design Laws and Regulations⁴ (TRIPS, Part II, Section 4, Articles 25-26)</p> <p>Title 35, United States Code, §§171-173 and 289</p> <p>Title 37, Code of Federal Regulations, Chapter II, §§1.151-1.155</p> <p><i>See also under "Copyright Laws and Regulations" and "Patent Laws and Regulations"</i></p> <p>Patent Laws and Regulations⁵ (TRIPS, Part II, Section 5, Articles 27-34)</p> <p>Title 35, United States Code, Parts I to IV</p> <p>Title 37, Code of Federal Regulations, Chapter I, (Subchapter A, Parts 1, 3, 5, 7, 10, 15 and 15a and Subchapter B); Chapter IV and Chapter V</p> <p>Plant Variety Protection⁶ (TRIPS, Part II, Section 5, Article 27(3)(b))</p> <p>Title 35, United States Code, Part II, Chapter 15, §§161-164 (<i>see under "Patent Laws and Regulations"</i>)</p> <p>Title 7, United States Code, Chapter 57, §2321 <i>et seq.</i></p> <p>Title 7, Code of Federal Regulations, Subtitle B, Subchapter E, Part 97</p>	<p>The referenced laws and regulations define the subject matter eligible for protection in the United States via a design patent and the rights and remedies associated with design patents. General procedures related to obtaining and enforcing design patents are defined in the laws as well as the regulations found under "Patent Laws and Regulations" below.</p> <p>The referenced laws and regulations define the subject matter eligible to be patented, the conditions for patentability, the functions and duties of the Patent and Trademark Office, the rights afforded by a patent, remedies for patent infringement, matters related to inventions developed with the assistance or sponsorship of the US Government, and other measures that implement the referenced Articles.</p> <p>The referenced laws and regulations define the subject matter of plant patents and of plant variety protection certificates, the conditions for obtaining protection under the respective forms of protection, the rights afforded by each form of protection, the remedies available for infringement of these rights, the functions of the Plant Variety Protection Office and other measures that implement the referenced Articles.</p>

⁴The texts of these laws and regulations can be found in documents IP/N/1/USA/D/1 and IP/N/1/USA/P/2.

⁵The texts of these laws and regulations can be found in documents IP/N/1/USA/P/1 and 2.

⁶The texts of these laws and regulations can be found in documents IP/N/1/USA/P/1-4.

<p style="text-align: center;">TOPIC CORRESPONDING US LAWS AND REGULATIONS</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>Layout-Designs (Topographies) of Integrated Circuits⁷ (TRIPS, Part II, Section 6, Articles 35-38)</p> <p>Title 17, United States Code, §§901-914</p> <p>Title 37, Code of Federal Regulations, Chapter I, Subchapter C and Chapter II, Subchapter A, Part 211</p> <p>Protection of Undisclosed Information (TRIPS, Part II, Section 7, Article 39)</p> <p><i>See summary of State and Federal Laws governing trade secret protection in document IP/N/1/USA/U/1</i></p>	<p>The referenced laws and regulations define the subject matter of mask work protection, the conditions for obtaining protection, rights and remedies associated with mask work protection, and other measures that implement the referenced Articles.</p> <p>The referenced laws and regulations implement the provisions of Article 39 of the TRIPS Agreement regarding protection of undisclosed information, as well as the handling of confidential information in the form of test data submitted to regulatory agencies for marketing approval.</p>

⁷The texts of these laws and regulations can be found in documents IP/N/1/USA/L/1 and 2.

OTHER LAWS AND REGULATIONS

TOPIC CORRESPONDING US LAWS AND REGULATIONS	BRIEF DESCRIPTION
<p>Control of Anti-Competitive Practices in Contractual Licences (TRIPS, Part II, Section 7, Article 40)</p> <p>Title 15, United States Code, Chapters 1, 2 and 88⁸</p>	<p><i>The United States does not have specialized laws and regulations pertaining to the subject of intellectual property and the control of anti-competitive practices. General Federal antitrust provisions that may be relevant to this issue and the subject matter of Article 40 of the TRIPS Agreement are found in Title 15 of the United States Code, in Chapter 1 (Monopolies and Combinations in Restraint of Trade), Chapter 2 (Federal Trade Commission; Promotion of Export Trade and Prevention of Unfair Methods of Competition) and Chapter 88 (International Antitrust Enforcement Assistance).</i></p>

⁸Copies of these laws and regulations can be obtained from the delegation of the United States.

Part III - Enforcement of Intellectual Property Rights

OTHER LAWS AND REGULATIONS

<p style="text-align: center;">TOPIC CORRESPONDING US LAWS AND REGULATIONS</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>General Obligations (TRIPS, Part III, Section 1, Article 41)</p> <p>Civil and Administrative procedures and Remedies (TRIPS, Part III, Section 2, Articles 42-49)</p> <p>Provisional Measures (TRIPS, Part III, Section 3, Article 50)</p> <p>Title 28, United States Code, Part IV, Chapter 83 (§§1291, 1292, 1294, 1295); Chapter 85 (§1338); Chapter 87 (§§1391, 1400); Chapter 91 (§1498); Chapter 113 (§1694); Chapter 123 (§1928).</p> <p>Appendix to Title 28, United States Code, Federal Rules of Civil Procedure and Forms 16 and 17.</p> <p><i>Note: Title 28, United States Code generally addresses matters of judicial procedure in the United States, and should be referred to for further information. Provisions regarding enforcement of intellectual property rights and remedies are also found in US national laws and regulations regarding each of the forms of intellectual property specified in Part II of the TRIPS Agreement.</i></p>	<p>The referenced laws and regulations implement the measures required by the TRIPS Agreement in relation to enforcement of intellectual property rights (i.e. civil and administrative procedures, rules of evidence, availability and nature of injunctive relief, provisions regarding damages, appellate procedures, and provisional or temporary measures).</p>

TOPIC CORRESPONDING US LAWS AND REGULATIONS	BRIEF DESCRIPTION
<p>Special Measures Related to Border Enforcement and Intellectual Property (TRIPS, Part III, Section 4, Articles 51-60)</p> <p>Title 15, United States Code, Chapter 22, Subchapter III, §§1124-1125</p> <p>Title 17, United States Code, Chapter 6, §§601-603 and Chapter 9, §§905, 910</p> <p>Title 18, United States Code, Chapter 113, §§2318-2320</p> <p>Title 19, United States Code, Chapter 4, Subtitle II, Part II, §1337; Subtitle III, §§1499, 1526; Part V, §§1595a, 1623</p> <p>Title 19, Code of Federal Regulations, Parts 133, 177 and 210</p> <p>Criminal Procedures (TRIPS, Part III, Section 5, Article 61)</p> <p><i>See relevant provisions in laws and regulations mentioned under "Copyright Laws and Regulations" and "Trademark Laws and Regulations"</i></p>	<p>The referenced laws and regulations implement the measures required by the TRIPS Agreement in relation to special procedures related to border enforcement.</p>

Part IV - Acquisition and Maintenance of Intellectual Property Rights and Related *Inter Partes* Procedures

United States laws and regulations pertaining to the subject matter specified in this section of the TRIPS Agreement can be found in the sections of this notification pertaining to the subject matter of the particular form of intellectual property to which registration or granting procedures apply or in the sections pertaining to other laws and regulations.

Part V - Dispute Prevention and Settlement

Part VI - Transitional Arrangements

Part VII - Institutional Arrangements, Final Provisions

Notification obligations in relation to the provisions of Parts V, VI and VII of the TRIPS Agreement, to the extent they exist with respect to the United States, are addressed in the sections of this notification dealing with main dedicated laws and regulations or other laws and regulations, or will be or have been addressed in separate notifications by the United States to the Council for TRIPS.