

***CHINA – MEASURES AFFECTING TRADING RIGHTS AND
DISTRIBUTION SERVICES FOR CERTAIN PUBLICATIONS AND
AUDIOVISUAL ENTERTAINMENT PRODUCTS***

(WT/DS363)

**RESPONSE BY THE UNITED STATES OF AMERICA
TO THE QUESTIONS POSED BY CHINA**

August 11, 2008

Q1. In Paragraph 3 of the United States' First Written Submission, the United States listed four products at issue, including "sound recordings" and "films for theatrical release". The United States does not define these two terms in the United States' First Written Submission. What, in the view of the United States, are the definitions of "sound recordings" and "films for theatrical release" as used in the First Written Submission?

1. The United States uses the terms "sound recordings" and "films for theatrical release" to capture items that are regulated by the measures challenged by the United States in this dispute. With respect to the meaning of the term "sound recordings" in the context of this dispute, the United States refers China to our response to Question 18 from the Panel. With respect to the meaning of the term "films for theatrical release" in the context of this dispute, the United States refers China to our response to Question 53 from the Panel.

Q2. In the Second Consultation Request and Panel Request of the United States, the United States referred to "digital distribution of sound recordings". China noticed that in the United States' First Written Submission, the United States used the term of "electronic distribution of sound recordings". Can the United States clarify the relationship between the term of "digital distribution of sound recordings" and the term of "electronic distribution of sound recordings"? Do they have different meanings? If yes, please explain the differences between these two terms; if not, please explain why the United States used different term.

2. Where the United has used the term "digital distribution of sound recordings," the United States intends the term to mean the same as "electronic distribution of sound recordings."