EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE U.S. TRADE REPRESENTATIVE

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2025 SPECIAL 301 PUBLIC HEARING

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WEDNESDAY
FEBRUARY 19, 2025

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The hearing convened at the Office of the U.S. Trade Representative, 1724 F Street NW, Washington, D.C., Rooms 1 and 2, at 10:00 a.m. EST, Daniel Lee, Panel Chair, presiding.

PRESENT

DANIEL LEE, Assistant United States Trade Representative, Office of Innovation and Intellectual Property, Panel Chair
CLAIRE AVERY-PAGE, Office of the U.S. Trade Representative, Director for Innovation and Intellectual Property
JENNIFER BOGER, Department of Homeland Security
WON CHANG, Treasury Department
ALEXIS CHERRY, Department of Agriculture,
AMANDA CORCOS, Department of State
DAVID GERK, U.S. Patent and Trademark Office
EMILY LANZA, U.S. Copyright Office
CHRISTOPHER MERRIAM, Department of Justice,
STEVAN MITCHELL, Department of Commerce, International Trade Administration
ANNE SNYDER, Department of Health and Human Services
ALAINA VAN HORN, Department of Homeland Security

WITNESSES PRESENT

IHOR BARANETSKYI, Government of Ukraine
PRIYA NAIR, ACT - The App Association
NIE WENHUI, China Chamber of International Commerce
WANG YUWEI, China Chamber of International Commerce
AMIR NASR, Computer & Communications Industry Association
SHAWNA MORRIS, Consortium for Common Food Names
MATT PRIEST, Footwear Distributors and Retailers of America
PETER C. MEHRAVARI, International Intellectual Property Alliance
THOMAS VALENTE, Intellectual Property Owners Association
ERNEST KAWKA, Pharmaceutical Research and Manufacturers of America
PETER MAYBARDUK, Public Citizen
KELLY ANDERSON, U.S. Chamber of Commerce
CLAIRE CASSEDY, Knowledge Ecology International
NIKOLAY PAVLOV, Government of Bulgaria

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Adjourn

P-R-O-C-E-E-D-I-N-G-S

10:01 a.m.

CHAIR LEE: Good morning, everyone. I'd like to call this hearing to order. My name is Daniel Lee. I am the Assistant United States Trade Representative for Innovation and Intellectual Property. I would like to welcome everyone to the public hearing for the 2025 Special 301 Review.

The Special 301 Review is a statutorily-mandated exercise we undertake every year to develop an overall strategy to ensure adequate and effective intellectual property rights protection and equitable market access in foreign countries for United States persons that rely on protection of intellectual property rights such as copyright and related rights, trademarks, patents, and trade secrets.

Ensuring that U.S. owners of intellectual property, or IP, have a full and fair opportunity to compete around the globe is one of the trade priorities outlined in the

President's Annual Trade Agenda. This is the 37th annual Special 301 Review and the 13th public hearing that USTR has hosted in connection with the review.

I'd like to note for the record that today is Wednesday, February 19th, 2025, and that this hearing is taking place at the Office of the United States Trade Representative, or USTR. We will make the transcript of today's hearing available to the public on USTR's website at USTR.gov.

Today's hearing is scheduled to go until approximately 2:15 p.m. and we'll break for 1 hour and 40 minutes for lunch from roughly 11:20 a.m. to 1:00 p.m. We ask for everyone's cooperation with keeping the hearing on track.

At this point, I would like to invite colleagues on the hearing panel, all of whom represent U.S. government agencies that serve on the Special 301 Subcommittee of the Trade Policy Staff Committee, to introduce themselves. So we'll start this way.

MS. AVERY-PAGE: Good morning. My name is Claire Avery-Page and I am a Director for Innovation and Intellectual Property with USTR.

MR. GERK: Good morning, Dave Gerk, Principal Counsel and Director for Patent Policy in the Office of Policy and International Affairs at the United States Patent and Trademark Office.

MS. LANZA: Good morning, Emily Lanza, Senior Counsel with the Office of Policy and International Affairs at the U.S. Copyright Office.

MS. SNYDER: Good morning, Anne Snyder, Senior Global Health Officer at the Office of Global Affairs at the Department of Health and Human Services.

MS. VAN HORN: Alaina Van Horn, Chief of the IP Enforcement Branch at U.S. Customs and Border Protection. And I'm representing our department, Department of Homeland Security, which the two main offices that are relevant to this hearing are Homeland Security Investigations and U.S. Customs and Border Protection.

MR. MITCHELL: I'm Stevan Mitchell. I direct the Office of Standards and Intellectual Property at the International Trade Administration which is a bureau of the Department of Commerce.

DR. CORCOS: Good morning, Amanda Corcos, Senior Advisor in the Office of Intellectual Property Enforcement at the State Department.

MR. MERRIAM: Good morning, Christopher Merriam. I'm the Deputy Chief for Intellectual Property at the Computer Crime and Intellectual Property Section at the Department of Justice's Criminal Division.

MS. CHERRY: Good morning. My name is Alexis Cherry. I'm a Senior Trade Advisor in the Foreign Agricultural Service at the U.S. Department of Agriculture.

MR. CHANG: Good morning. My name is Won Chang, Department of Treasury, Office of International Trade and Investment Policy. Thank you.

CHAIR LEE: Great. So the Special 301 Subcommittee, which includes the agencies on this panel and chaired by USTR, conducts the annual Special 301 Review.

Stakeholder contributions and contributions of Washington-based agencies and our embassy-based personnel all around the world are critical to this review process. The subcommittee is currently in the information-gathering phase. On behalf of the agencies here, we thank you for the views, insights, opinions, and factual information you will share with us today.

The schedule of today's hearing is comprised of interested parties from foreign governments, civil society, and the private sector who responded to USTR's notice in the Federal Register published on December 6th, 2024, and who voluntarily requested the opportunity to appear at this public hearing.

As a reminder, the purpose of today's hearing is to provide the Special 301

Subcommittee with additional information that we can use in the deliberations that will lead to the publication of the 2025 Special 301 Report which will be on or about April 30th, 2025.

This year, we have received public filings that address over 65 countries and many country-specific IP protection and enforcement issues that may negatively affect our bilateral trading relationships. Those filings are available to the public at regulations.gov under Docket No. USTR-2024-0023.

The Special 301 Report is the result of a congressionally mandated annual review of the state of intellectual property rights protection and enforcement in trading partners around the world, which the Office of the United States Trade Representative conducts pursuant to Section 182 of the Trade Act of 1974, as amended. The provisions of Section 182 are commonly referred to as the special 301 provisions of the Trade Act, hence the Special 301 Report.

Specifically, Section 182 of the Trade

Act requires that the United States Trade Representative identify countries that (1) deny adequate and effective protection of intellectual property rights; or (2) deny fair and equitable market access to U.S. persons who rely on IP protection. The statute requires USTR to determine which, if any, countries should be identified as priority foreign countries. Acts, policies, or practices that are the basis of a country's identification as a priority foreign country can be subject to the procedures set out in Sections 301 to 308 of the Trade Act.

In addition to the statutorily defined priority foreign country designation, USTR created the Priority Watch List and Watch List categories to assist the administration in pursuing the goals of the Special 301 provisions. USTR is also charged with developing Priority Watch List action plans where a country has been on the Priority Watch List without change for at least one year.

The format of today's hearing will be

as follows. Each party has been allotted ten minutes. Each person will start with five minutes of prepared statements, leaving five minutes for panel questions. We will be keeping time and will flash a time cue when one minute remains for the allotted five minutes of prepared statements. We will be fairly strict with the time limits and may need to cut you off so that we can stay on schedule.

The panel will hold its questions until the presenter concludes his or her statement. Please keep in mind again the purpose of the hearing, that is, to provide information that the subcommittee can use in satisfying the charge of the Special 301 statute, when conveying your testimony and responding to any questions we may ask.

So without further delay, I would like to invite the Government of Ukraine to start us off, please.

Welcome and please introduce yourself including your name, title, and organization, and

then begin your testimony.

MR. BARANETSKYI: Sure. My name is Ihor Baranetskyi. I'm a Minister-Counselor on economic issues at the Embassy of Ukraine in the United States.

Your Honor, distinguished members of the Special 301 Committee, dear guests, it's an honor to me to testify today as a representative of Ukraine. My presence here today, on behalf of the Government of Ukraine, shows our particular attention to the issue of the IPR protection and our dedication to the improvements. You are aware about the full-scale war in Ukraine. In a couple of days, on February 24th, it will be three years of this Russian invasion, Russian war of aggression. Nevertheless, we do not consider this as an excuse not to testify and not to demonstrate our achievements.

We do respect the contribution of the Special 301 process, contribution and dedication of all agencies involved, and the USTR's coordination role in this process. At the same

time, the decision of the American side to temporarily suspend the proceedings due to Russia's invasion in Ukraine also remains important and we appreciate this.

The official comments of the state of intellectual property rights protection in Ukraine were submitted officially according to the procedure. This is a precise and comprehensive explanation highlighting our progress, tasks accomplished, and aims achieved. Nevertheless, I will concentrate on several key signals and highlight the priorities, respecting time frames.

The particular attention of Ukrainian Government has been dedicated to, of course, to the improvement of administration of the system of collective management organizations, collective societies, the use of licensed software of the government institutions, the effective means to minimize the online copyright infringements.

Ukraine continues to engage with the

United States in all areas of concern. The Government of Ukraine ensures the development of the legislative environment and implementation of appropriate contemporary regulatory instruments in order to develop the national intellectual property system, based on comprehensive institutional and legislative reforms, by the way, conducted by the Ministry of Economy of Ukraine as a key coordinating body in Ukraine.

In 2024, as we analyze this year, the Government of Ukraine activities on improving legal framework included the following top priorities. So first of all, as it was already mentioned, it's of course developing the system of collective rights managements of collective societies. At the end of January this year, we noted 19 registered collective management organizations in Ukraine and three of them delivered notable revenues during last year.

At present, the collective management organizations are acting in conformity with provisions of the martial law in Ukraine, but

that's reality. But again, the amount of royalties aggregated last year were doubled, were doubled in comparison to the previous year. Well, it's 4.2, it's more than $4.2 million, maybe not such an impressive figure, but that's -- believe me, that's an impressive figure taken into account our situation and again, that the amount was doubled in comparison to the previous year.

The Ministry of Economy of Ukraine continues to improve the system of collective management within the framework of harmonization, also harmonization with the requirements of the EU.

We also concentrate on legalization of software and that's -- the amount, not just decreased, but it's technically not possible because of limits, because of cybersecurity control and of course, coordination, powerful coordination role by the Ministry of Digital Transformation of Ukraine. Ukraine also demonstrated progress of the general regulatory

framework and Ministry of Economy of Ukraine passed five orders dedicated to industrial design, to the trademark, to the utility models.

So I will move also to the list of those institutions that made significant progress in this regard, so Customs Service of Ukraine, National Police of Ukraine, the Bureau of Economic Security, and Prosecutors' Generals Office.

Also, I would like to emphasize that our path, our irreversible path to the EU membership requires and forces us to be very strict with -- and dedicated to the IPR protection.

Just finishing. So distinguished audience, honorary committee, I was here ten years ago when I was posted here previously. I remember when Ukraine was on the Watch List in 2011. I remember when it was -- when and why it was moved to the Priority Watch List and we've got our remarks, we did our extensive homework

through all these years and believe me, this is not the same IPR institutional Ukraine that we discussed more than decade ago.

So thank you once again for your attention, for your support to Ukraine, support of U.S. and Ukraine and people of the United States and we are ready to cooperate tightly and to proceed on this path, on this irreversible path together with you. Thank you.

CHAIR LEE: Thank you. The first question from the panel comes from USTR.

MS. AVERY-PAGE: Thank you. And thank you for your testimony. Can you share any steps you are taking to address what appears to be the current confusion in your collective management situation?

MR. BARANETSKYI: Definitely, we will additionally provide you probably some updated information, but as it was already mentioned, we submitted precise information in our official notes. Nevertheless, I will add that the Ministry of Economy of Ukraine continues to

improve the system and also, it is based on EU requirements. Of course, it includes all requirements and suggestions provided by the U.S. side.

And in this year in 2025, we also plan comprehensive amendments to the law of Ukraine on effective management of property rights, of the rights holders of copyright and related rights. So it will definitely help in this regard, and moreover, according to my information, we didn't receive any -- let's say sharp comments or requests from collective societies, so there is a very good cooperation with them on behalf of the Minister of Economic Development of Ukraine.

CHAIR LEE: Thank you. The next question is from DOJ.

MR. MERRIAM: Thank you so much for your testimony. I have a particular question about penalties in criminal intellectual property cases. Article 229 of the Criminal Code relates to IP offenses involving significant profits.

My question is how is the penalty for

such offenses set? Does it reflect the infringement amount or the harm to the victim or is it based upon the significant profit of the infringer?

MR. BARANETSKYI: Thank you very much. That's really a crucial issue and that's an important question. Definitely, we will direct this question to the appropriate institution, but as I mentioned before, through all these years, the new type of coordination and the system of institutions appeared, so there is a strong cooperation between the national police of Ukraine and we have their special department which concentrates on these types of crimes. There is also involvement of the Bureau for Economic Security and also Prosecutor's General Office. And definitely I know that involvement of the Ministry of Justice of Ukraine is also very strong in this regard.

So there is a fact of sharing information between these institutions and their involvement on this particular issue. But I

think we will try to provide you in written form with more details in this regard.

MR. MERRIAM: Thank you very much.

CHAIR LEE: Thank you. Our next question is from the Department of State.

DR. CORCOS: Thank you. With regard to the implementation of the WIPO alert mechanism, has the Government of Ukraine taken action against any of the websites included on the national list?

MR. BARANETSKYI: Of course. Thank you very much. So in 2024, the procedure on national list of websites raising concerns regarding the observance of intellectual property rights was approved by Ukraine. Thus, Ukraine has joined a number of countries that fill in the World Intellectual Property Organization's alert platform on counteract the placement of advertising on pirate websites. So during last year already several requests were filled by copyright and related rights holders to include websites, those pirate websites, in the relevant

national list. So that shows that the procedure works, the procedure works.

And moreover, last year, we revealed and updated operational stages of the appeals chamber of the National IP Office. So the work of this appeals chamber was resumed and it was joined by 14 professional mediators featuring specialized training in the field of intellectual property. So we also have a particular dedicated attention to this issue.

But I do respect this question and I think we will try to provide you with more details in addition to what we already submitted.

CHAIR LEE: All right, thank you very much.

We're ready for our next commenter. I think we have ACT, The App Association.

MR. BARANETSKYI: Thank you very much.

CHAIR LEE: Thank you. Welcome. Please state your name, title, and organization for the record and then please begin your testimony.

MS. NAIR: Sorry about that. My name is Priya Nair. I'm the Senior IP Policy Counsel for ACT, The App Association. On behalf of the App Association, I would like to thank you for the opportunity to share our views with the United States Trade Representative and all the agencies here today to inform review, to identify countries that deny adequate and effective protection of intellectual property rights and deny fair and equitable market access to U.S. persons who rely on IP protections.

The App Association is a global policy trade association for small business technology developers. Our members are entrepreneurs, innovators, and independent developers within the global app ecosystem that engage with verticals across every industry. We work with and for our members to promote a policy environment that rewards and inspires innovation while providing resources that help them raise capital, create jobs and continue to build incredible technology.

App developers, like our members, also

play a critical role in developing entertainment products such as streaming video platforms, video games, and other content portals that rely on intellectual property protections. The value of the ecosystem that The App Association represents, which we call the app economy, is approximately $1.8 trillion and is responsible for 6.1 million American jobs while serving as a key driver of the $8 trillion Internet of Things revolution.

The global digital economy holds great promise for small app development companies, but our members face a diverse array of trade barriers when entering new markets. These barriers may take the form of laws, regulations, policies, or practices that protect domestic goods and services from foreign competition, artificially stimulate exports of domestic goods and services, or fail to provide adequate and effective protection of IPR. While these barriers have different forms, they all have the same net effect and that's impeding U.S. exports and

investment at the expense of American workers. Such trade barriers include IP violations. The infringement and theft of IPR, so copyrights, trademarks, patents, and trade secrets, present a major threat to our members and the billions of consumers who rely on their digital products and services. Strong but fair protection of IP for copyrights, patents, trademarks, and trade secrets is essential to their business.

Other relevant barriers include requirements to provide source code for market entry. Some governments have proposed or implemented policies that make legal market entry contingent upon the transfer of proprietary source code. For app developers and tech companies, intellectual property is the lifeblood of their business and the forced disclosure or transfer of source code presents an untenable risk of theft and piracy.

The infringement and theft of IP online threatens consumer welfare by undermining the ability of creators of digital content to

innovate, invest, and hire. App developers that drive the global economy are subject to an estimated loss of $46.3 billion in revenue due to pirated apps. Such a loss of revenue presents a major threat to the success of App Association members, their consumers, and the workforce that supports the creation and growth of digital products and services. Each IPR represents distinct utilities upon which App Association members depend. IPR violations lead to consumer data loss, interrupted service, revenue loss, and reputational damage, each alone a potential end-of-life occurrence for a small development company.

Our comments detail the range of IPR violation scenarios our members face and provide its recommendations to this year's Priority Watch List. Notably, the App Association reiterates its deep concern with USTR's October 25th, 2023 announcement of its withdrawal of support for foundational digital trade policies, including the priority of protecting source code in the

context of the World Trade Organization and apparently the Indo-Pacific Economic Framework for Prosperity.

American small businesses seeking to compete and innovate across the global digital economy need support from the U.S. government for time-tested, bipartisan digital trade principles it now appears to be backing away from.

We are also concerned about the global leadership vacuum created. We urge USTR to support U.S. small businesses' ability to compete abroad and stand committed to reinforcing trade priorities that will do the same. The App Association appreciates the opportunity today. Thank you.

CHAIR LEE: Thank you. Our first question comes from USTR.

MS. AVERY-PAGE: Good morning, and thank you for your testimony. Particularly on China, your submission notes that the final anti-monopoly guidelines for standard essential patents issued by the State Administration for

Market Regulation or SAMR, reflected a relatively balanced position, but that this is inconsistent with the practice of Chinese courts.

Can you please explain further how the practice of Chinese courts has differed from the final SAMR regulations?

MS. NAIR: Absolutely. So the final SAMR regulations, in particular, provide important definition to a standard essential patent holder's voluntary commitment to provide their patents on fair, reasonable, and nondiscriminatory or FRAND terms. And we believe that the SAMR guidelines have actually provided really important principles such as the fact that the FRAND commitment means that any willing licensee is able to access a license through fair, reasonable, and nondiscriminatory terms.

The difference is with the courts, two things. One, the Chinese courts are following a global trend of assessing global FRAND terms to portfolios that have patents outside the purview of the People's Republic of China. And then in

addition to that, they are also assessing anti-suit injunctions to protect their jurisdiction over those global portfolios. Those two things in conjunction is really harmful to American businesses that engage with China, but also engage with the global standardized innovation landscape.

CHAIR LEE: Thank you. Our next question comes from the Patent and Trademark Office, or PTO.

MR. GERK: Thank you. Your submission describes concerns with Indonesia's 2016 patent law about localization rules that require foreign patentees to transfer proprietary technologies to local companies.

Have the recent amendments to the patent law addressed these concerns or do they continue to be an issue?

MS. NAIR: From our knowledge, they do continue to be an issue. However, I will note this to follow up and make sure that there isn't anything to address on that. Thank you.

CHAIR LEE: Thank you. Our last question comes from the U.S. Copyright Office.

MS. LANZA: Thank you. Good morning. You note that India has not yet implemented its obligations under the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, collectively, the WIPO Internet Treaties. Which obligations under the Internet Treaties would you highlight as not yet implemented? And I believe this is found on page 21 of your submission.

MS. NAIR: So just to give you a very clear answer, I'll follow up in written submission. Thank you.

CHAIR LEE: Okay, actually, it looks like we have time for one more. I'll turn to ITA.

MR. MITCHELL: Turning to Switzerland, your submission states that Switzerland continues to hold inadequate IP enforcement laws and that many rights holders for online works have a difficult time enforcing their rights when they're being infringed, particularly considering

infringers operating outside of the country.

Can you provide more detailed examples of how members are experiencing difficulties enforcing their rights, specifically in the copyright sphere, as well as discuss whether these issues have worsened since Switzerland was removed from the Watch List?

MS. NAIR: I am not sure if they have worsened. They have continued.

As far as our members are concerned, and their engagement with Switzerland, they have often said that it is hard to enforce their copyright protections in Switzerland.

I think particularly because Switzerland has failed to comply with international obligations to effectively deter -- provide effective and deterrent remedies for things such as the use of unlawful sources, cross border infringement, and intermediary liability.

And so, we can certainly follow up with some specific examples, and especially if we have members that are willing to provide those

examples, probably without names because they're small businesses.

CHAIR LEE: Thank you so much for your testimony.

MS. NAIR: Thank you.

CHAIR LEE: I'll also just take the opportunity to remind folks during the morning session that there is the opportunity for those who testify to provide post-hearing comments. So, instructions are found in the Federal Register Notice.

So, with that, let's see, next up is the China Chamber of International Commerce.

Okay, please state your name, title, and organization for the record. And then, begin your testimony.

MR. NIE: Mr. Chairman, members of the Special 301 Subcommittee, good morning. I'm Nie Wenhui, representative of China Chamber of International Commerce, CCOIC.

Thank you for giving me the opportunity to deliver testimony today.

CCOIC is our National Chamber of Commerce in China. We consider serving Chinese and foreign companies our foundation.

CCOIC and our members have witnessed substantial progress China has made in intellectual property rights protection. We wish to assist the USTR in creating a more comprehensive and accurate understanding of China's situation concerning IP rights protection.

As we have elaborated in our written comments, in 2024, China made a new progress in various aspects of IP rights protection. By the end of 2024, China has more than 4 million patents in inventions and 47 million valid trademark registrations, encouraging domestic and foreign companies to actively participate in innovation.

It is our view that China should be removed from the Priority Watch List in 2025.

Firstly, China continues to improve its IP system, China issued a series of policy

documents to promote the high quality developments of IP rights, comprehensively reformed the IP management system, and continuously improved the level of IP protection and operational efficiency.

Secondly, China has continued to put forward its IP related legislative work. It has pushed ahead with a new round of amendments to the trademark law formulated and promulgated documents, including the provision on Evidence for Trademark Administrative Law Enforcement.

The Antitrust Guidelines on Standard Essential Patents builds a systemic system of full-chain supervision.

Thirdly, China continued to exchange the judicial protection of IP. New IP civil and administrative cases received by the Supreme People's Court both increase significantly.

The Supreme People's Procuratorial Work released the White Paper on Procuratorial Work for IP Rights clarifying the supervision on the handling of criminal, civil, and

administrative IP cases.

Fourthly, China advanced law enforcement activities and further combats IP related illegal acts.

In 2024, the China National IP Administration settled a total of 72,000 administrative cases of patent infringement disputes.

The General Administration of Customs detained 41,300 batches and more than 80 million pieces of suspected import and export infringing goods.

The Ministry of Public Security launched the Kunlun 2024 special operation to crack down prominent crimes in drug safety and IP protection.

Fifthly, through actively responding to and promoting solutions to common concerns to foreign enterprises, including sector opening, implementation of national treatment and for foreign inventors, standard setting, and IP protection.

China has created a business environment that is market oriented, rule of law oriented, and internationalized.

In conclusion, we believe that China should be removed from the Priority Watch List in 2025.

Thank you for your time. Thank you.

CHAIR LEE: Thank you.

Our first question comes from USTR.

MS. AVERY-PAGE: Thank you for your testimony.

Your submission states that criminal justice standards for the protection of trade secrets is clear, and refers to a draft judicial interpretation issued for public comment on January 18th, 2023.

Can you please share any information about whether any progress has been made on issuing a final judicial interpretation and when that will occur?

MS. WANG: Thank you for your question regarding the explaining revisions to the draft

interpretation of several issues concerning the application of laws for handling criminal cases of infringement upon intellectual property rights. I suppose the issue would be that one, right?

So, you are right, it's still like in consideration for the issuance. Honestly speaking, we don't know the exact time for the final issuance, but we will update you further more information if there is any updates before the guideline for the supplemental comment.

CHAIR LEE: Thank you.

The next question comes from ITA.

MR. MITCHELL: Yes, in paragraph 73 and 74 of your submission, you indicate that China has prioritized a crack down on counterfeits.

But Customs authorities in the United States, Europe, and elsewhere, continue to find that China is the origin of a majority of the infringing products they seize.

So, a two-part question, what

additional steps should China take to get this problem under control?

And secondly, are local authorities reluctant to crack down on local infringers?

MS. WANG: Thank you for your questions.

So, here are two questions relating to the counterfeit goods issues. So, for this one, firstly, I will say, as already submitted in our written comments, is in Part 3 of the written comment, and you will find we list like three arguments here.

And firstly, the judicial enforcement system for combating counterfeit products is well established.

Basically, it's -- we comment on the crucial issues raised by the UI's right holders regarding the former -- sorry, regarding the drag on the administration of relevant issues.

And secondly, we raise an argument about the China strengthens four precise regulations to combat the counterfeit medicines.

So, and certainly, we raise this by multiple departments collaborating extensively to improve drug regulations.

Although all three arguments are particularly relevant to the drug issues, it's also could indicate the continuous progress made by China.

And moreover, like if you could see the Part 4 of our written submission, it could be seen like we also raised our arguments relevant to the online availability of counterfeit goods, online piracy, and other issues which is also relevant to your questions.

That's also how China -- Chinese government made efforts relevant to the crack down on the counterfeit goods. But this one is from an online perspective.

Thank you.

CHAIR LEE: Thank you.

We'll try to squeeze in one more question from the Treasury Department.

MR. CHANG: Hi, in paragraph 75 of

your submission, you write, in September 2022, the supervision and administration of the online sale of pharmaceuticals was issued requiring that enterprises selling medicines online should strengthen internal management in accordance with regulatory requirements and strictly standardize their operations.

Third-party platform enterprises for online medicine sales must fulfill their responsibility for review and management monitor illegal or noncompliant activities of businesses operating on the platform, take timely measures to eliminate risks, and report to the local regulatory authorities.

Can you provide any data or and examples indicating enforcement of this regulation? Are the platforms complying?

Thank you.

MS. WANG: I'm sorry, I just located the paragraph you mentioned. Would you mind to repeat like which one?

MR. CHANG: Yeah, the question is, can

you provide any data or examples indicating enforcement of this regulation? And are the platforms complying?

MS. WANG: Thank you for your question. We actually provided three regulations here in this paragraph.

Would you mind just to repeat which one is relevant to your question?

MR. CHANG: Right, the section is in September 22, this supervision and administration of the online sale of pharmaceuticals was issued.

MS. WANG: Yes, yes, yes, I found it.

MR. CHANG: Yes, okay.

MS. WANG: Yes, thank you.

Thank you for your question. Regarding to your question, if you don't mind, please just move to paragraph 77. That one also elaborates on the enforcement relevant to the matters for the quality supervision and administration of the -- this administration and the use of medical products. Probably this paragraph will answer your question.

Thank you.

CHAIR LEE: Thank you so much for your testimony.

All right, next, we have the Computer and Communications Industry Association.

Welcome, please state your name, title, and organization for the record and then, begin your testimony.

MR. NASR: Absolutely, Amir Nasr, Trade Policy Manager at the Computer and Communications Industry Association, or CCIA for easier.

Thank you for this opportunity to convey CCIA's views on the 2025 Special 301 report.

CCIA is a trade association of internet and technology firms, many of whom export goods and services that are subject to foreign IP laws.

As rights holders, CCIA members firmly value IP protection. However, these U.S. exporters that provide substantial benefits to

the economy and trade balance is creating significant barriers abroad.

These barriers are detailed in our written submission, but I would like to focus today on three specific obstacles to trade that are being pursued by some of the closest U.S. trading partners.

The first issue is an urgent need to USTR to address discriminatory content quota measures.

The second pertains to a persistent trend of foreign governments leveraging ancillary rights and mandatory bargaining codes to subsidized domestic news businesses as a condition for market access.

And the third relates to the increasing global trend of countries pursuing rules largely based on the EU's Digital Markets Act, or DMA, that leave U.S. companies vulnerable to opening their systems and revealing their intellectual property.

All of these issues fall squarely

within the mandate of the Special 301 process and warrant careful consideration of USTR in the 2025 review.

First, the Special 301 process should consider tackling the spread of audiovisual and audio content quotas or spending obligations. This is a market intervention that clearly represents a discriminatory non-tariff barrier as laid out in the Special 301 statute. Investment obligations to acquire or produce local content targeting U.S. online streaming suppliers of film, television, and music content are a threat to U.S. IP intensive industries operating around the world.

Canada's regime in particular requires urgent attention, as the CRTC is advancing a deeply restrictive and discriminatory framework that undermines U.S. content creators and distributors' operations in Canada.

Congress directed USTR, through the law that implemented USMCA, to evaluate discriminatory measures that rely on Canada's

Cultural Industries exception, and to subsequently consider remediation to compensate for the harms on American stakeholders.

Given the Online Streaming Act appears to clearly violate USMCA provisions, and would thus likely require Canada to invoke its Cultural Industries exceptions. USTR should urgently address this barrier by detailing how the policy represents a discriminatory non-tariff barrier in the Special 301 report to Congress, and respond in a manner that brings relief to U.S. IP owners and distributors.

Such an analysis would also be appropriate for Australia, which has sought to implement mandatory funding obligations for Australian content that would contravene rules under AUSFTA that prevent discriminatory treatment of U.S. content.

Australia retains the right to implement such measures in very narrow and tailored non-conforming measures, but the standard is exacting, by admission of the

Australian Parliament itself in the report issued following the conclusion of AUSFTA.

Effectively, Australia must demonstrate, after consultation with stakeholders including the U.S., that Australian content is not reasonably available to consumers and is being denied to the public.

Currently, this high standard is not close to being met. Investment and availability of Australian content is growing and although the Australian government has not yet moved forward with their proposal in legislative form, we urge USTR to remain vigilant and communicate its discontent with the proposal.

Each iteration that has been floated from Australia to date would have violated AUSFTA rules. Inclusion of this policy in the Special 301 report would serve as an important signal it is impermissible.

Second, CCIA reiterates longstanding concerns regarding the spread of link and snippet taxes and other mandatory bargaining codes. CCIA

first raised concerns about ancillary copyright in 2012.

And since then, the internet industry has witnessed the spread of these harmful laws throughout Europe, Canada, and Australia. Indonesia adopted a version of the law last year.

Australia, in the last month, has floated the quote, incentive digital services tax in a bid to double down on its News Media Bargaining Code and force payments from designated entities.

As CCIA has noted previously, these measures violate international copyright obligations under the Berne Convention mandating freedom of quotation. USTR has placed countries on the Watch List for TRIPS violations in the past, and we urge you to consider doing so in these cases as well.

Third, and finally, the growing trend of imposing ex ante restrictions and burdens on online service providers undermines U.S. companies' source code and U.S. IP.

The EU's DMA, for example, has obligations to disclose data that could require U.S. companies to transfer and disclose intellectual property, trade secrets, and sensitive business and user data to state-sponsored Chinese and Russian rivals.

Other countries are increasingly introducing rules that mirror the DMA, including countries with trade agreements with the U.S., like Japan and Korea.

It is important for the U.S. government to scrutinize this treatment of U.S. IP, and CCIA urges USTR to consider the Special 301 process as an avenue to begin investigating the harmful effects on U.S. companies.

To conclude, discriminatory practices that target U.S. internet services exports and IP should be identified and discouraged by USTR in the 2025 Special 301 Report.

Thank you very much for your consideration.

CHAIR LEE: Thank you.

Our first question comes from DHS.

MS. VAN HORN: Hello, and thank you for being here.

This is in regard to counterfeit goods that are sold through hidden links in social media, you know, that direct maybe to an e-commerce platform where it looks like it's a legitimate sale, but it's actually not.

Does CCIA have any best practices in regard to curbing this practice or any perspective on what government enforcement authorities could be doing to help combat this situation?

MR. NASR: Thank you for the question. Certainly, we believe that enforcement against counterfeits being sold online is a top priority.

And while we, ourselves, do not necessarily have, you know, a collection of best practices, our member companies do and they are a part of industry bodies that kind of develop these best practices.

And I'd be happy to provide some more

examples in follow up or in testimony.

CHAIR LEE: Thank you, and especially on the hidden links issue, if you have anything to add, that would be great for the post-hearing comments.

MR. NASR: I will include that in the post-hearing comments, thank you.

CHAIR LEE: Great, thank you.

Next is a question from the State Department.

MR. CORCOS: Thank you.

On China, your submission describes how the lack of effective protection against counterfeit and pirated products in the Chinese market can, in fact, quote, put Chinese firms at a competitive advantage in foreign markets, end quote.

I note that certain Chinese companies, quote, face notably weaker standards of transparency, accountability, and verification of sellers, end quote.

Can you please elaborate further on

how Chinese companies have taken advantage of such weaker standards to compete with U.S. companies?

MR. NASR: Thank you.

This is an issue that has been raised to us by members and we're aware is of high concern in the industry. Effectively, they feel as though they are acting in good faith, you know, trying to root out these counterfeit measures and they're being graded on a different scale, effectively.

So, while they're rooting out a lot of these counterfeit products, that is not necessarily the case for a lot of these companies in their home market. And that, in a sense, distorts the competitiveness they can experience in third-party markets.

I can check on some further specific examples of that, but that is a common complaint that we have heard.

CHAIR LEE: Okay, thank you.

And the final question comes from

USTR.

MS. AVERY-PAGE: Thank you.

So, your comments indicate that you believe that Peru remains out of compliance with Article 16.11, Paragraph 29 of the U.S. Peru Trade Promotion Agreement, which you assert, quote, requires certain protections for online intermediaries against copyright infringement claims arising out of user activities.

Can you please enumerate the specific areas where Peru has failed to implement these obligations? Also, if available, can you please identify intermediaries with specific challenges?

MR. NASR: Thank you for the question.

In terms of the specific laws, I believe we cite to it, but I will provide a bit more thorough response, written response.

In terms of the intermediaries question, we have not, as far as I'm aware, heard of these problems happening so far. But it's really more a matter of future kind of liability issues.

You know, a lot of these companies are operating with the hope of having some certainty and expectation of the market. And it's more a matter of they're open to susceptibility and, you know, in line with our FTA, you know, like the certainty that that should guarantee. But I'll follow up with those.

CHAIR LEE: All right, thank you for your testimony.

Next, we have the Consortium for Common Food Names.

Welcome, please state your name, title, and organization for the record. And then, please begin your testimony.

MS. MORRIS: Thanks.

Good morning, my name's Shawna Morris and I'm the Senior Director for the Consortium for Common Food Names.

Thank you for the opportunity to testify today on behalf of the Consortium for Common Food Names. CCFN's focus is on protecting producers', consumers', and retailers' rights to

use generic food and beverage terms that consumers have known and loved for generations.

About a dozen years ago, the European Commission began systematically using its bilateral trade agreements to confiscate common names, terms like Parmesan and Bologna, by claiming them as protect geographical indications.

By essentially monopolizing these generic terms and hundreds more, the European Commission began to strip away the ability of U.S. producers of cheeses, meats, wines, and beers to market and sell their products in key markets all around the world.

While we have notched some great accomplishments in recent years, Europe's campaign has not only continued, but escalated. Not content to just set the rules in their own market, the EU has ramped up its use of free trade negotiations with third-party countries to impose their GI rules on markets all around the world and intentionally crowd out products from

competitors, particularly those from the United States.

These GI regulations and restrictions are not impartially developed and enforced. In fact, quite the opposite.

Unlike most intellectual property rules, a foreign government is primarily driving these GI registrations, not individual private sector applicants. That creates a deeply imbalanced power and funding dynamic that advantages GI applicants and exacerbates the challenges that opponents defending common name space and most IP systems.

Additionally, these government filed GI applications are almost always handled through a biased, ambiguous, and obscure process. Public records and the results of EU trade agreements are entirely clear, even where public opposition process is conducted, the decisions about how, and not whether, to register the EU's requested GIs are conducted at the trade negotiating table.

This has been perhaps clearest in the

EU's deeply flawed GI deals with Mexico and Mercosur, both of which stand to impose new bans on the use of various common names when implemented.

These are government driven barriers to trade that require government driven response to counteract. On the ground, the detrimental effects are clear, American farmers and food producers lose markets and consumer bases they build up over the years, consumers are forced to settle for fewer choices and higher prices as the result of less competition and exporters face the loss of consumer awareness, marketing investments, as well as the erosion of their brands.

These impacts are why CCFN has fought diligently to defend the rights of consumers, producers, manufacturers, and exporters to continue the use of common food names that have returned, and why the U.S. government must utilize all available tools to match the EU's passion on this issue, and stand up for American

agriculture.

The United States has unmatched economic and political influence and now is the time to use it.

U.S. farmers and manufacturers deserve an approach that will support them and their ability to compete fairly on a level playing field with European producers who, for too long, have enjoyed unfair and anticompetitive advantages.

As the Administration looks to implement its fair and reciprocal trade plan to correct trade imbalances and ensure fairness with our trading partners, we urge them to address the EU's GI misuse head on.

We also call on this Administration to secure explicit commitments from trading partners, ensuring the future ability to use commonly used generic food and beverage terms that are being targeted by the EU.

Failing to do so will force American producers and exporters selling American made

products from American farms to compete in a distorted global market, subjected to ever growing foreign blockades against the high quality, award winning products that they produce.

The prior Trump Administration was the first to pilot this type of approach with Mexico in a side letter to USMCA. Continuing to build on that precedent to expand and strengthen market access protections for U.S. producers is vital and urgent.

Thank you for your time.

CHAIR LEE: Thank you very much.

The first question comes from USDA.

MS. CHERRY: Thank you for your testimony.

Regarding the EU Mercosur Agreement, your submission notes that no U.S. entity is listed as a prior user of parmesano, parmesao, gruyere, fontine, gorgonzola, or grana for any of the Mercosur countries.

Are you aware of any members that

applied to become prior users? If so, what explanation did Mercosur authorities provide for rejecting applications?

Were there any process or procedural problems that your members identified as issues in the application process? And could you please describe the scale of the impact on U.S. producers that were excluded from the list of prior users published under the agreement?

MS. MORRIS: Thanks so much for the question.

We did have some exporters apply. In one case in particular, I know that our members struggled significantly with the process that was laid out. This was in Uruguay, I believe where, even during the pandemic, the announcement for being able to apply for grandfathering status was conducted in a very compressed time period and required official documentation, government materials that we could only obtain from folks that weren't even there at the time or responding to messages.

Again, this was I think around 2020 when relatively early on in pandemic conditions.

We also experienced the case where a number of others in the supply chain, in this case, in Brazil, for instance, retailers, importers, and distributors were initially on the first list of entities that were approved for grandfathering and then, were excluded.

The upshot of that for our exporters is that they could have been able to do business in the future with those other actors in the supply chain had they been incorporated.

Likewise -- or similar to the case in Uruguay and Brazil, too, as well as elsewhere, we saw similar very tight time lines and very narrow opportunities in terms of what types of evidence were eligible to be provided.

In terms of the impact on industry, Mercosur is a very sizeable commercial block, notable consumers of dairy, wine, meats, and other products. So, choking off those opportunities for future sales is quite a

significant loss for the industries CCFN represents.

CHAIR LEE: Thank you.

The next question comes from USTR.

MS. AVERY-PAGE: Thank you for your testimony.

For India, your submission notes that India and the EU agreed to exchange short lists of GIs by the end of April 2024, numbering approximately 200 terms, but that their contents remain undisclosed.

Are there any details that you can share regarding your experience attempting to obtain more information about the list of GIs?

MS. MORRIS: Yes, unfortunately, we haven't been able to gain more information yet. Thanks for the question on it, though. And we'd be delighted to work with the Administration on whether there's another avenue to try to secure that.

From the EU side, typically, we're reliant on what information they put out

publically. They're not too apt to coordinate with us on this issue, understandably.

And on the Indian side, likewise, that's been typically a relatively challenging government for agriculture to engage on for a variety of other issues.

CHAIR LEE: Thank you.

We're back to USDA.

MS. CHERRY: Which countries do you see the most opportunities for positive outcomes in GIs going forward?

MS. MORRIS: First, I'll say that we'd be happy to share, confidentially, a full list of priority trading partners with the Administration as you're working to plan engagement opportunities over the coming year.

More broadly speaking, though, I'd note that probably the -- at the top of those lists are major trading partners, existing USFTA partners where we want to ensure that we're not backsliding from where we currently are.

And then, others that are sizeable

trading partners with the U.S. A number of those are in Asian markets in particular where there either have been agreements struck over the last few years, or they're in the process of negotiation.

And again, the focus there from our standpoint is working to codify market access rights for U.S. producers and ensure that we don't see mounting restrictions put in place as EU talks proceed.

CHAIR LEE: Excellent, thank you so much for your testimony.

MS. MORRIS: Thank you.

CHAIR LEE: All right, next, we have the Footwear Distributors and Retailers of America.

MR. PRIEST: Good morning.

CHAIR LEE: Good morning, please state your name, title, and organization for the record. And then, begin your testimony.

MR. PRIEST: Great, my name is Matt Priest. I'm President and CEO of the Footwear

Distributors and Retailers of America.

On behalf of the FDRA, thank you for the opportunity to testify today. FDRA is the footwear industry's trade and business association representing more than 500 footwear companies and brands across the United States. This includes a majority of U.S. footwear manufacturers and over 95 percent of the industry.

Our member companies work hard to design, produce, and deliver shoes to U.S. consumers, many of our footwear companies also sell brands that reach consumers in markets all over the world.

These companies manage supply chains that span the globe, so they understand the importance of protecting intellectual property and innovation.

U.S. must work to address the failure of other nations to protect patents, trademarks, and copyright in both law and practice because this supports U.S. footwear jobs and communities.

As U.S. works to strengthen IP protection and enforcement for American workers, business, and consumers, FDRA encourage the Administration to enter into new trade agreements with our trading partners.

The Administration should also leverage our existing trade agreements to address IP shortfalls in specific countries.

Trade agreements serve as a key tool for advancing strong IP protections for a 21st century economy.

In addition, FDRA recommends the Special 301 committee closely examine the multinational problem of increasing sales of counterfeit products on online buying platforms, including those that tap into social media to promote counterfeits.

Specifically, these platforms compensate social media influencers to publically endorse the purchase of counterfeit goods, which both normalizes these purchases and broadens the reach of the counterfeit operations.

Now, I'm going to focus in on some key footwear production countries.

China should remain on the Priority Watch List since there has not been significant change or effective progress on IP in the past year. China's intellectual property landscape presents ongoing challenges for U.S. brands, including widespread bad faith trademark filings that force costly legal disputes and rising enforcement difficulties on digital platforms due to live stream counterfeit sales and social media driven illicit trade.

China's considering a proposed AUCL amendment that, if enacted, would enhance platform accountability and strengthen protections for rights holders in the digital marketplace.

Turning our attention to Mexico, since the new Administration in Mexico took office late last year, our member companies have seen some renewed attention towards IP protection in Mexico.

With the upcoming review of the USMCA next year, there's also key opportunity for the Trump Administration to work with Mexico in updating Mexico's Customs law to strengthen enforcement.

Existing provisions in Mexico's Customs law provide authorities with ex-officio power to initiate border measures, but limit this authority to detention of suspicious products. The law does not effectively allow Customs officials to make a determination to seize and destroy IP infringing goods.

Vietnam. Vietnam's IP legal system and enforcement practices have continue to improve over the past few years. Authorities in Vietnam remain open and willing to make changes to harmonize IP laws with international standards.

Vietnam's evolving intellectual property enforcement, landscapers, and some challenges, including the impeding dissolution of key enforcement agencies, a rise in

counterfeiting due to increased manufacturing shifts into Vietnam, conflicting enforcement guidelines and complicated trademark protection, and a lack of clarity on nontraditional marks.

There are ongoing efforts to improve online enforcement and combat trans-shipment which we applaud.

In Indonesia, over the past few years, IP authorities in Indonesia have shown an interest in promoting change in the local IP environment.

FDRA believes Indonesia should reinforce the need to maintain consistency, recognize trademark rights, and provide realistic enforcement processes and implementation.

Indonesia's intellectual property challenges include a rise in domestic counterfeiting fueled by local manufacturing demand, a rigid and ineffective trademark opposition process, an inadequate Customs system for detaining and seizing counterfeit goods, and a weak legal framework for tackling online

counterfeit sales.

And lastly, we look into India. FDRA recommends India continue its efforts to implementing existing IP laws, reduce bureaucracy, and simplify processes.

India's intellectual property enforcement faces significant challenges, including a decade long trademark backlog that weakens brand protections, growing counterfeit distribution hubs that complicate enforcement, uncertainties around new e-commerce and AI regulations that may impact online IP protections, and procedural delays at Customs that hinder the timely destruction of counterfeit goods, and fail to deter repeat offenders.

So, in conclusion, FDRA appreciates the opportunity to submit comments on the challenges faced by our member companies around the world and the protection of their IP rights. As leading global innovators, our members are driving advancements and product design never before seen. Now, more than ever, it is vitally

important that the U.S. government protect -- or work to protect those innovations, designs, brands, and images worldwide.

We stand ready to work with USTR and the broader committee here to bolster respect for and enforcement of IP by our trading partners. Doing so protects American jobs and benefits U.S. consumers.

Thank you for your time.

CHAIR LEE: Thank you.

I think you already answered what was going to be our first question, so I'll move to the next one.

MR. PRIEST: All right.

CHAIR LEE: The original question was about Mexico.

So, the next question is from PTO.

MR. GERK: Thank you for your testimony.

MR. PRIEST: Sure.

MR. GERK: The submission of the Chinese Chamber of International Commerce

indicates that Chinese authorities have prioritized enforcement against counterfeiting.

Do you see evidence of this either nationwide or locally?

MR. PRIEST: I think there's been some improvement on the landscape -- the IP landscape in China.

I think what we find with former member companies who are predominantly sourcing in the southern provinces, so you think of Guangdong province, Fujian province, and the like, is that they see kind of -- not a very even enforcement landscape across all the provinces.

And so, sometimes it's -- sometimes the local officials work with the brands to work on enforcement, and other times, they do not.

And so, I think, for us, as we -- particularly if the Administration looks to get back in the negotiating -- kind of a negotiating posture in the Phase I agreement, let's just say hypothetically, I think that would be a great forum for the U.S. government to really encourage

the Chinese to continue to mature their IP legal infrastructure so that they're applying the law more equally across all provinces in China.

CHAIR LEE: Thank you.

The next question is from USTR.

MS. AVERY-PAGE: Hi, thank you.

Regarding addressing trans-shipment in Vietnam, you write that Vietnamese Customs have made significant efforts to maintain the enforcement of IPR, especially by intercepting trans-shipments from China via Vietnam to Laos and Cambodia, which are the main routes for counterfeit goods from China to export to Southeast Asia and the Middle East.

Vietnamese Customs continues with its plan to proactively intercept importing goods bearing well known trademarks without regular recorded process.

So, the question is, can you please provide examples of enforcement actions by Vietnamese Customs?

MR. PRIEST: Yes, so, I think I can

talk -- speak to the overall posture of the Vietnamese government, and then, in my post-hearing submission, provide specific examples of enforcement.

I think with the Vietnamese, when you look at the Vietnamese government as a whole, they understand the spotlight is on them for a variety of reasons, whether it be some of the actions taken by the U.S. government on tariff policy, for example, which has pushed production into Vietnam and to places like Indonesia.

And so, with that comes additional kind of counterfeiting and concerns for trans-shipment.

And so, we found the Vietnamese government to be very collaborative in their approach, not always perfect, but willing to engage with our brands to ensure that enforcement is -- of IP rights is a top priority.

I think the broader point for us is also, when you look at applying additional tariffs on goods coming from places like China or

elsewhere, you're creating incentive for counterfeits to flood even more into the country for which the tariffs are applied.

We've seen this in Brazil where they have upwards of 35 percent tariff on footwear products coming in. All the major brands we all know and love, and those counterfeits flow in very easily because there's an economic incentive.

So, my caution in the broad sense, to your point, and to USTR, and to the Trump Administration, is that as you're considering even tariff policy that you look to what the unintended consequences will be around driving more counterfeit activity.

But at the end, to kind of circle back with Vietnam, I do feel very confidant that they are in a collaborative posture towards the U.S. as a whole, in a general sense, and will be happy to provide you more specific enforcement actions in our post-testimony hearing, or submission.

CHAIR LEE: Thank you.

Our last question is from DHS.

MS. VAN HORN: Hi.

MR. PRIEST: Hey.

MS. VAN HORN: Thank you for being here.

MR. PRIEST: Sure.

MS. VAN HORN: This is in regard to Indonesia, specifically Customs border measures. So, in your submission, you state, you know, that no progress has been made in the opinion of your members.

And that there's a lack of transparency. There's a whole bunch of hurdles for adequately obtaining border measures.

Can you give a sense of the scope of this problem? Like how often do brand owners seek to get Customs to stop a shipment and then, they just don't take action?

And in follow up, if you could provide some specific examples.

MR. PRIEST: Sure, I'd be happy to do that.

I think it's a growing issue. And the reason why I say that is because, again, going back to kind of the diversification of our sourcing platform, when I took this job 16 years ago, I was part of the Bush Administration and took this job, you know, 88 percent of our volume in footwear came from China. Now, that number's 56 percent.

And Vietnam and Indonesia have taken on a lot of that production, particularly in the athletic space. So, you think about the big global brands, again, that we know and love.

And so, the more that volume that flows into that capacity, flows into places like Indonesia, there's going to be heightened concern around enforcement and the movement of goods.

And again, the establishment of counterfeit operations that literally follow our production around the globe.

And so, we will provide specific examples, but as Vietnam -- or excuse me, as Indonesia takes on more market share to the U.S.

market, they're going to continue to need to find ways to, I guess, mature. These are kind of -- I kind of consider these maturation processes for the legal enforcement frameworks in these countries. They're going to need to find a way to mature.

And I think the U.S. government, in any kind of bilateral operations, or opportunities, I should say, that we have, should engage with the Indonesians on, if you want to continue to provide products to the U.S. marketplace, ensuring that you are enforcing IP rights is of critical importance.

CHAIR LEE: Thank you so much for your testimony.

MR. PRIEST: Sure, thank you.

CHAIR LEE: All right, we have our final testifier before the break, which is the International Intellectual Property Alliance.

All right, please state your name, title, and organization for the record. And then, please begin your testimony.

MR. MEHRAVARI: Thanks, I'm Pete Mehravari. I'm the Director of Policy and Legal Affairs for IPA.

IPA celebrated its 40th anniversary last year. It's a private sector coalition of five trade associations representing U.S. copyright based industries which, according to a February 2025 study, contributed over $2 trillion to the U.S. economy and provided over 11.5 million jobs.

Our members are the Association of American Publishers, the Entertainment Software Association, Independent Film and TV Alliance, Motion Picture Association, and Recording Industry Association of America.

These associations comprise over 3,200 U.S. companies producing and distributing materials protected by copyrights around the world.

To reach foreign markets, these companies rely on high quality copyright protection and enforcement that meet global

standards and the elimination of market access barriers.

When these are achieved, U.S. exports, good American jobs, and U.S. global competitiveness, grow.

With this broad vision in mind, IPAs participate in every single Special 301 review since the 1988 Trade Act to further its original mandate of promoting the effective protection of copyright and IP, not barriers that allegedly confronted by certain companies that describe themselves as relying upon the absence of IP protections.

In this year's submission, IPA recommends 20 countries to be identified on the 2025 Special 301 report, 9 countries on the Priority Watch List, Argentina, Chile, China, India, Indonesia, Mexico, Russia, South Africa, and Vietnam.

IPA will focus today's testimony on three of these countries, Argentina, India, and Mexico.

In Argentina, President Milei's Administration took mixed actions regarding the business climate in its first year, including some initial steps to tackle longstanding and serious piracy market access concerns.

For example, removing the longstanding film quotas.

Unfortunately, the passage of Decree 765 last year that expanded exceptions to public performance right went in the wrong direction. It's have significant impact on the music industry. It must be repealed.

We believe that if USTR and the industry can encourage Argentina to put the same political will and resource Argentina used to address other economic issues to improve these copyright protection and enforcement regime, real change can happen this year for Priority Watch List action point.

In India, we've similarly seen the Government of India, particularly the High Courts, taking impressive action against online

piracy last year, including providing dynamic injunctive relief and also withdrawing the problematic memo in Section 301D.

However, Indian courts admit more resources are needed. IPA hopes that the Trump Administration's recent announcement regarding the seeking of trade agreement with India this year would certainly include commitments to bring India's copyright regime in line with the international commitments and best practices and ensure that the momentum of India's recent improvements will continue through the allocation of appropriate resources.

Finally, Mexico's previous Administration failed for four years to implement its USMCA IP obligations in any meaningful way or advance any effort to combat the rampant physical and online piracy.

All the while, Mexico remained on the Watch List. The result of this past tumultuous year has created an ever increasing risk of longstanding and unaddressed IP concerns that

relit some of the most challenging Priority Watch List countries, if not worse.

In fact, this year, at least 13 301 submissions raised serious concerns across nearly every type of possible IP issue in Mexico. Nearly all mentioned a complete failure to implement USMCA's IP provisions.

While we have seen some positive early signs in the new administration, elevating Mexico's Priority Watch List this year will make it clear that widespread improvements are needed to help incentivize the new government to address them.

Our submission also highlights additional serious concerns, including countries that don't fully implement the WIPO internet treaties after nearly 30 years of their establishment, creating exceptions and limitations that clearly violate the three-step test, and failing to keep pace with piracy in the digital age by not seeking deterrent penalties against commercial scale piracy.

These concerns and the multitude of others as described in our submission make it harder for creators and producers to earn a living from their craft.

Moreover, all efforts to address copyright infringement will be unsuccessful if legitimate products and services cannot be brought into a market to meet consumer demand.

Market access and restrictions that unfairly impede the entry of legitimate products make it easier for pirate operations to fill the void.

Finally, the 301 process, including the review of notorious markets, remains a cornerstone of the U.S. effort to advance model levels of copyright protection, provide tools to combat systemic online piracy, and create freer, more open markets.

I look forward to our continued work with USTR and the industry to advance these goals and greatly applaud the previous efforts.

Thank you.

CHAIR LEE: Thank you.

The first question comes from PTO.

MR. GERK: Thank you for your testimony.

Regarding India, you request that the U.S. government reject any renewed calls for internet transmissions to be included in the Section 31D statutory license for the use of musical works and sound recordings for radio and TV broadcasting.

But our understanding is that the Indian government's withdrawal of its 2016 office memorandum that sought to extend the Section 31D statutory license to internet transmissions cleared the way remaining uncertainty on this issue.

Are you or any of your members aware of any movement towards expanding the coverage of the 31D statutory license to internet transmission?

MR. MEHRAVARI: Thanks, it's a good question and point, because, I mean, that

regulation came in in 2016. And even after two court cases, the Indian IP office kept that regulation in place.

And so, I mean, their withdrawing the memo in August this year; huge, fantastic step. But I think it's also a trust and verify type system. So, currently, we're not hearing anything happening right now, but we want to make sure it does not come back in place.

CHAIR LEE: Thank you.

The next question is from the U.S. Copyright Office.

MS. LANZA: Good morning, so this question is about Canada's radio royalty exemption for sound recordings.

So, your submission states that the Canadian system does not guarantee the equitable remuneration that Canada is obligated under Article 15 of WPPT and under the USMCA.

So, the question -- there's multiple questions here. So, first is, could you please clarify which specific rights and obligations

under the USMCA you believe Canada's rules related to royalty rights may conflict with?

Do you believe that Canada does not follow the national treatment principle under the USMCA with respect to sound recordings performance rights?

How do you think Canada's law on sound recordings and performance rights conflicts with Article 15 of the WPPT?

And what sound recording performance rates are lacking in Canada that we have in the U.S.?

And are you aware of any stakeholders raised -- that raised or ISED Canadian Heritage have discussed this issue during the 2020 USMCA implementation legislation process?

MR. MEHRAVARI: I got them, okay.

So, first off, let me -- let's start with the law. I mean, so the Canadian royalty exemption law came into place, I think it was 1997, and was really in place because there was very small stations throughout Canada and then,

you'd have some type of way to make money. At the time, they were losing money.

Over the time, we've seen that those small stations have sort of become conglomerated to large commercial entities that now make a large profit.

And so, in 1997, Canada, I think acceded to WPPT in 2014, and those obligations required, as you said under the Article 15, to provide adequate enumeration for those rights.

When Canada acceded to WPPT, they did not have the reservation that the U.S. had when it came to terrestrial radio rights. And so, they should have amended that exception and taken it away at that time, but they didn't.

And so, our sort of position is that, in order for Canada to meet it's USMCA obligations under Section 20.7, which is to meet the international obligations of the treaties, including WPPT. They are failing to meet that requirement because they did not take the reservation out when the acceded to WPPT.

We don't think there's a national treaty issue. It's not an issue that both U.S. and Canadian musicians have an issue with.

In the 2019 Heritage report, even the Canadian government recommended that this exception be put away and be limited to, I think, just the independent radio stations, and then, also for community radio stations.

So, that's sort of our position on that.

CHAIR LEE: All right, thank you.

We'll try to fit one more question in. This one comes from USTR.

MS. AVERY-PAGE: I'll talk fast. Last year, we asked you about the provisions of the Mexican Copyright Act that were not being implemented due to the constitutional challenge of the Act.

Now that the Mexican Supreme Court has upheld the Copyright Act, is Mexico implementing all of the provisions of the Act? And if not, can you please provide any information on the

provisions that Mexico is not implementing and the basis for your concern?

MR. MEHRAVARI: Sure, the answer is no, they are not. So, Mexico had a 180-day time frame from the passage of these copyright bills to create and implement regulations. They did not.

But again, as we know, there was three Supreme Court cases that finally got resolved in May of last year, fantastic. It's been 120 days since that happened and we still do not have implementation regulations for those laws.

I mean, the new administration came in in October. There's a new copyright head, but we have not seen any movement from that office to implement these laws.

We're hopeful, based on some of the other things the new government has said, but something that we are still completely missing.

CHAIR LEE: Okay, thank you for your testimony.

MR. MEHRAVARI: Thanks.

CHAIR LEE: As noted before, we are going on a break now. We'll start promptly back up at 1:00 p.m. And at that time, we will have the Intellectual Property Owners Association start.

Thank you so much, we're on break.

(Whereupon, the above-entitled matter went off the record at 11:25 a.m. and resumed at 1:00 p.m.)

CHAIR LEE: All right. Welcome back, everyone. It's 1 o'clock so the hearing is back in session. And for the afternoon we are starting off with the Intellectual Property Owners Association. So if you don't mind stating your name, title and organization and then begin your testimony.

MR. VALENTE: Thank you. My name is Thomas Valente. I am the Senior Director for Global Affairs with IPO, the Intellectual Property Owners Association.

I am pleased to be with you here today. IPO is an international trade association

representing a big tent of diverse companies, law firms, service providers and individuals in all industries and fields of technology that own or are interested in IP rights.

Our members includes over 125 companies and spans over 30 countries. Our members make vital contributions to America's economic success by developing the advances that drive exports and create jobs.

Innovators assume considerable risks and rely on IP to protect investments in new technology.

In our comments to the subcommittee, IPO describes numerous challenges presented to adequate and effective protection of IP rights around the world. It also notes some improvements that have been made on issues that we have previously raised.

We thank you for your work that has made these improvements possible. IPO remains optimistic that further progress can be made in 2025 and beyond.

My testimony today will address two impediments to appropriate IP protection abroad. First, inadequate protection of trade secrets and second compulsory licensing.

Regarding trade secret protection, for years Article 39 of the Agreement on Trade Related Aspects of Intellectual Property Rights, also known as TRIPS, has required World Trade Organization members to ensure the effective protection of trade secrets.

In the years since TRIPS Article 39 was agreed upon, many WTO member companies have made insufficient efforts to bring the laws, regulations and enforcement environments up to compliance with the required standard.

Further, our members are concerned with the significant and increasing risk of trade secret disclosure that could result from administrative investigations or data legislation if sufficient protection for trade secrets is not in place.

IPO suggests that improving the global

environment for protection of trade secrets be one of the top priorities for the Special 301 Report and for future action.

Further U.S. action should include, for example, setting high levels of trade secret protection as a requirement under bilateral or multilateral agreements. And elements of effective protection of trade secrets and undisclosed information should include at least minimum standards to fully implement TRIPS' obligations.

IPO also believes that the U.S. should take a strong position on having adequate and effective remedies abroad and also that compulsory licenses of trade secrets should be prohibited.

Compulsory licenses are in fact the second topic that I will address. The IP system drives and enables R&D that delivers valuable new innovations to society and it has facilitated an unprecedented amount of collaboration, advancing solutions the most pressing issues facing society

today.

Yet compulsory licenses of IP have previously been issued in several countries. And several countries and the EU have adopted or are considering proposals that promote or provide broad discretion to issue compulsory licenses.

Our members are also concerned with the possibility that forced technology transfer could be included with compulsory licenses.

IPO strongly opposes compulsory licensing of IP rights with respect to all industries and technologies. Although IPO recognizes that compulsory licenses may be legally permissible in limited and rare situations, IPO believes that licensing is best accomplished through voluntary efforts.

This is because compulsory licenses undercut the importance of a predictable IP system and undermine investment in innovative solutions that benefit society.

In conclusion, innovation driven jobs depend on high quality IP systems. Effective IP

protection in foreign markets is vital for American innovators. It enables research in R&D and the sharing of information among partners with the knowledge that it will be protected, which results in important offerings in the global marketplace.

IPO looks forward to working with you to build a global IP environment and encourages innovation and safeguards high quality, high paying jobs in innovative industries. And thank you again for your efforts to promote the protection of IP rights globally, which will sustain and grow America's economy and provide new innovations to meet global challenges. Thank you.

CHAIR LEE: Thank you. The first question we have comes from PTO.

MR. GERK: Thank you for your testimony. On Page 45 of your Notice of Intent to Testify and Hearing Statement, you stated that despite the welcome step of allowing additional post-filing data in connection with patent

applications in China, concerns remain that the China National Intellectual Property Administration, CNIPA, appears to be imposing new and unfair or inappropriate limitations and interpretations of the new amendment, especially at the patent reexamination and invalidation department on the use of post-filing data to satisfy inventive step requirements.

Can you share the details of the new and unfair or inappropriate limitations and interpretations? And can your members share cases bearing such new and unfair or inappropriate limitations and interpretations either publicly or privately with the U.S. government?

MR. VALENTE: Thank you for the question. With respect to the post-filing limitations, I have to say that these have been reported to us. However, we do have a lot of difficulty getting specific examples.

I think there is a concern on the part of our members about providing examples that are

specific to companies. But we certainly can ask and try to come back to you with those.

As you know, in China the atmosphere is such that I think there is not a lot of transparency around some of these issues. And as we -- as IPO we think it is a very high priority to have more transparency and in this case, that would certainly be something that we would like to see. But we will look into whether our members can provide more information.

CHAIR LEE: Thank you. And just as a reminder for our folks in the afternoon session, there is an opportunity for testifiers to provide post-briefing comments. And those instructions are in the Federal Register notice, and I will go through that in more detail at the end as well.

Our next question comes from the U.S. Copyright Office.

MS. LANZA: Good afternoon. The passage in IPO's comment on Argentina states that, "the level of enforcement against piracy of protected goods is very weak, both in local

courts and in terms of preventative measures taken by enforcement officers, such as local police and custom officials."

Can you please provide more specifics regarding how weak copyright enforcement in these areas is currently affecting members, focusing on any recent developments. Thank you.

MR. VALENTE: Thank you very much for the question. With respect to Argentina, it is a very similar answer to the one I just gave as to China. We have had this reported to us. We have not had specific examples reported to us. However, we can look into those and provide those in follow-up testimony.

I would say that, you know, our members, we have a great deal of interest in Latin America. I do think that this continues to be an issue there, not just in Argentina, but in other countries as well.

CHAIR LEE: Thank you. And then our last question for you comes from the State Department.

DR. CORCOS: IPO expresses concern about the removal of exceptions to Australian competition law per agreement relating to IP rights.

The repeal cited occurred in 2019. Has anything since 2019 happened to aggravate or mitigate IPO's concern about the repeal?

MR. VALENTE: Thank you for the question. Yes, I think there is a concern as we stated in our comments. I don't believe that anything has been done to ameliorate that concern. We do not have any specific examples at this time of action being taken that has been caused by those exceptions and limitations.

However, we certainly are keeping an eye on the issue. And I think from our perspective, the issue is it leaves a lot of ambiguity. And it potentially subjects American companies to risk, which will make them less likely to want to participate in that market.

CHAIR LEE: Okay. Thank you so much for your testimony.

MR. VALENTE: Thank you.

CHAIR LEE: Next up is the Pharmaceutical Research and Manufacturers of America. Please state your name, title and organization for the record and then begin your testimony.

MR. KAWKA: Excellent. Thank you. My name is Ernest Kawka. And I am Deputy Vice President for International Pharmaceutical Research and Manufacturers of America Forum.

On behalf of the biopharmaceutical innovators in the United States and the nearly 5 million jobs they support across the country, PhRMA appreciates this opportunity to testify before the Special 301 Committee.

U.S. biopharmaceutical innovators lead the world in medicines research and development and have invested over $800 billion in R&D activities over the past decade.

Intellectual property, including patents and regulatory data protection drives and sustains biopharmaceutical innovation, enables

access to today's new medicines and promotes investment in tomorrow's treatments and cures.

Where markets are open and intellectual properties protected, U.S. innovators have the predictability and certainty necessary to research, develop and deliver new medicines for patients who need them. But urgent challenges abroad are threatening medical advances and undermining American jobs and exports.

The Special 301 process gives the administration a powerful tool to break down barriers and level the playing field.

Today's hearing comes at a time when reasserting American leadership on intellectual property has never been more critical. Unfortunately over the last four years, the previous administration has deprioritized and in certain instances proactively opposed bipartisan trade in intellectual property protections needed by U.S. workers in this important sector.

The 2025 Special 301 Report should

reflect the America First trade policy, which requires USTR and other agencies to lead reviews of U.S. trade agreements and unfair practices abroad to ensure reciprocal treatment.

PhRMA's submission highlights how trading partners are failing to implement their trade commitments with the United States. For instance, Mexico and Canada have yet to implement key intellectual property provisions required by USMCA, and Canada's pricing policies continue to undervalue innovative medicines. Addressing these issues now is critical given next year's USMCA review.

China has yet to fully implement intellectual property commitments in Phase 1 of the Economic and Trade Agreement and continues not to provide regulatory data protection.

Korea has failed to adopt market access policies that are transparent and appropriately value U.S. innovative medicines as required by the U.S.-Korea free trade agreement.

Accordingly, we ask that Mexico,

Canada, China and Korea be named Priority Watch List countries and recommend that China continue under Section 306 monitoring.

And PhRMA's submission also focuses on unfair trade practices including discriminatory market access and intellectual property policies.

In Japan, unpredictable changes to drug pricing rules and annual price cuts to patented medicines undervalue American innovation, threaten billions of dollars in lost sales and diminish American competitiveness, jobs and exports.

India and Argentina severely restrict the types of inventions that are patent eligible, denying protections on innovations that are widely recognized in the United States and elsewhere. This lack of reciprocity improperly penalizes American manufacturers seeking to access the Argentine and Indian markets. In Brazil, it takes almost a decade to receive a biopharmaceutical patent. This represents one of the longest patent backlogs in the world,

underscoring the need for durable reforms in Brazil, including adopting patent term adjustment.

Last year Colombia issued its first ever compulsory license on an innovative medicine, a move that advances a political agenda with threats of more compulsory licenses forthcoming.

Colombian officials have made clear that Colombia will "lead and support" the position of abolishing patents. As such, we ask that Japan, India, Argentina, and Colombia be named Priority Watch List countries and recommend an out of cycle review for Colombia.

PhRMA members are also facing growing intellectual property threats in advanced economies, including the European Union. The EU is considering proposals that would significantly weaken existing intellectual property incentives in the region, including proposed bills that would reduce the regulatory data protection term in the EU by two years and require market access

conditions outside of the control of the innovator to restore that lost term.

Other bills seek to establish a Pan European compulsory licensing mechanism targeting not only patents but patent applications, trade secrets and knowhow.

We therefore recommend that the EU be named a Watch List country. And because of the EU's ongoing assessment of pharmaceutical legislation, we ask that USTR conduct an OCR.

We urge USTR to use all available tools and leverage to address the serious challenges just mentioned as well as outlined in our submission. Thank you for the opportunity to testify today, and I look forward to answering any questions.

CHAIR LEE: Thank you. Our first question comes from HHS.

MS. SNYDER: Thank you for your testimony. The submission by Public Citizen to this year's Special 301 process suggests that the United States can address domestic drug prices by

adopting some of the foreign practices that have been criticized in past Special 301 Reports, including patentability standards, test data protection, patent linkage, patent term adjustment, technology transfer and local working requirements.

In your view, what would be the impact on public health if all countries, including the United States were to follow the recommendations of Public Citizen in these areas?

MR. KAWKA: As an initial matter, I am not familiar with exactly that submission. So if I understood correctly, could you go through that list again?

MS. SNYDER: Sure. It's patentability standards, test data protection, patent linkage, patent term adjustment, technology transfer and local working requirements for pharmaceuticals.

MR. KAWKA: I mean, I am happy to follow up in written comments, but as a general observation or just initial reaction, it seems that all of those policies are counter to not

only U.S. law by likewise international agreements or otherwise. You know, adopting such policies would a have a very negative net effect on not only innovation but the ability to commercialize and access new and innovative treatments.

CHAIR LEE: Thank you. Oops. Sorry. The next question is from PTO. And it's a long one.

MR. GERK: Three parts.

MR. KAWKA: Excellent.

MR. GERK: Your submission states that Canada implemented a patent term adjustment system on January 1, 2025, but that PTA terms run concurrently with Certificate of Supplementary Protection terms, which is a separate and distinct benefit provided to pharmaceutical patentees due to the lengthy development and regulatory approval process.

Your submission also states that running PTA and CSP terms concurrently will result in the term of one vitiating the other

term. And patentees will not receive the full benefit to which they are entitled under the U.S.-Mexico-Canada agreement, USMCA.

Three part question. First one, you noted in your submission that before finalizing the regulatory framework, the Canadian intellectual property office had launched consultations for stakeholder feedback.

During those consultations, did Canadian officials indicate that Canada would run PTA and CSP terms concurrently?

The second one --

MR. KAWKA: Knock that one out.

MR. GERK: All right. Okay. Since Canada's PTA system was implemented on January 1, 2025, have any of your members been affected by the concurrent running of PTA and CSP terms in Canada? And if so, can you speak to their experiences?

MR. KAWKA: You know, a great question. And, you know, I guess frankly because of how new the implemented law is, early this

year, January 1, we don't yet have reported any experiences with the PTA mechanism in Canada.

As soon as that becomes available, we are happy to, you know, engage with USTR and the other agencies on that information.

MR. GERK: Okay. Third and final part. To your knowledge, does the concurrent running of PTA and patent term restoration terms occur in other countries?

MR. KAWKA: I am not aware of that. I think this is a unique kind of circumstance in Canada. As you are aware the only -- SBCs are also -- they exist in Europe. However, the European Union does not have PTA. So there is not that -- you know, not that dynamic. Canada is the only economy that has both a PTA and an SPC like mechanism and the only one that runs it concurrent.

MR. GERK: Thank you.

CHAIR LEE: I think we can squeeze in one final question coming from ITA.

MR. MITCHELL: PhRMA mentions that

since 2017, the Saudi Food and Drug Authority has been granting marketing approvals to generic versions of innovative medicines during the term of patents but no specific examples were provided in the 2025 submission. Could you provide some more recent examples?

MR. KAWKA: Thank you for the question. And we are happy to do that whether in written comments or answers or directly with the agency. These are case-by-case company specific instances. And we are happy to follow up on that.

MR. MITCHELL: Thank you.

CHAIR LEE: Excellent. Thank you for your testimony.

MR. KAWKA: Thank you.

CHAIR LEE: All right. Next we have Public Citizen.

Good afternoon. Please state your name, title and organization for the record and then please begin your testimony.

MR. MAYBARDUK: Good afternoon. Peter

Maybarduk, Access to Medicine's Director at Public Citizen. We will be happy to familiarize PhRMA with our comments. And it is very good to see all of you again here today.

We are a consumer advocacy organization with over a half a million supporters and members across the United States. We have a 50 year history of protecting the public interest before agencies, the courts and Congress.

And my testimony is rooted in years of providing technical assistance to developing countries that are working to overcome price, supply and patent barriers to access to medicines.

But we work equally here in the United States where we have given quite a bit of technical assistance to Congress and federal agencies to promote access to medicine here at home given the pain that people are feeling from high medicine prices here in the epidemic treatment rationing one in four, one in three

Americans, depending on how -- which survey you follow have failed to access medicines due to cost, have self-rationed their own access to treatment.

I will make three points. The first is that health security is national security. And even in the present shakeup, biosecurity is an articulated priority of this White House. Even the President's recent order on WHO includes a focus on the U.S. biosecurity chain of command. And a credentialed leader has been appointed to the White House Office of Pandemic Preparedness in Gerald Parker.

Now collectively, we want countries to be able to adapt quickly and in locally effective ways to pandemics to stop their spread. That may mean importing tests. It may mean experimenting with treatments. It means having the flexibility to move quickly with different products.

And that means for us, refraining from using U.S. power in a way that would deter countries from finding the most expeditious and

workable solution.

Nearly half of U.S. COVID deaths were from variants, meaning that if a more aggressive equity and access strategy had been pursued abroad, we may have averted quite a good deal of death here in the United States. That's the first point.

The second point, raising drug prices abroad does nothing to lower them at home. The U.S. and most governments recognize that expansive patent monopolies facilitate manufacturer's high prices. Congress, federal agencies and the states, like many U.S. trading partners, are reexamining how to protect health under IP regimes.

The State of North Carolina with a Republican state treasurer recently asked HHS to intervene in the weight loss and obesity drugs with a compulsory license if necessary if Novo Nordisk would not provide a voluntary license because it is bankrupting state Medicaid. And even Elon Musk has voiced his support for making

new diabetes and obesity drugs "super low cost to the public" noting his agreement with Senator Bernie Sanders.

Now there was a time when the Special 301 Report was used to fault other countries for high drug prices here at home. There is no logical reason, let alone evidence, to think that Americans will pay less for medicine if the U.S. government bullies other countries into paying more.

Drug corporations are working to maximize revenues in every country in the world. Of course they are. Like every other business. That's not a slur. That is how business works.

The difference with pharmaceuticals is that patents insulate drug companies from meaningful competition. They are not priced to recover research and development costs. That has been studied by the U.S. government. And they will charge Americans as much as they can no matter what happens abroad.

All we do by pressuring other

countries to raise prices is hurt their most vulnerable people. In some cases if you think about the extraordinary price of the NIH Moderna vaccine in Southern Africa, which limited access at a critical time, we can worsen pandemic spread.

Now an example of why this indeed matters is Colombia, which has been mentioned, and I noticed the chamber, which I think is following me, commented in the press today about this. Colombia, under its compulsory license is importing a lifesaving first line HIV regimen to expand the treatment it can provide, including to address the migration crisis from Venezuela.

It is purchasing through the Pan American Health Organization, which already provides generic dolutegravir to most of Latin America. But Colombia was excluded from the voluntary license in ViiV's territory.

We have supported that process, and I can tell you it was not short. It took a year and a half. There were hundreds of pages of

documents, several administrative studies, much to our dismay at the long delay to get to a license.

PhRMA had opportunity and opportunity and opportunity to comment and challenge the proposal not only in national courts but at the ambient communities' IP tribunal. They have their own regional intellectual property tribunal. There is quite a bit of intellectual property protection and attacking the personnel, calling for them to resign because they previously worked for NGOs, some of them.

Now it's HIV. They tried to get a voluntary license first. We tried to get a voluntary first. We tried to get Colombia included in the medicine patent pull license. I am on the board of the medicine's patent pull license. I support the voluntary solutions. They were denied. If Colombia isn't free to grant a license in this case, then TRIPS is meaningless. And U.S. commitments to Doha are effectively meaningless if we are criticizing

them.

Fortunately, PAHO generics arrived in Colombia last week. And they can get to the business of addressing their challenges. I appreciate it. The time has expired.

Let me just say we have noticed in recent years there has been progress in your report. We appreciate it. Let's not unmake it. It is coherent to respect the rule of law and pursue our trade commitments, respect our trade commitments, enforce our trade commitments to partners and respect access to medicines at the same time.

In practice, it looks like 301 is sticking to TRIPS or FTAs focusing on criminal markets, focusing on rule of law issues, not challenging country's public health policy. Thanks very much.

CHAIR LEE: Thank you. Our first question comes from HHS.

MS. SNYDER: Thank you for your testimony. I got a short question this time. Do

you agree that a country must follow all of the procedural requirements of the TRIPS agreement before issuing a compulsory license? Why or why not?

MR. MAYBARDUK: Well, countries are bound to TRIPS so countries must respect all processes of TRIPs, yes? The reason why is that it is binding and countries have signed it and that's the international accord.

And when we provide technical assistance, we work with countries quite a bit to ensure that they do follow those rules and indeed we support, for example, prior negotiation and higher royalty payments to make sure that we are compensating for research and development.

CHAIR LEE: Thank you. The next question comes from DHS.

MS. BOGER: Hello. Thank you. On Pages 3 to 4 of your submission, you asked that the Special 301 Committee limit the scope of the Special 301 to instances of criminal counterfeiting and piracy while avoiding

discussions of civil violations. Can you clarify your position as to whether non-criminal violations of law, such as civil or administrative offenses, should be considered during the Special 301 review process?

MR. MAYBARDUK: I think they are in the scope of the congressional mandate. But I think the committee has discretion to address whether -- to address public policy differences or no. And, you know, we certainly think that a very extensive review of a country's domestic policies works against their sovereignty the same way that we would expect U.S. sovereignty to be respected, not least given the potential trade sanctions and other pressures that a country besides the United States can apply.

We think there is a meaningful difference there because with trademark counterfeiting and copyright piracy, you are literally talking about rule of law and criminal activity. And it obviously varies market to market. And the United States has a strong

interest, a strong business interest and a rule of law interest in going after that. But we think there is a line crossed when you go to the policy disputes.

Nonetheless, even in the policy disputes, and we provide sort of a menu of options to help the committee in our view not overstep. You can go to TRIPS. You can look to existing trade agreements, FTAs, and sort of limit the review there rather than going past a country's existing commitments to us and sort of asking questions about their domestic policy.

I hope that's helpful.

CHAIR LEE: Thank you. Our next question is from USTR.

MS. AVERY PAGE: Thank you. The 2024 report found that pharmaceutical patent examination in Brazil takes 9-1/2 -- or excuse me 9 years, which is nearly half of the patent term. You say that this is a normal part of the patent process and doesn't violate international obligations.

However, other stakeholders have raised concerns that prolonged examination and regulatory delays undermine IP protection in public health. We would welcome a response to those stakeholder concerns, including whether any length of delay should cause concern.

MR. MAYBARDUK: Thank you. So a few points. First, if I'm not mistaken, I have seen PhRMA comment publicly when it is trying to extend its patent protections and exclusivity protections that often it has only 8 to 12 years. That typically, you don't want to use 8 to 12 years of effective marketing exclusivity. So I think according to PhRMA that is not necessarily outside the realm of normalcy.

Second, the TRIPS agreement already baked in the prospect of patent delays when its terms were put forward. The United States itself switched from a 17 year term to a 20 year term under TRIPS in order to, in the view of Pfizer and others who were supporting writing the agreement in order to support PhRMA during a

potential period of patent prosecution delays.

So that's why we have TRIPS to deal with situations like what's happening in Brazil right now.

Thirdly, it is not as though when patent prosecution goes quickly, the public gets time back. We would be interested to talk about extending patent terms under certain periods if PhRMA were interested in reducing the length of patent protection when offices moved more quickly than expected. That sort of parity doesn't really make sense to go only in one direction because the public loses in that bargain.

Finally, Brazil is not obligated under TRIPS to provide any kind of patent term adjustment. Nonetheless, we support patent staffing offices as much as possible and giving them guidance so that patent applications can be expeditiously reviewed and prosecuted. And we support that the same as anyone else does.

CHAIR LEE: Okay. Thank you for your testimony.

MR. MAYBARDUK: Thank you. We will follow up in briefing.

CHAIR LEE: Next is the U.S. Chamber of Commerce. Welcome, please state your name, title and organization for the record and then begin your testimony.

MS. ANDERSON: Sure. My name is Kelly Anderson. I am an Executive Director of International Policy at the U.S. Chamber of Commerce's Global Innovation Policy Center.

Thank you for having me here today. It is good to see so many familiar faces.

So we believe at the Chamber that robust and consistent U.S. leadership on IP is critical to creating a level playing field for American creators and innovators abroad.

The Chamber believes that the United States has an opportunity to reassert its role as a global leader of IP protection and enforcement and address unfair IP related trade practices.

The Trump Administration can also help reverse the regression of IP standards globally

and champion policies that foster innovation, creativity and brand protection.

The Chamber Special 301 submission underscores both systemic and country specific challenges facing IP intensive industries where we believe that decisive action by the Trump Administration is needed and will be pivotal to driving continued progress and protecting American businesses and workers.

Free and fair trade is going to be crucial to fostering competition for American businesses and defending our economic and national security. Addressing unfair trade is critical to ensuring IP intensive industries can maintain their competitive advantage in support of America's economic growth.

The Chamber believes that enforcing IP protections in free trade agreements is indispensable to achieving this goal. For example, the Chamber is concerned that Mexico has not yet fully implemented key intellectual property and market access obligations under the

USMCA related to the biopharmaceutical sector.

Additionally, we believe that it is critical that Mexico fully implement the agreement's copyright obligations following the constitutional courts positive ruling to uphold the provisions.

The Chamber urges all parties to address these issues during the upcoming review to address unfair trading practices by our trading partners.

Ultimately, we believe that trade policies that ensure fair competition, through the protection of IP rights are critical to maintaining our industrial and technological advantage and protecting America's workers, manufacturers and businesses.

Just as free and fair trade is critical to advancing IP globally, the multilateral rules based system is equally vital to protecting American innovation and creativity abroad.

The Chamber believes that U.S.

leadership in international organizations can advance IP protection and enforcement globally and ensure fair competition for American workers and businesses.

The Chamber Special 301 submission highlights a range of ongoing challenges in the national organizations where U.S. leadership will be critical to addressing. This includes preserving the IP principles included in the TRIPS agreement at the WTO and ensuring that the WIPO treaties and standing committee's discussions enhance legal certainty for innovators and creators.

I have to say that we are deeply grateful for all of the U.S. delegation's ongoing work to ensure that WIPO stays true to its core mandate.

The Chamber's Special 301 submission also highlights the countries where we believe that resolute action by the Trump Administration is needed to address gaps in IP protection and enforcement.

For example, as previewed in Politico this morning, in Latin America the recent compulsory licensing in Colombia creates a harmful global precedent that IP rights are discretionary. The compulsory license also unfairly disadvantages American innovative companies seeking to enable access to innovative treatment in global markets.

In other markets across the region, longstanding concerns continue to go unaddressed. In Argentina, for example, industry continues to face restrictive patentability criteria that excludes chemical, pharmaceutical and biotechnology inventions.

In Asia, while the Chamber welcomes recent updates in Indonesia's patent law, we remain concerned with provisions relating to government use of patented products for import and compulsory licensing.

In India, the Chamber was encouraged that the government withdrew the memorandum to broaden Section 131(d) to statutory licenses --

on statutory licenses. However, we believe that continued reforms are needed to adequately protect American creative content.

In Europe revisions to the general pharmaceutical legislation will undermine the ecosystem for U.S. biopharmaceutical investment and jeopardize legal certainty for American innovators in Europe.

We believe it is particularly important for the U.S. government to address the proposed reduction of IP rights in Europe because we know that other countries are watching.

If there is any hope in bridging the gap in IP protection and emerging markets, we must first ensure that like-minded economies continue to improve robust IP protection and enforcement.

While it is of course important that we put America first, on IP we must ensure that it is not America alone. These examples are a small, yet critical snapshot of the challenges IP intensive industries face in global markets.

We believe that strong American leadership to address these concerns will be indispensable to protecting American IP rights, promoting economic growth and defending U.S. national security.

The Chamber very much looks forward to working with this administration to tackle these challenges head on to create a system that will protect the framework of IP protection that supports millions of American jobs and underpins U.S. competitiveness. Thank you.

CHAIR LEE: Thank you. Our first question comes from PTO.

MR. GERK: Thank you for your testimony. You note that India introduced notable improvements to its patent opposition proceedings in 2024 but that more comprehensive reforms would have been ideal. Can you clarify what additional actions India should take in this regard?

MS. ANDERSON: Yeah, thank you for the question. So I think we were encouraged to see

some of the improvements that were made to things like Form 27, which will help address some of the longstanding challenges that innovators have faced.

However, you know, we continue to have concerns for the pre- and post-patent opposition system there, which we think adds to the patent pendency times and creates legal uncertainty for our innovators operating in that market.

CHAIR LEE: Okay. The next question comes from DOJ.

MR. MERRIAM: Thanks for your testimony. On China, the Chamber's submission notes that the very purpose of the IP court may be somehow compromised because the intermediate courts don't have the power to render a final judgment in high stakes cases.

Can you elaborate on whether you have seen information to indicate the outcome of those high stakes cases are being affected by the Supreme People's court or to achieve the PRC objectives?

MS. ANDERSON: I think we welcome the development of having IP courts, which we think have been very helpful in better protecting intellectual property protection in China. I think we can try to get you come specific examples. I have a whole team of colleagues that brave China IP everyday who I am sure can you get some information.

MR. MERRIAM: Thanks.

CHAIR LEE: Thank you. Our next question comes from the Treasury Department.

MR. CHANG: Hi. Thank you. On Thailand, the U.S. Chamber states that amendments to the Patents Act have been ongoing since 2018. The U.S. Chamber notes that Thailand needs to streamline the patent registration process and reduce patent backlog and pendency. Can you elaborate upon what specific process in the patent registration that has caused such patent backlog and pendency?

The other is are there particular cases of Thailand patent registration harming

U.S. businesses market access? Thank you.

MS. ANDERSON: Thank you so much for the question. Thailand was a recent addition to our submission given some of the concerns with this patent review process. I understand that there was a consultation that was just completed which some of our companies participated in. So I am happy to get back to you with some additional details there too.

MR. CHANG: Thank you.

CHAIR LEE: Great. We have time for one final question, which comes from the State Department.

DR. CORCOS: Regarding Argentina, Page 30 of your submission indicates long delays in patent approvals based by inventors and rates holders. If available, could you please share updated information on Argentina's patent backlog? What are the most affected patent areas and what is the average pendency for each of them?

MS. ANDERSON: Yeah. This is one of,

I think, the longstanding concerns that we have seen in Argentina for quite a while where there hasn't been much movement.

You know, I think there has been efforts in countries across the region, including Brazil to try to address the patent backlog. But, you know, innovators continue to not have their patents granted in a timely fashion.

I can get you some updated statistics based on PhRMA colleagues on the ground on how long the patent backlog is and who particularly is being affected by it.

CHAIR LEE: Great. Thank you for your testimony.

Next up, we did get two late notices of intent to testify. So for that we will start with Knowledge College International.

Welcome, please state your name, title and organization for the record and then begin your testimony.

MS. CASSEDY: Thank you. My name is Claire Cassedy. I am a senior researcher at

Knowledge Ecology International. KEI appreciates the opportunity to offer comments to the 2025 Special 301 process and that you accept delayed comments.

We also appreciate that USTR is under new leadership and direction this year and that new policies are still taking shape, perhaps as we speak.

That said, the issue of artificial intelligence and how it relates to intellectual properties seems to be an important one to raise now.

The Presidential Executive Order of January 23, 2025, titled Removing Barriers To American Leadership In Artificial Intelligence, states it is the policy of the United States to sustain and enhance America's global AI dominance in order to promote human flourishing, economic competitiveness, and national security.

The details to implement that policy are left to be determined later, after reviews led by the Assistant to the President for Science

and Technology, the Special Advisor for AI and Crypto, and the Assistant to the President for National Security Affairs, among others.

As regards AI and IP, one pressing set of issues concerns the extent to which the developers of AI services can use copyrighted materials and non-copyrighted data to train AI services. This has burst on the scene as a policy question of high importance, and state practice is not harmonized at all.

Among the policies proposed around the world are policies that would consider unauthorized use of copyrighted materials to be an infringement, or subject to text and data mining exceptions.

There are various statutory licensing regimes that may be of an opt-in or opt-out nature, and there is a diversity of approaches regarding whether the training or use is considered commercial or non-commercial for purposes of an exception or statutory licensing regime, among other nuances.

The United States currently is the center of much of the most significant progress in developing AI services, but the future is anything but clear, and not just because of the recent success of DeepSeek in China.

There are many intellectual property issues raised by AI, on both the input and the output sides, but in the near term, perhaps the landscape of copyright policies regarding the use of works to train AI are the most pressing.

Any country that provides robust exceptions for using copyrighted material for AI will have a significant advantage in terms of training such services. But a lack of harmonization may create a situation where services developed in one country, such as in the United States, will not be legal in another because of non-authorized use of copyrighted works to train the service. This makes it a significant trade issue.

The most emotive and politically important voices to make it an infringement of

copyright to train AI services are cultural industries and journalism. KEI has been concerned that restrictive policies on the uses of copyrighted works to train AI will be extended to much broader classes of work. A general exception should be broad and text data mining exception for AI, but we would be open minded about whether there should be carveouts for certain industries, such as cultural industries and journalism.

What we don't like is a one-size-fits-all approach that would treat areas like the cultural industries and biomedical research the same. We believe that AI will be increasingly used in law, scientific and biomedical research and development. And in these areas, society is best off if AI services have access to everything in terms of data and where our missions could cost people their health or their freedom.

In regard to scientific and medical information, we note that unlike novelists or

screenwriters, research journal authors are rarely paid for their works and a handful of companies control a large number of journals, many of them foreign-owned.

It would be a very bad outcome if private equity firms were able to significantly limit what companies can use the leading medical journals to train AI services or for that matter, if any publisher can opt-out of the science being used to train programs that are used for drug discovery or to treat or protect patients

We are not saying that we don't think screenwriters couldn't opt-out, but it could be an exception and not the rule.

Down the road, governments may develop more forward-looking policy frameworks to address the myriad of issues concerning copyright and AI and also access to non-copyrighted data in ways that are equitable, respect privacy, do not limit competition to undermine innovation and otherwise benefit and protect society.

USTR should develop policies that are

not enacted in haste, ensuring that any policies do not undermine the global commercial market for services provided by U.S. companies or have bad outcomes for society in the longer run.

KEI would like to work on this issue with USTR going forward as it seeks to tackle this issue internationally.

KEI would also like to highlight several points from KEI's 2024 Special 301 comments that are still relevant.

USTR policy on the use of exceptions to exclusive rights in patents, data, biologic resources and other knowledge goods should be consistent with the Doha Declaration of the TRIPS agreement.

USTR should address the two threats to two important copyright exceptions, the quotation right and the news of the day exception. And trade aspects of funding biomedical R&D should focus less on intellectual property norms and more on the direct and indirect funding of research by the public sector.

And finally trade-related aspects of public goods continue to be a neglected area of trade policy and USTR should work on developing a policy in that area.

Thank you.

CHAIR LEE: Thank you very much. Our first question picks up on your last comment and comes from HHS.

MS. SNYDER: Thank you for your testimony. In your submission, you state that USTR can and should develop a policy on the trade-related aspects of the supply of public goods.

Could you please to the intellectual property issues raised by that topic and any developments, particularly in foreign countries, that may raise concerns or questions regarding the ability to provide adequate and effective protection of intellectual property rights or that deny fair and equitable market access to U.S. persons that rely on IP protection.

MS. CASSEDY: Thank you for the

question. We, on the area of public goods protection, we are looking towards supporting a mechanism of the WTO that would help countries make binding commitments. You know, they could elect make commitments to support the supply of public goods, whether that's pandemic preparedness, climate change, biomedical research, that sort of thing. And they would use the WTO mechanisms to make binding commitments to follow through on those. And, yes, I'll follow up in writing on the rest of the questions.

CHAIR LEE: Thank you. And the next question is from the USTR.

MS. AVERY-PAGE: So thank you for your comments on global public sector funding of biomedical R&D. You mentioned the need to develop policy objectives on this issue. What policy objectives do you have in mind and how would those objectives relate to the denial of adequate and effective protection of intellectual property rights in foreign rights or the denial of fair and equitable market access to United

States persons that rely on intellectual property protection in those countries?

MS. CASSEDY: As far as the trade-related aspects of funding biomedical R&D, the U.S. acquires rights in research through -- such as like the Bayh Dole marks and rights and the government use rights or rights in clinical trial data.

And a lot of the time -- I'm sorry. Basically, as things are shifting and the population is aging, we will have more and more trouble providing access. And so just providing, you know, allowing these multi-decade monopoly regimes to continue isn't going to work out. The math isn't going to just work.

So it is important as we move forward that we need to give more focus on the funding and not just on the granting of the patents.

CHAIR LEE: The next question comes from the U.S. Copyright Office.

MS. LANZA: Good afternoon. In your submission you note a pressing concern about the

extent to which developers of AI services can use copyrighted materials and non-copyrighted data to train AI services. Could you please identify the issues with using non-copyrighted data to train AI services? Do some countries prohibit the use of non-copyrighted data in AI training? Thank you.

MS. CASSEDY: That is an area that I will definitely have to follow up in writing as my colleague is the copyright expert for us.

CHAIR LEE: Okay. And we have one final question from PTO.

MR. GERK: Your request to testify included your comments to the 2024 Special 301 review and said that they are incorporated by reference for this year's comments.

Other than what you said on artificial intelligence, did anything of importance change between last year and this year that you would like to specifically add?

MS. CASSEDY: Not wildly off the top of my head. Thank you.

CHAIR LEE: Okay. Thank you for your testimony.

MS. CASSEDY: Thank you.

CHAIR LEE: And last we have the Government of Bulgaria. Welcome, please state your name, title and organization for the record and then please begin your testimony.

MR. PAVLOV: Thank you, Chair. Distinguished members of Special 301 Committee. My name is Nikolay Pavlov. I am Deputy Minister of Economy and Industry, and I represent the Government of the Republic of Bulgaria.

I am joined here today by Ms. Elena Karakasheva, Deputy Prosecutor General of Bulgaria, Svetoslav Vasilev, head of the Cybercrime Department at the National Investigation Service, Mr. Mehti Melikov, Director for Copyright and Neighbouring Rights at the Ministry of Culture, and Mr. Ivaylo Genkov, representing the Ministry of Interior at the Bulgarian Embassy in Washington.

We appreciate the opportunity to

appear at the hearing, and present to the distinguished members of the panel the latest IP developments in our country.

The agencies involved in IP protection and enforcement in Bulgaria attach great importance to ensuring adequate and effective IP protection. These agencies cooperated closely throughout 2024 to address existing deficiencies.

In this context, I would like to highlight two important directions of our efforts. The first one is connected to the necessary amendments to the legislation and the second one shall be our enforcement duties.

As to the legislation after the great efforts to enrich our criminal code with the instrument of the evidence sampling, we turned our full attention to the civil protection.

In the final stage are two crucial amendments to the Copyright and Related Rights Act.

The first one solves what is perceived as a significant legislative deficit, namely the

lack of legal possibility to quickly and simultaneously block access to pirate sites for end users. That would mean providing for an explicit legal regulation for the possibility of bringing actions against intermediaries. An expert group that involves a representative of the Ministry of Justice puts the final touches to the draft proposal.

The other legal solution that will be available to rights holders is connected to the images of serial images, exercised on behalf of the rights holds by their collective management organizations. An expert group participated by the CMOs is making sure collective management organization can count on the necessary legal presumption for defending the respective rights in the court as well as means to provide an outright use of protected subject matter.

Enforcement activities of the competent Bulgarian agencies last year included the removal of individual objects protected by copyright and related rights from various

internet sites, respective pretrial proceedings for crimes against IPR.

I would like to point out the increased importance to the Bulgarian customs. There is a 56 percent increase of the Customs Section to prevent IPR infringements compared to 2023.

Going back to property sector of the Director General for combating organized crime by the Ministry of Interior and the Customs Agency participated actively in active international operations in Europe and at the global level.

Throughout 2024, all agencies with competencies in IP protection and enforcement engaged in capacity building, meetings with right holders. Information campaigns and various other awareness raising activities, which we reported in the written submission.

I want only to point out that 32 Bulgarian prosecutors participated in IP related trainings last year and assistance here of the U.S. Department of Justice in providing trainings

is really highly appreciated.

Together the Ministry of Culture and the Ministry of Economy are considering a representative survey in consumer online habits. We have focused on the use of illegal content. Effective combat and awareness depends on deep knowledge, of course, about demographic and geography profile of the piracy practices and incentives. And this will help better calibrate our policies, intervention and initiatives in the future.

Further submissions on these and other activities as well as comments and replies to IP-related submissions by industry and the USTR findings concerning Bulgaria are contained in our comments for this year's review.

We hope that this information would provide the good basis for you deliberations on Bulgaria's continuing efforts. We duly appreciate it.

Huge progress has been made during all these years. And I can confirm that the

commitment of the new Bulgarian government -- finally we have a regular government in our country -- so I can assure about ensuring the protection of intellectual property rights in our country.

It is about making our economy stronger and better with more opportunities for the investors and for our local business, of course.

So we look forward to having Bulgaria taken off the list and of course, we remain available for any questions you might have. Thank you for your attention.

CHAIR LEE: Thank you. We do have questions and the first comes from USTR.

MS. AVERY-PAGE: Yes, thank you. Thank you for your testimony.

So in 2023, Bulgaria amended Article 172A of the penal code to create a new crime of building or maintaining a pirate site, torrent tracker or similar piracy site or service.

We understand that the General

Directorate for combating organized crime or GDBOP, that the cyber crime police took down six pirate websites at this amendment took effect in July 2023 and took down at least 30 pirate sites in 2024.

GDBOP also opened at least six new copyright investigations last year. However, during the first nine months of 2024, there were no convictions in Bulgaria for copyright offenses.

So the question is, could you tell us whether there are any pending prosecutions of individuals for building or maintaining a pirate site or service under Article 172A? And if so, could you tell us how many and provide us some details about these cases?

MR. PAVLOV: Yes. Thank you for these questions. Well, the draft proposal about the criminal code, the new criminal code, they were developed by the working group with the participation of representatives of the U.S. Administration. It underwent certain changes

during the adoption in our national Parliament.

So as a result, the agility of the decision maybe did not correspond to the expectations of the administration and of our partners. So in this regard, the prosecutor's office and the Ministry of Industry performed, carried out a critical analysis. And as a result, a general emergency plan has been developed in order correct some of the things in the code in order to make it work better.

So the plan includes an amendment proposal that would bring back on the table the proposals of the working group and we intend to put it forward in the next few months.

Part of this plan is the creation of specialized regional units within the national prosecutor's office and from there on to make this prosecution even better and to have better results combating this phenomenon.

CHAIR LEE: Thank you. The next question comes from DOJ.

MR. MERRIAM: Thank you so much for

your testimony. And I just wanted to follow on on some information you provided about specific investigations, which is a little bit of a follow on to the last question.

So on page 12 of the submission notes that there are investigations of torrent sites ArenaBG, Zamunda.net and Zelka.org, each of which are pending meetings of the various prosecutor and investigative bodies to determine where things stand and what the next steps are.

If you know, when are those meetings scheduled and what are the hopeful next steps that we can expect based on that discussion and are there specific resources dedicated to prosecuting each of those cases, the submission notes, the number of agencies or bodies are involved. But is there anybody who is specifically responsible for bringing these cases to completion?

And then my final question is a general one. Are there remaining hurdles, either in the law or in the availability of prosecutors,

investigators, technology, whatever it is, that are presenting hurdles to completing these cases?

MR. PAVLOV: Thank you for this question. Yes, this issue is kind of well-known. And the Bulgarian authorities are working on the torrent sites that you mentioned.

Of course, these are difficult cases and with united efforts of the Bulgarian authorities with the efforts of the Cyber Crime Department of the National Investigation Series of GDBOP, we are trying to combat this illegal behavior. Of course, it is difficult because part of the servers are outside the country's territory. So we are looking, and we are receiving, of course, international support of these cases.

Yes, more data and information can be provided to you about our next steps and ideas on how to combat these very torrent sites which we are very aware that are kind of the elephant in the room. And I can assure that our efforts legally, and with the needed preparation of the

legal actions against them are of highest priority of many Bulgarian authorities, which are -- representatives of which are here in the delegation with me.

MR. MERRIAM: Thank you.

CHAIR LEE: Thank you so much for your testimony.

MR. PAVLOV: Thank you.

CHAIR LEE: Okay. On behalf of the Special 301 subcommittee, we want to thank all the participants for taking time out of your day today to have this exchange with us. We appreciate the comprehensive research, thought, and effort that went into everyone's written submissions and oral testimony.

I previously referenced post-hearing comments. So let me just say a word about that.

The Special 301 docket on regulations.gov will reopen this afternoon for post-hearing written comments from those who testified today and will remain open until 11:59 p.m. Eastern Time on February 26. Post-hearing

comments are optional.

Instructions for post-hearing comments are included in the hearing schedule or in the original Federal Register notice, which is at regulations.gov under Docket Number USTR-2024-0023.

A transcript of today's hearing will be available at USTR.gov. We will do our best to get that posted within the next two weeks. And, again, thank you, everyone, including my colleagues here on the panel and to those who testified today for your contributions and your time and attention. And finally, a special thanks to the personnel at USTR and GSA who took care of today's logistics and set up.

So with that, the 2025 Special 301 hearing is now adjourned.

(Whereupon, the above-entitled matter went off the record at 2:03 p.m.)

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