

***CHINA – MEASURES AFFECTING THE PROTECTION AND
ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS***

(WT/DS362)

**RESPONSES BY THE UNITED STATES OF AMERICA
TO THE QUESTIONS BY THE PEOPLE'S REPUBLIC OF CHINA**

May 5, 2008

Q1. With regard to Annex A of the U.S. Oral Statement, China requests that the United States provide additional detail on Chart 1. Specifically, would the United States separately identify the percentage of cases involving 0-499 infringing copies and the percentage of cases involving 500-999 copies?

1. The United States is pleased to provide this information. Please see the chart below for the breakout requested by China.

<u>Range</u>	<u>Number of cases</u>	<u>Percentage</u>
Cases with 0-499 copies	442	69.82 %
Cases with 500-999 copies	79	12.48 %
Cases with 1,000-2,999 copies	44	6.95 %
Cases with 3,000 copies and above	68	10.74 %
	<u>Total:</u> 633	

Q2. On the first day of first substantive meeting of the Panel with the parties, the United States distributed Article 17 of the general Law of the People’s Republic of China on Donations for Public Welfare. The United States did not provide a translation of Articles 12, 18 or 28 of the same law. In light of Articles 12, 18 and 28, as well as the authorities in China’s first written submission (including the agreement with the Red Cross), does the United States wish to state its understanding of the relationship between Article 17 and these authorities?

2. The United States would note that no legal authority provided to date demonstrates that the right to sell donated items under Article 17 of the *Law on Donations for Public Welfare* does not apply to all donations covered by this Law. We look forward to hearing more from China on this issue, including how the various provisions in the *Law on Donations for Public Welfare* relate to each other.