

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
WORLD CUSTOMS ORGANIZATION (WCO)
AND THE
BUREAU INTERNATIONAL DES SOCIÉTÉS
GÉRANT LES DROITS DE REGISTREMENT ET DE
REPRODUCTION MÉCANIQUE
(BIEM)**

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
WORLD CUSTOMS ORGANIZATION (WCO)¹
AND THE
BUREAU INTERNATIONAL DES SOCIÉTÉS GÉRANT LES DROITS
D'ENREGISTREMENT ET DE REPRODUCTION MÉCANIQUE (BIEM)**

NOTING that BIEM is the umbrella organization of the mechanical copyright organizations in the world, hereinafter called the BIEM Member Societies, which Societies are the rightful assignees or agents of author's rights of composers, lyricists and publishers,

RECOGNIZING that by virtue of the Agreement on Trade-Related aspects of Intellectual Property Rights, including Trade in Counterfeit Goods (TRIPS Agreement) and of the European Council Regulation (EC) no. 3295/94 Customs administrations currently have a role to play in helping to eradicate trade in pirated and counterfeit goods,

RECOGNIZING further the limited legal authority under national legislation, competence and resources of Customs administrations in the area of intellectual property rights,

BELIEVING that trade in pirated and counterfeit goods has reached substantial proportions in recent times causing enormous damages to owners of intellectual property rights, legitimate trade and society as a whole,

BELIEVING also that the trade in pirated and counterfeit goods encourages the involvement and activities of (organized) criminal elements,

NOTING that the increase in import, export and re-export of pirated and counterfeit goods necessitates increased surveillance and controls of Customs administrations,

AWARE that such increased controls could result in additional costs for importers, exporters and other commercial operators engaged in legitimate trade,

¹ World Customs Organization (WCO) is the working name of the Customs Co-operation Council (CCC)

AWARE also that the import and export trade in pirated and counterfeit goods may equally involve Customs offences,

BELIEVING that increased co-operation between BIEM Member Societies and Customs administrations where legally allowable could significantly assist those administrations in the gathering of information and identification of suspected goods,

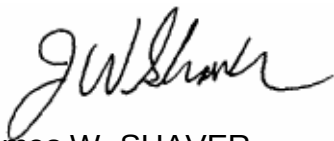
BELIEVING that such co-operation could be of benefit to composers, lyricists, music publishers and the legitimate trade,

THE WORLD CUSTOMS ORGANIZATION (WCO) AND THE BUREAU INTERNATIONAL DES SOCIÉTÉS GÉRANT LES DROITS D'ENREGISTREMENT ET DE REPRODUCTION MÉCANIQUE (BIEM) have agreed as follows:

- I. To strengthen further the co-operation between the two organizations,
- II. To examine and develop together the ways in which co-operation and consultation between BIEM Member Societies and Customs administrations could be established or, where already existing, could be improved, with a view to combating the importation, exportation and re-exportation of pirated and counterfeit goods,
- III. To facilitate a constructive exchange of information between BIEM Secretariat, BIEM Member Societies, importers, exporters and Customs administrations where legally allowable,

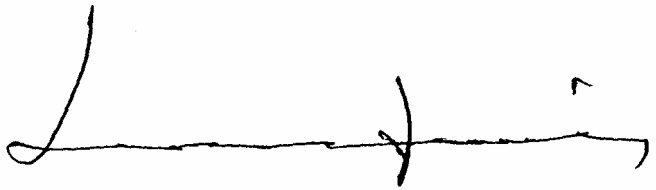
- IV. To consider practical ways in which BIEM Secretariat, BIEM Member Societies, importers and exporters and their authorized representatives might improve awareness of the problem and assist Customs administrations in the detection of the importation, exportation and re-exportation of pirated and counterfeit goods.

Done in Brussels on 12 February 1997.



James W. SHAVER,
Secretary General

WORLD CUSTOMS ORGANIZATION



Jean-Loup TOURNIER,
President

**BUREAU INTERNATIONAL
DES SOCIÉTÉS GERANT LES DROITS
D'ENREGISTREMENT ET DE
REPRODUCTION MÉCANIQUE**