

## SUMMARY: Alliance for Trade Enforcement 2021 USTR National Trade Estimate Comments

**The Alliance for Trade Enforcement (AFTE) is a coalition of trade associations and business groups that advocates for foreign governments to end unfair trade practices and supports U.S. policymakers in their efforts to hold our trading partners accountable.**

In support of the development of the 2021 National Trade Estimate Report on Foreign Trade Barriers (NTE Report), AFTE submitted comments to the Office of the U.S. Trade Representative highlighting barriers that should be addressed by our trading partners. Eliminating those barriers identified by AFTE would expand U.S. access to global markets and create a fair, competitive playing field for U.S. businesses.

General barriers to trade — including discriminatory import policies, unfair regulatory standards, government price controls, and data localization requirements — are detrimental to U.S. businesses and workers. **The practices observed in the countries noted below are just a few that AFTE believes USTR should explicitly attend to in the 2021 NTE Report:**

### **BRAZIL**

Unauthorized camcording of films in theaters, screen quotas, and a pending video on demand tax impose significant burdens on the U.S. film and TV industries. Concurrently, patent backlogs, onerous patentability standards, and local content requirements keep U.S. businesses from operating and selling all sorts of goods in Brazil.

### **CANADA**

Lax copyright enforcement and permissive copyright rules threaten the intangible works of U.S. creators in Canada. Meanwhile, drug price setting by The Patented Medicines Prices Review Board keeps U.S. drug firms from accessing Canada's biopharmaceutical market.

### **INDIA**

Compulsory licensing, additional patentability criteria, and discriminatory government drug pricing practices undermine the U.S. biopharmaceutical industry in India. Artificial barriers to trade, namely the Indian dairy health certificate, also keep U.S. farmers from accessing India's market.

### **INDONESIA**

Local content requirements and potential customs duties on electronic transmissions threaten the operation of U.S. telecommunication and subscription video providers in Indonesia. Indonesian screen quotas and dubbing restrictions are also particularly taxing for the U.S. film and TV industries.

### **JAPAN**

Government price setting — principally through Japan's Price Maintenance Premium System and the country's Health Technology Assessment — discriminate against U.S. biopharmaceutical firms and devalue U.S. medicines.

### **KOREA**

The Korean government fails to holistically assess a drug's value, which depresses the price of innovative medicines and denies market access to U.S. producers. Meanwhile, newly passed amendments to the country's telecommunications law may force U.S. content providers to pay unnecessary, duplicate fees to internet service providers in Korea.

### **SOUTH AFRICA**

Pending copyright legislation fails to adequately punish infringement — especially online piracy — and would reduce U.S. film production opportunities in South Africa. Requests to suspend intellectual property policies during the COVID-19 pandemic also pose a threat to the U.S. biopharmaceutical industry.