



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

April 21, 2004

Ambassador Robert Zoellick  
United States Trade Representative  
600 17th Street, N.W.  
Washington, DC 20508

Dear Ambassador Zoellick:

We have learned with some concern that USTR is considering moving Israel from the USTR Watch List to the Priority Watch list, primarily based on concern that Israel has not yet enacted legislation comparable to U.S. law providing marketing exclusivity to pharmaceutical products. We believe such a move is neither helpful nor justified.

Last year the USTR recognized the momentum that Israel had begun to build in 2001 in the enforcement of copyrights and trademarks. In view of this positive movement by Israel, the USTR moved Israel from the Priority Watch List to the Watch List. Nevertheless, the USTR recognized key areas that still needed improvement. It urged Israel to enact TRIPS – consistent legislation that will provide a reasonable period of data exclusivity.

We understand Israel took this admonition very seriously. Despite the Israeli Supreme court having previously decided Israel is currently in compliance with TRIPS, the Israeli government established an Inter-Ministerial Committee, which has already concluded its work and recommended a data exclusivity policy similar to the five-year term granted new chemical entities under U.S. law. We understand that in a joint statement, the Deputy Prime Minister of Industry and the Minister of Trade have already advised the U.S. government of these recommendations. This statement was, we understand, delivered to the commercial attaché of the U.S. Embassy in Tel Aviv. This demonstrates, once again, that Israel is maintaining the momentum in protecting IP, this time by being responsive to the USTR position on data exclusivity. This should be commended and encouraged.

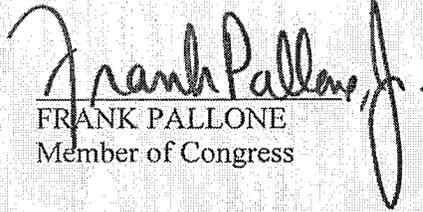
We believe that movement of Israel from the Watch List to the Priority Watch List is neither necessary nor justified at this time. Unlike other nations on the Priority Watch List, Israel has demonstrated responsiveness to legitimate U.S. concerns about IP protections. We should not undermine that progress by adopting a punitive approach at this time.

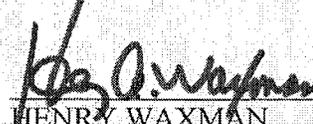
We urge an approach that maintains scrutiny while affirming Israel's progress. Leaving Israel on the Watch List would send the appropriate signal. Changing its status to the Priority Watch List would not.

Sincerely,

  
JO ANN EMERSON  
Member of Congress

  
SHERROD BROWN  
Member of Congress

  
FRANK PALLONE  
Member of Congress

  
HENRY WAXMAN  
Member of Congress