OFFICE OF THE UNITED STATES INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR

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Intellectual Property Spotlight



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Introduction

President Obama has made clear that the United States must serve as an example to the international community and send a clear message that the U.S. Government will be vigorous in protecting intellectual property. This was reaffirmed in May through the G-8 leadership's Joint Statement declaring "the significance of high standards for [intellectual property rights] protection and enforcement" and mentioning specific ways of achieving strong intellectual property rights protection and enforcement, including "international legal instruments and mutual assistance agreements, as well as through government procurement processes, private-sector voluntary codes of best practices, and enhanced customs cooperation."

In May, during the third meeting of the U.S.-China Strategic and Economic Dialogue (S&ED), China recognized the importance of increasing the sales of legitimate IP-intensive products and services within its borders. It also committed to promote the use of legal software by Chinese enterprises, including more regular audits of software on government computer systems. China agreed to increase enforcement against thieves who would steal trade secrets from foreign companies, and it committed to treat intellectual property owned or developed in other countries the same as that developed in China.

On May 3, the Association of National Advertisers (ANA) and the American Association of Advertising Agencies (4A's) issued a statement of best practices to address online piracy and counterfeiting.

On June 22, the two-year anniversary of the Administration's Joint Strategic Plan on Intellectual Property Enforcement, IPEC released an Anniversary Report on the progress the Administration has made on intellectual property enforcement since the strategy was issued.

On June 25, IPEC announced on the White House website that it is beginning the process of developing the Administration's new strategy for intellectual property enforcement. IPEC welcomes strategy recommendations through the Federal Register Notice linked here, due Friday, August 10.

Victoria A. Espinel
U.S. Intellectual Property Enforcement Coordinator

Enforcing Our Rights Internationally



G-8 Leaders Release Joint Statement Supporting Intellectual Property Rights

President Obama has made clear that the United States must serve as an example to the international community and send a clear message that the U.S. Government will be vigorous in protecting intellectual property. A shared commitment to this effort was reaffirmed in May through the G-8 leadership's Joint Statement declaring "the significance of high standards for IPR protection and enforcement" pressing for diligent protection and enforcement of intellectual property rights across the G-8 member states.

The G-8 Leaders statement continued: "Given the importance of intellectual property rights (IPR) to stimulating job and economic growth, we affirm the significance of high standards for IPR protection and enforcement, including through international legal instruments and mutual assistance agreements, as well as through government procurement processes, private-sector voluntary codes of best practices, and enhanced customs cooperation, while promoting the free flow of information. To protect public health and consumer safety, we also commit to exchange information on rogue internet pharmacy sites in accordance with national law and share best practices on combating counterfeit medical products."

The full G-8 Declaration can be found here.

U.S.-China Strategic and Economic Dialogue

In May 2012, during the third meeting of the U.S.-China Strategic and Economic Dialogue (S&ED) held in Beijing, China recognized the importance of increasing the sales of legitimate IP-intensive products and services within its borders. It also committed to promote the use of legal software by Chinese enterprises, including more regular audits of software on government computer systems. China agreed to increase enforcement against thieves who would steal trade secrets from foreign companies, and it committed to treat intellectual property owned or developed in other countries the same as that developed in China.

By continually pressing the Chinese government on these issues, we will ensure that protection and enforcement of intellectual property remains a top trade and diplomatic priority. These agreements are a step toward appropriate respect for intellectual property rights in China.

USTR Annual Special 301 Report on Intellectual Property Rights

The Office of the United States Trade Representative (USTR) released its annual Special 301 Report on the adequacy and effectiveness of U.S. trading partners' protection of intellectual property rights. In particular, United States Trade Representative Ron Kirk commended the Governments of Spain and Malaysia on the progress that resulted in their removal from the Special 301 Lists. USTR announced that Malaysia has been removed from the Watch List after making significant strides such as passing copyright amendments that strengthen copyright protection, stepped-up enforcement, and promulgating regulations to protect pharmaceutical test data. Spain was removed from the Watch List because of its adoption of regulations implementing a law to combat piracy over the Internet.

A copy of USTR's Special 301 Report can be found here.

Voluntary Best Practices

Advertisers and Advertising Agencies Address Online Infringement Through Best Practices

On May 3, the Association of National Advertisers (ANA) and the American Association of Advertising Agencies (4A's) issued a statement of best practices to address online infringement. This Administration strongly supports such voluntary efforts by the private sector to reduce infringement. These voluntary efforts should be undertaken in a manner that is consistent with all applicable laws and with the Administration's broader Internet policy principles, such as privacy, free speech, competition, and due process. We believe this is a positive step and that such efforts can have a significant impact on reducing online piracy and counterfeiting.

The ANA/4A's press release can be found here, and the associations' Statement of Best Practices to Address Online Piracy and Counterfeiting is linked here.

Securing Our Supply Chain

DOJ and DHS Seize $1.5M in Proceeds from Chinese Bank Accounts Relating to the Sale of Counterfeit Goods Online

On May 11, as a part of Operation In Our Sites, the Department of Justice announced the seizure of more than $1.5 million in proceeds from the online sale of counterfeit sports apparel made in China. The seizure followed an investigation into the sale of counterfeit goods on commercial websites conducted by the National Intellectual Property Rights Coordination Center (IPR Center), led by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI). The funds were seized from correspondent, or interbank, accounts held by the Chinese banks in the United States.

(ICE-HSI, USAO D.D.C., DOJ Computer Crimes and Intellectual Property Section (CCIPS) and Asset Forfeiture and Money Laundering Section)

Federal Law Enforcement Agencies Join Movie Industry to Unveil New Anti-Piracy Warning

On May 8, the IPR Center, led by ICE-HSI, joined together with the Federal Bureau of Investigation (FBI) and six major American movie studios to launch an updated anti-piracy warning to be displayed on new releases. The anti-piracy warning began appearing in selected DVDs and Blu-rays released in early May. The six movie studios, all members of the Motion Picture Association of America, have agreed to utilize the anti-piracy warning. The joint FBI/HSI anti-piracy warning displays, for the first time, the HSI badge alongside the FBI anti-piracy warning seal.



Members of Internet Piracy Group "IMAGiNE" Plead Guilty to Copyright Infringement Conspiracy

On May 9 and June 22, a California man and a Pennsylvania man, respectively, pleaded guilty to conspiracy to commit criminal copyright infringement in connection to the distribution of tens of thousands of infringing copies of copyrighted works without permission, including pre-release copies of movies. The individuals were indicted April 18 along with two other leading members of the IMAGiNE Group, an organized online piracy group seeking to become the premier group to first release Internet copies of new movies showing only in theaters.

(ICE-HSI, DOJ CCIPS, USAO E.D.Va.)

Federal Jury Convicts Distributor of Counterfeit Pharmaceuticals

On June 14, a federal jury convicted a man on twelve counts relating to trafficking counterfeit pharmaceuticals. The individual sold counterfeit erectile dysfunction drugs online—the drugs were exported from China and shipped to Puerto Rico. (ICE-HSI, Food and Drug Administration, USAO S.D. Tex.)

Theft of Innovation

FBI Launches Economic Espionage Public Education Campaign

On May 11, the FBI launched a public education campaign aimed at bringing attention to the threat of economic espionage and trade secret theft. The announcement can be found here. Trade secrets are a priority for the FBI, and in 2011, as documented in the IPEC Annual Report, the FBI increased its number of new trade secret investigations by 29 percent.

Strategy 2.0

Development of New Strategy for Intellectual Property Enforcement

On June 25, IPEC announced on the White House website that it is beginning the process of developing the Administration's new strategy for intellectual property enforcement. In order to get the very best ideas and recommendations from as many different thought leaders as possible, IPEC welcomes strategy recommendations through the Federal Register Notice posted on Regulations.gov. The link to submit comments can be found here. The comment period will conclude on Friday, August 10 at 11:59pm.

Senate Judiciary Committee Holds Oversight Hearing for the Administration's Efforts in Coordinating Intellectual Property Enforcement

On May 9, the Senate Judiciary Committee held an oversight hearing on the Administration's efforts to coordinate intellectual property enforcement. The IPEC was the sole witness and described to the committee the Administration's progress on intellectual property enforcement. A copy of the testimony can be found here.



If you feel that you have been the victim of an intellectual property crime, you can report the crime by clicking on the button to the left, calling the IPR Center at 1-866-IPR-2060, or contacting a field office of the FBI. To help you determine what to do when reporting an intellectual property crime, see DOJ's "Reporting Intellectual Property Crime: A Guide for Victims of Counterfeiting, Copyright Infringement, and Theft of Trade Secrets." DOJ also has created forms/checklists that identify the information you will need to provide when referring copyright infringement and trademark offenses and theft of trade secrets.

If you would like to subscribe to the newsletter in the future, email IntellectualProperty@omb.eop.gov. If you would like more information about the Office of the IPEC, including a copy of the 2010 Joint Strategic Plan on Intellectual Property Enforcement, please visit our website.