

6/11/07



## **COALITION AGAINST COUNTERFEITING AND PIRACY INTELLECTUAL PROPERTY ENFORCEMENT INITIATIVE: CAMPAIGN TO PROTECT AMERICA**

### **Summary**

Counterfeiting and piracy threaten our economic security by depriving American workers of jobs, stealing revenue from our businesses and governments, and undermining our nation's competitive advantage - innovation and creativity. Dangerous and defective counterfeit products also harm the health and safety of consumers.

To respond to this challenge, we must take bold action to improve our nation's intellectual property laws and provide sufficient resources to sustain effective enforcement at home and abroad.

This report provides a comprehensive set of recommendations—some already in current legislation—on how to take action that can really make a difference on this issue. Our primary initiatives are:

#### **Improve the coordination of federal government intellectual property enforcement resources.**

- Raise the profile of the intellectual property issue by designating a chief intellectual property enforcement officer within the White House, with broad responsibility to oversee the coordination of relevant agencies, develop and implement a joint strategic enforcement plan, and to report to Congress on specific performance indicators.
- Raise anti-counterfeiting and piracy responsibilities to senior levels at the Department of Justice and Department of Homeland Security.

#### **Better protect our borders against counterfeiting and piracy by expanding authorities and improving enforcement practices.**

- Fund additional dedicated agents and increase IPR training in both Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), improve effectiveness of the National Intellectual Property Rights Coordination Center. Evaluate effectiveness of Strategic Trade Centers.
- Increase required information sharing with right holders; improve recordation process; measure and improve current enforcement tools; develop "Special Scrutiny" database to flag suspect shipments; identify low-risk shippers.

6/11/07

- Grant CBP enhanced legal authority to audit and assess fines for importers, exporters, or other parties that materially facilitate the unlawful entry of counterfeit and pirated goods into the U.S.
- Repeal existing “personal use” exemption, and outlaw importation of any quantity of counterfeit or pirated products including via mail/courier services; require arriving passengers to declare any counterfeit goods they are bringing into the country; launch educational campaigns at major entry and departure points to coincide with this statutory change.
- Increase funding and reform process to significantly improve CBP’s collection of civil fines imposed on shipments of intercepted counterfeit product.

**Strengthen criminal enforcement against intellectual property theft by expanding the resources and tools available for law enforcement at the federal, state, and local levels.**

- Enhance penalties for counterfeiters who knowingly or recklessly cause serious bodily injury or death.
- Fund more Computer Hacking and Intellectual Property (CHIP) units in U.S. Attorney’s Offices, with dedicated Federal Bureau of Investigation (FBI) agents and prosecutors in each unit; increase funding for computer forensics.
- Increase coordination and transparency between law enforcement and industry.
- Fund pilot programs to upgrade state and local law enforcement capabilities, and improve coordination through training and intelligence sharing .

**Attack counterfeiting and piracy beyond our borders through improved enforcement training and technical assistance programs with foreign governments.**

- Create and implement a unified strategic plan for all relevant agencies for consistent and targeted international outreach and technical assistance, guided by the priorities identified by the U.S. Trade Representative and with input from industry.
- Fund additional targeted technical assistance to key governments for intellectual property enforcement, and establish and empower additional intellectual property attaches at U.S. embassies; increase funding for Intellectual Property Law Enforcement Coordinators (IPLCs) internationally. Improve public-private partnerships in key markets.
- Evaluate and improve Generalized System of Preferences (GSP) and regional trade preference programs as a tool to encourage enforcement of intellectual property rights.

6/11/07

**Strengthen ability of rights holders to protect their intellectual property by civil and judicial reform.**

- Fund a pilot program for specially trained federal judges to handle counterfeiting and piracy cases.
- Provide treble damages against complicit activity relating to counterfeiting and double the level of statutory damages available (unchanged since 1996).
- Authorize civil enforcement by federal prosecutors against counterfeiters and commercial or high-volume pirates where criminal prosecutions are not feasible.

**Decrease demand by educating consumers about the harms of counterfeiting and piracy.**

- Create and administer a nation-wide consumer-awareness campaign revealing the harms caused by counterfeiting and piracy, including paid and donated advertisements for television, radio, print, and the Internet.
- Fund research and development on technologies that colleges and universities can voluntarily adopt to better secure campus networks against transmission of pirated materials. Direct funding agencies to take into account use of best campus network anti-piracy practices in allocating funds to higher education.