



June 26, 2012

White House IP Enforcement Coordinator Requests Comments on Development of Strategic Enforcement Plan**Intellectual Property Client Alert**

This Alert provides only general information and should not be relied upon as legal advice. This Alert may be considered attorney advertising under court and bar rules in certain jurisdictions.

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Victoria A. Espinel, the Intellectual Property Enforcement Coordinator for the White House, has announced the opening of a comment period seeking comments on how the administration should approach intellectual property enforcement. The request for comments is available [here](#).

The U.S. Intellectual Property Enforcement Coordinator (“IPEC”) was established as part of the Executive Office of the President pursuant to the Prioritizing Resources and Organization for Intellectual Property Act of 2008, known as the “PRO IP Act.” IPEC is charged with developing the Joint Strategic Plan on Intellectual Property Enforcement for submission to Congress every three years. IPEC chairs an interagency intellectual property enforcement advisory committee comprised of federal departmental and agency heads whose respective departments and agencies are involved in intellectual property enforcement. IPEC’s 2011 Annual Report on Intellectual Property Enforcement, issued March 2012, is available [here](#).

IPEC asked for comments in three areas. In the first section titled “Strategy Recommendations,” IPEC requests specific recommendations regarding improving the government’s IP enforcement efforts. The second area, titled “Threat Assessment,” seeks submissions regarding existing and emerging threats to the protection of IP rights and the identification of threats to public health and safety and the U.S. economy resulting from infringement of those rights. The third area asks the following 10 “Optional Questions”:

1. How can international regulatory and law enforcement collaboration and information sharing be enhanced to address cross-border intellectual property infringement?
2. What legal or operational changes might be made, or collaborative steps undertaken between federal agencies and the private sector, to streamline or improve the efficacy of enforcement efforts directed at protecting intellectual property rights?
3. What measures can be taken by the private sector to share actionable information on entities engaging in or supporting infringement of intellectual property rights?
 - a. To the extent necessary, what government safeguards and conditions would be useful to facilitate sharing of such information?
4. What information developed from law enforcement and intelligence community threat assessments would be beneficial to the private sector in order to mitigate the risk of trade secret theft and economic espionage?
5. What additional measures by the U.S. Government would most significantly enhance efforts to combat trade secret theft and economic espionage?

6. When goods are imported into the United States, U.S. Customs and Border Protection (“CBP”) and other federal agencies charged with enforcing intellectual property rights and ensuring the safety of products entering the stream commerce, e.g., U.S. Food and Drug Administration and the Consumer Product Safety Commission, engage in a risk-based assessment of the level of risk that a shipment contains violative goods., and decides whether to inspect the shipment based on this risk determination. What steps can federal agencies and the private sector take to improve the risk assessment process so that high risk shipments may be quickly identified and segmented from lower risk shipments?

7. What authentication tools and track and trace technologies would significantly enhance federal efforts to identify suspect counterfeit or pirated goods? 8. In a global economy that increasingly utilizes Internet based e-commerce and mobile platforms for transactions, the number of shipments sent through international mail and express carrier services has dramatically grown in recent years. Accordingly, law enforcement efforts directed at interdicting infringing goods shipped in the express and international mail environments have resulted in significant increases to seizure levels of infringing goods shipped through these modes of transit. What steps could be undertaken by CBP, its partner U.S. government agencies, and the private sector to further improve detection of express carrier and international mail shipments containing infringing goods?

9. Are there ways in which CBP could improve its intellectual property rights e-recording system to enhance ease of use and make it a more useful tool for intellectual property rights enforcement?

10. As laid out in IPEC’s 2011 Annual Report on Intellectual Property Enforcement, using our resources as efficiently as possible is a priority. Are there additional ways in which the U.S. Government could make more efficient use of its resources in protecting intellectual property?

Submissions to IPEC are due by July 25, 2012, at 5:00 p.m.

Patton Boggs will be assisting clients with developing and filing comments with IPEC on IP enforcement issues important to them.

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