EMPOWERING THE INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR TO PROTECT INNOVATION AT HOME AND ABROAD

While intellectual property-related duties are to be carried out across several federal departments and agencies, the Obama Administration and 111th Congress should make it their top priority to swiftly implement and fully fund the “The Prioritization of Resources and Organization Act of 2008” (PRO-IP Act). Among other vital measures, the PRO-IP Act creates the Intellectual Property Enforcement Coordinator (IPEC) within the Executive Office of the President, and authorizes this individual to oversee and coordinate all of the administration’s IP enforcement and protection efforts.

The IPEC, in partnership with the Office of the U.S. Trade Representative and other executive branch departments and agencies, should take a proactive leadership role to protect and defend IP at home and abroad. The IPEC should manage the interagency process, regularly consult with industry and serve as the administration’s leading voice on a wide range of significant IP issues. In addition to the statutory requirements outlined in the PRO-IP Act and in order to fully empower the IPEC to develop and implement a comprehensive administration-wide IP strategy, the Global Intellectual Property Center recommends the following:

- Within the first 100 days, President Obama should establish the position of Intellectual Property Enforcement Coordinator (IPEC) as a stand-alone entity within the Executive Office of the President (EOP), reporting through the Assistant to the President for Domestic Policy.

- The IPEC should coordinate closely with staff of the Domestic Policy Council and the National Security Council to ensure strong IP enforcement is considered within the broader domestic and trade policy priorities articulated by the President.

- The IPEC should have the resources necessary to facilitate the development and production of statutorily-required Joint Strategic Plans and Reports; allow the hiring of staff; cover domestic and international travel; and support federal IP enforcement programs.

- The IPEC should be supported by liaisons from:
  - Department of Justice – Computer Crime and Intellectual Property Section
  - Department of Justice – Federal Bureau of Investigation
  - Department of Homeland Security – Immigration and Customs Enforcement
  - Department of Homeland Security – Customs and Border Protection
  - Department of Commerce – U.S. Patent and Trademark Office

- The IPEC should establish a regular presence and dialogue at the National Intellectual Property Rights Center operated by Immigration and Customs Enforcement to ensure coordination across the various enforcement agencies.

- The IPEC should work with relevant Cabinet departments and agencies to ensure IP’s role in incentivizing solutions to global challenges – like energy security, climate change, public health and nutrition – is safeguarded as a means to addressing these problems.

For more information, please visit www.theglobalipcenter.com