
The Government is Here to Help IP Rightholders

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On June 22, 2010, the U.S. Intellectual Property Enforcement Coordinator (IPEC), Victoria Espinel, released the 2010 Joint Strategic Plan on IP Enforcement. The plan describes steps the federal government will take to curb counterfeiting and infringement. It is based on input from numerous federal agencies, as well as the public, and should be read by any company interested in effective IP enforcement in the U.S. and abroad. This alert provides an overview of the plan which can be found in its entirety [here](#).

The plan's premise is that "[i]n order to continue to lead, succeed, and prosper in the global economy, we must ensure the strong enforcement of American intellectual property rights." To enhance protection of those rights, the federal government will take the following steps:

1. Establish a U.S. government-wide working group to prevent U.S. government purchase of counterfeit products and ensure federal contractors use legal software.
2. Improve transparency and information-sharing in IP policy-making, communications with rightholders and victims, and international negotiations. Identify foreign pirate websites, track and report enforcement activities, and share exclusion order enforcement data.
3. Coordinate federal, state and local enforcement efforts to avoid duplication and waste; coordinate training for state and local law enforcement and prosecutors; and establish a counterfeit pharmaceutical interagency committee.
4. Combat foreign-based and foreign-controlled websites that infringe American IP rights; enhance foreign law enforcement cooperation; and improve the effectiveness of personnel stationed overseas to combat IP infringement.
5. Secure our supply chain by requiring manufacturers and importers to notify the FDA of known counterfeit pharmaceutical or other medical products, and mandating the use of electronic tracking. Increase enforcement efforts to guard against counterfeit pharmaceuticals and medical devices, and establish and implement voluntary protocols to help reduce illegal internet pharmacies.

6. Track U.S. government resources spent on IP enforcement; assess the economic impact of IP-intensive industries; review existing IP law to determine needed legislative changes; and support U.S. businesses in overseas markets.

The plan describes the roles of various government agencies involved in IP enforcement and lists some of their major IP enforcement activities to date. This information can be especially useful to companies seeking government help to combat infringement, both in the U.S. and abroad.

There are several take-away messages. First, companies doing business with the government can anticipate a greater awareness and respect for IP. Second, the government is committed to developing and maintaining forums for resolving IP disputes, including actions at the ITC and criminal prosecutions. Third, companies concerned about the importation of infringing goods can and should enter into a collaborative relationship with the government to ensure that such goods do not enter the country.

The plan also indicates that the government will provide greater support to IP rightholders. Companies that manufacture pharmaceutical or medical products may anticipate a greater receptivity to government action against counterfeit goods. Smaller companies may be able to take advantage of government-provided tools and education to protect IP in key markets. The government will help rightholders understand how to report a potential IP crime, what types of IP cases are generally accepted by the government for prosecution, and what information a rightholder should provide when referring an IP case for prosecution. Going forward, the IPEC will continue to meet with the public to assess how well the plan is being implemented and to hear new concerns that arise.

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