

Crossing Borders and Sectors: Exploring Robust Anti-Counterfeiting Solutions



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Global Scope of Problem

In 2008 World Customs Organization estimates 371,000,000 counterfeit/pirated goods were seized worldwide.

\$4 billion dollars worth of goods.

47% of those goods originated in China.

In a recent case in New York--\$78 Million in damages.



USPTO Strategic Plan- Goal 3

- “Improve Intellectual Property Protection and Enforcement Domestically and Abroad”.
- Support efforts and initiatives aimed at strengthening IP protection and curbing theft of IP.



USPTO efforts

- Trademark registration rights
- STOP initiative.
- National IPR Center.
- Capacity building.
- Assistance to other countries to deal with “bad faith” trademark applications.
- IP attaché program.



Registration Rights

- The owner of a federal trademark registration can record that registration with Customs and have infringing counterfeit goods seized.
- USPTO works with Customs to make sure that Customs has the most up-to-date registration information available.



STOP Initiative

- Strategy For Targeting Organized Piracy
 - Website for small businesses because small businesses are vulnerable to counterfeiting.
 - Only 15% of small business owners know that a US registration only provides protection in the United States.
 - www.uspto.gov/smallbusiness
 - STOP hotline 1-866-999-HALT.



STOP continued

- STOPFAKES.GOV – has IPR tool kits for many countries that give U.S. businesses an overview of the IP situation in those countries and strategies for protecting and enforcing IP rights.



National IPR center

- USPTO staffs the National Intellectual Property Rights Center.
- Immigration and Customs Enforcement has the lead.
- The Center brings together Customs, FBI, DOC, USPTO, FDA, DOD, NCIS, GSA, USPS, OIG and the government of Mexico.



Capacity Building

- Global Intellectual Property Academy
 - Frequent classes for foreign officials at the USPTO to provide best practices information for our trading partners
 - Goals include: fostering a better understanding of international IP obligations and norms



GIPA continued

- In FY 2010, GIPA sponsored over 40 domestic and foreign programs on IPR enforcement.
- More than 1600 IPR officials attended.
- USPTO plans to increase the numbers in 2011.
- Provides extensive outreach to U.S. small business on threat of IPR theft.



Bad Faith Trademark Applications

- USPTO is working with other countries-China and the Russian Federation, in particular
 - The issue is trademark applications filed by bad actors who want to extort money from the true trademark owner (trademark squatting)
 - A particular problem in civil law countries where the first to register is the owner



IP Attaché Program

While the United States Patent and Trademark Office's (USPTO) has for a number of years deployed IPR attaches abroad in Geneva, and Beijing, the Overseas Intellectual Property Rights (IPR) Attaché Program was formally instituted in 2006 to promote high standards, value, and importance of strong intellectual property protection and enforcement internationally for the benefit of U.S. economic and political interests abroad.

Through a partnership with the Department of Commerce U.S. and Foreign Commercial Service (FCS), the USPTO Intellectual Property Rights Commercial Officer (Attache) is hired through the International Trade Administration/U.S. and Foreign Commercial Service (ITA/US&FCS) process for an initial 2-year limited appointment, which may be extended for up to 3 additional years.



Primary Goals and Objectives

- To promote U.S. government IPR policy internationally.
- To help secure strong IPR provisions in international agreements and host country laws.
- To encourage strong IPR protection and enforcement by U.S. trading partners for the benefit of U.S. rights holders.



Geographic Regions Covered

Embassy/Consulate Posts	Regions Covered
Guangzhou, China	Most of southeastern China, including Fujian, Guangdong, and Guangxi Provinces, and Hainan Island.
Beijing, China	All of China excluding the parts of southeastern China listed above.
Bangkok, Thailand	Southeast Asia and ASEAN (Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, Vietnam)
Rio de Janeiro, Brazil	Central and South America, Mexico and the Caribbean.
New Delhi, India	South Asia (India, Pakistan, Bangladesh, Nepal, Bhutan, Sri Lanka and Maldives).
Moscow, Russia	Russia, CIS



IPR Attaché Details

In addition, two USPTO employees are on detail in Geneva to the Office of the United States Trade Representative and the U.S. Permanent Mission to the United Nations Office. These employees support U.S. Government objectives related to IP issues and matters that arise in the World Trade Organization, World Intellectual Property Organization, World Health Organization, and other international organizations.



Thank You

- Questions
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