



## H.R. 4279 – Prioritizing Resources and Organization for Intellectual Property Act of 2008

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### FLOOR SITUATION

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H.R. 4279 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Rep. John Conyers (D-MI) on December 5, 2007. The House Committee on Judiciary ordered the bill to be reported as amended by voice vote on April 30, 2008.

H.R. 4279 is expected to be considered on the floor on May 6, 2008.

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### SUMMARY

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Civil Intellectual Property Laws: The bill makes several changes to civil intellectual property laws, including doubling the current amount of statutory damages in counterfeiting cases.

Criminal Intellectual Property Laws: H.R. 4279 increases criminal penalties for counterfeit related health and safety injuries. In addition, it harmonizes the civil and criminal forfeiture procedures for certain intellectual property offenses, including trafficking in counterfeit labels and unauthorized recording of motion pictures.

Office of the U.S. Intellectual Property Enforcement Representative: H.R. 4279 establishes this office within the Executive Office of the President. The Office will be headed by the U.S. Intellectual Property Enforcement Representative who will be nominated by the President and must be confirmed by the Senate. The Representative will have primary responsibility for coordinating the development of the Joint Strategic Plan against counterfeiting and piracy, will serve as a principal advisor to the President on intellectual property enforcement policy, and will assist the U.S. Trade Representative with negotiations relating to international intellectual property. The IP Representative is responsible for establishing an interagency advisory committee to improve coordination of U.S. anti-counterfeiting and piracy endeavors.

Joint Strategic Plan: The IP Representative must submit a joint strategic plan to the President and Congress that includes a detailed description of priorities for intellectual property enforcement activities, the performance measures to be used to monitor results, and an analysis of the threats posed by violations of intellectual property rights. The joint strategic plan is required to include programs to provide training and technical assistance to foreign governments for enhancing the enforcement of counterfeiting and piracy laws.

Intellectual Property Attaches: H.R. 4279 requires at least 10 intellectual property attaches to be appointed to serve in U.S. embassies or other diplomatic missions to promote cooperation and enforcement of intellectual property laws with foreign governments.

Intellectual Property Enforcement Division: The bill establishes the Intellectual Property Enforcement Division within the Department of Justice, which will coordinate all Department of Justice (DOJ) efforts to enforce intellectual property rights and to combat counterfeiting and piracy. The IP-related functions and responsibilities of the Computer Crime and Intellectual Property Section of the Criminal Division of DOJ will be transferred to this new division.

Local Law Enforcement Grants: H.R. 4279 authorizes \$25 million for each of fiscal years 2008 through 2012 for grants to State or local law enforcement entities for the training, prevention, enforcement, and prosecution of intellectual property theft and infringement crimes.



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## BACKGROUND

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Intellectual property laws in the United States govern copyrights, trademarks, trade secrets, and patents. These laws are important to ensuring the intellectual property that drives the American economy is protected from piracy and infringement and that the American people are protected from unsafe or ineffective products.

According to the U.S. Patent and Trademark Office, American businesses lose \$250 billion a year to copyright piracy, and intellectual property theft costs 750,000 jobs each year. The motion picture industry estimates that it loses more than \$3.5 billion because of piracy annually.

On April 25, 2008, the United States Trade Representative (USTR) released their annual report on the effectiveness of intellectual property rights protection by U.S. trading partners. The 2008 report places 9 countries (China, Russia, Argentina, Chile, India, Israel, Pakistan, Thailand, and Venezuela) on the Priority Watch List because they do not provide sufficient intellectual property protection or enforcement. In addition, 37 other countries also did not meet the USTR's standard for intellectual property rights protection and will also face receive special attention from the United States. (USTR, ["Special 301" Report](#))

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## COST

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The Congressional Budget Office has not prepared a cost estimate for H.R. 4279.

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## STAFF CONTACT

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