

(Pub. L. 110-140, title XIV, §1408, Dec. 19, 2007, 121 Stat. 1800.)

§ 8008. Applicability

This chapter¹ is applicable to the United States and its territories, including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(Pub. L. 110-140, title XIV, §1409, as added Pub. L. 110-314, title II, §238(3), Aug. 14, 2008, 122 Stat. 3076.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” and was translated as reading “this title”, meaning title XIV of Pub. L. 110-140, known as the Virginia Graeme Baker Pool and Spa Safety Act, to reflect the probable intent of Congress.

CHAPTER 107—PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

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§ 8101. Definition

In this Act, the term “United States person” means—

- (1) any United States resident or national,
- (2) any domestic concern (including any permanent domestic establishment of any foreign concern), and
- (3) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern,

except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in paragraph (1), (2), or (3).

(Pub. L. 110-403, §3, Oct. 13, 2008, 122 Stat. 4257.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 110-403, Oct. 13, 2008, 122 Stat. 4256, known as the Prioritizing Resources and Organization for Intellectual Property Act of 2008, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Pub. L. 110-403, §1(a), Oct. 13, 2008, 122 Stat. 4256, provided that: “This Act [enacting this chapter, section

¹ See References in Text note below.

2323 of Title 18, Crimes and Criminal Procedure, and sections 3713a to 3713d of Title 42, The Public Health and Welfare, amending sections 1116 and 1117 of this title, sections 109, 111, 115, 119, 122, 411, 412, 503, 506, 601, and 602 of Title 17, Copyrights, sections 1834 and 2318 to 2320 of Title 18, section 1595a of Title 19, Customs Duties, and section 3713 of Title 42, and repealing section 1128 of this title and section 509 of Title 17] may be cited as the ‘Prioritizing Resources and Organization for Intellectual Property Act of 2008.’”

SUBCHAPTER I—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND INFRINGEMENT

§ 8111. Intellectual Property Enforcement Coordinator

(a) Intellectual Property Enforcement Coordinator

The President shall appoint, by and with the advice and consent of the Senate, an Intellectual Property Enforcement Coordinator (in this subchapter referred to as the “IPEC”) to serve within the Executive Office of the President. As an exercise of the rulemaking power of the Senate, any nomination of the IPEC submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on the Judiciary.

(b) Duties of IPEC

(1) In general

The IPEC shall—

(A) chair the interagency intellectual property enforcement advisory committee established under subsection (b)(3)(A);

(B) coordinate the development of the Joint Strategic Plan against counterfeiting and infringement by the advisory committee under section 8113 of this title;

(C) assist, at the request of the departments and agencies listed in subsection (b)(3)(A), in the implementation of the Joint Strategic Plan;

(D) facilitate the issuance of policy guidance to departments and agencies on basic issues of policy and interpretation, to the extent necessary to assure the coordination of intellectual property enforcement policy and consistency with other law;

(E) report to the President and report to Congress, to the extent consistent with law, regarding domestic and international intellectual property enforcement programs;

(F) report to Congress, as provided in section 8114 of this title, on the implementation of the Joint Strategic Plan, and make recommendations, if any and as appropriate, to Congress for improvements in Federal intellectual property laws and enforcement efforts; and

(G) carry out such other functions as the President may direct.

(2) Limitation on authority

The IPEC may not control or direct any law enforcement agency, including the Department of Justice, in the exercise of its investigative or prosecutorial authority.

(3) Advisory committee

(A) Establishment

There is established an interagency intellectual property enforcement advisory com-