

(2) The progress made in efforts to encourage Federal, State, and local government departments and agencies to accord higher priority to intellectual property enforcement.

(3) The progress made in working with foreign countries to investigate, arrest, and prosecute entities and individuals involved in the financing, production, trafficking, and sale of counterfeit and infringing goods.

(4) The manner in which the relevant departments and agencies are working together and sharing information to strengthen intellectual property enforcement.

(5) An assessment of the successes and shortcomings of the efforts of the Federal Government, including departments and agencies represented on the committee established under section 8111(b)(3) of this title.

(6) Recommendations, if any and as appropriate, for any changes in enforcement statutes, regulations, or funding levels that the advisory committee considers would significantly improve the effectiveness or efficiency of the effort of the Federal Government to combat counterfeiting and infringement and otherwise strengthen intellectual property enforcement, including through the elimination or consolidation of duplicative programs or initiatives.

(7) The progress made in strengthening the capacity of countries to protect and enforce intellectual property rights.

(8) The successes and challenges in sharing with other countries information relating to intellectual property enforcement.

(9) The progress made under trade agreements and treaties to protect intellectual property rights of United States persons and their licensees.

(10) The progress made in minimizing duplicative efforts, materials, facilities, and procedures of the Federal agencies and Departments responsible for the enforcement, investigation, or prosecution of intellectual property crimes.

(11) Recommendations, if any and as appropriate, on how to enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes, including the extent to which the agencies and Departments responsible for the enforcement, investigation, or prosecution of intellectual property crimes have utilized existing personnel, materials, technologies, and facilities.

(Pub. L. 110-403, title III, §304, Oct. 13, 2008, 122 Stat. 4269.)

§ 8115. Savings and repeals

(a) Transition from NIPLECC to IPEC

(1) Omitted

(2) Continuity of performance of duties

Upon confirmation by the Senate, and notwithstanding paragraph (1), the IPEC may use the services and personnel of the National Intellectual Property Law Enforcement Coordination Council, for such time as is reasonable, to perform any functions or duties which in the discretion of the IPEC are necessary to facilitate the orderly transition of any functions

or duties transferred from the Council to the IPEC pursuant to any provision of this Act or any amendment made by this Act.

(b) Current authorities not affected

Except as provided in subsection (a), nothing in this subchapter shall alter the authority of any department or agency of the United States (including any independent agency) that relates to—

(1) the investigation and prosecution of violations of laws that protect intellectual property rights;

(2) the administrative enforcement, at the borders of the United States, of laws that protect intellectual property rights; or

(3) the United States trade agreements program or international trade.

(c) Rules of construction

Nothing in this subchapter—

(1) shall derogate from the powers, duties, and functions of any of the agencies, departments, or other entities listed or included under section 8111(b)(3)(A) of this title; and

(2) shall be construed to transfer authority regarding the control, use, or allocation of law enforcement resources, or the initiation or prosecution of individual cases or types of cases, from the responsible law enforcement department or agency.

(Pub. L. 110-403, title III, §305, Oct. 13, 2008, 122 Stat. 4270.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(2), 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 set out under section 8101 of this title and Tables.

This subchapter, referred to in subsecs. (b) and (c), was in the original “this title”, meaning title III of Pub. L. 110-403, Oct. 13, 2008, 122 Stat. 4264, which is classified principally to this subchapter. For complete classification of title III to the Code, see Tables.

CODIFICATION

Section is comprised of section 305 of Pub. L. 110-403. Subsec. (a)(1) of section 305 of Pub. L. 110-403 repealed section 1128 of this title.

§ 8116. Authorization of appropriations

(a)¹ In general

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this subchapter.

(Pub. L. 110-403, title III, §306, Oct. 13, 2008, 122 Stat. 4270.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this title”, meaning title III of Pub. L. 110-403, Oct. 13, 2008, 122 Stat. 4264, which is classified principally to this subchapter. For complete classification of title III to the Code, see Tables.

¹ So in original. No subsec. (b) has been enacted.