

(Pub. L. 114–125, title III, §303(b), Feb. 24, 2016, 130 Stat. 150.)

§ 4343. Enforcement by U.S. Customs and Border Protection of works for which copyright registration is pending

Not later than the date that is 180 days after February 24, 2016, the Secretary of Homeland Security shall authorize a process pursuant to which the Commissioner shall enforce a copyright for which the owner has submitted an application for registration under title 17 with the United States Copyright Office, to the same extent and in the same manner as if the copyright were registered with the Copyright Office, including by sharing information, images, and samples of merchandise suspected of infringing the copyright under section 1628a of this title.

(Pub. L. 114–125, title III, §304, Feb. 24, 2016, 130 Stat. 150.)

§ 4344. National Intellectual Property Rights Coordination Center

(a) Establishment

The Secretary of Homeland Security shall—

- (1) establish within U.S. Immigration and Customs Enforcement a National Intellectual Property Rights Coordination Center; and
- (2) appoint an Assistant Director to head the National Intellectual Property Rights Coordination Center.

(b) Duties

The Assistant Director of the National Intellectual Property Rights Coordination Center shall—

- (1) coordinate the investigation of sources of merchandise that infringe intellectual property rights to identify organizations and individuals that produce, smuggle, or distribute such merchandise;
- (2) conduct and coordinate training with other domestic and international law enforcement agencies on investigative best practices—
 - (A) to develop and expand the capability of such agencies to enforce intellectual property rights; and
 - (B) to develop metrics to assess whether the training improved enforcement of intellectual property rights;
- (3) coordinate, with U.S. Customs and Border Protection, activities conducted by the United States to prevent the importation or exportation of merchandise that infringes intellectual property rights;
- (4) support the international interdiction of merchandise destined for the United States that infringes intellectual property rights;
- (5) collect and integrate information regarding infringement of intellectual property rights from domestic and international law enforcement agencies and other non-Federal sources;
- (6) develop a means to receive and organize information regarding infringement of intellectual property rights from such agencies and other sources;
- (7) disseminate information regarding infringement of intellectual property rights to other Federal agencies, as appropriate;

(8) develop and implement risk-based alert systems, in coordination with U.S. Customs and Border Protection, to improve the targeting of persons that repeatedly infringe intellectual property rights;

(9) coordinate with the offices of United States attorneys in order to develop expertise in, and assist with the investigation and prosecution of, crimes relating to the infringement of intellectual property rights; and

(10) carry out such other duties as the Secretary of Homeland Security may assign.

(c) Coordination with other agencies

In carrying out the duties described in subsection (b), the Assistant Director of the National Intellectual Property Rights Coordination Center shall coordinate with—

- (1) U.S. Customs and Border Protection;
- (2) the Food and Drug Administration;
- (3) the Department of Justice;
- (4) the Department of Commerce, including the United States Patent and Trademark Office;
- (5) the United States Postal Inspection Service;
- (6) the Office of the United States Trade Representative;
- (7) any Federal, State, local, or international law enforcement agencies that the Director of U.S. Immigration and Customs Enforcement considers appropriate; and
- (8) any other entities that the Director considers appropriate.

(d) Private sector outreach

(1) In general

The Assistant Director of the National Intellectual Property Rights Coordination Center shall work with U.S. Customs and Border Protection and other Federal agencies to conduct outreach to private sector entities in order to determine trends in and methods of infringing intellectual property rights.

(2) Information sharing

The Assistant Director shall share information and best practices with respect to the enforcement of intellectual property rights with private sector entities, as appropriate, in order to coordinate public and private sector efforts to combat the infringement of intellectual property rights.

(Pub. L. 114–125, title III, §305, Feb. 24, 2016, 130 Stat. 151.)

§ 4345. Joint strategic plan for the enforcement of intellectual property rights

The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall include in the joint strategic plan required by section 4314 of this title—

- (1) a description of the efforts of the Department of Homeland Security to enforce intellectual property rights;
- (2) a list of the 10 United States ports of entry at which U.S. Customs and Border Protection has seized the most merchandise, both by volume and by value, that infringes intellectual property rights during the most recent 2-year period for which data are available; and