

(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

(3) a recommendation for the optimal allocation of personnel, resources, and technology to ensure that U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement are adequately enforcing intellectual property rights.

(Pub. L. 114–125, title III, §306, Feb. 24, 2016, 130 Stat. 152.)

§ 4346. Personnel dedicated to the enforcement of intellectual property rights

(a) Personnel of U.S. Customs and Border Protection

The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall ensure that sufficient personnel are assigned throughout U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, respectively, who have responsibility for preventing the importation into the United States of merchandise that infringes intellectual property rights.

(b) Staffing of National Intellectual Property Rights Coordination Center

The Commissioner shall—

(1) assign not fewer than 3 full-time employees of U.S. Customs and Border Protection to the National Intellectual Property Rights Coordination Center established under section 4344 of this title; and

(2) ensure that sufficient personnel are assigned to United States ports of entry to carry out the directives of the Center.

(Pub. L. 114–125, title III, §307, Feb. 24, 2016, 130 Stat. 152.)

§ 4347. Training with respect to the enforcement of intellectual property rights

(a) Training

The Commissioner shall ensure that officers of U.S. Customs and Border Protection are trained to effectively detect and identify merchandise destined for the United States that infringes intellectual property rights, including through the use of technologies identified under subsection (c).

(b) Consultation with private sector

The Commissioner shall consult with private sector entities to better identify opportunities for collaboration between U.S. Customs and Border Protection and such entities with respect to training for officers of U.S. Customs and Border Protection in enforcing intellectual property rights.

(c) Identification of new technologies

In consultation with private sector entities, the Commissioner shall identify—

(1) technologies with the cost-effective capability to detect and identify merchandise at United States ports of entry that infringes intellectual property rights; and

(2) cost-effective programs for training officers of U.S. Customs and Border Protection to use such technologies.

(d) Donations of technology

Not later than the date that is 180 days after February 24, 2016, the Commissioner shall pre-

scribe regulations to enable U.S. Customs and Border Protection to receive donations of hardware, software, equipment, and similar technologies, and to accept training and other support services, from private sector entities, for the purpose of enforcing intellectual property rights.

(Pub. L. 114–125, title III, §308, Feb. 24, 2016, 130 Stat. 153.)

§ 4348. International cooperation and information sharing

(a) Cooperation

The Secretary of Homeland Security shall coordinate with the competent law enforcement and customs authorities of foreign countries, including by sharing information relevant to enforcement actions, to enhance the efforts of the United States and such authorities to enforce intellectual property rights.

(b) Technical assistance

The Secretary of Homeland Security shall provide technical assistance to competent law enforcement and customs authorities of foreign countries to enhance the ability of such authorities to enforce intellectual property rights.

(c) Interagency collaboration

The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall lead interagency efforts to collaborate with law enforcement and customs authorities of foreign countries to enforce intellectual property rights.

(Pub. L. 114–125, title III, §309, Feb. 24, 2016, 130 Stat. 153.)

§ 4349. Report on intellectual property rights enforcement

Not later than September 30, 2016, and annually thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly submit to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report that contains the following:

(1) With respect to the enforcement of intellectual property rights, the following:

(A) The number of referrals, during the preceding year, from U.S. Customs and Border Protection to U.S. Immigration and Customs Enforcement relating to infringement of intellectual property rights.

(B) The number of investigations relating to the infringement of intellectual property rights referred by U.S. Immigration and Customs Enforcement to a United States attorney for prosecution and the United States attorneys to which those investigations were referred.

(C) The number of such investigations accepted by each such United States attorney and the status or outcome of each such investigation.

(D) The number of such investigations that resulted in the imposition of civil or criminal penalties.