

lectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries;

(3) in identifying the priorities under paragraph (2), be guided by the list of countries identified by the United States Trade Representative under section 2242(a) of title 19; and

(4) develop metrics to measure the effectiveness of the Federal Government's efforts to improve the laws and enforcement practices of foreign governments against counterfeiting and infringement.

(g) Dissemination of the joint strategic plan

The joint strategic plan shall be posted for public access on the website of the White House, and shall be disseminated to the public through such other means as the IPEC may identify.

(Pub. L. 110-403, title III, §303, Oct. 13, 2008, 122 Stat. 4266.)

§ 8114. Reporting

(a) Annual report

Not later than December 31 of each calendar year beginning in 2009, the IPEC shall submit a report on the activities of the advisory committee during the preceding fiscal year. The annual report shall be submitted to Congress, and disseminated to the people of the United States, in the manner specified in subsections (b) and (g) of section 8113 of this title.

(b) Contents

The report required by this section shall include the following:

(1) The progress made on implementing the strategic plan and on the progress toward fulfillment of the priorities identified under section 8113(e)(1) of this title.

(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.

SUBCHAPTER II—CYBERSQUATTING PROTECTION

§ 8131. Cyberpiracy protections for individuals

(1) In general

(A) Civil liability

Any person who registers a domain name that consists of the name of another living person, or a name substantially and confusingly similar thereto, without that person’s consent, with the specific intent to profit from such name by selling the domain name for financial gain to that person or any third party, shall be liable in a civil action by such person.

(B) Exception

A person who in good faith registers a domain name consisting of the name of another living person, or a name substantially and confusingly similar thereto, shall not be liable under this paragraph if such name is used in, affiliated with, or related to a work of authorship protected under title 17, including a work made for hire as defined in section 101 of title 17, and if the person registering the domain name is the copyright owner or licensee of the work, the person intends to sell the domain name in conjunction with the lawful exploitation of the work, and such registration is

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

not prohibited by a contract between the registrant and the named person. The exception under this subparagraph shall apply only to a civil action brought under paragraph (1) and shall in no manner limit the protections afforded under the Trademark Act of 1946 (15 U.S.C. 1051 et seq.) or other provision of Federal or State law.

(2) Remedies

In any civil action brought under paragraph (1), a court may award injunctive relief, including the forfeiture or cancellation of the domain name or the transfer of the domain name to the plaintiff. The court may also, in its discretion, award costs and attorneys fees to the prevailing party.

(3) Definition

In this section, the term “domain name” has the meaning given that term in section 45 of the Trademark Act of 1946 (15 U.S.C. 1127).

(4) Effective date

This section shall apply to domain names registered on or after November 29, 1999.

(Pub. L. 106-113, div. B, §1000(a)(9) [title III, §3002(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-548.)

REFERENCES IN TEXT

The Trademark Act of 1946, referred to in par. (1)(B), is act July 5, 1946, ch. 540, 60 Stat. 427, also popularly known as the Lanham Act, which is classified generally to chapter 22 (§1051 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1129 of this title.

Section was enacted as part of the Anticybersquatting Consumer Protection Act, and not as part of the Prioritizing Resources and Organization for Intellectual Property Act of 2008, which comprises this chapter.

CHAPTER 108—STATE-BASED INSURANCE REFORM

SUBCHAPTER I—NONADMITTED INSURANCE

- Sec.
- 8201. Reporting, payment, and allocation of premium taxes.
- 8202. Regulation of nonadmitted insurance by insured’s home State.
- 8203. Participation in national producer database.
- 8204. Uniform standards for surplus lines eligibility.
- 8205. Streamlined application for commercial purchasers.
- 8206. Definitions.

SUBCHAPTER II—REINSURANCE

- 8221. Regulation of credit for reinsurance and reinsurance agreements.
- 8222. Regulation of reinsurer solvency.
- 8223. Definitions.

SUBCHAPTER III—RULE OF CONSTRUCTION

- 8231. Rule of construction.
- 8232. Severability.