

(2) Requirements for exercises

In conducting exercises under paragraph (1), the Secretary and the Commissioner shall—

(A) make allowance for the resources, needs, and constraints of United States ports of entry of different sizes in representative geographic locations across the United States;

(B) base evaluations on current risk assessments of merchandise entering the United States at representative United States ports of entry located across the United States;

(C) ensure that such exercises are conducted in a manner consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidelines, the Maritime Transportation System Security Plan, and other such national initiatives of the Department of Homeland Security, as appropriate; and

(D) develop metrics with respect to the resumption of the entry of merchandise into the United States after an incident described in subsection (a)(1).

(3) Requirements for testing and evaluation

The Secretary and the Commissioner shall ensure that the testing and evaluation carried out in conducting exercises under paragraph (1)—

(A) are performed using clear and objective performance measures; and

(B) result in the identification of specific recommendations or best practices for responding to an incident described in subsection (a)(1).

(4) Dissemination of recommendations and best practices

The Secretary and the Commissioner shall—

(A) share the recommendations or best practices identified under paragraph (3)(B) among the members of the interagency Import Safety Working Group established under section 4331 of this title and with, as appropriate—

- (i) State, local, and tribal governments;
- (ii) foreign governments; and
- (iii) private sector entities; and

(B) use such recommendations and best practices to update the joint import safety rapid response plan.

(Pub. L. 114–125, title II, §202, Feb. 24, 2016, 130 Stat. 147.)

§ 4333. Training

The Commissioner shall ensure that personnel of U.S. Customs and Border Protection assigned to United States ports of entry are trained to effectively administer the provisions of this subchapter and to otherwise assist in ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

(Pub. L. 114–125, title II, §203, Feb. 24, 2016, 130 Stat. 148.)

SUBCHAPTER III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS**§ 4341. Definition of intellectual property rights**

In this subchapter, the term “intellectual property rights” refers to copyrights, trademarks, and other forms of intellectual property rights that are enforced by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

(Pub. L. 114–125, title III, §301, Feb. 24, 2016, 130 Stat. 149.)

Editorial Notes**REFERENCES IN TEXT**

This subchapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 114–125, Feb. 24, 2016, 130 Stat. 149, which is classified principally to this subchapter. For complete classification of title III to the Code, see Tables.

§ 4342. Notification of persons injured by circumvention devices**(1) In general**

Not later than the date that is 30 business days after seizing merchandise pursuant to subparagraph (G) of section 1595a(c)(2) of this title, the Commissioner shall provide to any person identified under paragraph (2) information regarding the merchandise seized that is equivalent to information provided to copyright owners under regulations of U.S. Customs and Border Protection for merchandise seized for violation of the copyright laws.

(2) Persons to be provided information

Any person injured by the violation of subsection (a)(2) or (b)(1) of section 1201 of title 17 that resulted in the seizure of the merchandise shall be provided information under paragraph (1), if that person is included on a list to be established and maintained by the Commissioner. The Commissioner shall publish notice of the establishment of and revisions to the list in the Federal Register.

(3) Regulations

Not later than the date that is one year after February 24, 2016, the Secretary of the Treasury shall prescribe regulations establishing procedures that implement this section.

(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