

AMENDMENT TO H.R. _____

OFFERED BY MR. BERMAN OF CALIFORNIA

Mr. Deutch of Florida

Add at the end of title VIII the following (and conform the table of contents accordingly):

1 **SEC. 813. PROTECTION OF INTELLECTUAL PROPERTY**
2 **RIGHTS.**

3 (a) RESOURCES TO PROTECT INTELLECTUAL PROP-
4 ERTY RIGHTS.—The Secretary of State shall ensure that
5 the protection in foreign countries of the intellectual prop-
6 erty rights of United States persons in other countries is
7 a significant component of United States foreign policy in
8 general and in relations with individual countries. The
9 Secretary of State, in consultation with the Director Gen-
10 eral of the United States and Foreign Commercial Service
11 and other agencies as appropriate, shall ensure that ade-
12 quate resources are available at diplomatic missions in any
13 country that is identified under section 182(a)(1) of the
14 Trade Act of 1974 (19 U.S.C. 2242(a)(1)) to ensure—

15 (1) support for enforcement action against vio-
16 lations of the intellectual property rights of United
17 States persons in such country; and

18 (2) cooperation with and support for the host
19 government's efforts to reform its applicable laws,

1 regulations, practices, and agencies to enable that
2 government to fulfill its international and bilateral
3 obligations with respect to intellectual property
4 rights.

5 (b) NEW APPOINTMENTS.—

6 (1) APPOINTMENTS.—The Secretary of State,
7 in consultation with the Director General of the
8 United States and Foreign Commercial Service,
9 shall appoint at least one intellectual property
10 attaché to serve in a United States embassy or other
11 diplomatic mission in a country in each geographic
12 region covered by a regional bureau of the Depart-
13 ment of State. The appointments under the pre-
14 ceding sentence shall be in addition to personnel
15 serving, on the date of the enactment of this Act, in
16 the capacity of intellectual property attachés from
17 any department or agency of the United States at
18 United States embassies or other diplomatic mis-
19 sions.

20 (2) REGIONS DEFINED.—The geographic re-
21 gions referred to in paragraph (1) are the following:

- 22 (A) Africa.
- 23 (B) Europe and Eurasia.
- 24 (C) East Asia and the Pacific.
- 25 (D) The Near East.

1 (E) South and Central Asia and the Pa-
2 cific.

3 (F) The Western Hemisphere.

4 (c) PRIORITY ASSIGNMENTS.—

5 (1) IN GENERAL.—Subject to paragraph (2), in
6 designating the embassies or other missions to which
7 attaches are assigned under subsection (b), the Sec-
8 retary of State shall give priority to those countries
9 where the activities of an attaché may be carried out
10 with the greatest potential benefit to reducing intel-
11 lectual property infringement in the United States
12 market, to protecting the intellectual property rights
13 of United States persons and their licensees, and to
14 protecting the interests of United States persons
15 otherwise harmed by violations of intellectual prop-
16 erty rights in those countries.

17 (2) ASSIGNMENTS TO PRIORITY COUNTRIES.—

18 In carrying out paragraph (1), the Secretary of
19 State shall consider assigning intellectual property
20 attachés—

21 (A) to the countries that have been identi-
22 fied under section 182(a)(1) of the Trade Act
23 of 1974 (19 U.S.C. 2242(a)(1));

1 (B) to the country where the Organization
2 for Economic Cooperation and Development has
3 its headquarters; and

4 (C) to countries recommended by the Intel-
5 lectual Property Enforcement Coordinator and
6 the heads of other appropriate agencies.

7 (d) TRAINING.—The Secretary of State shall ensure
8 that each attaché appointed under subsection (b) is fully
9 trained for the responsibilities of the position before as-
10 suming duties at the United States embassy or other mis-
11 sion in question.

12 (e) COORDINATION.—The activities of intellectual
13 property attachés under this section shall be carried out
14 in coordination with the Intellectual Property Enforce-
15 ment Coordinator.

16 (f) REPORT TO CONGRESS.—

17 (1) IN GENERAL.—The Secretary of State shall
18 submit to the Congress, not later than December 31
19 of each year, a report on the appointment, designa-
20 tion for assignment, and activities of all intellectual
21 property attachés of any Federal department or
22 agency who are serving at United States embassies
23 or other diplomatic missions.

24 (2) IN GENERAL.—Each report under para-
25 graph (1) shall include the following:

1 (A) An outline of the specific duties and
2 responsibilities undertaken by the intellectual
3 property attachés.

4 (B) A description of the progress, or lack
5 thereof, in the preceding 1-year period, regard-
6 ing the resolution of general and specific intel-
7 lectual property disputes in each country identi-
8 fied under section 182(a)(1) of the Trade Act
9 of 1974 (19 U.S.C. 2242(a)(1)), including any
10 changes by the host government in applicable
11 laws and regulations and their enforcement.

12 (C) An assessment of the obstacles pre-
13 venting the host government of each country
14 described in subparagraph (B) from imple-
15 menting adequate measures to fulfill its inter-
16 national and bilateral obligations with respect
17 to intellectual property rights.

18 (D) An assessment of the adequacy of the
19 resources of the Department of State employed
20 to carry out this section and, if necessary, an
21 assessment of the need for additional resources
22 for such purposes.

23 (g) DEFINITIONS.—In this section:

24 (1) INTELLECTUAL PROPERTY ENFORCEMENT
25 COORDINATOR.—The term “Intellectual Property

1 Enforcement Coordinator” means the Intellectual
2 Property Enforcement Coordinator appointed under
3 section 301 of the Prioritizing Resources and Orga-
4 nization for Intellectual Property Act of 2008 (15
5 U.S.C. 8111).

6 (2) INTELLECTUAL PROPERTY RIGHTS.—The
7 term “intellectual property rights” means the rights
8 of holders of copyrights, patents, trademarks, other
9 forms of intellectual property, and trade secrets.

10 (3) UNITED STATES PERSON.—The term
11 “United States person” means—

12 (A) any United States resident or national;

13 (B) any corporation, partnership, other
14 business entity, or other organization, that is
15 organized under the laws of the United States;
16 and

17 (C) any foreign subsidiary or affiliate (in-
18 cluding any permanent foreign establishment)
19 of any corporation, partnership, business entity,
20 or organization described in subparagraph (B),
21 that is controlled in fact by such corporation,
22 partnership, business entity, or organization.

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated for each fiscal year such
25 sums as may be necessary for the training and support

1 of the intellectual property attachés appointed under sub-
2 section (b).



Of the amounts authorized to be appropriated by this Act, or any amendments made by this Act, amounts necessary for the training and support of the intellectual property attachés appointed under subsection (b).

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authorized to
be appropriated