

IPR Center Report

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Partners in Action

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The IPR Center stands as a focal point in the U.S. government's fight against counterfeiting and the flow of counterfeit goods into the commerce of the U.S. The center employs a true task force model to optimize the roles and enforcement efforts of member agencies, while enhancing government-industry partnerships to support ongoing IPR enforcement initiatives.

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WCO Enforcement Committee Advocates Anti-Counterfeiting Initiatives

By Heather O'Malley and Thomas Hipelius,
U.S. Immigration and Customs Enforcement

The 28th Session of the World Customs Organization (WCO) Enforcement Committee convened in Brussels from February 23–27, 2009. The Enforcement Committee was established in 1983 for the purpose of developing strategies to combat a wide range of customs offenses, including commercial fraud, money laundering, e-crime, intellectual property rights (IPR) and narcotics trafficking. This annual session was attended by over 200 delegates representing more than 75 countries. At the end of the week, the Enforcement Committee, vice-chaired by U.S. Immigration and Customs Enforcement (ICE) Director of Investigations Marcy M. Forman, endorsed several WCO initiatives, including operations to combat the importation of goods that adversely affect public health and safety.

These initiatives were immediately acted upon, and the WCO sponsored a regional health and safety workshop in Mombasa, Kenya from April 20–24, 2009. The workshop was designed to enhance IPR enforcement capacity within the region, with a focus on the importation of counterfeit pharmaceuticals and other dangerous goods. This multi-faceted WCO customs training consisted of both classroom instruction and practical exercises held at the Mombasa seaport and airport.

The workshop also provided training on product identification conducted by various rights holders and on the targeting of in transit and imported counterfeit merchandise. A represen-



The 28th Session of the WCO Enforcement Committee.

tative from ICE also presented an overview of the National Intellectual Property Rights Coordination Center and IPR best practices.

Instructors for the various courses included customs investigators from the WCO, Belgium, France, Germany and the United States. Classroom participants included working level customs officials from 18 East African nations such as: Angola, Ethiopia, Kenya, Madagascar, Mauritius, Mozambique, Rwanda, Seychelles, Tanzania, Uganda and Zambia, among others. ■

World Intellectual Property Rights Day

On April 26th, 2009, the IPR Center celebrated World Intellectual Property Rights Day, an occasion for highlighting the need to protect the creativity, ingenuity and safety that U.S. trademark and trusted brands bring to the American consumer.

At the IPR Center in Arlington, Va., every day is dedicated to coordinating U.S. government efforts to combat criminals involved in counterfeiting and protect the American supply chain from counterfeit, substandard and tainted products. IPR Center partners took the opportunity of World Intellectual Property Rights Day to remind the American public that counterfeit and pirated goods entering our country not only cost the U.S. economy billions of dollars annually, but increasingly threaten public health and safety as well.

IPR Workshop Leads to Seizure

By Patrick Fisher,
U.S. Department of State,
U.S. Embassy Santiago, Chile

Stretched along the Pacific coast of South America, Chile boasts one of the most liberal economies in the world, with more than 50 free trade agreements (FTAs) and two free trade zones. Trade between the U.S. and Chile has increased 200 percent since the implementation of the FTA in 2004. These factors also make Chile an attractive target for marketing and distributing counterfeit and pirated goods. With this in mind, the U.S. Embassy in Santiago and the U.S. Patent and Trademark Office (USPTO) organized a seminar from March 30–April 3, 2009 to strengthen Chile’s intellectual property rights (IPR) enforcement.

More than 200 representatives from Chile’s Investigative Police (PDI), uniformed police (Carabineros), public prosecutor’s office (Ministerio Público) and customs service (Servicio de Aduanas) attended the seminar, which was held in Iquique and Valparaiso. Experts from the



U.S. Ambassador Paul Simons at the Chile training.



USPTO and the Department of Homeland Security (DHS) discussed topics ranging from effective customs controls to the influence of organized crime in IPR violations. Representatives from the private sector, including Apple, Timberland and Mattel, presented examples of counterfeit goods and explained how to identify fake products.

U.S. Ambassador Paul Simons delivered a speech promoting U.S.-Chilean cooperation on IPR. “Just as our countries enjoy the benefits of trade, we must share the responsibility of protecting our consumers and businesses. In a world where products are designed, manufactured, assembled, and distributed across continents,

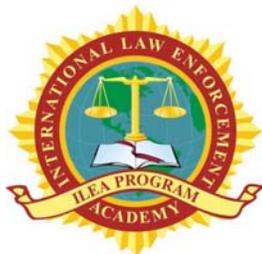
we can only achieve success by working together,” Ambassador Simons said. Chile’s National Prosecutor, Sabas Chahuan, also highlighted the importance of combating IPR violations.

The event complemented a similar training that took place in 2008 for Chilean judges. This year’s seminar showcased the inter-agency approach implemented by the U.S. to confront IPR crimes. Representatives from the Department of State, DHS, USPTO and the Federal Bureau of Investigation all participated in the event, which produced immediate results. Within three weeks of the seminar, Apple reported that Chilean authorities had seized more than 2,000 counterfeit Apple products. ■

International Law Enforcement Academy

By: Kimberly Sellers,
U.S. Immigration and Customs Enforcement

Initially established in 1995, the International Law Enforcement Academy (ILEA) program is an established network of academies located throughout the world and designed to combat intellectual property crime, international drug trafficking, terrorism and other



criminal activities through education of law enforcement and judicial officials. ILEAs are located in Bangkok, Thailand; Budapest, Hungary; Gaborone, Botswana; and San Salvador, El Salvador. There is also a regional training center (RTC) in Lima, Peru. The mission of the ILEAs helps protect U.S. interests through international cooperation and promotes stability by combating crime. To achieve these goals, ILEAs provide high-quality training and technical assistance, and foster relationships of

American law enforcement agencies with their counterparts in developing nations. The ILEA program also encourages strong partnerships among regional countries that allow these countries to work together to address common problems associated with criminal activity. The U.S. Department of State and each host country government support the ILEA program, and instruction is provided by experienced senior law enforcement officers from various law enforcement

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By Kimberly Thomas,
EMD Serono, Inc.

Understanding the importance of patient safety, counterfeiting, diversion, adulteration, misbranding and illegal importation have all become a high priority for both the pharmaceutical industry and government agencies recently. As companies and agencies make their best efforts to mitigate this activity, there are many challenges.

The pharmaceutical industry endeavors to find innovative solutions to strengthen and increase patient safety and provide continued support to various government agencies. To achieve this industry-wide goal, EMD Serono has taken a number of proactive steps. EMD Serono created a cross-functional team, including corporate security, Intellectual Property Rights (IPR)/trademark, product security, quality assurance, government

affairs and legal, and held a workshop in July 2008 for the U.S. launch of global anti-counterfeiting initiatives. The objectives were designed to foster increased levels of communication both internally and externally. In conjunction, EMD Serono developed and implemented a trace initiative for U.S. law enforcement agencies and has also been successfully passing electronic pedigrees with both serialized and non-serialized products.

In addition to taking steps forward in developing a trace initiative, EMD Serono has also focused its efforts on a number of different activities, such as partnering with the FDA for trace initiatives. EMD Serono has also implemented training and outreach programs to U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) on identification of EMD Serono's products and ports of entry in an effort to ensure legiti-

macy of products imported into the United States. This program established a relationship with both CBP and ICE by introducing EMD Serono's initiatives in enhancing patient safety. EMD Serono continues to work with trade associations, such as BIO, HDMA and PhRMA, to ensure harmonized approaches from industry are taken to enhance patient safety.

The pharmaceutical industry and government will continue collaborate on their mutual goals of protecting innovation and patient safety by working behind the scenes to deliver safe and effective products through the normal channels of distribution. ■

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agencies, including U.S. Immigration and Customs Enforcement (ICE). The ICE Office of International Affairs administers the program for ICE, and in the past ICE has provided instruction on a wide range of topics including financial investigations, human smuggling and trafficking, and intellectual property rights (IPR). ICE also offers instruction on a number of specialized topics such as advanced fraud training and advanced IPR investigations.

From April 20–24, 2009, a one-week specialized course entitled

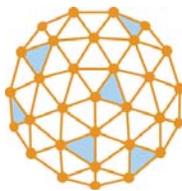
“Intellectual Property Rights” was presented at the ILEA Regional Training Center in Lima, Peru. A multidisciplinary team from the Department of Homeland Security (DHS) that consisted of instructors from ICE and ICE's IPR Center, U.S. Customs and Border Protection and the Houston, Texas Office of the U.S. Attorney, together with several rights holders, provided training to 35 participants from Brazil, Paraguay and Peru.

During the training, the participants were introduced to IPR protection systems and developed an understanding of the economic impact and consequences of IPR violations on industries as well as a country's

economy. They were also given instruction on how to apply strategies and techniques in conducting investigations and interdict items in violation of IPR statutes.

During fiscal year 2008, ICE conducted training (both core and advanced courses) at all four academies for approximately 1,000 participants. The participants included local and national police officers, customs and immigration officers and prosecutors. ICE will continue to participate in the ILEA program, providing quality instruction and offering best practices solutions at the core course sessions and specialized training courses. ■

Global Intellectual Property Academy



UNITED STATES PATENT AND TRADEMARK OFFICE
GLOBAL INTELLECTUAL PROPERTY ACADEMY

In 2006, the United States Patent and Trademark Office (USPTO) created the Global Intellectual Property Academy (GIPA or Academy) in order to dedicate a substantial portion of USPTO technical assistance and training efforts to the enforcement of intellectual property rights. The GIPA space includes a 20,000 square-foot training facility at the USPTO headquarters that consists of training rooms, meeting spaces, an internet café and translation facilities where the USPTO can more efficiently deliver targeted training to foreign intellectual property (IP) officials. GIPA employs a variety of training methods: lectures, panel discussions, group problem-solving exercises, role-playing exercises and field tours to courts, ports and businesses.

The Academy offers capacity building programs in the United States and around the world on IP protection, enforcement and capitalization. These programs are designed to meet the specific needs of foreign government officials and are offered to patent, trademark and copyright officials, judges, prosecutors, police, customs officials, foreign policy makers, examiners and rights holders. Both multilateral programs and country specific programs are offered. Specialized programs are developed to address specific legal issues, administrative issues and specific IP areas.

The Academy at USPTO is instrumental in pursuing the objectives of halting IP theft and advancing IP policies, as well as providing infor-



GIPA, Alexandria, Va.

mation related to economic growth. Through these programs, officials are able to develop an understanding of international IP obligations and norms. The participants are exposed to the United States model of protecting and enforcing IP rights while discussing IP issues in a learning environment.

The GIPA programs are key to accomplishing global awareness and fostering positive change in developing countries. The programs present the U.S. methods for protecting the IP rights of business owners, what is needed to comply with international IP-related treaty stipulations that protect the IP rights of business owners, and administer patent and trademark examining operations.

Another aim of these programs is to provide our trading partners with tools related to IP policy and protection to aid in the growth of their economies. In delivering

capacity building programs, the Academy works closely with other United States government agencies (such as U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection), trading partners and international organizations.

In 2008, the Academy provided training to more than 4,100 officials from 127 countries on a variety of topics, including IP protection and enforcement, and technology transfer.

Looking toward the future, GIPA is incorporating alternative modes of training delivery, utilizing all available and feasible technologies in the delivery of training and technical assistance. Consequently, GIPA is expanding the use of online training modules, optical media products, Web cameras and video teleconferencing. ■