

The US Approach to Cross-Border Cooperation and Intellectual Property Enforcement

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UNITED STATES
PATENT AND TRADEMARK OFFICE ®

USPTO - America's Innovation Agency

- U.S. Patent and Trademark Office.
- Fosters innovation and economic growth.
- Develops and promotes reliable, predictable, and high-quality intellectual property (IP) systems.

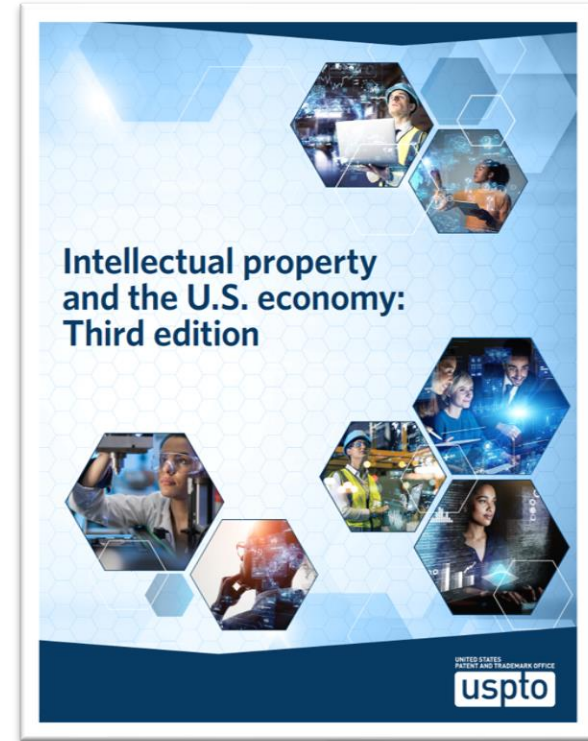


www.uspto.gov



IP and the U.S. economy

- **41%** of U.S. domestic economic activity in 2019 came from IP-intensive industries.
- **47 million jobs** in the U.S. were directly provided by IP-intensive industries in 2019.
- **15.5 million additional jobs** were supported in other industries supplying intermediate goods and services to IP-intensive sectors.
- **62.5 million total jobs** in the U.S. were supported by IP-intensive industries in 2019.
- **44% of U.S. employment** was connected to IP-intensive industries.



Counterfeits and impacts

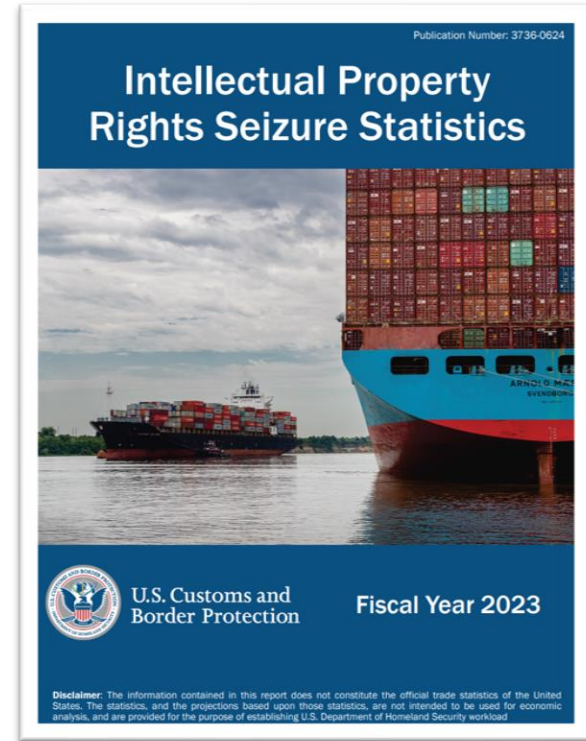
Negative effects of counterfeits

- **Erodes trust and public safety**
Lower consumer confidence in health, food systems, and law enforcement.
- **Economic impact**
These activities devalue brands, discourage innovation, cause job losses, and result in significant tax revenue losses.
- **Connection to crime**
They fuel other criminal activities, including human trafficking, drug trafficking, child labor, and corruption.



Economic impact

- U.S. Customs and Border Protection (CBP) made about 20,000 seizures of counterfeit items worth almost **\$2.7 billion** in FY 2023.
- **Over 90%** of all counterfeit seizures occur in the international mail and express environments.
- [Corsearch](#): Global trade in counterfeit goods is expected to reach **\$1.79 trillion** by 2030.



A global problem

**FY 2023 IPR Seizure Statistics by
Manufacturer's Suggested Retail Price
(MSRP)**



FY 2023 Totals

Total MSRP: Over \$2.7 Billion

Number of Seizure Lines: 102,712

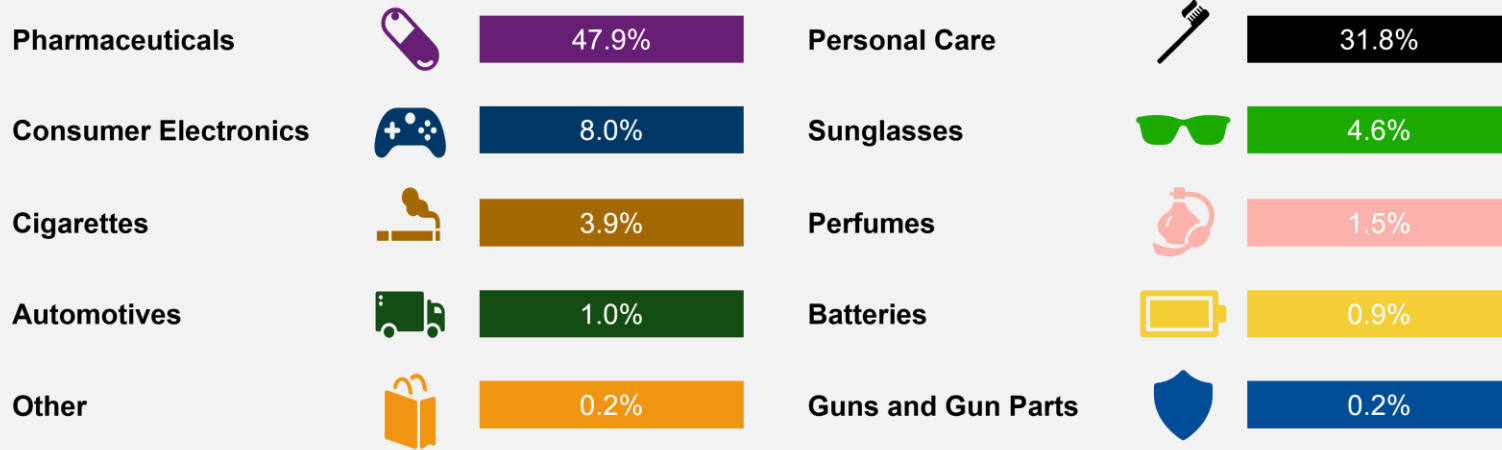
All Other Countries: 10.6%

www.cbp.gov/trade/fakegoodsrealdangers



Health and safety concerns

Top Health and Safety Products Seized – FY 2023



Total Number of Health and Safety Seizure Lines: 3,037,098

MSRP Value of Health and Safety Seizure: \$204,916,694

Challenges

- Jurisdictional limitations
- Resource constraints
- Evolving counterfeiting methods

This counterfeit Botox used the wrong name for the active ingredient.



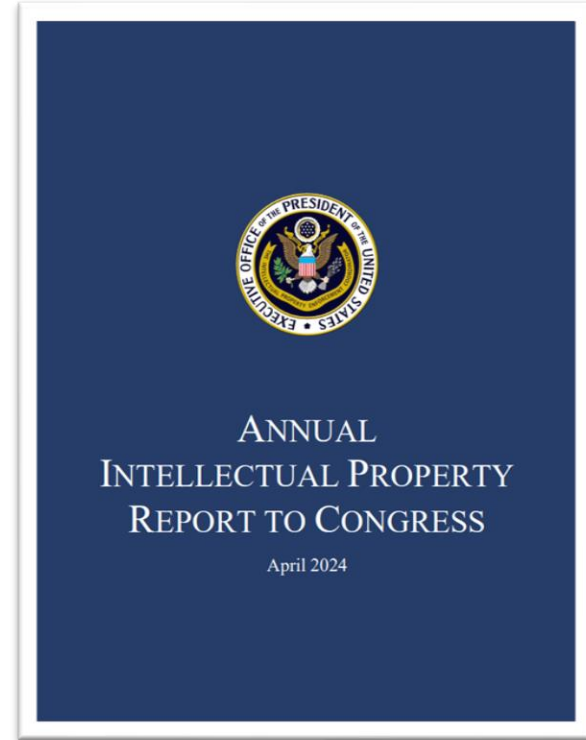
Look for a holographic image with the maker's name, in this case, Allergan.



Enforcement and cross-border cooperation

Annual Intellectual Property Report to Congress

- Summary of collaborative efforts across multiple U.S. federal departments and agencies.
- Departments of Agriculture, Commerce (including USPTO), Defense, Health and Human Services, Homeland Security, State, Treasury, U.S. Trade Representative, and U.S. Copyright Office.
- Highlights IP enforcement strategies and actions implemented by these agencies.



www.whitehouse.gov/wp-content/uploads/2024/04/IPEC-FY-23-Annual-Report_Final.pdf





Collaboration and enforcement

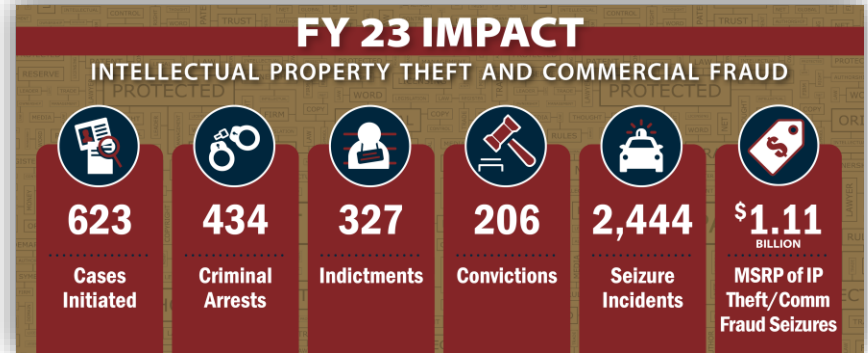
IPR Center

- The **IPR Center** (National Intellectual Property Rights Coordination Center) leads the U.S. government's response to stop global IP theft and enforce trade laws.
- Comprised of **federal agencies and industry experts**, the IPR Center develops initiatives, coordinates enforcement actions and shares information related to IP theft.
- Stops predatory, illegal trade practices that threaten the **public's health and safety, the U.S. economy, and national security.**



Cross-border enforcement examples

- The **IPR Center**'s role as a "one-stop shop" for IP enforcement efforts, coordinating with various agencies, partners, and stakeholders.
- **Customs and Border Protection**'s engagement with stakeholders to protect IP rights at the border, including through the e-Recordation program.
- **Homeland Security Investigations**' investigations into IP violations, particularly those involving transnational criminal organizations.
- **Department of Justice**'s prosecution of IP crimes, including those related to technology transfer and trade secrets.
- And many more.



Coordinated IP enforcement in 2023

Operation	Cases	Arrests	Seizures	Value
<i>Apothecary</i> Pharmaceuticals	34	16	329	\$2,528,135
<i>In Our Sites / Offsides</i> Websites and operators that distribute counterfeit and pirated items over the Internet	81	5	94	\$323,893
<i>Engine Newity</i> Critical automotive components (airbags, bearings, brake pads, accelerator arms, windshields, etc.)	7	5	65	\$779,091
<i>Surge Protector</i> Consumer electronics and technology products	11	8	32	\$2,113,845
<i>Body Armor</i> Personal healthcare and beauty products	8	3	8	\$ 44,975
<i>Team Player</i> Sports merchandise, apparel, and tickets	24	65	186	\$3,011,584

International engagement and advocacy

Trade policy and international organizations

- Special 301 review and the Notorious Markets Review.
- Trade and Investment Framework Agreements (**TIFAs**) with partner countries to discuss IP protection and enforcement.
- World Intellectual Property Organization (**WIPO**) and other international organizations.



USPTO IP Attaché Program

- IP attachés work globally to improve IP policies, laws, and regulations.
- In fiscal year 2024, IP attachés assisted 5,989 stakeholders.
- **Core services:**
 - Raising IP issues with foreign governments
 - Offering training on IP law, enforcement, and administration
 - Conducting public awareness campaigns
 - Presenting and clarifying U.S. government positions on IP



Training and capacity building

USPTO training and capacity building

7861
ATTENDEES

129
PROGRAMS

119
COUNTRIES

Fiscal year 2024

USPTO Global IP Academy
www.uspto.gov/dashboard/opia/



ASEAN-USPTO 20 years of partnership



September 2024



Indo-Pacific Workshop on Enforcement Against Trade in Counterfeit Goods



July 2024



Education and public awareness

Go for Real



McGruff the Crime Dog and the *Go For Real* Campaign are shedding light on the dangers of fake pills and other counterfeits.

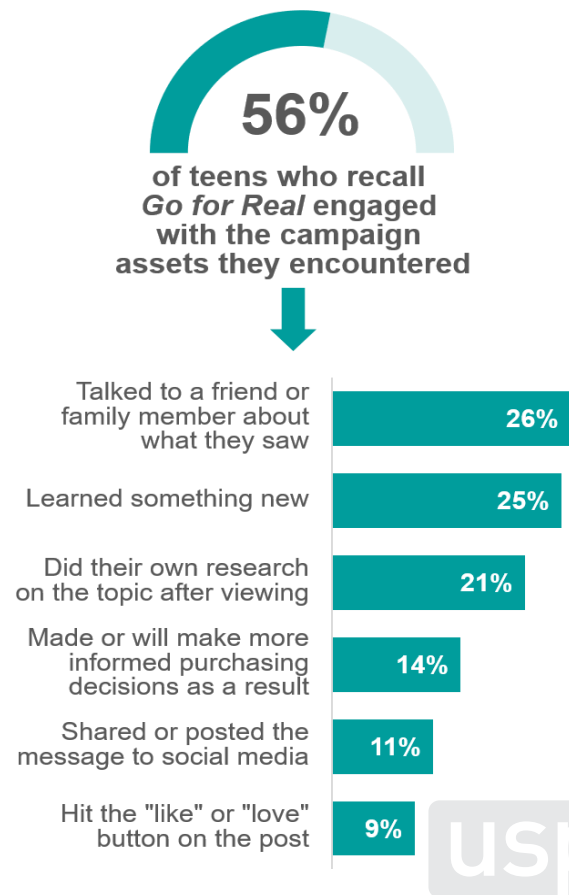
www.ncpc.org/goforreal

www.uspto.gov/blog/director/entry/go-for-real-an-innovative

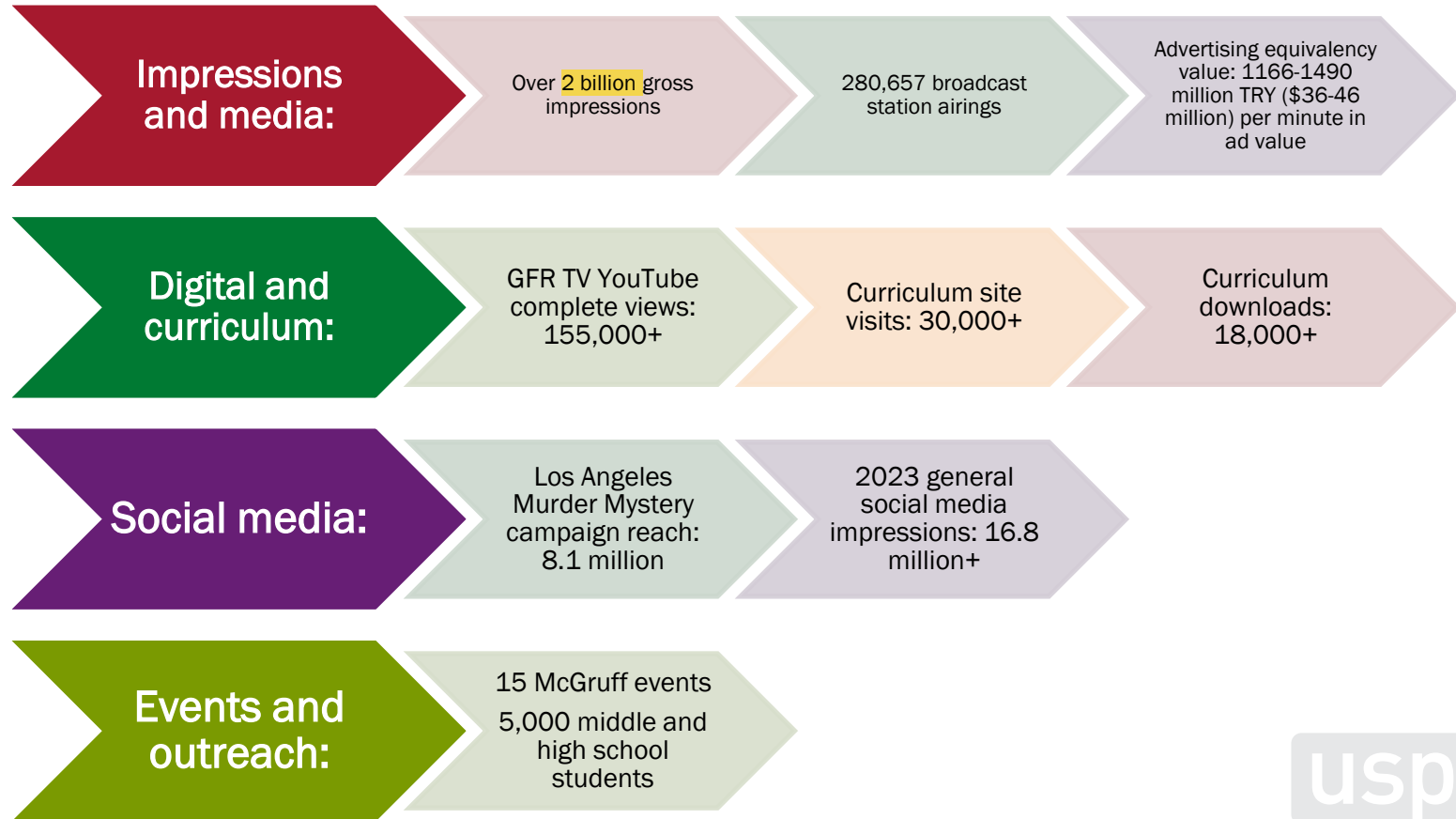


Effectiveness of *Go for Real*

- National survey conducted by market research and consulting firm Ipsos found:
- Teens that were exposed to and recalled campaign materials were more likely to agree with the following statements:
 - I am careful to ensure the products I purchase are not fake (67% vs. 54%)
 - I know how to spot a fake (62% vs. 39%)
- Teens exposed to campaign materials show greater awareness of the dangers, of counterfeits in general, and especially fake personal care products.



Effectiveness of *Go for Real*



Go for Real: Elige el Original



ECONOMÍA
SECRETARÍA DE ECONOMÍA



IMPI
INSTITUTO MEXICANO
DE LA PROPIEDAD
INDUSTRIAL

UNITED STATES
PATENT AND TRADEMARK OFFICE
uspto

<https://eligeeloriginal.impi.gob.mx/>

▶ **ELIGE EL ORIGINAL**

¡ÚNETE!

**No te arriesgues,
consume productos
originales.**



Go for Real: Thailand



<https://th.usembassy.gov/go-for-real-campaign/>





Thank you!

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