

S 3325

Prioritizing Resources and Organization for Intellectual Property Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Jul 24, 2008

Current Status: Became Public Law No: 110-403.

Latest Action: Became Public Law No: 110-403. (Oct 13, 2008)

Law: 110-403 (Enacted Oct 13, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/3325>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • **State:** VT • **Chamber:** Senate

Cosponsors (21 total)

| Cosponsor | Party / State | Role | Date Joined |
|-------------------------------------|---------------|------|--------------|
| Sen. Bayh, Evan [D-IN] | D · IN | | Jul 24, 2008 |
| Sen. Cornyn, John [R-TX] | R · TX | | Jul 24, 2008 |
| Sen. Feinstein, Dianne [D-CA] | D · CA | | Jul 24, 2008 |
| Sen. Specter, Arlen [R-PA] | R · PA | | Jul 24, 2008 |
| Sen. Voinovich, George V. [R-OH] | R · OH | | Jul 24, 2008 |
| Sen. Whitehouse, Sheldon [D-RI] | D · RI | | Aug 1, 2008 |
| Sen. Cardin, Benjamin L. [D-MD] | D · MD | | Sep 10, 2008 |
| Sen. Hatch, Orrin G. [R-UT] | R · UT | | Sep 11, 2008 |
| Sen. Corker, Bob [R-TN] | R · TN | | Sep 18, 2008 |
| Sen. Alexander, Lamar [R-TN] | R · TN | | Sep 23, 2008 |
| Sen. Bond, Christopher S. [R-MO] | R · MO | | Sep 23, 2008 |
| Sen. Graham, Lindsey [R-SC] | R · SC | | Sep 23, 2008 |
| Sen. Boxer, Barbara [D-CA] | D · CA | | Sep 24, 2008 |
| Sen. Hutchison, Kay Bailey [R-TX] | R · TX | | Sep 24, 2008 |
| Sen. Schumer, Charles E. [D-NY] | D · NY | | Sep 24, 2008 |
| Sen. Smith, Gordon H. [R-OR] | R · OR | | Sep 24, 2008 |
| Sen. Clinton, Hillary Rodham [D-NY] | D · NY | | Sep 25, 2008 |
| Sen. Gregg, Judd [R-NH] | R · NH | | Sep 25, 2008 |
| Sen. Levin, Carl [D-MI] | D · MI | | Sep 25, 2008 |
| Sen. Brown, Sherrod [D-OH] | D · OH | | Sep 26, 2008 |
| Sen. Stabenow, Debbie [D-MI] | D · MI | | Sep 26, 2008 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---------------------|---------|-------------|--------------|
| Judiciary Committee | Senate | Reported By | Sep 15, 2008 |

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

Prioritizing Resources and Organization for Intellectual Property Act of 2008 - Title I: Enhancements to Civil Intellectual Property Laws - (Sec. 101) Amends federal copyright law to provide that copyright registration requirements apply to civil (not criminal) infringement actions and provide a safe harbor for copyright registrations that contain inaccurate information.

(Sec. 102) Allows a court, while an infringement action is pending, to impound records documenting the manufacture, sale, or receipt of related things, requiring a protective order to ensure that confidential, private, proprietary, or privileged information is not improperly disclosed or used.

Amends trademark seizure provisions to broaden protective order requirements.

(Sec. 103) Amends the Trademark Act to revise treble damages provisions and double statutory damages in counterfeiting cases.

(Sec. 104) Doubles statutory damage minimums and maximums for the use of counterfeit trademarks.

(Sec. 105) Makes exportation of copies or phonorecords without the copyright owner's authority an infringement. (Importation is already an infringement.)

Title II: Enhancements to Criminal Intellectual Property Laws - (Sec. 205) Imposes criminal penalties if, in intentionally trafficking in counterfeit goods or services, an offender knowingly or recklessly causes serious bodily injury or death.

Prohibits the transshipment or exportation of counterfeit goods or services and deems such acts to be violations of the Acts commonly referred to as the Trademark Act of 1946 or the Lanham Act.

(Sec. 206) Requires, for civil and criminal violations of certain provisions, the forfeiture and destruction of any articles involved, any property used in commission of the offense, and property constituting or derived from proceeds obtained directly or indirectly from the offense. (Those provisions relate to: (1) economic espionage involving trade secrets and benefiting any foreign government, instrumentality, or agent; (2) criminal copyright infringement; (3) trafficking in counterfeit goods or services; (4) unauthorized fixation of, and trafficking in, sound and video recordings of live musical performances; and (5) unauthorized recording of motion pictures.)

Requires, in addition, restitution for violation of such provisions.

(Sec. 208) Revises the penalties applicable to various criminal copyright violations.

Title III: Coordination and strategic Planning of Federal Effort Against Counterfeiting and Infringement - (Sec. 301) Directs the President to appoint an Intellectual Property Enforcement Coordinator (IPEC). Includes in the IPEC's duties chairing the interagency intellectual property enforcement advisory committee (IPEAC) established by this Act and coordinating the development, and assisting in the implementation, of the IPEAC's Joint Strategic Plan against counterfeiting and piracy.

(Sec. 303) Requires the Plan to include in its objectives: (1) reducing counterfeit and infringing goods in the domestic and international supply chain; (2) identifying and addressing structural weaknesses, systemic flaws, or other unjustified impediments to effective enforcement; (3) ensuring that information is identified and shared among the relevant

departments and agencies; (4) disrupting and eliminating domestic and international counterfeiting and infringement networks; and (5) providing training and technical assistance to foreign governments to enhance those governments' enforcement of counterfeiting and infringement laws. Requires a report every three years to the House and Senate Judiciary and Appropriations Committees.

(Sec. 304) Requires an annual report to Congress on the IPEAC's activities.

(Sec. 305) Amends the Treasury and General Government Appropriations Act, 2000 to repeal provisions establishing the National Intellectual Property Law Enforcement Coordination Council, effective on Senate confirmation of the IPEC.

(Sec. 306) Authorizes appropriations to carry out this title.

Title IV: Department of Justice Programs - (Sec. 401) Amends the Computer Crime Enforcement Act to allow existing grants to combat computer crime to be used for activities relating to infringement of copyrighted works over the Internet. Authorizes appropriations.

Authorizes the Office of Justice Programs of the Department of Justice (DOJ) to make grants for training, prevention, enforcement, and prosecution of intellectual property theft and infringement crimes. Authorizes appropriations.

(Sec. 402) Requires the Attorney General, subject to appropriations, to: (1) ensure that there are at least 10 additional operational Federal Bureau of Investigation (FBI) agents designated to support the DOJ's Computer Crime and Intellectual Property section on the investigation and coordination of intellectual property crimes; (2) increase by at least one the number of FBI agents supporting any DOJ Computer Hacking and Intellectual Property Crime Unit; (3) ensure that all such Units located at a U.S. Attorney's office are assigned at least two Assistant United States Attorneys; (4) ensure the implementation of a regular and comprehensive intellectual property training program; and (5) create and implement a comprehensive, long-range plan to investigate and prosecute international organized crime syndicates engaging in or supporting crimes relating to intellectual property theft. Authorizes appropriations.

(Sec. 403) Authorizes appropriations to hire and train law enforcement officers to investigate and prosecute intellectual property crimes and other crimes committed using information technology, including through the Internet, and to enable DOJ units to procure advanced tools of forensic science and expert computer forensic assistance to investigate, prosecute, and study such crimes.

(Sec. 404) Directs the Attorney General and the FBI's director each to report annually to Congress on actions to carry out this title.

Title V: Miscellaneous - (Sec. 501) Requires the Comptroller General to report to Congress on how the federal government could better protect the intellectual property of manufacturers by quantification of the impacts of imported and domestic counterfeit goods on the U.S. manufacturing industry and on the overall U.S. economy.

(Sec. 502) Requires the Comptroller General to report to the House and Senate Judiciary Committees on the Judiciary of the Senate and to the Committee on the Judiciary of the House of Representatives on: (1) the actions of the IPEC and the Attorney General in carrying out this Act; (2) any possible legislative, administrative, or regulatory changes to better achieve this Act's goals and purposes; (3) the effectiveness of any actions taken by the IPEC and the Attorney General to minimize duplicating the efforts, materials, facilities, and procedures of any other federal agency and to enhance efficiency and consistency in enforcing, investigating, or prosecuting intellectual property crimes; and (4) any actions to reduce duplication of efforts and increase that efficiency and consistency.

(Sec. 503) Expresses the sense of Congress that: (1) effective criminal enforcement of the intellectual property laws should be among the Attorney General's highest priorities; and (2) the Attorney General shall give priority to intellectual property theft cases with a nexus to terrorism and organized crime.

Expresses the sense of Congress that, with respect to criminal counterfeiting and infringement of computer software, the Attorney General should give priority to cases: (1) involving willful theft for commercial advantage or private financial gain; (2) where the theft is central to the viability of the commercial activity of the enterprise (or subsidiary) involved in the violation; (3) where the counterfeited or infringing goods or services enable unfair competition; or (4) where there is actual knowledge of the theft by the directors or officers of the enterprise.

Actions Timeline

- **Oct 13, 2008:** Signed by President.
- **Oct 13, 2008:** Became Public Law No: 110-403.
- **Oct 2, 2008:** Presented to President.
- **Sep 28, 2008:** Considered as unfinished business. (consideration: CR H10304-10305)
- **Sep 28, 2008:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 381 - 41 (Roll no. 664).(text: CR 9/27/2008 H10229-10236)
- **Sep 28, 2008:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 381 - 41 (Roll no. 664). (text: CR 9/27/2008 H10229-10236)
- **Sep 28, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 28, 2008:** Cleared for White House.
- **Sep 27, 2008:** Mr. Conyers moved to suspend the rules and pass the bill.
- **Sep 27, 2008:** Considered under suspension of the rules. (consideration: CR H10229-10238)
- **Sep 27, 2008:** DEBATE - The House proceeded with forty minutes of debate on S. 3325.
- **Sep 27, 2008:** At the conclusion of debate, the chair put the question on the motion to suspend the rules. Mr. Conyers objected to the vote on the grounds that a quorum was not present. Further proceedings on the motion were postponed. The point of no quorum was withdrawn.
- **Sep 26, 2008:** Measure laid before Senate by unanimous consent. (consideration: CR S9583-9591; text of measure as reported in Senate: CR S9583-9589)
- **Sep 26, 2008:** The committee amendments were withdrawn by Unanimous Consent.
- **Sep 26, 2008:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Sep 26, 2008:** Passed Senate with an amendment by Unanimous Consent.
- **Sep 26, 2008:** Received in the House.
- **Sep 26, 2008:** Message on Senate action sent to the House.
- **Sep 26, 2008:** Held at the desk.
- **Sep 15, 2008:** Committee on the Judiciary. Reported by Senator Leahy with amendments. Without written report.
- **Sep 15, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 964.
- **Sep 11, 2008:** Committee on the Judiciary. Ordered to be reported with amendments favorably.
- **Jul 24, 2008:** Introduced in Senate
- **Jul 24, 2008:** Sponsor introductory remarks on measure. (CR S7280-7281)
- **Jul 24, 2008:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S7281-7286)