

## HR 4279

### Prioritizing Resources and Organization for Intellectual Property Act of 2008

**Congress:** 110 (2007–2009, Ended)

**Chamber:** House

**Policy Area:** Commerce

**Introduced:** Dec 5, 2007

**Current Status:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on the Judiciary. (May 12, 2008)

**Official Text:** <https://www.congress.gov/bill/110th-congress/house-bill/4279>

### Sponsor

**Name:** Rep. Conyers, John, Jr. [D-MI-14]

**Party:** Democratic • **State:** MI • **Chamber:** House

### Cosponsors (19 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Berman, Howard L. [D-CA-28]	D · CA		Dec 5, 2007
Rep. Chabot, Steve [R-OH-1]	R · OH		Dec 5, 2007
Rep. Cohen, Steve [D-TN-9]	D · TN		Dec 5, 2007
Rep. Feeney, Tom [R-FL-24]	R · FL		Dec 5, 2007
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Dec 5, 2007
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Dec 5, 2007
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Dec 5, 2007
Rep. Keller, Ric [R-FL-8]	R · FL		Dec 5, 2007
Rep. Schiff, Adam B. [D-CA-29]	D · CA		Dec 5, 2007
Rep. Smith, Lamar [R-TX-21]	R · TX		Dec 5, 2007
Rep. Wexler, Robert [D-FL-19]	D · FL		Dec 6, 2007
Rep. Watt, Melvin L. [D-NC-12]	D · NC		Feb 6, 2008
Rep. Coble, Howard [R-NC-6]	R · NC		Mar 4, 2008
Rep. Bono, Mary [R-CA-45]	R · CA		Mar 5, 2008
Rep. Pence, Mike [R-IN-6]	R · IN		Mar 6, 2008
Rep. Watson, Diane E. [D-CA-33]	D · CA		Apr 15, 2008
Rep. Wasserman Schultz, Debbie [D-FL-20]	D · FL		Apr 22, 2008
Rep. Gallegly, Elton [R-CA-24]	R · CA		Apr 30, 2008
Rep. Sherman, Brad [D-CA-27]	D · CA		Apr 30, 2008

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported by	Mar 6, 2008
Judiciary Committee	House	Referred to	Apr 14, 2008
Judiciary Committee	Senate	Referred To	May 12, 2008

Subjects & Policy Tags

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Policy Area:

Commerce

Related Bills

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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: (1) provide a safe harbor for copyright registrations that contain inaccurate information, unless there was knowledge of the inaccurate information and the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration; (2) provide that copyright registration requirements apply to civil (not criminal) infringement actions; and (3) require courts to issue protective orders to prevent disclosure of seized records relating to copyright infringement.

(Sec. 104) Broadens the trademark infringement situations in which treble damages are allowed to include: (1) intentionally inducing another to violate a trademark; and (2) providing goods and services necessary to the commission of a violation with the intent that they be used in the violation. Doubles the minimum and maximum statutory damage limits for trademark infringement.

(Sec. 106) Prohibits the importing (current law), as well as the exporting, of infringing copies of copyrighted works.

**Title II: Enhancements to Criminal Intellectual Property Laws** - (Sec. 201) Amends the federal criminal code with respect to intellectual property to: (1) revise criminal penalties for infringement of a copyright by permitting repeat felony violations to be interchangeable, for trafficking in counterfeit labels or packaging, and for causing serious bodily harm or death while trafficking in counterfeit goods or services; and (2) revise current civil and criminal forfeiture provisions for copyright infringement, as well as add new restitution and forfeiture provisions.

(Sec. 203) Authorizes the United States Sentencing Commission to amend certain federal sentencing guidelines and policy statements regarding whether a defendant should receive an upward adjustment in the offense level on the grounds that exportation introduces infringing items into the stream of foreign commerce in a manner analogous to the manner in which manufacturing, importing, and uploading such items introduces them into the stream of commerce.

**Title III: Coordination and Strategic Planning of Federal Effort Against Counterfeiting and Piracy - Subtitle A: Office of the United States Intellectual Property Enforcement Representative** - (Sec. 301) Establishes within the Executive Office of the President the Office of the United States Intellectual Property Enforcement Representative (IP Enforcement Representative) to formulate a Joint Strategic Plan for combating counterfeiting and piracy of intellectual property and for coordinating national and international enforcement efforts to protect intellectual property rights. Prohibits the IP Enforcement Representative from controlling or directing any law enforcement agency in the exercise of its investigative or prosecutorial authority in particular cases. Establishes an interagency intellectual property enforcement advisory committee to develop the Joint Strategic Plan against counterfeiting and piracy under subtitle B of this title.

**Subtitle B: Joint Strategic Plan** - (Sec. 321) Requires the IP Enforcement Representative to submit a Joint Strategic Plan against counterfeiting and piracy to the President and specified congressional committees every three years. Requires that the plan include programs to provide training and technical assistance to foreign governments to enhance those governments' efforts to enforce counterfeiting and piracy laws.

(Sec. 322) Requires an annual report on the Office's activities to the President, Congress, and the people of the United States.

(Sec. 323) Repeals provisions establishing the National Intellectual Property Law Enforcement Coordination Council.

(Sec. 324) Authorizes appropriations to carry out this title.

**Title IV: International Enforcement and Coordination** - (Sec. 401) Directs the Under Secretary of Commerce for Intellectual Property and the Director of the U.S. Patent and Trademark Office (USPTO) to appoint at least 10 additional intellectual property attaches to work with foreign countries to combat counterfeiting and piracy of intellectual property. Sets forth provisions providing for the duties, assignment, and training of such attaches.

(Sec. 404) Requires the Department of Commerce's Inspector General to perform yearly audits of the intellectual property attaches and report to the House and Senate judiciary committees on the audit results, including regarding activities and effectiveness.

(Sec. 405) Authorizes appropriations for the training and support of the intellectual property attaches appointed under this title and of other Department of Commerce intellectual property attaches.

**Title V: Department of Justice Programs - Subtitle A: Coordination** - (Sec. 501) Establishes within the Department of Justice (DOJ) the Intellectual Property Enforcement Division to be headed by an Intellectual Property Enforcement Officer (IP Officer).

Transfers to the Intellectual Property Enforcement Division the functions of the Computer Crime and Intellectual Property Section of the Criminal Division of the Department of Justice that relate to the enforcement of criminal laws regarding intellectual property rights and trade secrets. Requires that the Intellectual Property Law Enforcement Coordinators of the Department of Justice to whom this title applies also be in the Intellectual Property Enforcement Division.

**Subtitle B: Law Enforcement Resources** - (Sec. 511) Amends the Computer Crime Enforcement Act to: (1) modify grant programs for combating computer crime to include infringement of copyrighted works over the Internet; and (2) authorize appropriations for the grants.

Directs the Office of Justice Programs of DOJ to make grants to state and local law enforcement agencies to combat intellectual property theft and infringement crimes. Authorizes appropriations.

(Sec. 512) Directs the Attorney General to: (1) review Computer Hacking and Intellectual Property (CHIP) units, provide such units with additional support and resources, and coordinate unit activities with corresponding state and local activities; and (2) direct each U.S. attorney to review policies for accepting or declining prosecutions of criminal cases involving intellectual property law violation.

(Sec. 514) Authorizes appropriations to carry out this subtitle.

**Subtitle C: International Activities** - (Sec. 521) Directs the Attorney General to deploy five additional Intellectual Property Law Enforcement Coordinators in foreign countries to protect the intellectual property rights of U.S. citizens. Authorizes appropriations.

(Sec. 522) Directs the Attorney General to increase DOJ training and assistance to foreign governments to combat counterfeiting and piracy of intellectual property. Authorizes appropriations.

**Subtitle D: Coordination, Implementation, and Reporting** - (Sec. 531) Requires the IP Officer to ensure that activities undertaken under this title are carried out in a way consistent with the Joint Strategic Plan.

(Sec. 532) Directs the Attorney General to report to the House and Senate judiciary committees on actions taken to carry out this title, including regarding the IP Officer's activities.

## Actions Timeline

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- **May 12, 2008:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **May 8, 2008:** Considered as unfinished business. (consideration: CR H3202-3203)
- **May 8, 2008:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by recorded vote (2/3 required): 410 - 11 (Roll no. 300).(text: CR 5/6/2008 H3067-3074)
- **May 8, 2008:** On motion to suspend the rules and pass the bill, as amended Agreed to by recorded vote (2/3 required): 410 - 11 (Roll no. 300). (text: CR 5/6/2008 H3067-3074)
- **May 8, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **May 6, 2008:** Mr. Conyers moved to suspend the rules and pass the bill, as amended.
- **May 6, 2008:** Considered under suspension of the rules. (consideration: CR H3067-3078)
- **May 6, 2008:** DEBATE - The House proceeded with forty minutes of debate on H.R. 4279.
- **May 6, 2008:** At the conclusion of debate, the chair put the question on the motion to suspend the rules. Mr. Frelinghuysen 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.
- **May 5, 2008:** Reported (Amended) by the Committee on Judiciary. H. Rept. 110-617.
- **May 5, 2008:** Placed on the Union Calendar, Calendar No. 384.
- **Apr 30, 2008:** Committee Consideration and Mark-up Session Held.
- **Apr 30, 2008:** Ordered to be Reported (Amended) by Voice Vote.
- **Apr 14, 2008:** Referred to the Subcommittee on Commercial and Administrative Law.
- **Mar 6, 2008:** Subcommittee Consideration and Mark-up Session Held.
- **Mar 6, 2008:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .
- **Dec 13, 2007:** Subcommittee Hearings Held.
- **Dec 12, 2007:** Committee Hearings Held.
- **Dec 7, 2007:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Dec 5, 2007:** Introduced in House
- **Dec 5, 2007:** Sponsor introductory remarks on measure. (CR E2500-2501)
- **Dec 5, 2007:** Referred to the House Committee on the Judiciary.