



November 25, 2003

*Via electronic submission*

Under Secretary of Commerce for Intellectual Property and  
Director of the U.S. Patent and Trademark Office  
Attention: Elizabeth Shaw  
Box 4  
Washington, DC 20231

Re: Request for Comments on the Agenda  
for the National Intellectual Property  
Law Enforcement Coordination Council  
(NIPLECC), 68 Fed. Reg. 61398  
(October 28, 2003)

Docket No. 2003-C-028

To the Council:

The International Intellectual Property Alliance (IIPA) submits this document in response to the October 28 request for public comments issued by James E. Rogan, Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office, and Christopher A. Wray, Assistant Attorney General for the Criminal Division at the U.S. Department of Justice, the co-chairs of the National Intellectual Property Law Enforcement Coordination Council (NIPLECC).

IIPA<sup>1</sup> and its members greatly appreciate the work each federal agency undertakes to support effective copyright laws and enforcement, both here and abroad. We work closely with the U.S. government interagency on international trade and copyright-related matters globally. On the domestic front, our member associations and their companies work with U.S. enforcement agencies on operational matters, including criminal investigations and border enforcement. We, individually and collectively, remain committed to supporting our U.S. government colleagues in efforts to ensure the continued vitality of one of our nation's most vital and importance economic sectors – the copyright-based industries.

<sup>1</sup> The International Intellectual Property Alliance (IIPA) is a private sector coalition formed in 1984 to represent the U.S. copyright-based industries in bilateral and multilateral efforts to improve international protection of copyrighted materials. IIPA is comprised of six trade associations, which in turn represent over 1,300 U.S. companies producing and distributing materials protected by copyright laws throughout the world – all types of computer software including business applications software and entertainment software (such as videogame CDs and cartridges, personal computer CD-ROMs and multimedia products); theatrical films, television programs, home videos and digital representations of audiovisual works; music, records, CDs, and audiocassettes; and textbooks, tradebooks, reference and professional publications and journals (in both electronic and print media).

## **IIPA's Comments on NIPLECC Functions**

NIPLECC's statutory mission is broadly "to coordinate domestic and international intellectual property law enforcement among federal and foreign entities." In this docket, the "[t]he Council has identified four areas of its mission and requested comments on how it might best address these areas: law enforcement liaison, training coordination, industry and other outreach, and increasing public awareness." Last year, IIPA submitted detailed comments to NIPLECC and we continue to support those recommendations.<sup>2</sup>

IIPA and its members do believe there is value in interagency communication and coordination on many copyright-related matters, domestic and international. We have worked hard with the staff of these agencies (all of which are NIPLECC member agencies) to establish contacts, exchange information and consult with each other to achieve tangible objectives.

However, we have not seen much action or any results taken by NIPLECC itself -- as an interagency body -- in the past year. Therefore, IIPA has only a few observations to share about NIPLECC and no specific recommendations for NIPLECC's 2004 agenda at this time. Rather, we will continue our ongoing coordination efforts with the various U.S. agencies, both individually and collectively.

**Law Enforcement Liaison:** IIPA continues to view NIPLECC as a vehicle through which its inter-agency members can productively share information and promote common "non-operational" law enforcement interests. Such contributions could include actions such as: (1) U.S. law enforcement working with its fellow U.S. agencies; (2) more enforcement training for U.S. federal law enforcement officials; (3) U.S. law enforcement working with their international colleagues; (4) improved U.S. law enforcement coordination within the U.S. Embassies abroad.

**Training Coordination:** IIPA sees this training coordination element as including coordination for U.S.-funded training for foreign intellectual property law experts (both abroad and in the U.S.) as well as enforcement training for U.S. government agencies involved in domestic operational matters here in the U.S. We have several observations here.

- IIPA and its members have participated in the development of the IPR Training Database ([www.training.ipr.gov](http://www.training.ipr.gov)), and have participated in over 120 industry-led and/or -sponsored training events provided to foreign officials during the U.S. government's fiscal year (October 2002-September 2003). In fact, that number would be far greater if industry participation in the numerous U.S. government-sponsored events were included.
- IIPA requests that more concerted action be taken to obtain greater transparency in the development of the IPR technical assistance programs funded by U.S. government agencies, especially U.S. Agency for International Development (USAID).

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<sup>2</sup> See IIPA Submission to NIPLECC, September 4, 2002, available at [http://www.iipa.com/rbi/2002\\_Sep4\\_NIPLECC.pdf](http://www.iipa.com/rbi/2002_Sep4_NIPLECC.pdf).

- We request that the interagency continue to work with the private sector to prioritize U.S. intellectual property-related trainings, here and abroad. We have appreciated this kind of coordination/communication in years past.
- Greater efforts are needed to evaluate the impact of and follow-up on the U.S. government trainings of foreign officials.
- We urge that intellectual property components should be incorporated into judicial reform projects sponsored by both the U.S. government and other institutions. Incorporating an IPR component in each of these myriad “rule of law” and similar programs would greatly support the U.S. government’s and industries’ goals to improve IPR protection and enforcement around the world.

**NIPLECC Outreach:** With respect to NIPLECC as an entity improving its own outreach, IIPA offers the following observation. NIPLECC should continue to encourage its members to take all actions to communicate with their respective foreign counterparts to make clear that the U.S. government places a high degree of importance on the effective legal protection and enforcement of copyright and other intellectual property rights abroad. For example, the Office of the U.S. Trade Representative has articulated a series of copyright-related goals with our trading partners.<sup>3</sup> IIPA strongly supports this agenda, and urges that it be used consistently by all U.S. government agencies in their representations with other nations.

**Public Awareness by NIPLECC:** Publicizing enforcement actions is extremely important in educating the public about the value of copyright and the deleterious impact of piracy. NIPLECC’s member agencies could take several steps to strengthen their own messaging to the public such as: (a) improving press/media outreach on domestic operations; (b) improving government outreach to the copyright industry on press matters; and (c) coordinating educational messages among domestic law enforcement.

IIPA has been informed that NIPLECC is working toward creating a public awareness program on the international front, and specifically, program(s) to support the Central American Free Trade Agreement (CA-FTA) may be its initial endeavor.

**Public Sector Activities:** The U.S. copyright industries have been very active in promoting respect for copyright.

- IIPA and its six associations all maintain websites with detailed information on copyright law and piracy issues, all of which are easily accessible to the public: [www.publishers.org](http://www.publishers.org); [www.afma.com](http://www.afma.com); [www.bsa.org](http://www.bsa.org); [www.theESA.com](http://www.theESA.com); [www.mpa.org](http://www.mpa.org); [www.riaa.com](http://www.riaa.com); and [www.iipa.com](http://www.iipa.com).

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<sup>3</sup> For example, the U.S. Trade Representative has outlined several key international policy goals in the IPR context, for example: implementing the WTO TRIPS Agreement, controlling optical media production, fighting internet piracy and encouraging countries to ratify and implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, and supporting other governments to modernize their software management systems and use legitimate software. See Office of the United States Trade Representative, 2003 Special 301 Report, April 30, 2003, at <http://www.ustr.gov/reports/2003/special301.htm>

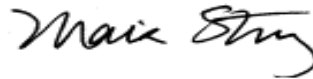
- All six of the IIPA member associations have press affairs offices which work to deliver the associations' messages on everything from ongoing litigation, to policy papers, to testimony, to other industry-specific activities.
- Many of the IIPA member associations, as well as their member companies, are involved in ongoing criminal anti-piracy enforcement (at the federal level, at the state level, and internationally) as well as civil litigation to protect their members' legal rights under copyright and related laws.

Many IIPA member associations have also embarked on public campaigns to educate corporations and universities regarding the legal and illegal use of copyrighted content on their information systems (this would include computer systems, stand-alone computers, licensing issues, and reprographic matters, for example).

### **Conclusion**

IIPA and our member associations will continue to work with NIPLECC and the individual NIPLECC member agencies on both domestic and international copyright-related enforcement matters.

Sincerely,



Maria Strong  
Vice President and General Counsel  
International Intellectual Property Alliance