

Subject: Strengthening Intellectual Property Law Enforcement in Romania, Bulgaria, Moldova, Hungary, and Poland

**Program Description:**

Eastern Europe is an area of particular importance to the creators of intellectual property because of the increasing amount of material needing protection, its value to national economies, and the ever-growing threats posed by counterfeiting and online piracy in the region. Unfortunately prosecutors and investigators in Eastern Europe and Central Asia are often unable to pursue large-scale counterfeiters and the organized criminal groups that steal the intellectual property of legitimate companies and other rights-holders.

This proposal is designed to enable a total of 15 law enforcement investigators, prosecutors, and judges from Romania, Bulgaria, Moldova, Hungary, and Poland to become more effective participants in the enforcement of intellectual property laws in each country. Rights holders from the United States have significant interests in each of these countries, so additional benefits would result from the development of a stronger network for IP enforcement among the participants and with contacts made in the United States.

This proposal is put forward by the Intellectual Property Law Enforcement Coordinator (IPLC) program in Bucharest, Romania. The United States Government established the IPLC program and has staffed it with federal prosecutors from the United States who have experience in intellectual property law enforcement and international law enforcement coordination. The IPLC program is designed to provide training and assistance programs in locations determined to have the most urgent needs. The first IPLC was placed in Bangkok, Thailand, and recently positions were created in Brazil and Hong Kong. An IPLC was stationed in Sofia, Bulgaria from 2007-2011, and more recently the position covering Eastern Europe and Central Asia was placed at the U.S. Embassy in Bucharest. The IPLC program is designed to bolster intellectual property enforcement through flexible, quick, and responsive training to address and correct specific problems ranging from inadequate laws or a disinterested judiciary to a lack of expertise on the part of prosecutors and investigators.

Although progress has been made toward respecting and promoting the rule of law in Eastern European countries, there is still a need to assist and encourage governments and the judiciary, particularly in the countries that would participate in this program, in their efforts to effectively combat large-scale counterfeiting and online piracy. This exchange seeks to expose prosecutors and judges in Romania, Bulgaria, Moldova, Hungary, and Poland to intellectual property rights stakeholders and law enforcement officials in the United States. The program will include visits to, and discussions with, state and federal government officials, prosecutors, and judges. Participants will also see courts and enforcement agencies as well as academic and continuing education facilities. They will learn how stakeholders in the United States are working together to promote the development of intellectual property by reassuring creative people and entities that their investments will be secured and protected.

Romania, Bulgaria, Moldova, Hungary, and Poland have been selected for strategic reasons. Four of the countries are connected by borders to at least one other participating country, and Bulgaria and Romania have been identified by the United States Trade Representative (USTR) as needing to more effectively enforce existing intellectual property laws. More specifically, Bulgaria and Romania are two of the twenty-four countries on the USTR Watch List meaning they merit bilateral attention to address underlying IPR problems. Although Moldova has not been included in recent Special 301 reports, the country created an Observatory on Enforcement of Intellectual Property Rights in 2011, in response to the recognition that public authorities involved in the enforcement of intellectual property rights do not cooperate well enough with each other. One result has been the issuance of national reports since 2012 that document how Moldova has attempted to develop and implement an effective system for the protection of intellectual property rights. Until 2009 Hungary and Poland were both on either the Priority Watch List or Watch List and continue to have a need for more effective enforcement of criminal IP laws.

#### Project Objectives:

- Expose the participants to information and the exchange of ideas about intellectual property law enforcement, best practices, protection and promotion in the United States from the perspectives of rights holders and government officials;
- Underscore that a culture of collaboration is necessary to improve the effectiveness of the fight against transborder intellectual property infringements; and
- Expose the participants to the academic environment as well as to the legal process in the United States, both at the state and federal levels.

#### Participants:

This exchange is intended for participants from the following groups:

1. Law enforcement and prosecutors working in the area of combatting intellectual property infringements; and
2. Judges who either specialize in or are likely to hear a high number of criminal cases involving intellectual property law issues.

#### Program Content Suggestions:

##### Washington D.C. (four days)

- United States Department of Justice  
Office of Prosecutorial Development Assistance and Training (OPDAT)  
Computer Crime and Intellectual Property Section (CCIPS)
- Intellectual Property Enforcement Coordinator
- United States Supreme Court
- Intellectual Property Rights Coordination Center (located in Arlington, Virginia)
- United States Patent and Trademark Office (located in Alexandria, Virginia)

- United States Trade Representative
- United States Department of State
  - Bureau of Narcotics and International Law Enforcement
  - Office of Intellectual Property Enforcement
- Intellectual Property rights holder organizations
  - Motion Picture Association
  - Business Software Alliance
  - Recording Industry Association
  - International Anti-Counterfeiting Coalition
  - International Chamber of Commerce
  - Pharmaceutical Security Institute

#### Georgia (three days)

##### Athens

- University of Georgia --School of Law
- Dean Rusk Center for International & Comparative Law
- International Judicial Training program
- Visit to state court and meetings with judges in Athens and Hall County

##### Atlanta

- United States Attorney's Office
- United States District Court, Northern District of Georgia
- Fulton County Sheriff's Office
- Fulton County District Attorney's Office
- Atlanta International Arbitration Society

#### California (three days)

##### San Jose

- United States Attorney's Office – Northern District of California
- United States District Court – Northern District of California
- Federal Bureau of Investigation
- Immigration and Customs Enforcement
- Meeting with Intellectual Property rights holders
  - Google
  - Yahoo!
  - Apple

##### San Francisco

- Ninth Circuit Court of Appeals
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U.S. Department of Justice  
Criminal Division  
Office of Overseas Prosecutorial Development,  
Assistance and Training (OPDAT)

*"The dignity and stability of  
government in all its branches, the  
morals of the people, and every  
blessing of society depend so much  
upon an upright and skillful  
administration of justice..."*  
John Adams, 1776

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### Intellectual Property Law Enforcement Coordinator Criminal Justice Development Program

#### Background

The Department of Justice Intellectual Property Task Force recommended that an Intellectual Property Law Enforcement Coordinator (IPLC) program be developed to advance the interests of intellectual property rights holders outside of the United States. The Departments of Justice and State have coordinated resources to place an experienced federal prosecutor at the U.S. Embassy in Bucharest, Romania. Since January 2015 an Assistant United States Attorney has been serving as the IPLC and working on intellectual property-related issues in countries ranging from Ukraine and Central Asia through the Balkans, including Greece and Turkey. IPLC program funding is provided through the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) and coordinated by the DOJ's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT).

#### Regional Focus

The IPLC is a point of contact for investigators, prosecutors, judges, and (United States) intellectual property rights holders in this region. A major goal of the IPLC program is to help develop strategies for more effective investigation and prosecution of intellectual property offenses through trainings and case-based mentoring. The IPLC can bring to the attention of law enforcement issues that rights holders as well as work with law enforcement, prosecutors, and judges in the region to make enforcement of IP rights more efficient and effective.

The IPLC program works with entities, also based in Bucharest, that also have a regional focus. For example, the Southeastern Law Enforcement Center (SELEC) is a treaty-based law enforcement coordination organization that was developed with State Department (INL) funding. Law enforcement and

customs representatives from the twelve SELEC countries share information about criminal matters and cases on a daily basis. The IPLC program has worked with SELEC on issues of mutual interest such as training and referrals from IP rights holders. The Southeast European Prosecutors Advisory Group (SELPAG) - a prosecutorial network created by SELEC member countries, with U.S. support and assistance - was designed to support SELEC operations and investigations. This group is another resource with interests, such as law enforcement coordination and training, that overlap with the IPLC program. And the Council of Europe recently located its Cybercrime Program Office in Bucharest, and it has overlapping interests in assisting countries in the region to strengthen their capacities to respond to issues posed by cybercrime and online piracy.

#### Recent Activities

The IPLC has helped organize, and participated in, two training sessions on IP law at the International Law Enforcement Academy in Budapest, Hungary, for law enforcement and prosecutors from Romania, Moldova, Albania, and Ukraine. The IPLC program coordinated training on counterfeit pharmaceuticals, for law enforcement and prosecutors, at SELEC headquarters for all twelve member countries. The program also has been able to connect rights holders with law enforcement so that investigations and prosecutions can, as appropriate, be pursued. The IPLC program is helping to revive an IP Working Group in Romania that addresses issues important to enforcement of IP rights. And to complement law enforcement efforts, the IPLC is developing a program of education and outreach for Romania through which persons with an interest in intellectual property rights enforcement will visit schools at every level. The economic and moral importance of protecting intellectual property rights will be communicated. Once developed, the program can be implemented in other countries in the region.