

Why GAO Did This Study

Intellectual property (IP) plays a significant role in the U.S. economy. Enforcing IP laws involves many U.S. agencies, making coordination essential. Under the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (PRO-IP Act), Congress required the U.S. Attorney General, through the Department of Justice (DOJ), to devote additional resources and undertake other specific IP efforts. The PRO-IP Act also created the position of the Intellectual Property Enforcement Coordinator (IPEC) to enhance interagency coordination. The act mandates that GAO provide Congress with a report on the efforts of DOJ and the IPEC.

This status report addresses DOJ and Office of the IPEC's efforts to implement the act. The report also compares the 2010 Joint Strategic Plan on Intellectual Property Enforcement to the content called for in the PRO-IP Act. GAO examined relevant documents, interviewed agency staff and officials, and compared agency actions and the 2010 strategic plan with the PRO-IP Act.

What GAO Recommends

GAO recommends that the IPEC, in consultation with the Interagency Intellectual Property Enforcement Advisory Committee, take steps to ensure that future joint strategic plans identify implementing departments and agencies for all priorities and related action items and establish resource estimates to carry out the plan's priorities.

View [GAO-11-39](#) or key components. For more information, contact Loren Yager at (202) 512-4347 or yagerl@gao.gov.

INTELLECTUAL PROPERTY

Agencies Progress in Implementing Recent Legislation, but Enhancements Could Improve Future Plans

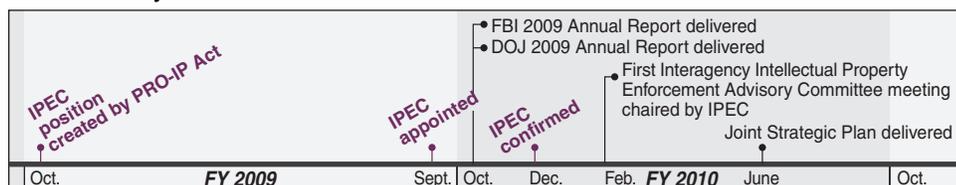
What GAO Found

Officials from DOJ and its Federal Bureau of Investigation (FBI) report that they have taken many actions called for in the PRO-IP Act. For example, the act calls for two assistant U.S. attorneys to be assigned to each Computer Hacking and Intellectual Property Crime (CHIP) Unit. DOJ has assigned 97 Assistant U.S. Attorneys to work with CHIP units, with all 25 CHIP units having two or more attorneys assigned. FBI officials also report creating agent positions in accordance with the act, adding 31 agent positions to IP enforcement in fiscal year 2009 and an additional 20 IP positions for 2010. However, FBI officials observed the increase in IP dedicated agent positions has not correspondingly increased agent-hour charges for IP investigations, noting delays in funding, hiring, training and deploying IP-dedicated agents.

Office of the IPEC staff report that they have taken steps to implement the PRO-IP Act. The office, located within the Office of Management and Budget, was recently established following the confirmation of the IPEC on December 4, 2009. The office includes the IPEC, an assistant, and four detailees from other federal agencies. Office of the IPEC staff report that the IPEC chaired the first meeting of the Interagency Intellectual Property Enforcement Advisory Committee on February 2, 2010. Moreover, the IPEC coordinated with other federal entities to deliver the 2010 Joint Strategic Plan on Intellectual Property Enforcement to Congress and the public on June 22, 2010, less than 7 months after the IPEC's confirmation. The purpose of the plan is to develop an interagency strategy to combat infringement of IP rights.

In general, the joint strategic plan addressed each content requirement listed in the PRO-IP Act, but two enhancements could help to improve future plans: identifying implementing entities for all action items related to the plan's priorities and establishing resource estimates. In accordance with the act, the plan includes analyses of the economic, health, and safety threats posed by violations of IP rights. The plan also provides a description of the priorities that will carry out the plan's objectives and the means to be employed to achieve these priorities. While the act calls for the plan to identify implementing departments and agencies for all priorities, it did not do so for about one third of the action items aligned to the priorities. In addition, the plan did not include estimates of the resources needed to fulfill the plan's priorities because data collection and analysis are still in progress.

Timeline of Key IPEC and DOJ Efforts Related to the PRO-IP Act



Source: GAO analysis.