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Department of Justice Launches IP Task Force

The U.S. Department of Justice announced on February 12 the formation of a Task Force on Intellectual Property to combat domestic and international intellectual property (“IP”) crimes.

While the DOJ has not identified the specific types of IP-related crimes it will target, criminal IP enforcement efforts commonly focus on copyright, trademark (counterfeiting) and trade-secret violations. Some of the most common IP-protected products subject to being counterfeited or pirated include luxury goods and brand-name apparel; computer software and other digital media including DVDs; and medicines.

The Task Force is expected to increase the Department’s focus on the international aspect of IP law enforcement, particularly the links between IP crime and organized crime. The Task Force will also serve as a vehicle for policy development to tackle evolving technological and legal issues.

According to U.S. Attorney General Eric Holder, the Task Force is designed to improve coordination with state and local law enforcement as well as international law enforcement agencies. The Task Force will be headed by the Deputy Attorney General and include representatives from various offices of the department, including the Criminal, Civil, and Antitrust Divisions; the Executive Office for United States Attorneys; and the FBI. The Task Force will work closely with the recently established Office of the Intellectual Property Enforcement Coordinator (“IPEC”), housed in the Executive Office of the president.

The formation of the Task Force and IPEC as well as the Department’s promises to “leverage existing partnerships with federal agencies and independent regulatory authorities such as the Department of Homeland Security and the Federal Communications Commission” and to “develop a plan to expand civil IP enforcement efforts” signals that IP enforcement is a priority for the Obama administration. Companies should expect to see a rising number of investigations and prosecutions by the Department.

Day Pitney’s White Collar Defense and Internal Investigations practice group has extensive experience representing corporate clients and individuals in federal and state criminal investigations involving alleged violations of laws designed to punish IP theft. In addition to or instead of criminal sanctions, state and U.S. IP laws may provide substantial civil penalties or compensatory damages for IP violations, or may provide for injunctive relief. Day Pitney’s IP department has experienced lawyers to help both IP owners and those accused of IP infringement defend their



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respective rights. Together, the IP and WCD groups can help you protect and/or defend your rights, including in the civil enforcement and criminal prosecution arenas. Should you have questions or wish to discuss any of the issues presented in this article, please contact any of the individuals listed.

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