



Model State Anti-Counterfeiting and Piracy Agenda

LEADERSHIP: Build Public and Governmental Awareness on the Magnitude and Economic Impact of Counterfeiting and Piracy

Develop and Disseminate Real-World Impact Data

- Work with State finance and law enforcement agencies and private industry groups, to develop detailed understanding of magnitude of counterfeiting and piracy activity within the State and negative impact of counterfeiting and piracy on State/Local economic output and tax revenues.
- Urge State Comptroller/Finance Commissioner to monitor, gather, and regularly report economic impact and revenue impact data concerning counterfeiting and piracy.
- Engage state consumer protection agencies to identify victims of counterfeiting and piracy. Use these stories to highlight the impact of counterfeiting and piracy on the community.
- Educate judges on the economic impact of counterfeiting and piracy.

Seek Leadership Support Within State Government

- Create Anti-Counterfeiting and Piracy Task Force that includes all relevant industries, local business organizations, and government agencies. Organize the task force around the key principles of the Model State Agenda. Use state and local Chambers of Commerce to help engage the local business community.
- Press all points from Governor to Executive Agencies, Legislature, Judges, Prosecutors, State and Local Police to enforce all relevant existing laws, and develop new legislation.

Use Bully Pulpit for Strong and Consistent Top-Down Communication

- Deliver consistent message, backed-up with data, to law enforcement, courts, policy makers, and the public: *Counterfeiting and piracy are not nuisance crimes—they are the new face of global economic crime, they're illegal, and they're hurting our state and cities.*
- Launch an aggressive public awareness campaign, focusing on messages that resonate with consumers – health and safety threats, local economic impact, and lost jobs.

Lead Anti-Counterfeiting and Piracy Efforts in State Education Community

- Work with the Department of Education, the Patent and Trademark Office, and the Department of Justice to develop and support K-12 curriculum modules on respect and protection for IP. Use U.S. Chamber/Weekly Reader and U.S. Chamber/National Geographic curriculum as potential model.
- Engage university chancellors to address counterfeiting and piracy on campuses; encourage universities to explore technological solutions; encourage legislature to consider legislation like the Higher Education Bill (HR-4137).

- Evaluate potential value of a study quantifying problem on campuses within the state, follow up as appropriate.

ENFORCEMENT: Deploy Necessary Tools and Resources to State Law Enforcement to Combat Counterfeiting and Piracy

Build Dedicated and Coordinated Enforcement Initiatives

- Establish or assign dedicated anti-counterfeiting and piracy enforcement resources — both prosecutors and investigators.
- Consider creation of dedicated inter-agency anti-counterfeiting and piracy crime task force: coalition of officials from various enforcement and policy-setting agencies; single accountable locus of responsibility and authority, with broad anti-counterfeiting and piracy protection mandate. Seek necessary appropriations/resources.
- Seek sustained and consistent top-down messaging from enforcement agency command levels.
- Expand and improve coordination with federal enforcement agencies including Immigration and Customs Enforcement, Customs and Border Protection, and the Federal Bureau of Investigation.
- Expand and improve coordination between state, local, and federal judicial resources, seeking aggressive prosecution and imposition of deterrent criminal sentences and penalties, with particular focus on recidivist offenders.
- Expand and improve coordination and communication with industry; collaborate with industry on law enforcement training. Engage state and local Chambers of Commerce.
- Provide appropriate funding for sustained, broad-based investigations that can lead to dismantling of criminal organizations engaged in counterfeiting and piracy and seizure of assets.

Make counterfeiting and piracy crimes basis for serious prosecutions and asset/building seizures

- Ensure that legislation is in place — or introduced and passed — to designate state law counterfeiting and piracy offenses (e.g. “true name and address” violations; trademark counterfeiting) as a predicate acts for state RICO-type enterprise crime charges.
- Examine and evaluate the forfeiture and restitution laws. Ensure that these statutes are in line with the new federal statutes that took effect last year, using the IACC/INTA/U.S. Chamber model as a guide.
- Urge use of state and local civil ordinances (such as nuisance abatement provisions) to build cases and take action against all parties involved in sales of counterfeit and pirated goods, including landlords.

LONG-TERM STATE AGENDA

ENFORCEMENT:

Develop Specialized Resources and Courts

- Seek creation, sustained funding, and appropriate training for specialized state and local enforcement units devoted to battling counterfeiting and piracy at the production, distribution, and street levels.
- Push for creation of specialized prosecution bureaus and court divisions for IP crimes.

Support Continuing Legal Education on Counterfeiting and Piracy for Prosecutors and Judges

- Raise awareness among judges and prosecutors regarding the critical threat posed by counterfeiting and piracy to the local, state, and national economies and its seriousness as a law enforcement problem with cascading negative economic impacts.
- Coordinate development of training/CLE programs through judicial and prosecutor training institutions.