



CACP

Coalition Against Counterfeiting and Piracy

The Coalition Against Counterfeiting and Piracy (CACP) outlines below two alternatives to where the Intellectual Property Enforcement Coordinator (IPEC) could be placed within the Obama Administration. Additionally, the CACP has some suggestions as to the structure of the IPEC office. Should you have any follow-up questions or comments, please do not hesitate to contact Chris Merida directly at 202-544-0060 ext 223 or cmerida@uschamber.com.

IPEC Placement

1. Establish the IPEC as a stand-alone office, designating the IP Enforcement Coordinator as a joint report to the Assistant to the President for Economic Policy and Director of the National Economic Council and the Assistant to the President for National Security Affairs and Director of the National Security Council.

A. This placement integrates the IPEC directly into the two most relevant WH offices for the work specified by Congress. This model would follow existing precedent for the work of major policy offices within the EOP (such as OSTP, CEA, CEQ and others) to be coordinated and managed through effective and well-established structures.

B. Even if IPEC is formally designated as an office reporting to NEC/NSC this would have no impact on the visibility of the Coordinator or his/her ability to testify and engage with Congress. The PAS leaders of existing EOP offices clearly testify extensively on their areas of expertise.

C. The IPEC is directed by statute to serve as a senior advisor to the President on matters relating to intellectual property policy. IP-intensive industries in the U.S. represent about half of our annual GDP, so establishing the position of the IPEC as part of the President's economic policy team reflects the importance IP plays in our economy and empowers the IPEC to be an active (where appropriate) participant in the processes, initiatives and activities led by the NEC.

D. Additionally, the IPEC will serve as one of the top U.S. officials advocating for policies that promote IP and actions that protect it overseas. As such, it will be important for the IPEC to be a part of the NSC process in order to inform the work the NSC does to coordinate the President's global economic and trade policies, ensure the IPEC is consistent with these policies, demonstrate the importance of IP enforcement to trading partners and participate in major multilateral processes such as the G8 and the U.S.-EU Summit as well as important bilateral dialogues with China, Russia, India, Brazil and others.

2. Establish the IPEC as a function within the Office of the Vice President

A. Placement of the IPEC within the OVP allows it to be in close proximity to the Vice President and would clearly establish the promotion and protection of IP as a well-defined priority of the VP. Given the particular expertise and experience of VP-elect Biden, the work of the IPEC would seem to fit exceptionally well within his immediate purview.



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- B. The IPEC would be established as an Assistant to the Vice President and report directly to the VP's Chief of Staff.
- C. As the VP is an official and active member of both the NEC and the NSC, his staff are also very involved in the work of both Councils.
- D. Working as a PAS member of the VP's personal staff might create some uncertainty regarding the ability to testify and the level of profile the Coordinator could maintain with industry and internationally.

Structural Ideas and Suggestions

- A. Funding the IPEC Office
 - Best immediate scenario is to provide the IPEC office with approx \$1m from the current funding for the EOP and request a specific appropriation of a similar amount in the FY10 Treasury, Postal and General Government Operations Appropriation. The PRO IP Act requires that the IPEC office be given such funds as may be necessary to set up shop, but doesn't appropriate a specific amount.
- B. Location:
 - Office in Jackson Place townhouse or within EEOB.
- C. Detailees
 - If the IPEC is a report to NEC/NSC this may provide for better access to talented detailees as agencies are already accustomed to providing these Councils with top detailees.