



Highlights of [GAO-09-863](#), a report to congressional requesters

Why GAO Did This Study

Intellectual property (IP) protection and enforcement is inadequate in parts of the world, resulting in significant losses to U.S. industry and increased public health and safety risks. GAO was asked to evaluate U.S. government efforts to enhance protection and enforcement of IP overseas. Using a case study approach, this report (1) describes the key IP protection and enforcement issues at four posts in China, India, and Thailand; (2) assesses the extent to which the U.S. Patent and Trademark Office (USPTO) IP attachés and the Department of Justice (DOJ) IP Law Enforcement Coordinator (IPLEC) effectively collaborate with other agencies at the posts; and (3) evaluates the extent to which each of the posts has undertaken interagency planning in collaborating on its IP-related activities. GAO examined U.S. government documents and interviewed headquarters and post agency officials as well as U.S. private-sector and host-country representatives.

What GAO Recommends

GAO recommends that the Secretary of State direct post leadership to work with the USPTO IP attachés in countries with such attachés to: develop annual IP interagency post work plans with input from relevant agencies that set objectives and identify activities for addressing the key IP issues identified by the U.S. government. The Department of State and USPTO agreed with GAO's recommendation.

[View GAO-09-863](#) or [key components](#). For more information, contact Loren Yager at (202) 512-4128 or yagerl@gao.gov.

INTELLECTUAL PROPERTY

Enhanced Planning by U.S. Personnel Overseas Could Strengthen Efforts

What GAO Found

The U.S. government has identified weak enforcement as a key IP issue in the three case study countries; however, weaknesses also persist in their IP laws and regulations. According to the U.S. government, enforcement of existing IP laws and regulations and adjudication of suspected infringements are limited and inconsistent, and penalties are not typically sufficient to serve as an effective deterrent. U.S. government documents and U.S. officials we interviewed cited several factors that contribute to this limited and inconsistent enforcement, including flawed enforcement procedures; a lack of technical skills and knowledge of IP among police, prosecutors, and judges; a lack of resources dedicated to IP enforcement efforts; and the absence of broad-based domestic support for strong IP enforcement.

The USPTO IP attachés were generally effective in collaborating with other agencies at the four posts, primarily by acting as IP focal points, while the DOJ IPLEC collaborated with both post agencies and agency headquarters via IP forums. The IP attachés shared common characteristics that made them effective, such as IP expertise, the ability to work full time on IP, and having roles and responsibilities for which there was general agreement among post agencies and leadership. At two posts, several agency officials stated that the IP attachés were instrumental in establishing and maintaining interagency IP working groups to share ideas and coordinate on activities, enabling the agencies to speak with one voice on IP. The IPLEC collaborated through country and regional IP forums that provided technical assistance to foreign law enforcement agencies and judges on IP law enforcement issues and facilitated a network among U.S. and foreign government officials for sharing information on IP criminal investigations. The IPLEC also collaborated on case work for an array of mostly non-IP criminal activities, including money laundering, fraud, human trafficking, and child exploitation, in fulfilling his other duties as DOJ attaché.

While the four posts have adopted several practices to collaborate effectively on IP, three out of the four have not adopted interagency plans to address key IP issues. Current policy guidance on IP at the posts, such as the annual Special 301 report and embassy mission strategic plans, is high level and not generally used for planning agencies' day-to-day IP efforts. Posts could potentially enhance collaboration by developing joint strategies to translate the key IP issues identified by the U.S. government into specific objectives and activities. One post, the U.S. embassy in New Delhi, has developed a joint strategy in the form of an interagency IP work plan with specific objectives and prescribed activities for addressing key IP issues. Joint strategies can help agencies prioritize existing efforts, avoid duplication of efforts, formulate a common IP message to foreign governments, and maintain focus on IP given competing issues and personnel changes at posts.