

Introduction to the U.S. Patent and Trademark Office IP Attaché Program in Asia and China

**Hong Kong IP Seminar: IP Challenges and Impact to the Global Economy
August 6-7, 2015**



Timothy Browning
Intellectual Property Rights Officer
United States Consulate General
United States Patent and Trademark Office
Guangzhou, The People's Republic of China



Discussion Topics

- Introduction to PTO Mission and International Programs
- The PTO's Role in the United States
- PTO Office of Policy and International Affairs
- The PTO's IPR Attaché Officer Program Abroad
- Why the PTO is in China
- The PTO's Role in China
- Chinese Partners in IPR Policy and Enforcement
- US-China IPR and Trade Forums
- PTO International Training Programs
- Stopfakes.gov Home Page
- U.S. Embassy Beijing's IPR Toolkit



The PTO's Role in the United States

- The passage of the American Inventors Protection Act of 1999 (AIPA) (P.L. 106-113) set the stage for the USPTO to advise the President, through the Secretary of Commerce, and all Federal agencies, on national and international IP policy issues, including IP protection in other countries.
- Advising Federal departments and agencies e.g., State, Commerce, and Homeland Security Departments (*e.g.*, U.S. Immigration and Customs Enforcement/Homeland Security Investigations (ICE/HSI); U.S. Customs and Border Protection (CBP)), Federal Bureau of Investigation, and Office of the U.S. Trade Representative (USTR).



Mission of the PTO Office of Policy and International Affairs

- Formulates U.S. domestic and international policy regarding protection and enforcement of intellectual property rights;
- Promotes the development of intellectual property systems, nationally and internationally, and advocates improvements in and more effective means of protecting and enforcing intellectual property rights of United States nationals in the United States and throughout the world;
- Consults with foreign governments and other United States Government agencies on the substantive technical analysis of intellectual property rights enforcement laws, legal and judicial regimes, civil and criminal procedures, border measures, and administrative regulations relating to the enforcement of intellectual property laws;



Role of the Office of Policy and International Affairs

- Supports the Office of the U.S. Trade Representative (USTR), Department of State and other U.S. Government agencies in international negotiations and consultations, and assists with the drafting, reviewing, and implementation of intellectual property obligations in bilateral and multilateral treaties and trade agreements;
- Provides and participates in technical assistance and capacity-building programs and conferences to foreign governments seeking to develop or improve their intellectual property laws and regulations; and to improve the level of expertise of those responsible for intellectual property rights enforcement and the overall environment for enforcement;
- Examines the adequacy and effectiveness of intellectual property rights protection under the Special 301 provisions of the Trade Act of 1974.



Mission of PTO IPR Attaché Program

- To promote U.S. government IPR policy internationally.
- To help secure strong IPR provisions in international agreements and host country laws.
- To encourage strong IPR protection and enforcement by U.S. trading partners for the benefit of U.S. rights holders.



Primary Responsibilities of PTO IPR Attaché

- Advocating U.S. Government IPR policy, interests and initiatives;
- Assisting U.S. businesses on IPR protection and enforcement;
- Improving IPR protection and enforcement by conducting training activities with host governments;



IPR Attaché Responsibilities

- Advising officials at all levels of the United States Patent and Trademark Office, U.S. Department of State, U.S. Department of Treasury, Department of Commerce, Office of the United States Trade Representative, Department of Justice, etc., on the host government's IP system;
- Advising representatives of the host government or region on U.S. intellectual property law and policy;



IPR Attaché

- Helping to secure strong IPR provisions in international agreements and host country laws, and working to monitor the implementation of these provisions; and
- Performing ad hoc Commercial Service (CS) duties as necessary, such as representing the CS at host government functions and advising U.S. companies on the local IPR environment



Role of PTO Policy Advisors

- Assist with formulation and analysis of legislative proposals.
- Dilution; domain names; certification marks; and treaty implementation
- Guide the establishment and administration of agreements with other IP offices.
- MOUs; TM Trilateral
- Provide technical assistance and training to countries and other IP offices – laws, regulations, administration and processing.
- Global Intellectual Property Academy (GIPA) at PTO



The PTO's IPR Officer Program Abroad

- 2004: First IPR Attaché posted in Beijing, China: Mark Cohen
- Current Attachés
 - Rio de Janeiro, Brazil: Albert Keyack
 - Beijing, China: Joel Blank
 - Guangzhou, China : Tim Browning
 - Shanghai, China : Michael Mangelson
 - New Delhi, India: Kalpana Reddy
 - Mexico City, Mexico: Michael Lewis
 - Moscow, Russia: Donald Townsend
 - Geneva, Switzerland: Kristine Schlegelmilch (WTO and WIPO)
Karen Ferriter (USTR)
 - Bangkok, Thailand: Peter Fowler
 - Middle East Region: Aisha Salem



Proposed additional IP Attaché Posts

- Lima, Peru
- Brussels, Belgium
- Second IP Attaché in New Delhi, India
- Nairobi, Kenya
- Pretoria, South Africa



Why the PTO is in China

- USTR Special 301 Report
- USTR Notorious Markets Report
- Trade Secrets and Economic Espionage Cases
- US Customs and Border Protection Seizures



Why the PTO is in China

OFFICE OF EXTERNAL AFFAIRS





The PTO's Role in China

- Educating U.S. rights holders on registering, protecting and enforcing their rights in China through the U.S. Embassy – Beijing's IPR toolkit, the Guangzhou Consul General's annual IPR Roundtable, industry workshops, and webinars;
- Working with Chinese IPR agencies on cooperative programs , such as an IP mock trial, erroneously issued trademark registrations, product-identification seminars, internet copyright protection, and on-line enforcement of IPR;
- Supporting bilateral efforts on IPR, such as the Joint Commission on Commerce and Trade (“JCCT”), and the bilateral “Heads of Office” meetings (“IP5” and “Trademark 5”) between the PTO, the State Intellectual Property Office, the Japan Patent Office, the Korean Intellectual Property Office, and the European Patent Office;



The PTO's Role in China

- Working with Chinese, U.S., and foreign media to promote IPR awareness and improve knowledge of each country's IPR systems;
- Supporting programs of international organizations, such as the World Intellectual Property Office and Interpol, on IPR matters in China;
- Suggesting areas of legislative reform and sharing emerging best practices for IPR protection based on U.S. experience; and
- Promoting exchange with Chinese audiences on how to protect and enforce IP rights in China and the United States.



The PTO's Role in China

- Working with USG assets at the Consulate and Embassy Beijing:
 - Economic and Political Sections
 - ICE/HSI
 - CBP
 - FBI
 - Public Affairs Section
 - FCS
 - USTR
 - Global Markets



Chinese Partners in IPR Policy and Enforcement

- Economic Crimes Investigation Division of the Public Security Bureau
- The Procuratorate
- The People's Courts
- General Administration of Customs
- State Administration for Industry and Commerce
- Administration for Quality Supervision, Inspection, and Quarantine
- The State Intellectual Property Office
- National Copyright Administration
- General Administration of Press and Publication



IPR Engagement with China

- Joint Commission on Commerce and Trade
- Strategic and Economic Dialogue
- PTO is Co-Chair of JCCT IPR Working Group
- Co-Chaired by Departments of State and Treasury

OFFICE OF EXTERNAL AFFAIRS



JCCT IPR Commitments

- Trade Secrets Protection and Enforcement
- Enforcement Against Counterfeit Semiconductors
- U.S.-China IP Cooperation and Technical Assistance
- Enhancement of Civil IP Enforcement Systems
- Promotion of Legitimate Sales of IP Intensive Products



US-China IP Cooperation Framework Agreement (CFA)

- MOU with US Trade and Development Agency and China's Ministry of Commerce (MofCom)
 - 4 Planned Workshops on IP
 - One US based training program

PTO Commitment with MofCom

Three IP Workshops

Two US training programs/study visits



S&ED IPR Commitments

- Chinese officials acknowledged U.S. concerns over the growing problem of the cyber-enabled theft of trade secrets and business confidential information
- China pledged to better protect against trade secret misappropriation through strengthened enforcement
- China also committed to take concrete measures to promote the use of legal software by its state-owned enterprises (SOEs)



PTO Engagement with Chinese IP Agencies

- Memorandum of Understanding (MOU) with China's State Intellectual Property Office (SIPO)
- MOU with China's Trade Mark Office (CTMO) and Administration for Industry and Commerce (AIC)
- MOU with National Copyright Administration of China (NCAC)
- MOU with Jiangsu Provincial government



Activities under PTO MOU's

- Trade Secrets Enforcement Program to be held in Nanjing March 19, 2014 and exchange of annual Work Plan—Jiangsu MOU
- Seminar on “Procurement and Enforcement of Utility Model Patents” held in Beijing on Dec 11, 2013—SIPO MOU
- Programs on Geographical Indications and Trademark Cancellation and Opposition Procedures scheduled for 2014—CTMO and SAIC MOU
- Criminal Enforcement of Copyright over the Internet held in Beijing Dec 2012—NCAC MOU



PTO's Global Intellectual Property Academy (GIPA)

- GIPA training programs
- Raises awareness of benefits of IP
 - Social and economic development tool
 - Strong IP regime promotes foreign direct investment
- Promotes interactive discussion and two-way exchange of information
 - Sharing best practices promotes harmonization



Current and Planned GIPA Training Programs

- Special 301 reporting
- Regional Enforcement training
- Trade Secrets training
- Trade-agreement commitments
- Cooperative Framework Agreement
- Trademark issues
 - Well-known marks
 - Geographical indications
- IP 5 -- Patent examination & Patent Prosecution Highway (PPH)
- Trademark examination
- MOU commitments
- Rights' holder issues
 - Oppositions
 - Enforcement
 - Specialized IPR courts

IPR information toolkit

<http://beijing.usembassy-china.org.cn/ipr.html>

The screenshot shows a Windows Internet Explorer browser window displaying the website for the Embassy of the United States in Beijing, China. The address bar shows the URL <http://beijing.usembassy-china.org.cn/ipr.html>. The website header includes the embassy logo, the text "EMBASSY OF THE UNITED STATES BEIJING • CHINA", and a search bar. The navigation menu includes links for Home, About Us, Visas, News, U.S. Citizen Services, Issues in Focus, and Culture & Education. The main content area is titled "Issues in Focus" and features a section for "INTELLECTUAL PROPERTY RIGHTS". This section includes links for "Introduction" (with a sub-link "Introduction by U.S. Embassy, Beijing, China"), "Protecting your Intellectual Property Rights (IPR) in China" (describing the current IPR environment and enforcement), and "Copyright" (providing information on legislation, registration, and enforcement). A sidebar on the left lists other focus areas like Environment & Climate Change, Trade and Economy, Regional Security, Health, Human Rights, and Intellectual Property Rights. The footer of the browser window shows "Done" and "Internet | Protected Mode: On".

Embassy of the United States Beijing, China - Intellectual Property Rights - Windows Internet Explorer

<http://beijing.usembassy-china.org.cn/ipr.html>

File Edit View Favorites Tools Help

Embassy of the United States Beijing, China - Inte...

中文版

EMBASSY OF THE UNITED STATES
BEIJING • CHINA

Enter Search Term(s) **SEARCH**

Mon Sep 6 05:04:20 UTC+0800 2010

Home About Us Visas News U.S. Citizen Services Issues in Focus Culture & Education

Multimedia Publications Locations

You are in: Issues in Focus > Intellectual Property Rights

Issues in Focus

INTELLECTUAL PROPERTY RIGHTS

Intellectual Property Rights in China

[Introduction](#)
Introduction by U.S. Embassy, Beijing, China

[Protecting your Intellectual Property Rights \(IPR\) in China](#)
Provides information on China's current IPR environment, protection through prevention, China's IPR enforcement system, how the US government can help in IPR infringement cases, and information resources.

[Copyright](#)
Provides information on legislation, what copyrighting exactly protects, registering, market entry planning, enforcement approaches and how to address infringement (including administrative adjudication, civil litigation, customs, other sources of protection), "Ask the Experts", FAQs, and a collection of copyright-related legislation.

Environment & Climate Change

Trade and Economy

Regional Security

Health

Human Rights

Intellectual Property Rights

Interview with Robert Stoll

Annual Reports to Congress

U.S.-China Strategic

Done

Internet | Protected Mode: On



Initiatives

- ▶ **SME IPR Training Tutorial**
 - English
 - Français
 - Español
- ▶ International IP Advisory Program
- ▶ DHS-Customs Recordation Tool
- ▶ USPTO Small Business Page

Toolkits

- ▶ Brazil Toolkit
- ▶ Brunei Toolkit
- ▶ China Toolkit
- ▶ Croatia Toolkit
- ▶ Egypt Toolkit
- ▶ European Union Toolkit
- ▶ India Toolkit
- ▶ Italy Toolkit
- ▶ Korea Toolkit
- ▶ Malaysia Toolkit
- ▶ Mexico Toolkit
- ▶ Paraguay Toolkit
- ▶ Peru Toolkit
- ▶ Russia Toolkit
- ▶ Taiwan Toolkit
- ▶ Thailand Toolkit
- ▶ Vietnam Toolkit

[File an IPR Complaint](#)

What's New in StopFakes



Our SME IPR Training Tutorial has been translated into French and Spanish!

Now available in three languages (English, French and Spanish), our online IPR training tutorial, Understanding Intellectual Property Rights, helps you to assess your intellectual property assets, protect them in the United States, and enforce them worldwide. Learn more by clicking on the links to the left!

The U.S.-EU Intellectual Property Rights (IPR) Working Group Meets in Brussels

On June 7, a session of the U.S.-EU Intellectual Property Rights (IPR) Working Group was held in Brussels. The meeting was co-chaired by the European Commission's Directorate General (DG) for External Trade for the European Union and

Programs

- ▶ [China IPR Webinar](#)

Publications

- ▶ ACTA Fact Sheet
- ▶ IP Quarterly Update
- ▶ STOP! Accomplishments and Initiatives
- ▶ 2008 NIPLECC Report
- ▶ STOP! Brochure link
- ▶ Top 10 Ways to Protect Yourself



[China IPR Resources](#)

FAQs

- ▶ [Frequently Asked Questions](#)

Independent Organizations

- ▶ Coalition Against Counterfeiting and Piracy
- ▶ WTO
- ▶ WCO
- ▶ WIPO



Country IPR Toolkits:

<http://www.stopfakes.gov/business-tools/country-ipr-toolkits>

Country IPR Toolkits | STOPfakes.gov - Windows Internet Explorer

<http://www.stopfakes.gov/business-tools/country-ipr-toolkits>

File Edit View Favorites Tools Help

★ Favorites | ★ Free Hotmail

Country IPR ... x Professional Ser...

HOME ABOUT STOPFAKES RESOURCES FAQS CONTACT US

Business Tools

IPR BASICS

- Learn About IPR
- Intellectual Property Online Training Module
- IP Awareness Assessment Tool
- Discussion Board

COUNTRY-SPECIFIC RESOURCES

- Country IPR Toolkits**
- Country Commercial

Country IPR Toolkits

Country IPR toolkits contain detailed information on protecting and enforcing IPR in specific markets. You will also find contact information for local IPR offices abroad and U.S. Government officials available to assist you.

- Brazil Toolkit
- Brunei Toolkit
- China Toolkit
- Croatia Toolkit

Related

Consumer U.S. Government Global Patent

Find the help you need

I am a...

- Choose

Internet | Protected Mode: On

150%

8:57 PM 5/14/2012



Thank You!

- Timothy Browning, Consul, IPR Officer,
timothy.browning@trade.gov
- United States Consulate General
United States Patent and Trademark Office
43 Hua Jiu Road
Zhujiang New Town, Tian He District
510623 Guangzhou, Guangdong Province
People's Republic of China
Tel: (86-20) 3814-5533