



What's Your Next Move: IP in the New Business Reality

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IP Czar: Challenges and Opportunities

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Panelists

- Gary Bender, Head of Intellectual Asset Management & Strategy, Visa, Inc.
- Mitchell Bompey, Executive Director, Legal and Compliance, Morgan Stanley
- Jon Dudas, Partner, Foley & Lardner LLP, former Under Secretary for IP and Director of the USPTO
- Stanley Pierre-Louis, Vice President and Associate General Counsel, Viacom Inc.
- Thea Winarsky, Associate General Counsel, Coach, Inc.

Moderator

- Nicole Gage – Senior Counsel, Foley & Lardner LLP

Intellectual Property Enforcement Coordinator

Victoria Espinel

- The “IP Czar” position was created in 2008 under the PRO-IP Act as requiring Senate Confirmation
- Espinel was announced by the President on September 25, 2009
- Prior Assistant US Trade Representative for IP & Innovation
 - First of its kind position
 - Chief Negotiator on IP issues before WTO
- Academic, non-profit and law firm experience as well

2008 Pro-IP Act, Title III – Coordination and Strategic Planning of Federal Effort Against Counterfeiting and Infringement

- Creates IPEC as position within Executive Office of the President
- Chair of the interagency intellectual property enforcement advisory committee
 - Includes at least OMB, DOJ, USTR, USPTO, Int'l Dev., Narcotics Enf., Homeland Sec., Customs, Immigration, FDA, Agriculture
- Coordinate Joint Strategic Plan against counterfeiting and infringement
- No control or direction over any law enforcement agency

Opportunities & Risks

- Coordination of US government and industry goals
- Centralized person to coordinate necessary components of agenda items
- Incorrect aims/authority could lead to ineffective figurehead type position

Poll Question

- What should be the top priority for the person holding this position?
 - 1) Domestic IP Policy
 - 2) Foreign IP Enforcement
 - 3) Domestic IP Enforcement
 - 4) Public Education
 - 5) Other

Potential Focus Points for the Czar

- Gather and Report Relevant IP Information
- Establish a Uniform US IP Policy
- Negotiate With Partner Countries
- Challenge Priority Watch List Countries
- Press for New legislation
- Increase Public Awareness

Poll Question

- In what region will you be focusing your anti-counterfeiting resources?
 - 1) China
 - 2) Russia
 - 3) India
 - 4) South America
 - 5) North America
 - 6) Other

Where is Change Most Needed

- Advancing the Anti-Counterfeiting Treaty
- Domestic Counterfeiting and Piracy – Agency Coordination, Awareness & Education
- Domestic Patent Reform
- BRIC—Brazil, Russia, China & India
 - China— > 80% of US seizures come from China
 - Russia— Absent rule of law and rampant piracy
 - India—Large market; inconsistent enforcement
 - Brazil—Key opponent of Stronger IP treaties
- Other Nations

Poll Question

- Do you think that establishment of an IP Czar will make a difference to your company?
 - 1)Yes
 - 2)No



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QUESTIONS

