

PROTECT YOUR INTELLECTUAL PROPERTY

Stop Trade in Fakes!



1-866-999-HALT

www.**StopFakes**.gov



STRATEGY TARGETING ORGANIZED PIRACY STOP!

Intellectual property rights (IPR) encourage the innovation and creativity that is fundamental to sustained economic growth. Unfortunately, the growing global trade in pirated and counterfeit goods threatens innovation, workers' livelihoods, health, and safety. Fake products—such as CDs, DVDs, software, electronic equipment, clothing, pharmaceutical products, and auto parts—account for an estimated 5 to 7 percent of global trade. This trade costs legitimate rights holders around the world billions of dollars annually.

The Strategy Targeting Organized Piracy (STOP!) is a comprehensive program to stop trade in pirated and counterfeit goods. Through STOP!, the U.S. government is working to make it easier for rights holders to obtain and enforce their intellectual property rights at home and abroad. The U.S. government has also leveraged its law enforcement resources and is establishing international cooperation to dismantle the criminal networks that manufacture and distribute fake goods. STOP! underscores the U.S. government's continuing commitment to level the playing field for American businesses and workers.

Owners of intellectual property also need to act to obtain intellectual property rights, thereby securing the economic benefits of their intellectual property and laying the foundation for curbing the trade in fake goods. This guide is part of that effort.

You can get further assistance by calling a hotline at: 1-866-999-HALT. The hotline allows U.S. businesses to speak with intellectual property rights specialists and get practical information about how to protect intellectual property.

The U.S. government Web site, www.StopFakes.gov, provides information about obtaining and enforcing intellectual property rights. Businesses may also contact the offices described in this publication directly.

“Ensuring that America’s creativity and innovations are protected from counterfeiting and piracy is our top priority. The STOP! initiative enhances cooperation between the federal government, the private sector, and our trading partners to ensure that the intellectual property of America’s innovators is afforded meaningful protection both at home and abroad.”

—CARLOS M. GUTIERREZ, SECRETARY OF COMMERCE

STOP! HOTLINE 1-866-999-HALT

INTELLECTUAL PROPERTY

Creations of the mind—creative works or ideas embodied in a form that can be shared or can enable others to recreate, emulate, or manufacture them. Patents, trademarks, copyrights, and trade secrets are four of the most common ways to protect intellectual property.





PROTECTION AT HOME

Obtaining Rights

U.S. Patent and Trademark Office: The U.S. Patent and Trademark Office (USPTO) issues patents and trademark registrations.

Patents: A patent protects a new and useful process, machine, article of manufacture, industrial design, or asexually reproduced plant. When the USPTO grants a patent, the patent holder obtains “the right to exclude others from making, using, offering for sale, or selling” the invention in the United States and the right to exclude others from “importing” the invention into the United States. The patent holder must enforce its rights to exclude others from using its patented invention or technology.

Trademarks: A trademark is a word, phrase, symbol, or design, or a combination of words, phrases, symbols, or designs, that identifies and distinguishes one source of goods from others. A service mark is the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product. The USPTO reviews trademark applications for federal registration and determines whether the application meets the requirements for federal registration. The USPTO does not decide whether someone has the right to use a mark. A trademark owner may still use its mark even without a registration. There are, however, advantages to federal registration. It is up to the owner of a mark to enforce its rights in the mark against other users and trademark applicants.

U.S. patents and trademarks do not, however, provide any protection outside the United States. This brochure contains information about how to secure patent and trademark protection abroad.



U.S. PATENT AND TRADEMARK OFFICE

www.uspto.gov

800-786-9199

U.S. COPYRIGHT OFFICE

www.copyright.gov

202-707-3000

For information about patent, trademark, or copyright issues—including enforcement issues in the United States and other countries—call the STOP! Hotline: 1-866-999-HALT.

For more information on obtaining a patent or trademark in the United States, contact the USPTO at: 1-800-786-9199 (Patent, Trademark and Inventors Assistance Center); (571) 272-1000 (Northern Virginia customers). TTY Customers can call (571) 272-9950 for customer assistance.

To file with the USPTO electronically, visit:

For Patents: www.uspto.gov/ebc/efs/index.html

For Trademarks: www.uspto.gov/teas/index.html

U.S. Copyright Office: Copyright is a form of protection provided under U.S. law to the authors of “original works of authorship”—including literary, dramatic, musical, artistic, and certain other intellectual works—for a fixed period of time. This protection is available to both published and unpublished works. Copyright is secured automatically when the work is created, and a work is “created” when it is fixed in a copy or phonorecord for the first time. There are, however, certain definite advantages to registering a copyright. For information on securing a U.S. copyright registration, contact:

U.S. Copyright Office

Public Information Office: (202) 707-3000

Information Specialists: (202) 707-5959

Web site: www.copyright.gov



Border Enforcement

U.S. Customs and Border Protection: Holders of registered trademarks and copyrights concerned about imports or exports of infringing goods should record their trademarks and copyrights with U.S. Customs and Border Protection (CBP). Patents may not be recorded with CBP for border enforcement protection; however, patent owners may be entitled to exclusion of infringing imports from the commerce of the United States under section 337 of the Tariff Act of 1930.

Detailed information about recording intellectual property rights (including recordation forms) and reporting intellectual property infringement to CBP can be found on the CBP's Web site: www.cbp.gov/xp/cgov/import/commercial_enforcement/ipr/.

Applications to record registered trademarks or copyrights must be in writing and should be addressed to:

U.S. Customs and Border Protection

Office of Regulations and Rulings
Intellectual Property Rights Branch
1300 Pennsylvania Avenue, N.W.
Mint Annex
Washington, DC 20229
Telephone: (202) 572-8710

■ U.S. CUSTOMS AND BORDER PROTECTION

www.cbp.gov

202-572-8710

■ INTERNATIONAL TRADE COMMISSION
TRADE REMEDY ASSISTANCE OFFICE

www.usitc.gov

800-343-9822

International Trade Commission

The International Trade Commission (ITC) investigates and adjudicates allegations of unfair trade practices based on complaints filed by rights holders. Upon completing an investigation and finding a violation of U.S. trade laws, the ITC can issue orders directing U.S. Customs and Border Protection to exclude from the United States imported products that infringe U.S. patents, trademarks, or copyrights, or violate other common-law rights. The ITC can also order respondents to cease and desist from unlawful activities. The ITC's Trade Remedy Assistance Office, which provides assistance to small businesses, can be reached at (800) 343-9822 or (202) 205-2200. Further information regarding section 337 actions can be found on the ITC's Web site at: www.usitc.gov/trade_remedy/int_prop/index.htm.

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PATENT

A patent protects a new and useful process, machine, article of manufacture, industrial design, or asexually reproduced plant.

TRADEMARK

A trademark is a word, phrase, symbol, or design, or a combination of words, phrases, symbols, or designs, that identifies and distinguishes one source of goods from others.





■ IPR CENTER

www.ice.gov/graphics/cornerstone/ipr/index.htm

866-IPR-2060

Criminal Enforcement

U.S. Department of Justice: Intellectual property crime, such as copyright piracy, trademark counterfeiting, or Internet fraud, like any other crime, should be reported to appropriate law enforcement investigative authorities at the local, state, federal, or international levels, depending on the scope of the crime. Citizens or companies aware of federal crimes should report them to local offices of the Federal Bureau of Investigation (FBI). The FBI has offices throughout the United States. In general, federal crimes may be reported to the local FBI office by a telephone call and by requesting the “Duty Complaint Agent.”

Contact information regarding these local offices can be found at:

U.S. Department of Justice

Federal Bureau of Investigation

Telephone: (202) 324-3000

Web site: www.cybercrime.gov/reporting.htm

National Intellectual Property Rights Coordination Center: If a company learns of criminal infringement occurring in the United States, it should contact the National Intellectual Property Rights Coordination Center (IPR Center). The IPR Center is a multi-agency center responsible for coordinating a unified U.S. government response regarding criminal IPR enforcement issues. Investigative personnel provide core staffing from Immigration and Customs Enforcement (ICE) and the Federal Bureau of Investigation (FBI). If a company has specific information concerning IPR crimes, it can complete a complaint form at: www.ice.gov/graphics/cornerstone/ipr/IPRForm.htm.

Companies can also contact the IPR Center by mail or telephone:

U.S. Immigration and Customs Enforcement

National Intellectual Property Rights Center
1300 Pennsylvania Avenue, N.W., Room 3.5A
Washington, DC 20229

Telephone: (202) 344-2410 or toll free, (866) IPR-2060

■ COPYRIGHT

Copyright is a form of protection provided under U.S. law to the authors of “original works of authorship”—including literary, dramatic, musical, artistic, and certain other intellectual works—for a fixed period of time.

■ DEPARTMENT OF JUSTICE

www.cybercrime.gov/reporting.htm

202-324-3000





PROTECTION ABROAD

Our international trade agreements and related intellectual property treaties require member countries to provide the means for U.S. rights holders to obtain and enforce intellectual property rights. Intellectual property rights are generally territorial, which means, for example, that a U.S. patent or trademark provides protection only in the United States, while a Japanese patent or trademark provides protection only in Japan, etc. In most cases, the first step in protecting intellectual property beyond U.S. borders is for companies to register their trademarks or patents with the appropriate authorities in each country, or through international treaties that are administered by the World Intellectual Property Organization (WIPO).

Obtaining Protection in Individual Foreign Countries

For more information about how to apply for patents or trademarks in individual foreign countries, contact the intellectual property office in that country directly. A list of contact information for most intellectual property offices worldwide can be found at www.wipo.int/news/en/links/addresses/ip/index.htm. Once a company has registered for protection, it can use that country's local laws to enforce its rights. Although most countries do not require registration to enjoy copyright protection, registration can bring certain benefits, such as proof of ownership.

Obtaining Protection in Multiple Foreign Countries

The United States is a member of two treaties: for patents, the Patent Cooperation Treaty (PCT), and, for trademarks, the Madrid Protocol. These treaties make it easier for U.S. citizens and firms to file for patent and trademark protection in other countries. The USPTO processes applications for protection pursuant to these treaties.

The Patent Cooperation Treaty streamlines the process by which U.S. inventors and businesses can obtain patent protection in other countries. By filing one international patent application with the USPTO, U.S. applicants can concurrently seek protection in more than 125 countries. For an invention made in the United States, U.S. law prohibits filing

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866-999-4258

abroad without a foreign filing license from the USPTO, unless six months have elapsed since filing a U.S. application. For filing an international patent application under the PCT, visit the USPTO's Web site, www.uspto.gov/go/pct/.

The Madrid Protocol streamlines the process by which U.S. trademark owners can obtain trademark protection in other countries. By filing one international trademark application with the USPTO, U.S. applicants can concurrently seek protection in any member country. Changes to a registration—for example transfers, name or address changes, and renewals—also can be handled through a single procedural step. For filing an international trademark application under the Madrid Protocol, visit the USPTO's Web site: www.uspto.gov/web/trademarks/madrid/madridindex.htm.

Getting Help to Protect Your Rights

Market Access and Compliance: The Department of Commerce's Market Access and Compliance (MAC) unit is ready to help U.S. business overcome trade barriers and ensure that foreign countries comply with their trade agreement and treaty commitments to the United States. MAC's Intellectual Property Rights Office and country experts—both within MAC and at U.S. embassies around the world—stand ready to work with U.S. companies to enforce their intellectual property rights in foreign markets. MAC experts can suggest strategies to evaluate IPR problems encountered abroad and will work with our embassies to pursue a course of action for resolution of problems. MAC has established a special telephone line and Web site designed specifically to deal with companies' international intellectual property concerns.

Companies can contact MAC about IPR problems abroad at:

U.S. Department of Commerce
Intellectual Property Rights Office
1401 Constitution Avenue, N.W.
Washington, DC 20230

Telephone: toll free, (866) 999-HALT (866-999-4258)

Web site: www.StopFakes.gov





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