

SUPPORTING INNOVATION, CREATIVITY & ENTERPRISE

CHARTING A PATH AHEAD



authorities of each participating agency and provide a comprehensive response to IP theft. The collaboration allows law enforcement to use resources as efficiently as possible by de-conflicting cases and using each agency’s comparative advantage to most effectively conduct investigations.

The ICE IPR Center has facilitated development and deployment of several highly-effective targeted, multi-agency enforcement efforts, and has become an indispensable partner to CBP, the Department of Justice, and the Food & Drug Administration on the Federal side, and to the private sector that now has a single point of contact within the Federal Government for law enforcement matters affecting their IP-related law enforcement concerns.⁵

The “Whole of Government” approaches to IP enforcement at the *policy* and *operational* levels constitute important innovations in efforts to combat counterfeiting and commercial piracy at national and international levels. While there may be several factors that contribute to a given country’s challenges in effective IP enforcement, it is worth noting that countries that lack meaningful intra-governmental coordination—either at the policy level, or operational level, or both—are often among the countries that are facing some of the most pressing challenges in the area of effective and efficient IPR enforcement.⁶ There exist opportunities to further promote these

FIG. 57: IPR CENTER



“Whole of Government” frameworks with foreign government partners as part of an effort to increase the effectiveness of partnerships and collaborative strategies to combat IP crime.

Spotlight: California State Board of Equalization – TRaCE Task Force

The “Whole of Government” operational approach has also been adopted at the state level. For example, the State of California’s Tax Recovery and Criminal Enforcement (TRaCE) Task Force is a program facilitated by California Assembly Bill 576, bringing together state and federal resources to collaboratively combat illegal business activities.

The TRaCE Task Force is comprised of investigators and special agents from multiple state agencies working together to investigate, prosecute and recover revenue lost to the underground economy covering a convergence of multiple threats, including the manufacture, importation, distribution, and sale of counterfeit and pirated products. By adoption of a coordinated approach, the TRaCE Task Force has been able to combat IP crimes by effectively pursuing multiple criminal penalties that may apply to a given offense—for example, copyright infringement coupled with evasion of business, payroll and/or income taxes—to arrive at higher penalties.

Source: California’s Tax Recovery and Criminal Enforcement (TRaCE) Task Force (<http://www.boe.ca.gov/trace/>)