

The Department of Justice Creates an Intellectual Property Task Force to Combat the Rise in Intellectual Property-Related Crimes

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On February 12, the U.S. Department of Justice (DOJ) announced the creation of an Intellectual Property Task Force (Task Force) to target domestic and international intellectual property (IP) related crimes. According to U.S. Attorney General Eric Holder, the establishment of the Task Force is part of a “multi-faceted strategy” to be implemented by federal, state, and international partners. The Task Force will be headed by the Deputy Attorney General, and will include representatives from various components of the DOJ, including the Criminal, Civil, and Antitrust Divisions; the Executive Office for U.S. Attorneys; and the FBI.

Friday’s announcement of the Task Force, coupled with the recent establishment of the Office of the Intellectual Property Enforcement Coordinator (IPEC) in the Executive Office of the President, signals a renewed commitment by the federal government to aggressive enforcement of existing IP laws as well as the development of new laws and policies to combat IP theft. Attorney General Holder noted that as part of its mission, the Task Force will serve as “an engine of policy development to address the evolving technological and legal landscape of this area of law.” Companies can expect to see in the immediate future more investigations and prosecutions based on violations of existing laws designed to punish IP theft. In addition, the Task Force has been charged with developing plans to expand the use of civil IP enforcement actions.

Stepped-up enforcement efforts by government agencies present both opportunities and risks. On the opportunity side, companies can expect more aggressive and coordinated enforcement efforts should they find themselves the victim of IP-related crimes. In this regard, companies would be wise to educate themselves about the scope and requirements of federal IP laws to ensure that they have the necessary safeguards in place to be in a position to avail themselves most effectively of those laws should they be victimized by IP thievery.

On the risk side, increased enforcement efforts mean that companies must be all the more vigilant to ensure that their own employees do not engage in conduct that could trigger corporate liability for IP theft. In this regard, a corporation would do well to review its compliance program and to implement training and audit functions to prevent and detect the misappropriation of intellectual property from competitors or other sources of proprietary technology.

If you have any questions or would like more information on any of the issues discussed in this LawFlash or the Intellectual Property Task Force, or require assistance with any issue relating to any government enforcement or intellectual property matters, please contact the authors, Colm F. Connolly and Jennifer L. Dereka (contact information below) or any of the following Morgan Lewis attorneys:

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