

Intellectual Property Concerns Take Center Stage Before the U.S. Senate Judiciary

MARCH 21, 2019

On the heels of [the U.S. Department of Justice's pursuit of criminal charges against Mainland Chinese entities for trade secret theft and economic espionage](#), the U.S. Senate Judiciary Committee has stepped up and is taking action to strengthen and protect domestic intellectual property rights—the “lifeblood” of the economy—which in recent years have been perceived to be under threat. On February 7, 2019, the Senate Judiciary Committee reinstated its Subcommittee on Intellectual Property and tasked it with making targeted reforms to the current legal framework and providing oversight of IP-related functions by the federal government. Unlike the House of Representatives, the Senate's Subcommittee on IP has not been active since 2007.

The makeup of this new subcommittee is bipartisan, comprising of seven Republicans and six Democrats. On February 26, the first subcommittee hearing of the 116th Congress was held to examine the 2019 Annual Intellectual Property Report. Subcommittee chairman Tillis described several challenges that are undermining U.S. innovation at an estimated cost of billions of dollars per year, such as “competition from State Actors like China” to “confusion about what's even eligible to be patented.” Meanwhile, ranking member Senator Coons emphasized the necessity of having “strong intellectual property laws that encourage and reward research and development, and that penalize and deter IP theft.” Both parties appear to agree that the current IP protection regime could be improved to better address internal shortcomings and external threats.

TIP: Foreign companies and individuals should be aware that the U.S. government is taking a strong stance against piracy, counterfeiting, and theft of U.S. intellectual property. As one branch carries out the enforcement of existing civil and criminal statutes, another branch is considering ways to update the legislation to make it more formidable and less easy to subvert.

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