

PRESIDENT OBAMA NAMES THE FIRST U.S. INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR

By: Alex Butterman

On September 25, 2009, President Obama nominated Victoria A. Espinel, for the recently created Executive Branch position of "U.S. Intellectual Property Enforcement Coordinator (IPEC)," less formally known as the "IP Czar." This position was established in the "PRO-IP Act" signed into law on October 13, 2008 by President Bush. The PRO-IP Act, standing for "Prioritizing Resources and Organization for Intellectual Property Act," is a major step toward improving the U.S. Government's capacity to protect intellectual property by strengthening civil and criminal laws against counterfeiting and piracy, providing enhanced IP enforcement and prosecutorial resources, and improving IP coordination within the executive branch of government with oversight by the IP Czar.

The PRO-IP Act places the IPEC in the Office of Management and Budget within the Executive Office of the President. Title III of the legislation ("Coordination and Strategic Planning of Federal Effort Against Counterfeiting and Infringement") provides that the IPEC chairs an interagency intellectual property enforcement advisory committee, whose members include representatives from the USPTO, the Copyright Office, the U.S. Trade Representative (USTR), and the Food and Drug Administration, among others. This committee is charged with developing a Joint Strategic Plan, to be submitted to Congress no later than 12 months after the law's enactment, i.e., October 13, 2009. However, as a Cabinet position, the U.S. Senate must confirm Ms. Espinel as the first White House Intellectual Property Enforcement Coordinator. As of September 30, 2009, the Senate Judiciary Committee was still awaiting receipt of a completed questionnaire on the background and experience of Ms. Espinel before scheduling a hearing.

Victoria A. Espinel is the founder and President of Bridging the Innovation Divide, a not-for-profit foundation focused on addressing the "innovation divide" and empowering all Americans to obtain the full benefit of their creativity and ingenuity. From 2007-2009, Ms. Espinel was a Visiting Assistant Professor at the George Mason University School of Law. Her areas of teaching and research were intellectual property and international trade. She has acted as advisor on intellectual property issues to the staff of the Senate Judiciary Committee, Senate Finance Committee, House Judiciary Committee and House Ways and Means Committee. She also served as an advisor to Romulus Global Issues Management and is a member of the Brain Trust of the Global Innovation Forum. In 2005, Ms. Espinel was asked to serve as the first ever Assistant United States Trade Representative for Intellectual Property and Innovation at the Office of the U.S. Trade Representative, serving as the chief U.S. trade negotiator for intellectual property and innovation. She testified on numerous occasions before the House Judiciary Committee and the Senate Committee on Homeland Security and Governmental Affairs. Ms. Espinel also served as Deputy Assistant USTR for Intellectual Property and as Associate General Counsel at USTR. Before joining USTR, Ms. Espinel was with several different large Washington D.C. and New York City law firms. She holds an LLM from the London School of Economics, a JD from Georgetown University Law School, and a BS in Foreign Service from Georgetown University's School of Foreign Service.