House Judiciary Committee announces its intent to adopt its “Authorization and Oversight Plan for the 115th Congress”

The House Judiciary Committee has announced its intent to adopt its “Authorization and Oversight Plan for the 115th Congress” later this week. In the plan, the Committee listed a host of agencies for which it plans to review their current authority and assess future needs, and for which it plans to provide oversight or to investigate their activities. To summarize, the HJC will look into CBP’s and DOJ’s IP enforcement efforts, the effectiveness of the IPEC office, the PTO’s fee setting authority, patent quality initiatives, AIA implementation, the attaché program, review the Copyright Office recordation system, public access to its registration records, and the process by which the Register of Copyrights should be selected, review copyright laws and policies, investigate the impact international IP laws have on American interests, and the impacts conveying ICANN functions will have on IP rights holders.

Specifically, in the first half of its plan, the Committee lists agencies and programs that it will review for reauthorization (legislation vesting agencies with the specific authority necessary to carry out their mission), including:

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
U.S. Customs and Border Protection (CBP) has extended a zone of security beyond U.S. physical borders. Aspects of CBP under the jurisdiction of the House Judiciary Committee include CBP’s non-border immigration enforcement functions, intellectual property enforcement functions, the Entry/Exit Transformation Office (EXT) and the Arrival and Departure Information System (ADIS), and the visa waiver program.

OFFICE OF MANAGEMENT & BUDGET
U.S. OFFICE OF THE INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR
Intellectual property theft presents a substantial threat and imposes significant harm, including major economic damage, to the U.S. To address this problem, the Committee authorized, through the Prioritizing Resources and Organization for Intellectual Property (PRO-IP) Act of 2008 (P.L. 110-403), the creation of an Intellectual Property Enforcement Coordinator (IPEC) within the Executive Office of the President. The IPEC chairs an interagency intellectual property enforcement advisory committee, coordinates the development of the Joint Strategic Plan against counterfeiting and infringement and provides other assistance in the coordination of intellectual property enforcement efforts.

OTHER ENTITIES
U.S. PATENT AND TRADEMARK OFFICE: FEE SETTING AUTHORITY
The authority of the Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office (Director) to set or adjust any fee to recover the aggregate estimated costs to the Office for processing, activities, services, and materials relating to patents terminates on September 16, 2018.

The Committee’s plan also lists its intent to provide oversight and conduct investigative activities into the following agencies and actives:

FULL COMMITTEE
The U.S. Copyright Office: The Committee will continue to conduct oversight of the Copyright Office as it completes its transition to a digital environment. Oversight will include review of its recordation system,
public access to its registration records, and the process by which the Register of Copyrights should be selected.

**Copyright Law and Policy:** The Committee will examine the provisions of the Copyright Act to ensure it addresses the challenges faced by copyright owners, users, and consumers in the digital environment.

**Office of the U.S. Intellectual Property Enforcement Coordinator (IPEC):** The Committee will examine how the IPEC is functioning and whether it has the authority and resources necessary for it to be effective. To the extent this involves non-copyright-related intellectual property issues, this will be coordinated closely with the Subcommittee on the Courts, Intellectual Property, and the Internet Subcommittee.

**Intellectual Property Enforcement Agencies:** The Committee will review the intellectual property enforcement efforts of the Department of Homeland Security’s U.S. Customs and Border Protection division and the Department of Justice. To the extent this involves non-copyright-related intellectual property issues, these will be primarily handled at the Full Committee.

**SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, AND THE INTERNET**

**U.S. Patent and Trademark Office:** The Subcommittee will conduct oversight of the USPTO, including the status of pending patent and trademark applications and developments with patent and trademark quality. The Subcommittee will also continue to exercise oversight to ensure that the USPTO has full access to the fees it collects from applicants and appropriately exercises its fee-setting authority.

**U.S. Patent and Trademark Office and Implementation of the America Invents Act:** The Subcommittee will conduct oversight on the implementation of the U.S. Patent and Trademark Office and the America Invents Act that contained numerous changes to our nation’s patent system.

**U.S. Patent and Trademark Office Global Intellectual Property Rights Attaché Program:** The Subcommittee will conduct oversight on the Global Intellectual Property Rights Attaché program’s efforts to promote high standards of IP protection and enforcement internationally for the benefit of U.S. stakeholders.

**International Intellectual Property Laws:** The Subcommittee will conduct oversight of the impact of international intellectual property laws, regulations, and policies upon American interests. In addition, the Subcommittee will conduct oversight of international trade agreements and their negotiations, especially as they relate to potential trademark issues. To the extent this involves copyright-related intellectual property issues, this will be coordinated closely with the Subcommittee on the Courts, Intellectual Property, and the Internet Subcommittee.

**Internet Corporation for Assigned Names and Numbers (ICANN):** The Subcommittee will conduct oversight of ICANN, including the functions that the U.S. conveyed to ____ in 2016, and the impacts this system will have on intellectual property rights holders.