

108TH CONGRESS  
2D SESSION

# H. R. 5351

To establish the Office of Intellectual Property and Competition Policy in  
the Department of State.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Ms. WATSON introduced the following bill; which was referred to the  
Committee on International Relations

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## A BILL

To establish the Office of Intellectual Property and  
Competition Policy in the Department of State.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Office of Intellectual  
5       Property and Competition Policy Act of 2004”.

1 **SEC. 2. ESTABLISHMENT OF OFFICE OF INTELLECTUAL**  
2 **PROPERTY AND COMPETITION POLICY IN**  
3 **THE DEPARTMENT OF STATE.**

4 (a) ESTABLISHMENT.—The State Department Basic  
5 Authorities Act of 1956 is amended by inserting after sec-  
6 tion 58 (22 U.S.C. 2730) the following new section:

7 **“SEC. 59. OFFICE OF INTELLECTUAL PROPERTY AND COM-**  
8 **PETITION POLICY.**

9 “(a) ESTABLISHMENT.—

10 “(1) IN GENERAL.—There is hereby established  
11 in the Department of State an Office of Intellectual  
12 Property and Competition Policy (in this section re-  
13 ferred to as the ‘Office’).

14 “(2) TRANSFER.—Not later than 180 days  
15 after the date of the enactment of the Office of In-  
16 tellectual Property and Competition Policy Act of  
17 2004, the Secretary of State shall transfer to the  
18 Office all functions (including the personnel, assets,  
19 and obligations held by or available in connection  
20 with such functions) of the Intellectual Property and  
21 Competition Policy (IPC) Division of the Bureau of  
22 Economic and Business Affairs of the Department  
23 of State.

24 “(b) DUTIES.—The Office shall have primary respon-  
25 sibility within the Department of State—

1           “(1) to develop and implement policies to pro-  
2           mote effective intellectual property rights protection  
3           worldwide in close cooperation with other United  
4           States Government agencies, including the Depart-  
5           ment of Commerce, the United States Patent and  
6           Trademark Office, the Register of Copyrights, and  
7           the Office of the United States Trade Representa-  
8           tive, and with United States embassies and missions  
9           in foreign countries; and

10           “(2) to provide technical assistance to foreign  
11           countries to implement the policies referred to in  
12           paragraph (1).

13           “(c) HEAD OF OFFICE.—

14           “(1) IN GENERAL.—Except as provided in para-  
15           graph (2), the Office shall be headed by a Deputy  
16           Assistant Secretary of State for Intellectual Prop-  
17           erty and Competition Policy, to be appointed by the  
18           President, by and with the advice and consent of the  
19           Senate.

20           “(2) CONTINUED SERVICE OF HEAD OF DIVI-  
21           SION.—The individual serving in the position of  
22           head of the Intellectual Property and Competition  
23           Policy Division on the day before the date of the en-  
24           actment of the Office of Intellectual Property and  
25           Competition Policy Act of 2004 may serve as the

1 Deputy Assistant Secretary at the pleasure of the  
2 President after the date of the enactment of such  
3 Act.

4 “(d) ADDITIONAL STAFF.—The Deputy Assistant  
5 Secretary may appoint and fix the pay of additional per-  
6 sonnel as the Deputy Assistant Secretary considers appro-  
7 priate, including personnel to carry out matters relating  
8 to technical assistance provided to foreign countries pursu-  
9 ant to subsection (b)(2).”.

10 (b) RATE OF PAY OF DEPUTY ASSISTANT SEC-  
11 RETARY OF STATE FOR INTELLECTUAL PROPERTY AND  
12 COMPETITION POLICY.—Section 5315 of title 5, United  
13 States Code, is amended by adding at the end the fol-  
14 lowing:

15 “Deputy Assistant Secretary of State for Intel-  
16 lectual Property and Competition Policy.”.

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