

112TH CONGRESS
2D SESSION

H. R. 6012

To authorize the Secretary of Homeland Security to provide to owners of certain intellectual property rights information on, and unredacted samples and images of, semiconductor chip products suspected of being imported in violation of the rights of the owner of a registered mark or the owner of a mask work.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2012

Mr. McCAUL (for himself, Mr. McKEON, Mr. KEATING, Mr. JONES, Mr. BROOKS, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Ms. BONAMICI, Mr. LONG, Mr. HONDA, Mr. GALLEGLY, and Mr. HEINRICH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the Secretary of Homeland Security to provide to owners of certain intellectual property rights information on, and unredacted samples and images of, semiconductor chip products suspected of being imported in violation of the rights of the owner of a registered mark or the owner of a mask work.

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

1 **SECTION 1. PROVISION OF INFORMATION AND**
2 **UNREDACTED SAMPLES.**

3 (a) IN GENERAL.—Section 1905 of title 18, United
4 States Code, is amended—

5 (1) by striking “Whoever” and inserting “(a)
6 RESTRICTIONS.—Whoever”; and

7 (2) by adding at the end the following:

8 “(b) TREATMENT OF SEMICONDUCTOR CHIP PROD-
9 UCTS.—

10 “(1) SEMICONDUCTOR CHIP PRODUCTS.—For
11 purposes of determining whether semiconductor chip
12 products are being imported into the United States
13 in violation of section 42 of the Lanham Act or in
14 violation of any of the exclusive rights of the owner
15 of a mask work under chapter 9 of title 17, upon
16 presentation the Secretary of Homeland Security
17 (except in such cases as would compromise an ongoing
18 law enforcement investigation or would compromise
19 national security)—

20 “(A) may, and upon detention shall, share
21 with the holder of the registered mark or the
22 owner of the mask work, as the case may be,
23 information on the semiconductor chip products
24 and their packaging and labels, including
25 unredacted photographs or digital images of
26 such products, packaging, and labels; and

1 “(B) may, at any time, subject to any ap-
2 plicable bonding requirements, supply unredact-
3 ed samples of such products to such holder of
4 the registered mark or owner of the mask work.

5 “(2) ACTION NOT A VIOLATION.—Actions by
6 the Secretary of Homeland Security in accordance
7 with paragraph (1) shall not be a violation of sub-
8 section (a).

9 “(c) DEFINITIONS.—As used in this section—

10 “(1) the term ‘Lanham Act’ has the meaning
11 given that term in section 2320(e) of this title;

12 “(2) the terms ‘mask work’ and ‘semiconductor
13 chip product’ have the meanings given those terms
14 in section 901 of title 17;

15 “(3) the term ‘registered mark’ has the mean-
16 ing given that term in section 45 of the Lanham Act
17 (15 U.S.C. 1127); and

18 “(4) the term ‘unredacted’ means without re-
19 moving, revising, or otherwise obscuring any infor-
20 mation or markings appearing on a product or its
21 retail packaging.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect on the date of the enact-
24 ment of this Act.

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