

**Submission of the
International AntiCounterfeiting Coalition
to the
United States Patent and Trademark Office**

**Development of a National Consumer Awareness
Campaign on Combating the Trafficking in Counterfeit
and Pirated Products**

**Request for Public Comment
85 Fed. Reg. 73264 - 66 (November 17, 2020)**

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The International AntiCounterfeiting Coalition, Inc. (“IACC”), is pleased to submit these comments to the United States Patent and Trademark Office (“USPTO”), pursuant to the request published in the Federal Register on November 17, 2020, seeking written comments from the public concerning the agency’s efforts to develop a national consumer awareness campaign in support of broader Administration efforts to combat the illicit trafficking of counterfeit and pirated good. We welcome the opportunity to share our thoughts on this important matter, and look forward to working with the USPTO and its partner agencies throughout the government.

The IACC is the world’s oldest and largest organization dedicated exclusively to combating trademark counterfeiting and copyright piracy. Founded in 1979, and based in Washington, D.C., the IACC represents more than 200 corporations, trade associations, and professional firms, spanning a broad cross-section of industries. IACC members include many of the world’s best-known brands in the apparel, automotive, electronics, entertainment, luxury goods, pharmaceutical, personal care, software, and other consumer product sectors.

Central to the IACC’s mission is the education of both the general public and policy makers regarding the severity and scope of the harms caused by the illicit trafficking of counterfeit and pirated goods. The IACC seeks to address these threats by promoting the adoption of legislative and regulatory regimes, as well as industry best practices, to effectively protect intellectual property rights, and to encourage the application of resources sufficient to enforce those rights. The IACC works with U.S. and foreign government partners and private sector stakeholders throughout the world to identify, and to seek remedies to, legislative deficiencies and practical impediments to IP enforcement. The IACC has also led the development of voluntary collaborative programs on a global scale to address key priorities in the online space, including its RogueBlock and IACC MarketSafe programs.

Whether measured in terms of sales lost by legitimate manufacturers and retailers to illicit competitors, tax revenues and duties that go unpaid to governments, decreased employment, or diminished investment in capital improvements and research and development; counterfeiting is a significant drain on the U.S. and global economy. Further, the production and distribution of goods manufactured in an entirely unregulated supply chain, where the makers have every incentive to cut corners by using cheap, substandard components, and no incentive to abide by accepted standards of consumer health and safety, presents a clear threat to the health and well-being of consumers, and to the integrity of our national security infrastructure. We look forward to working with you to ensure the safety of consumers and the vitality of legitimate manufacturers and retailers impacted by the global trade in counterfeit and pirated goods.

The IACC welcomed the news of this initiative by the USPTO, and we stand ready to assist in any way possible. At the outset however, we would encourage the U.S. government to take a thoughtful approach, grounded in hard data. If our ultimate goal is to facilitate a change in consumers' behaviors, it is essential that we begin by understanding those behaviors and what motivates them. Past research has shown wide variations among consumers' knowledge and understanding about a range of relevant issues, including the potential threats to their own health and safety, economic impacts of illicit trafficking, and others. And in many cases, past campaigns intended to raise consumer awareness have focused more on "commonsense" messaging based on assumptions that have not been properly tested. To that end, we would suggest that this effort should begin by undertaking a comprehensive survey of American consumers, using a sound methodology to determine a baseline for consumers' grasp of the relevant issues, their present ability to distinguish between authentic and counterfeit offerings in the marketplace, the motivations underlying their decisions to purchase, and an assessment of factors that might alter those decisions. Only after those foundational issues have been addressed should the agency move forward with the development of appropriate messaging (and the identification of the parties best suited to deliver that messaging) to consumers.

We applaud the USPTO and all of our public-sector partners for their efforts on this important issue, and we look forward to working with you in advancing this initiative.

Respectfully submitted,

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