FEDERAL BUREAU OF INVESTIGATION
POLICY DIRECTIVE

Intellectual Property Rights Investigative Responsibility
1043D

General Information

Proponent	Criminal Investigative Division (CID)
Publication Date	2018-11-18
Review Date	2021-11-18
Last Updated	N/A
Supersession	None

1. Authorities

Prioritizing Resources and Organization for Intellectual Property (PRO IP) Act of 2008 (October 13, 2008) (Public Law [Pub. L.] 110–403)

2. Purpose

The purpose of this policy directive (PD) is to provide base line investigative and reporting requirements for Federal Bureau of Investigation Headquarters (FBIHQ) divisions and field offices (FO) dealing with crimes involving intellectual property rights (IPR).

3. Scope

This policy applies to all Federal Bureau of Investigation (FBI) personnel.

4. Exemptions

There are no exemptions to this policy.

5. Policy Statement

5.1. The PRO IP Act of 2008 enhances intellectual property laws, coordinates and strategically plans the federal effort against counterfeiting and infringement, and provides for the allocation of Department of Justice (DOJ) resources to investigate and prosecute IPR crimes. The PRO IP Act of 2008 enumerates a base line for the FBI's IPR enforcement investigative resources.

5.2. Pursuant to the PRO IP Act of 2008, each FO will provide at least one special agent (SA) to support each DOJ Computer Hacking and Intellectual Property (CHIP) Unit for the purpose of investigating and assisting in the prosecution of intellectual property crimes.

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5.3. Pursuant to the PRO IP Act of 2008, the Intellectual Property Rights Unit (IPRU), Financial Crimes Section (FCS), CID must annually report on actions taken to carry out efforts outlined in the statute.

6. Roles and Responsibilities

6.1. FO management (i.e., assistant director in charge [ADIC], special agent in charge [SAC], and assistant special agent in charge [ASAC]) or other designated individuals must:

6.1.1. Designate at least one SA to:

6.1.1.1. Review IPR crime complaints.

6.1.1.2. Investigate IPR crimes.

6.1.1.3. Support CHIP assistant United States attorneys (AUSA) engaged in the investigation and prosecution of IPR crimes.

6.1.2. Ensure that white collar crime (WCC) squads under their purview provide the support outlined in subsection 6.1.1. of this PD for IPR crime investigations and prosecutions and submit reporting as required by the PRO IP Act of 2008 and this PD.

6.2. All FO IPR program coordinators (PCOR) must:

6.2.1. Provide mandated support for IPR crime investigations and prosecutions, as described in this PD.

6.2.2. Prepare and submit mandated reporting as required by the PRO IP Act of 2008 and this PD.

6.2.3. Collaborate on a quarterly basis with CHIP Unit AUSAs or other AUSAs in their judicial districts who have been assigned to prosecute IPR crimes.

6.2.4. Review and assess case referrals, consistent with the procedures and guidelines established in the *Domestic Investigations and Operations Guide* (DIOG).

6.2.5. Create cases [redacted] when appropriate, and carry out investigations related to potential IPR crimes that meet the definitions and policies outlined in the DIOG. b7E

6.2.6. Maintain regular contact with the designated IPRU program managers (PM) responsible for their respective FOs.

6.2.7. Advise the designated IPRU PMs of all significant case developments (e.g., arrests indictments, or sentences).

6.2.8. Request IPR PM assistance and guidance whenever necessary.

6.2.9. Respond to IPR requests for information and direction in a timely manner.

6.2.10. Adhere to the best practices set forth by IPRU.

6.2.11. Establish and participate in task forces or working groups or both to develop and maintain productive working relationships with IPR investigative partners.

6.3. IPRU must:

6.3.1. Submit to DOJ by May 1 a compiled report featuring the number of IPR investigations and actions in which the FBI engaged in, the types of actions, the resolution of each action, and any penalties imposed as a result of these actions during that fiscal year

(FY). Before it's submitted to DOJ, all FOs must review this report and provide feedback on it by March 1.

6.3.2. Compile all FO IPR feedback and submit to DOJ for annual reporting.

6.3.3. Provide guidance to FOs on program management and investigative matters.

6.3.4. Lead law enforcement (LE) and private sector liaison mitigation and collaboration efforts.

7. References

IPRU Intranet site

8. Definitions and Acronyms

Acronyms

ADIC	assistant director in charge
ASAC	assistant special agent in charge
AUSA	assistant United States attorney
CHIP	Computer Hacking and Intellectual Property [Unit]
CID	Criminal Investigative Division
DIOG	*Domestic Investigations and Operations Guide*
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FBIHQ	Federal Bureau of Investigation Headquarters
FCS	Financial Crimes Section
FO	field office
FY	fiscal year
IPR	intellectual property rights
IPRU	Intellectual Property Rights Unit
LE	law enforcement
PCOR	program coordinator
PD	policy directive

PM	program manager
PRO IP	Prioritizing Resources and Organization for Intellectual Property [Act of 2008]
Pub. L.	public law
SA	special agent
SAC	special agent in charge
WCC	white collar crime

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