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CLE

FRIDAY, MAY 10
DISTRICT COURT OF GUAM
@ 1130 A.M.

\$50.00 Registration Fee
(Lunch included)

CYBERCRIMES AND INTELLECTUAL PROPERTY

Peter N. Fowler, Senior Counsel for Enforcement, Office of Policy and International Affairs, United States Patent and Trademark Office

Cybercrimes involves using a computer and a network via the internet to commit crimes. Cybercrimes relating to intellectual property can be committed using various computer based devices and often involves various types of software or code. The criminal using computer technology and networking to intentionally, illegally and without permission, obtain, replicate, trade, or counterfeit types of intellectual property. The cle will cover a basic overview.

Presented by
DISTRICT COURT OF GUAM & GUAM BAR ASSOCIATION



CYBERCRIMES AND INTELLECTUAL PROPERTY

District Court of Guam Hagåtña, Guam Friday, May 10, 2019

REGISTRATION FORM

PARTICIPANT INFORMATION

This conference is open only to attorneys, justices and judges.

Name: _____

Position/Job Title: _____

Organization/Business: _____

Mailing Address: _____

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REGISTRATION FEE & CLE CREDITS

REGISTRATION FEE: \$50.00

Includes conference materials and lunch.

PAYMENT: Checks and cash payments accepted. Please mail or deliver your completed registration form and payment payable to the

Guam Bar Association, 284 W. Chalan Santo Papa, Hagåtña, Guam 96910.

For registration inquiries, please contact the GBA (671) 989-4227 or via email at info@guambar.org

CLE CREDITS: ONE and a half (1.5) CLE credits are being offered for this conference. The number of credits is subject to change.

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CLE Topics and Presenter

This CLE presentation is on the topic of role of cybercrime in the realm of intellectual property. The course will cover the basic overview of cybercrime in intellectual property and familiarize attorneys with the common types of cybercrime committed regarding certain types of intellectual property. Statutes and case law references are in the course materials. The presentation is approximately 45 minutes in duration and will allow time for discussion.

The presenter for this course is Peter N. Fowler, Senior Counsel for Enforcement, Office of Policy and International Affairs, United States Patent and Trademark Office. Mr. Fowler has been a senior attorney at the USPTO since 1995, providing policy analysis and advice and global training and capacity-building on the topics of intellectual property and enforcement matters. Mr. Fowler previously worked as an Attorney-Advisor on domestic and international copyright issues, facilitated the Conference on Fair Use, worked on the WIPO Internet Treaties and the Digital Millennium Copyright Act, served two stints as the Acting Deputy Administrator for External Affairs, as the agency's Chief of Staff, as a Senior Advisor to the Under Secretary and Director, and as the Regional Intellectual Property Attaché for Southeast Asia based in Bangkok, Thailand, from 2011-2017.

Cybercrime and Intellectual Property Overview

Cybercrimes involves using a computer and a network via the internet to crimes as defined by various statutes. Cybercrimes relating to intellectual property can be committed using various computer based devices and often involves various types of software or code. The criminal using computer technology and networking to intentionally, illegally and without permission, obtain, replicate, trade, or counterfeit types of intellectual property.

The rise of technological innovation increases the digital platform offenders have to commit crimes. Currently, intellectual property is a large part of both the domestic and global trade markets, thus making IP susceptible to the illegal acts of cybercriminals. Theft of Intellectual Property causes loss of profits, loss of jobs, loss of tax revenue and reduction in legitimate economies.

The risk to public safety is also a major concern as theft of trade secrets for the benefit of a foreign government creates a national security risk. Possible strategies and efforts to combat cybercrime in intellectual property will conclude the presentation.



Peter N. Fowler

Senior Counsel for Enforcement
Office of Policy and International Affairs
United States Patent and Trademark Office
(USPTO)

Mr. Fowler is Senior Counsel for Enforcement in the USPTO Office of Policy and International Affairs. He joined the agency in 1995, as an Attorney-Advisor working on domestic and international copyright issues, and from 1998-2002, served as Chief of Staff, and was posted in Bangkok, Thailand, as Regional Intellectual Property Attaché for Southeast Asia from 2011-2017. He has extensive experience in the Middle East, Southeast Asia, and the Pacific working on IP protection and enforcement issues and trade agreements. He has been a technical advisor to the Office of the United States Trade Representative on numerous trade agreement negotiations, including those with Australia, Bahrain, Cambodia, Colombia, Malaysia, Morocco, Oman, Singapore, Thailand, Vietnam, as well as the Anti-Counterfeiting Trade Agreement, Trans-Pacific Partnership Agreement (now CPTPP), and U.S.-Mexico-Canada Agreement. He is a recipient of three Gold Medal Awards for distinguished performance and extraordinary contributions in support of the U.S. Department of Commerce mission.

Mr. Fowler is admitted to practice in California, where he practiced for a decade before joining the USPTO, and has authored a number of legal articles on copyright, film censorship, IP and the digital economy/trade environment, and IP protection and enforcement in ASEAN. He serves on the Advisory Board of the Golden Gate University School of Law IP and Privacy Law Center and on the Regional Advisory Group for the United Nations Economic and Social Commission for Asia and the Pacific. He has taught as an Adjunct Associate Professor of Law at Golden Gate University School of Law, and as an Adjunct Lecturer at the University of California Hastings College of the Law and the University of San Francisco College of Professional Studies, and as an Adjunct Visiting Professor at Universidad Pontificia Bolivariana in Medellín, Colombia.

References:

- The Department of Justice handles all cybercrime involving intellectual property in the United States. A special unit called Computer Crime and Intellectual Property Section (CCIPS). See <https://www.justice.gov/criminal-ccips>.
- References to some of the statutes used in cybercrime involving intellectual property are in the statutory manual “Prosecuting Computer Crimes,” used by the U.S. Department of Justice and published by the Office of Legal Education Executive Office for United States Attorneys.

See <https://www.justice.gov/sites/default/files/criminal-ccips/legacy/2015/01/14/ccmanual.pdf>.

- Other references the statutes used in cybercrime involving intellectual property are in the “Cybercrime Laws of the United States.”

See https://www.oas.org/juridico/spanish/us_cyb_laws.pdf.

- The IP Commission: The commission on the theft of American Intellectual Property.
http://www.ipcommission.org/report/ip_commission_2019_review_of_progress_and_updated_recommendations.pdf.
http://www.ipcommission.org/report/IP_Commission_Report_Update_2017.pdf.
- James Lewis. 2018. *Economic Impact of Cybercrime No Slowing Down*. California: McAfee and CSIS.
- *United States of America, v. Sinovel, Wind Group Co., LTD., et al.* 2017 WL 10605236 (W. D. Wis.) Criminal case No. 13-cr-84-jdp.
- Frontier Economics, *The Economic Impacts of Counterfeiting and Piracy*, 2017.
https://www.inta.org/communications/documents/2017_frontier_report.pdf.
- Department of Justice Report to Congress Pursuant to the Defend Trade Secrets Act
<https://www.justice.gov/iprf/page/file/1101901/download>