

## Interview with Obama's intellectual property czar

*Deborah Amos sits down with Victoria Espinel. She's the first US Intellectual Property Enforcement Coordinator.*

**DEBORAH AMOS (DA):** What is your job exactly?

**VICTORIA ESPINEL (VE):** My job is to come up with a strategy that [the Obama] administration is going to have and the priorities that we're going to place on intellectual property enforcement. We work with different agencies of the United States government: the Department of Justice, Homeland Security, Department of State, Commerce, USTR to make sure that we implement the President's priorities and take care of this problem.

**DA:** Why do you think an American - let's say in Iowa - who is struggling to make ends meet and worried about his job paying bills... why do you think that person cares whether people in Africa are buying fake jeans or toothpaste or medicine in their local market?

**VE:** This is not just a problem in Africa. This has a very serious impact on the United States. I would say first and foremost, its jobs. Beyond that, we are seeing cases that have serious impacts on health and safety. I believe we have a real obligation to the citizens of the United States to stop counterfeits which could harm them or which could harm our national security. That's is not a theoretical issue. Those are cases that we're seeing every day.

**DA:** It's a problem that's often seen as a problem for the United States. The U.S. is the creator of so much intellectual property. You mentioned that other countries are beginning to actually take this seriously. Do you see that to be true for developing countries or is this a first world interest?

**VE:** I think it depends. Clearly for the United States, it sounds trite to say, but it is absolutely true. Intellectual property innovation is our comparative advantage. We have to vigorously protect it or we're going to risk the entire underpinning of our economy. But there are other countries, including in developing countries, that are also recognizing that this is a risk to their economy or a risk to their people. If you're talking about Africa, they have an enormous problem with counterfeit drugs. Many other countries in Africa are trying to address it but it's extremely challenging for us. You can imagine what it would be like to deal with this problem for law enforcement in Africa. That's an area where I think we need to help them and we are doing more to help them. For example, we've increased the amount of funding that comes from the State Department to Africa to try to help them combat the problem that they have.

**DA:** There are criticisms of your office in our research. We've heard it called a "failure of democracy." Some say it turns federal lawyers into defenders of private property for the content industry. What do you say to convince people that you're the good guys?

**VE:** I find those types of criticisms kind of absurd. We have an extremely open door policy here. We have made a great effort which I think has resulted in a very balanced, thoughtful and comprehensive strategy to reach out to a wide range of views, even views that are typically critical of intellectual property. Taking all of this into account and then coming up with a strategy that fundamentally is intended to help protect our economy and help protect the health and safety of our citizens, I think it's difficult to criticize that in a serious way.

**DA:** Let me ask you about China. At the end of the day, how much is this about China? They are the manufacturer of vast amounts of counterfeit goods. Considering the economic leverage that they hold in the world right now, is the U.S. actually in a position to confront China on this issue?

**VE:** We're in a position to confront China and we have confronted China at the most senior levels of the administration. One of the problems that we face in China is that there's a whole range of intellectual property issues. People often think of counterfeiting and piracy, but there are also discriminatory practices that countries put in place that are intended to make it harder for our innovative companies to operate. They are stealing trade secrets sometimes with the involvement of foreign governments which is

called economic espionage. There's patent theft. There is such a wide range of issues in China that it makes it a very complex problem to deal with.