



the standard in safety

Underwriters
Laboratories

July 8, 2008

Senator Patrick Leahy
Chairman, Committee on the Judiciary
United States Senate
224 Senate Dirksen Office Building
Washington, DC 20510

Chairman Leahy:

I would like to thank you and the Committee for the opportunity to testify before you on intellectual property issues and "Protecting Consumers by Protecting Intellectual Property."

Enclosed please find responses on behalf of Underwriters Laboratories Inc. (UL) to the additional questions submitted by committee members for the official Committee record.

I applaud the Committee's attention to this important matter and encourage continued action toward fighting IP threats. Please do not hesitate to contact me, or feel free to reach out to our Washington, DC staff, should you require any additional materials or information.

Sincerely,

Brian Monks
Vice President, Anti-Counterfeiting Operations

Enclosure



**Responses from Brian Monks, Vice President of Anti-Counterfeiting Operations
Underwriters Laboratories Inc.**

**Following the Senate Judiciary Committee Hearing
“Protecting Consumers by Protecting Intellectual Property”**

1. *To what extent do you think the protection of intellectual property is hampered by the scope of federal agencies’ prosecutorial powers, as opposed to limited personnel and resources focused on enforcement?*

We at Underwriters Laboratories believe that the biggest obstacle to prosecutions of intellectual property violators is the lack of dedicated personnel on these issues and the limited resources available to pursue action against the criminals involved in these grievous crimes. Currently the prosecutorial powers and laws exist to pursue action, and while these laws and authorities can always be stronger and include stiffer penalties for violations, the true barrier to pursuing cases is the limited agents and attorneys available to engage. An essential first step would be to make available resources in the agencies with jurisdiction to create dedicated teams to pursue more cases under the currently available authorities.

2. *Who are the offenders for whom federal involvement is most needed? Are they primarily criminals engaged in large-scale operations, particularly ones that are international in scope or are involved with organized crime syndicates?*

Intellectual property (IP) crimes are economic crimes for the most part – those individuals involved risk little penalty, but stand to gain deep economic benefits. The nature of the crime creates an environment where a specific “type” of offender cannot be singled out as the culprit as many participants see access or advantage and engage themselves at various stages of the manufacturing and distribution chains.

However, we do know from experience that this is a problem global in nature. No country is exempt from IP crimes and the manufacturing of counterfeit goods often occurs in foreign markets before being shipped elsewhere for sale - including to countries like the US. We also know that the crimes are often organized and are large scale operations as individuals involved in these crimes often are involved in IP crimes across a range of product categories and across global jurisdictions.

We at Underwriters Laboratories believe it is important that federal authorities should continue to prioritize those cases where the counterfeited products put at risk the life and safety of the consumer – including counterfeit UL Marks, pharmaceutical products, and other life safety goods.