U.S. DEPARTMENT OF COMMERCE
AND THE
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

CHARTER OF THE INDUSTRY TRADE ADVISORY COMMITTEE ON INTELLECTUAL PROPERTY RIGHTS

1. **Committee's Official Designation (Title).**
The Industry Trade Advisory Committee on Intellectual Property Rights.

2. **Authority.** The Industry Trade Advisory Committee on Intellectual Property Rights (the Committee) is established by the Secretary of Commerce (the Secretary) and the United States Trade Representative (the USTR) pursuant to the authority of section 135(c)(2) of the Trade Act of 1974, as amended (19 U.S.C. §2155) (the Trade Act), as delegated by Executive Order 11846, as amended. In establishing the Committee, the Secretary and the USTR consulted with interested private organizations and took into account the factors set forth in section 135(c)(2)(B) of the Trade Act. This Committee is being established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

3. **Objectives and Scope of Activities.** The Committee shall perform such functions and duties and prepare such reports as may be required by section 135 of the Trade Act with respect to the industry trade advisory committees. The Committee advises the Secretary and the USTR concerning the trade matters referred to in section 135(a)(1) of the Trade Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Trade Act.

4. **Description of Duties.** The Committee functions solely as an advisory committee in accordance with the provisions of the FACA, as amended, 5 U.S.C. App., with the exceptions set forth in the Trade Act.

   In particular, the Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and the USTR regarding trade barriers, negotiation of trade agreements, and implementation of existing trade agreements affecting its subject area; and performs such other advisory functions relevant to U.S. trade policy as may be requested by the Secretary and the USTR or their designees.

5. **Agency or Official to Whom the Committee Reports.** The Committee reports to the Secretary and the USTR, or their designees, through the Under Secretary of Commerce for International Trade and the Assistant Secretary for Industry and Analysis (the Assistant Secretary), and the Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement (the AUSTR).

6. **Support.** Commerce and the Office of the USTR established the Industry Trade Advisory Center to jointly administer the sixteen Industry Trade Advisory Committees (ITACs), and the

Committee of Chairs of the ITACs. The AUSTR and the Director of the Industry Trade Advisory Center jointly manage the work of the ITACs on behalf of the Secretary, the USTR, and their designees. The Assistant Secretary provides staff support and services for the Committee through the Industry Trade Advisory Center. Except as otherwise provided in this charter, Commerce is responsible for filings and other applicable statutory requirements of the FACA.

7. **Estimated Annual Operating Costs and Staff Years.** The estimated annual operating cost of the Committee is $40,000.00, which includes 0.4 person-years of staff support. Members of the Committee will not be compensated for their services or reimbursed for travel expenses.

8. **Designated Federal Officer.** The Assistant Secretary designates the Designated Federal Officer (DFO) and Secondary DFO from among full-time and permanent part-time employees of the International Trade Administration. The DFO or Secondary DFO will be present at all meetings, and each meeting will be conducted in accordance with an agenda approved in advance by the DFO. The DFO has the responsibility for ensuring that the meetings of the Committee, any subgroups, subcommittees, working groups or task forces are conducted in accordance with the requirements of the FACA and its implementing regulations, the Trade Act, and other applicable laws, regulations, and policies.

   The DFO is assigned to work with the Committee members, the Director of the Industry Trade Advisory Center, and other Government officials on the Committee's work program and meeting agendas, and to ensure that the substantive aspects of the Committee's work are moving forward.

9. **Estimated Number and Frequency of Meetings.** The Committee meets at irregular intervals at the call of the Secretary and the USTR, or their designees, acting jointly.

10. **Members and Designations.** The Committee consists of not more than 50 members with experience relevant to the subject of intellectual property rights in the context of international trade. Members shall be appointed by the Secretary and the USTR and shall be selected on a clear, standardized basis, in accordance with applicable Commerce guidance. The core criteria used in selecting members are: representation of a sponsoring U.S. entity's or U.S. organization's and its subsector's (if applicable) interests on trade matters, ability to carry out the objectives of the Committee as set forth in Section 3 (including knowledge and expertise of industry and of trade matters relevant to the work of the Committee), and ensuring that the Committee is balanced in terms of points of view, demographics, geography, and entity or organization size. Members serve at the discretion of the Secretary and the USTR. The Secretary and the USTR may, at their discretion, reappoint an individual member upon renewing this charter provided that the member proves to work effectively in the Committee and the represented entity's or organization's viewpoint is still needed.

    The Committee chair and vice chair or vice chairs, as appropriate, are elected from the membership by the members for a period not to exceed the duration of this charter and may be reelected for one or more additional periods should the charter of the Committee be renewed.

The members will serve in a representative capacity presenting the views and interests of a U.S. entity or U.S. organization with experience relevant to intellectual property rights in the context of international trade; they are, therefore, not Special Government Employees.

In addition, each other ITAC (with the exception of the ITACs on Customs Matters and Trade Facilitation and Standards and Technical Trade Barriers) may select one of its members (in exceptional instances, not more than two members) to serve as a non-voting representative to the Committee, representing the views and interests of that ITAC. The selected member(s) will serve for a period not to exceed the duration of the ITAC charter and may be re-selected for one or more additional periods should the charter be renewed.

11. **Subcommittees.** Commerce and the Office of the USTR may establish subcommittees or working groups as may be necessary, and consistent with the FACA and other applicable laws, regulations, and policies. Such subcommittees or working groups may not work independently of the chartered committee and must report their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees or working groups have no authority to make decisions on behalf of the Committee nor can they report directly to the Secretary, the USTR, or their designees.

12. **Recordkeeping.** The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee, shall be handled in accordance with General Records Schedule 26, Item 2, or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. The Industry Trade Advisory Center at Commerce will maintain all files required by the FACA and other applicable laws, regulations, and policies.

13. **Duration/Termination.** The need for the Committee is continuing. Pursuant to section 135(f)(2) of the Trade Act, this charter shall expire four years from the date indicated below unless it is earlier revoked or extended by proper authority by appropriate action.

Ellen Herbst
Chief Financial Officer and
Assistant Secretary for Administration
U.S. Department of Commerce

Assistant U.S. Trade Representative
for Intergovernmental Affairs
and Public Engagement
Office of the U.S. Trade Representative

2/14/14
Date