

## INTA PAC: 117th Congressional Session— Key IP Legislation

### 1) INFORM Consumers Act – “Integrity, Notification, and Fairness in Online Retail Marketplaces for Consumers Act”

[S. 936](#): Introduced by: Sen. Durbin, Richard J. [D-IL], Sen. Bill Cassidy [R-LA], Sen. Chuck Grassley [R-IA], Sen. Mazie Hirono [D-HI], Sen. Christopher Coons [D-DE], Sen. Thom Tillis [R-NC], Sen. Raphael Warnock [D-GA], Sen. Marco Rubio [R-FL].

Introduced in Senate March 23, 2021.

[H.R.5502](#): Introduced by: Rep. Janice Schakowsky D. [D-IL-9], Rep. Gus M. Bilirakis [R-FL-12].

Introduced in House October 5, 2021

**Bill Status:** Introduced and referred to: i) Senate Commerce, Science and Transportation Committee and to ii) House Committee on Energy and Commerce.

**Bill Summary:** This bill requires online marketplaces to collect, verify, and disclose certain information from high-volume, third-party sellers.

High-volume, third-party sellers include online marketplace participants that conduct 200 or more transactions resulting in total revenues of \$5,000 or more during a continuous 12-month period. Online marketplaces must acquire these sellers' (1) bank account numbers, (2) government-issued identification, (3) tax identification numbers, and (4) contact information. Online marketplaces must verify this information and annually certify any changes to it.

Further, online marketplaces must make certain information (e.g., sellers' names and contact information) available to consumers through the sellers'

product listings and provide consumers with methods to report electronically and by telephone any suspicious activity on the marketplace. The bill provides the Federal Trade Commission with the authority to enforce these requirements.

## 2) American Choice and Innovation Online Act

[H.R.3816](#): Introduced by Rep. David N. Cicilline [D-RI-1], Rep. Lance Gooden [R-TX-5], Rep. Jerrold Nadler [D-NY-10], Rep. Ken Buck [R-CO-4], Rep. Mondaire Jones [D-NY-17], Rep. Henry C. Johnson, [D-GA-4], Rep. Jamie Raskin [D-MD-8], Rep. Pramila Jayapal [D-WA-7], Rep. Mary Gay Scanlon [D-PA-5], Rep. Joe Neguse [D-CO-2], Rep. Lucy McBath [D-GA-6], Rep. Lori Trahan [D-MA-3], Rep. Madison Cawthorn [R-NC-11], Rep. Byron Donalds [R-FL-19], Rep. Paul A. Gosar [R-AZ-4].

Introduced in House June 11, 2021

**Bill Status:** Introduced and referred to Judiciary Committee.

**Bill Summary:** This antitrust bill prevents online platforms from using their market power to exclude or disadvantage certain products or services, in favor of their own products, or otherwise distort the marketplace through abusive conduct online.

## 3) SHOP SAFE Act of 2021

[S.1843](#): Introduced by Sen. Christopher A. Coons [D-DE], Sen. Thom Tillis (R-NC).

Introduced in Senate May 26, 2021.

[H.R.5374](#): Introduced by Rep. Jerrold Nadler [D-NY-10], Rep. Darrell E. Issa [R-CA-50], Rep. Henry C. Johnson [D-GA-4], Rep. Ben Cline [R-VA-6].

Introduced in House September 26, 2021.

**Bill Status:** House bill reported out favorably by the Committee on the Judiciary on September 29, 2021 with the inclusion of an [Amendment in the Nature of a Substitute](#).

**Bill Summary:** This bill establishes liability for online marketplaces when a third party sells harmful counterfeit products online; it also incentivizes platforms to engage in best practices for vetting sellers and goods, addressing repeat counterfeiters sellers, ensure consumers have access to relevant information at the time of purchase.

#### 4) Information Transparency & Personal Data Control Act

[H.R.1816](#): Introduced by Rep. Suzan K. DelBene [D-WA-1], Rep. Dereck Kilmer [D-WA-6], Rep. Marilyn Strickland [D-WA-10], Rep. Chrissy Houlahan [D-PA-6], Rep. Earl Blumenauer [D-OR-3], Rep. James A. Himes, Rep. Charlie Crist [D-FL-13], Rep. John B. Larson [D-CT-1], Rep. Susan Wild [D-PA-7], Rep. Ed Perlmutter [D-CO-7], Rep. Matt Cartwright [D-PA-8], Rep. Steven Horsford [D-NV-4], Rep. Ed Case [D-HI-1], Rep. Tim Ryan [D-OH-13], Rep. Elissa Slotkin [D-MI-8], Rep. Kim Schrier [D-WA-8], Rep. Donald S. Beyer Jr. [D-VA-8], Rep. Rick Larsen [D-WA-2], Rep. Jim Costa [D-CA-16], Rep. Betty McCollum [D-MN-4].

Introduced in House March 11, 2021.

**Bill Status:** Introduced and referred to the Subcommittee on Consumer Protection and Commerce.

**Bill Summary:** This bill establishes a U.S. data protection law.

5) [A bill to amend the Tariff Act of 1930 to enhance the authority of U.S. Customs and Border Protection to share information with respect to merchandise suspected of violating intellectual property rights with rights holders and other interested parties.](#)

[S.1159](#): Introduced by Sen. Chuck Grassley [R-IA]

Introduced in Senate April 15, 2021.

**Bill Status:** Introduced and referred to the Committee on Finance.

**Bill Summary:** This bill authorizes U.S. Customs and Border Protection (CBP) to request assistance from any appropriate party with an interest in imported merchandise when determining whether the merchandise is imported in violation of certain trademark and copyright laws. To permit the party to conduct examination and testing, CBP must provide them with specified information that appears on the merchandise, including its packaging and packing materials (including labels).