



# **Agricultural Economic Espionage**

## **A Growing Threat**

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# The Threat

- **FBI investigations indicate economic espionage and trade secret theft against US agricultural and biotechnology companies and institutes is on the rise.**
- Over the past two years, foreign actors have targeted and collected against US companies, **universities** and government research facilities for agricultural information concerning plant genomes, new variety development, breeding programs and advanced manufacturing processes.



# What Constitutes Agricultural Intellectual Property ?

- **Company trade secrets**
- **Proprietary information**
- **Research**
  - **Examples of ag IP:**
    - farming equipment
    - genetically-modified seeds\*







# Why Are You a Target?



- You may:
  - have a **technological edge**;
  - be involved in **foreign negotiations**;
  - possess a **price advantage**;
  - have a **social media presence**;
  - be involved in a **foreign partnership**

# Who's After Your Stuff?

- Domestic and foreign commercial **rivals**;
- Domestic and foreign commercial **partners**;
- Domestic and foreign **start-up companies**;
- **Co-optees**: scientists, researchers, employees;
- **Disgruntled employees** (Insider Threat)

# Tactics



## IT Threats

- Hacking
- E-mail
- Downloading
- Equipment theft
- Public disclosure
- Surplus equipment

## Security/HR Threats

- On-site visits
- Theft & photography
- Tampering
- Diversion
- TrashINT
- Business agreements
- Applicant deception
- Foreign Travel & Relationships



# IT - Related Best Practices

- Network security
- Internet security
- IT best practices
- Online activity
- IT training

**BEWARE of Business Email Compromise!**



# Security/HR-Related Best Practices

- Safeguard documents
- Trust, but verify
- Security training
- Training program management
- HR guidance
- Reporting program



# Title 18 US Code § 1831 (Economic Espionage)

- Knowingly misappropriated the info;
- Knew/believed info was proprietary and had no claim;
- Info was, in fact, trade secret;
- Intended action to benefit a **foreign** govt., **foreign** instrumentality, or **foreign** agent.
- 15 years & \$500K (indiv) or \$10M (corp)

# Title 18 US Code §1832

## Industrial Espionage (aka Theft of Trade Secrets)

- Knowingly mis-appropriated info;
- Knew/believed info was proprietary and had no claim;
- Info was, in fact, trade secret;
- Intended economic benefit for **someone other than owner**;
- Knew/intended owner would be injured;
- Related to interstate or foreign commerce.\*
- 10 years & fine (indiv) or \$5M (corp)



# Help Us Help You

Answers to these questions will help the FBI understand the threat and assist if an investigation is necessary:

- What ag IP is US foreign competitors targeting?
- What do foreign competitors lack in R&D, manufacturing, production, and operations?
- How do US ag companies work with US academic and government research entities?

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# Help Us Help You

- What ag research at US companies and academic institutes receives fed grants?
- What ag research at US academic and govt entities is proprietary?
- How do foreign competitors track ag IP research activity and expertise at US companies and universities?
- Which foreign competitors most actively pursue US ag info and technology?

# **Questions?**

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