

# CBP's Role in Intellectual Property Rights (IPR) Enforcement at the Border



# ROADMAP

- Introduction to CBP's IPR Enforcement
- What IP CBP Enforces
- CBP e-Recordation
- Overview of IP Border Enforcement Procedure
- Legal Enforcement Authorities
- Programs Available to e-Recordation Holders
- Reporting Violations
- Points of Contact
- Questions



# ENDURING MISSION PRIORITIES

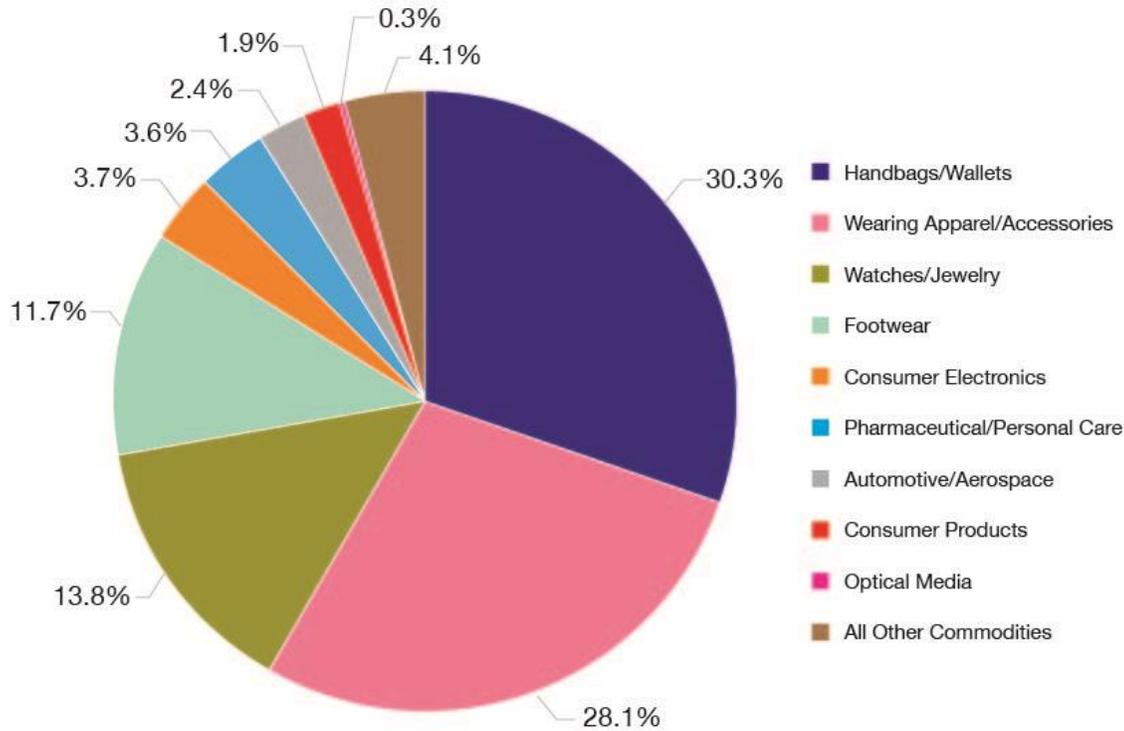


- **Counter Terrorism** – Anticipate, detect and disrupt the threat of terrorists, their weapons and actions to protect the people and economy of the United States.
- **Combat Transnational Crime** – Detect, deter and disrupt transnational organized crime that threatens U.S. national and economic security interests at and beyond the border.
- **Secure the Border** – Protect the Homeland through the air, land and maritime environments against illegal entry, illicit activity or other threats to uphold national sovereignty and promote national and economic security.
- **Facilitate Lawful Trade and Protect Revenue** – Enable fair, competitive and compliant trade and enforce U.S. laws to ensure safety, prosperity and economic security for the American people.
- **Facilitate Lawful Travel** – Enhance, enable and transform the travel experience by anticipating, detecting and intercepting threats prior to and at ports of entry.



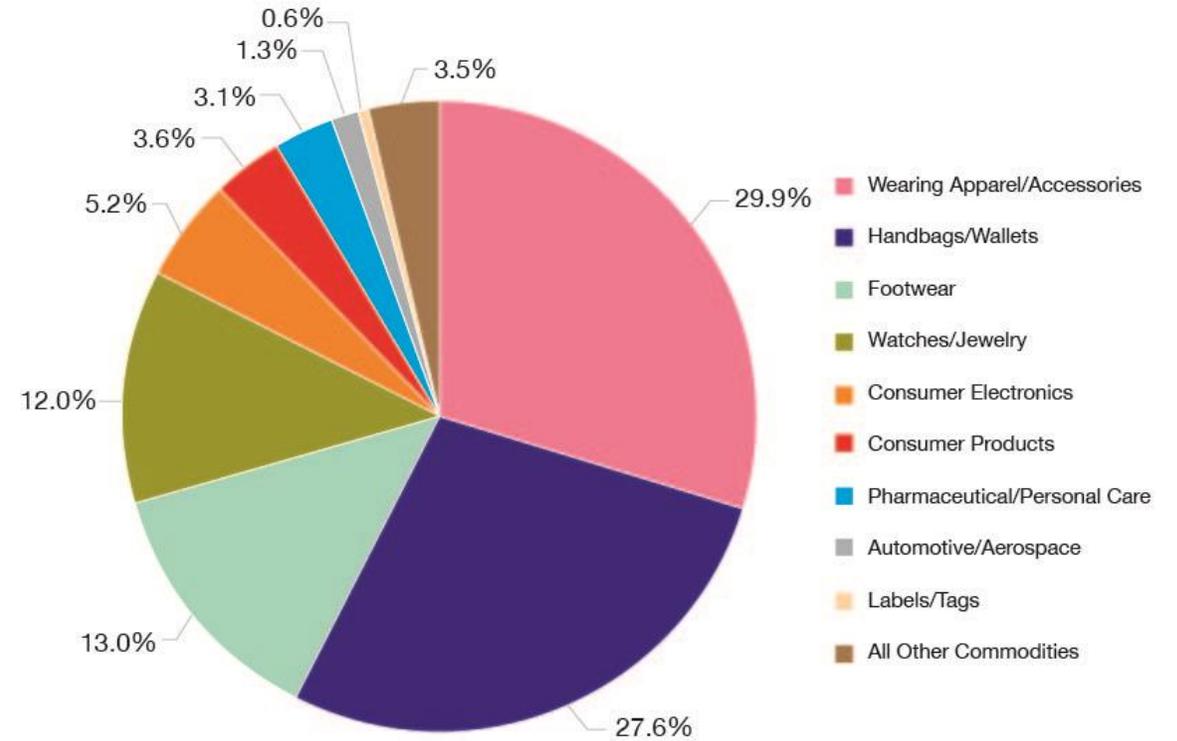
# IPR Seizure Statistics by Seizure Line FY 2022 & 2021

Number of Seizure Lines by Product - FY 2022



Number of Seizure Lines: 102,297

Number of Seizure Lines by Product - FY 2021



Number of Seizure Lines: 102,490



# FY 2022 Seizure Lines by Country of Origin



**FY 2022 TOTALS**  
**NUMBER OF SEIZURE LINES: 102,297**  
**MSRP: NEARLY \$3.0 BILLION**

**ALL OTHER COUNTRIES 24.4%**



# SEIZURES BY MODE OF TRANSPORTATION

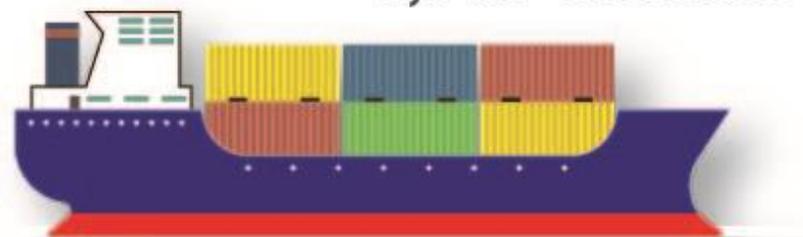
13,350 EXPRESS



5,070  
MAIL



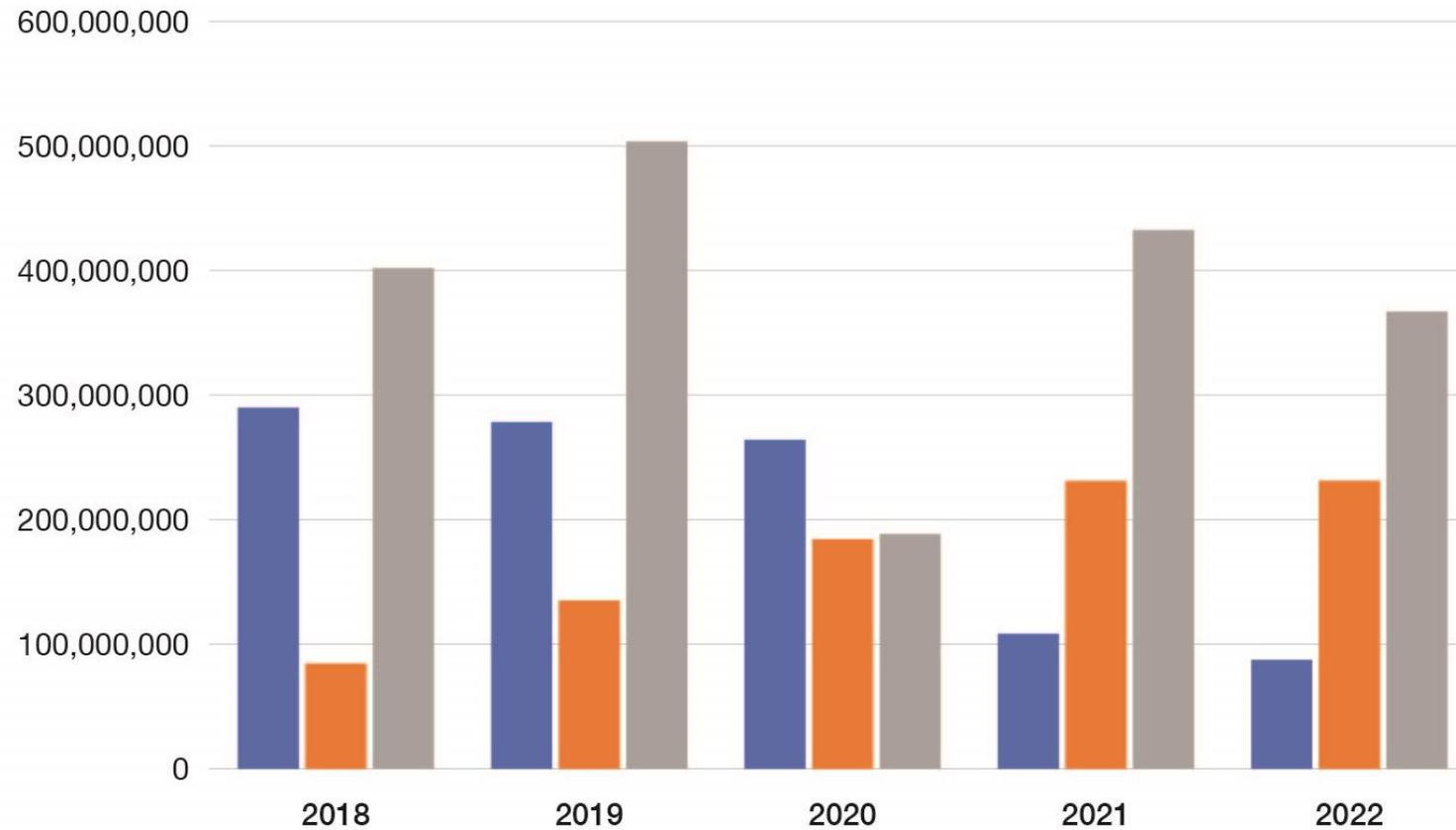
1,753 CARGO



ALL OTHERS 639



# Growth of Small Shipments



■ Mail Shipments	289,788,649	278,233,921	264,068,483	108,374,790	87,337,569
■ Express Bills	84,358,703	134,941,571	184,223,938	230,859,804	231,203,407
■ Non-Express	401,885,485	503,458,631	188,450,814	432,258,660	366,928,383



# Main CBP Offices Involved in IP Enforcement



Office of Field Operations

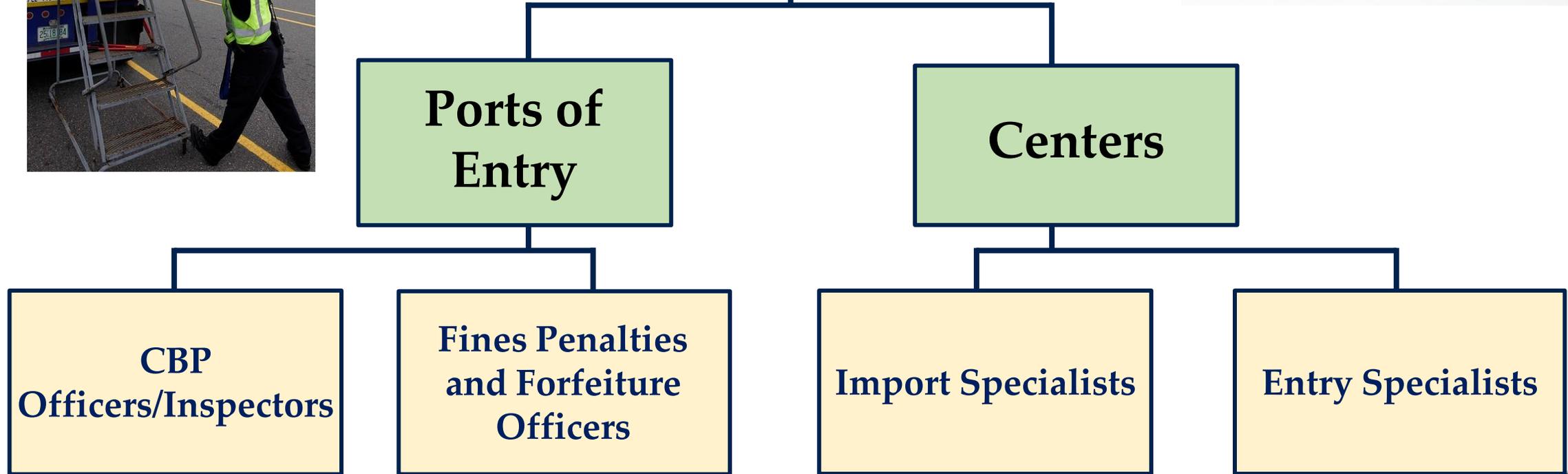
Office of Trade



# PHYSICAL LOCATION



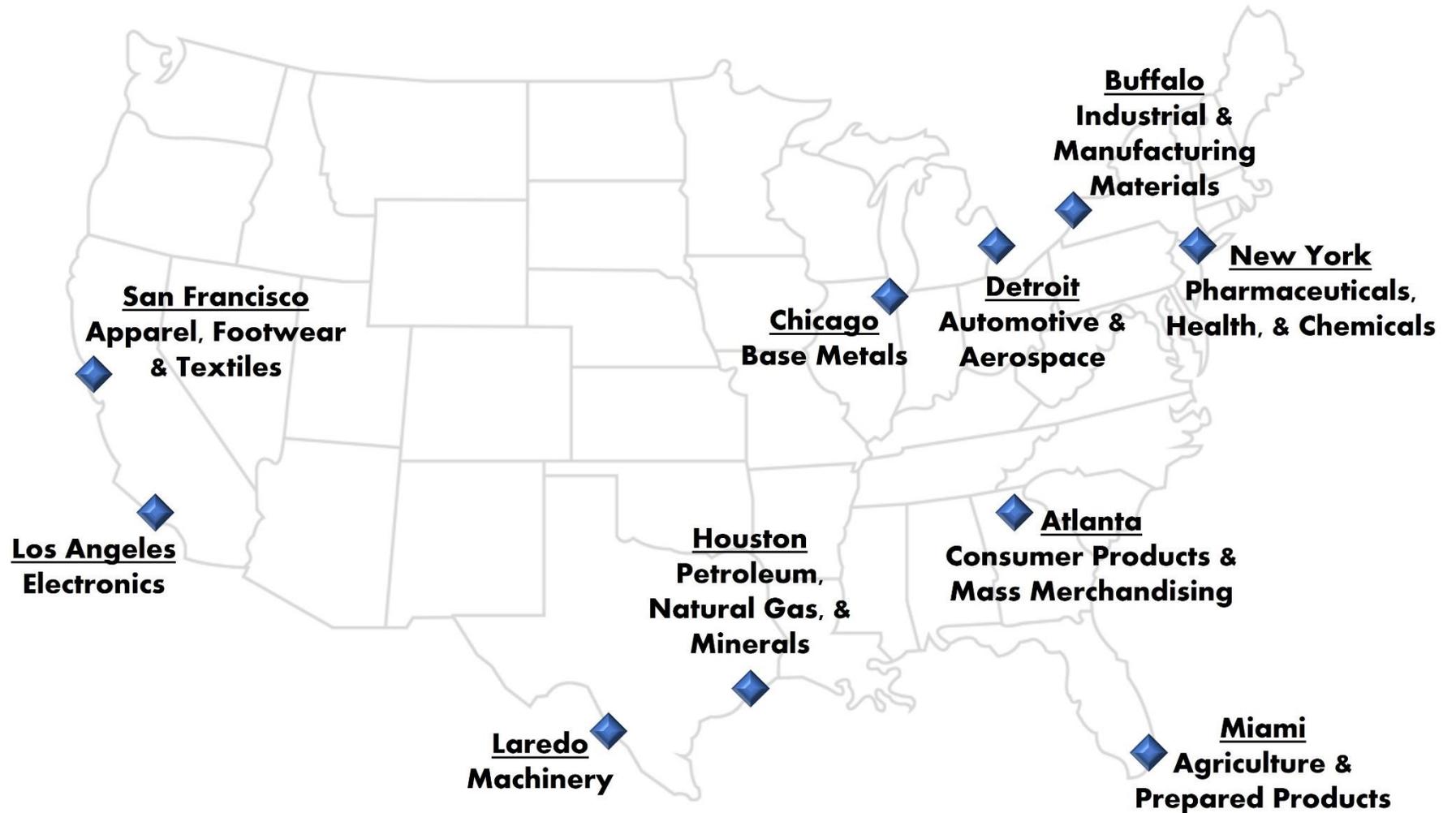
# VIRTUAL

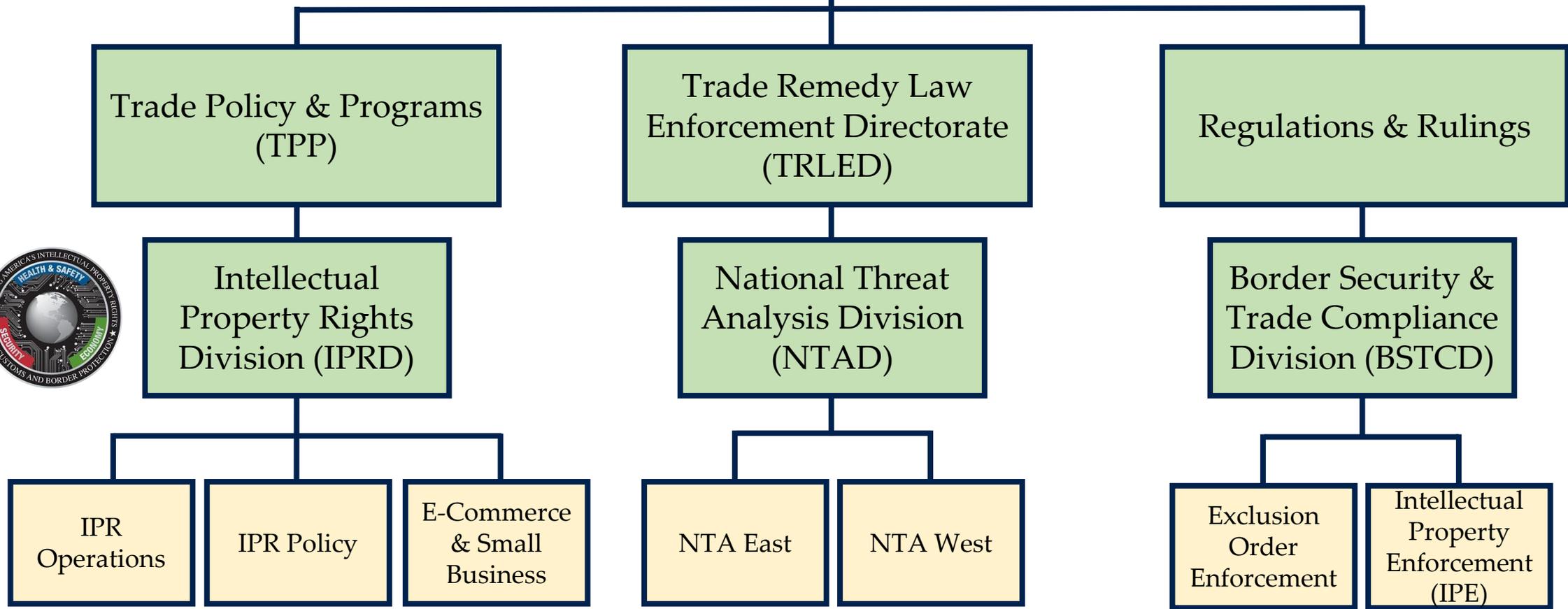




# Centers of Excellence & Expertise

CBP created 10 industry-specific Centers to increase uniformity at the ports, facilitate the timely resolution of trade compliance issues nationwide, and further strengthen the agency's knowledge about industry practices.









## The Truth Behind Counterfeits Public Awareness Campaign

- Social Media Sponsored Ads



- Animated Video
- Educational Road Shows



## Instructor Led Training



- IPRD teaches and reviews IPR tools and regulations with CBP Officers, Import Specialists, and Seized Property Specialists at hosting ports.

## External Engagement

- Co-located at the IPR Center in Arlington, VA, with 25 partner agencies; of which, 5 international agencies.
- Commercial Customs Operations Advisory Committee (COAC)
- Partner Government Agencies (PGAs)
  - World Customs Organization (WCO)
  - World Trade Organization (WTO)
  - Asia-Pacific Economic Cooperation (APEC)
  - Office of the United States Trade Representatives (USTR)



# OT Directorates in IP Space

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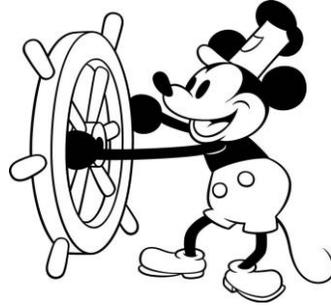
- Regulations & Rulings Directorate
  - Intellectual Property Enforcement
  - Exclusion Order Enforcement
- Trade Policy & Programs
  - IPR Policy
  - IPR Operations
- Trade Remedy Law Enforcement Directorate
  - National Threat Analysis Center



# What IP Does CBP Enforce?

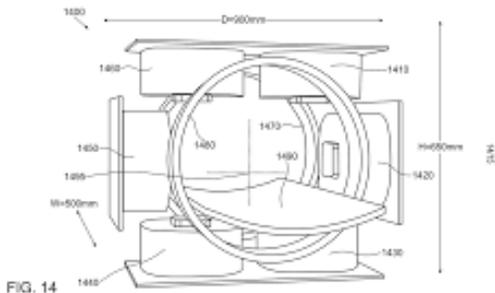


Trademarks



Copyrights

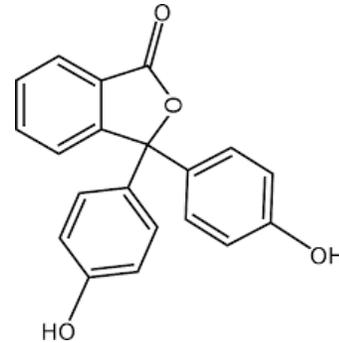
Ex Officio



Utility Patents



Design Patents



Trade Secrets

Only Pursuant to an ITC Exclusion Order

# CBP's IP Border Enforcement Authority

CBP is the primary federal agency responsible for securing American's borders; this includes civil enforcement of Intellectual Property Rights (IPR)

CBP has independent authority (*ex officio*) to examine, detain, seize, forfeit and ultimately destroy imported merchandise that violates a recorded trademark or copyright

CBP is solely responsible for determining whether there is IP infringement, and has the legal burden of showing probable cause prior to seizure

**RECORDATION** is the cornerstone of trademark and copyright protection at the border





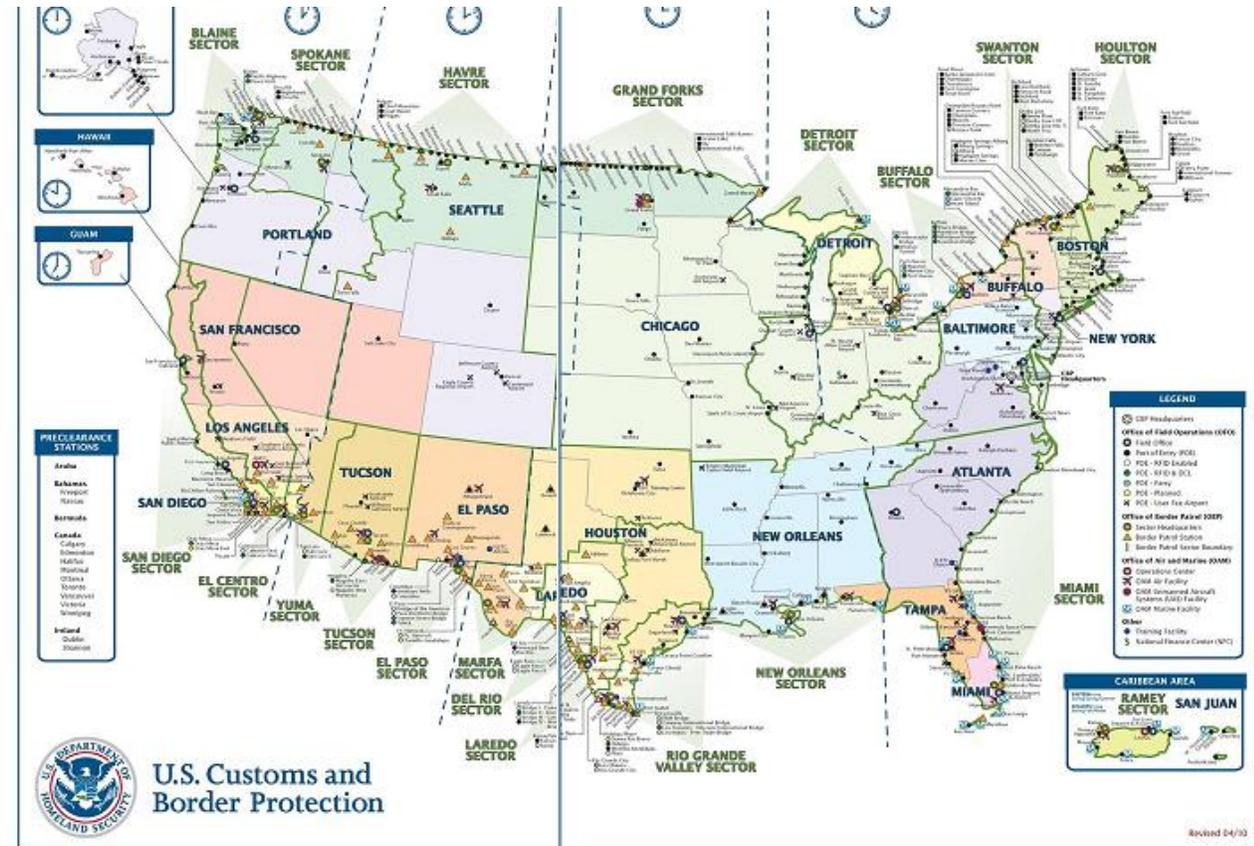
Registration with  
the USPTO/USCOP

U.S. Patent and Trademark Office (USPTO)  
U.S. Copyright Office (USCOP)



# Recordation with CBP: 328 Ports of Entry

- *RECORDATION* is the cornerstone of trademark and copyright protection at the border



- CBP has independent authority (*ex officio*) to examine, detain, seize and/or exclude merchandise at US ports of entry



# Registration v. Recordation

**Registration** relates to the official act of filing (1) a trademark with the U.S. Patent & Trademark office, or (2) a copyright with the U.S. Copyright Office for a federal registration.



**Recordation** refers to bringing a valid, federally registered right (trademark or copyright) to CBP (IPR Branch, R&R) in order to protect against the importation of infringing goods. 19 CFR § 133.1, *et seq.*



**Distinction:** Seizure is not always possible of goods that violate unrecorded rights.





# IPE Duties & Responsibilities

- 8 Attorney-Advisors and 2 Paralegals, distinguished from Chief Counsel
- Business owner of CBP's e-Recordation system
- Assist field with all IP related inquiries, including providing pre- and post-seizure legal infringement determinations
- Review Petitions for Relief





# U.S. Customs & Border Protection e-Recordation

## How to Obtain Border Enforcement of Trademarks and Copyrights

United States Customs and Border Protection (CBP) has the authority to detain, seize, forfeit, and ultimately destroy goods imported into the United States if it bears an infringing trademark or copyright that has been registered with the **United States Patent and Trademark Office (USPTO)**, **United States Copyright Office (USCOP)**, and has subsequently been recorded with CBP. As an intellectual property owner, you can request CBP to receive border enforcement of your registered trademarks and copyrights through CBP's e-Recordation system.

New Recordation

Renewal

Change of Ownership

Check Status

Request 3 Month Extension

Electronic Application  
<https://iprr.cbp.gov/>



# Eligibility & Fees: Trademark



In order to record with CBP you must have a valid trademark registration published on the Principle Register of [the United States Patent and Trademark Office \(USPTO\)](#). The fee for e-Recordation is **\$190** per International Class of Goods (IC), per trademark registration. The recordation will remain in force concurrently with the underlying USPTO registration, if renewed along with the USPTO registration.



# Eligibility & Fees: Copyright

**Copyright.gov** UNITED STATES COPYRIGHT OFFICE  
a department of the Library of Congress

In order to record with CBP you must have a valid copyright [registration with the United States Copyright Office \(USCOP\)](#). The fee for e-Recordation is **\$190** per copyright. The recordation will remain in force concurrently with the underlying copyright registration, if renewed with CBP every 20 years.



# Renewal & Expiration

- Recordations can be renewed for another term for the fee of **\$80** per International Class of Goods (IC) for trademarks, and **\$80** per copyright.
- Once a recordation has expired, the right holder has **90 days** to renew. Beyond this **90 day** period, should the right holder wish to revive their recordation in order to receive border enforcement, they will have to apply anew and pay the standard fee for new recordations.



# Required Documents

- U.S. Patent & Trademark Office Registration Certificate, U.S. Copyright Office Registration Certificate, or proof of an application with the U.S. Copyright Office
- Digital images of the trademark or copyright as used in commerce in ".jpg," ".gif" or ".pdf" format. Please note that individual image files are limited to 2MB.
- Name, address, telephone number and email address of a Point of Contact that will be available to CBP should they have questions concerning border enforcement of the recordation
- List of authorized manufacturers, licensees and parties authorized to use the trademark, if applicable
- Countries of manufacture



# Importance of Recordation

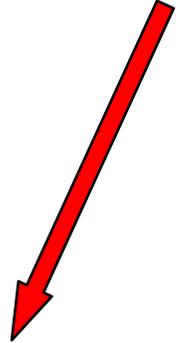
CBP policy is to focus its IP enforcement efforts on recorded trademarks and copyrights

Additional benefits:

- Enforcement against “confusingly similar” marks
- Names and addresses of the parties
- §1526(f) penalty available to deter future violations



**IPRR** INTELLECTUAL PROPERTY RIGHTS e-RECORDATION



**IPRS** INTELLECTUAL PROPERTY RIGHTS SEARCH



**IPRiS** INTELLECTUAL PROPERTY RIGHTS *internal* SEARCH



# Public Site : Intellectual Property Rights Search (IPRS)

<http://iprs.cbp.gov>



U.S. Customs and  
Border Protection

Home

IPRS

## Intellectual Property Rights Recordation Search

You are entering an Official United States Government System, which may be used only for authorized purposes. The Government may monitor and audit usage of this system, and all persons are hereby notified that use of this system constitutes consent to information on this Web site are strictly prohibited and are subject to prosecution under the Computer Fraud and Abuse Act of 1986 and Title 18 U.S.C. Sec.1001 and 1030.

### **IPRS (Intellectual Property Rights Search)**

The Intellectual Property Rights Search (IPRS) is a database containing public versions of U.S. Customs and Border Protection (CBP) intellectual property rights recordations.

# IPRS: Public Site

\* Keyword



SEARCH:









FILTER:







Showing 1 - 35

SORT BY:

Issuance Descending ▼

Recordatio... ▼	Title ▼	Product ▼	Description ▼	Owner Name ▼	Contact ... ▼	Registratio... ▼	Effectiv... ▼	Expirati... ▼
<a href="#">TMK 20-00884</a>	Flower design	IC 003. Cosmetics.	Color is not claimed as a feature of the mark. The mark consists of a line drawing of a flower.	Chanel, Inc.	ADRIENNE HAHN	6098910	Oct 5, 2020	Oct 14, 2030
<a href="#">TMK 20-00299</a>	NO 19 (STYLIZED)	IC 003 PERFUMERIES, LOTIONS FOR HANDS AND FACE TO BE USED AS AN AID FOR SOFTENING THE SKIN, TOILET WATERS,	NO 19 STYLIZED WORD MARK	CHANEL, INC.	ADRIENNE HAHN	301912	Mar 23, 2020	Jun 21, 2023
<a href="#">TMK 01-00248</a>	CHANEL	IC 014. WATCHES	Standard Character Word Mark CHANEL	CHANEL, INC.	ADRIENNE HAHN	1571787	Mar 23, 2020	Mar 19, 2030
<a href="#">TMK 20-00292</a>	CC & DESIGN	IC 018. Handbags	Color is not claimed as a feature of the mark. The mark consists of a horizontal rectangle with smaller squares on each corner and smaller vertical re...	Chanel, Inc.	ADRIENNE HAHN	5912273	Mar 23, 2020	Feb 19, 2030



Customs Recordation Number

TMK 20-00884

CBP Recordation Effective Date

2020-10-05

CBP Recordation Expiration

2030-10-14

## Recordation Information

Title	Flower design
Product	IC 003. Cosmetics.
Description	Color is not claimed as a feature of the mark. The mark consists of a line drawing of a flower.
Owner of Intellectual Property Right	Chanel, Inc.
Gray Market Importations Restricted	No
Registration Number	6098910
Point of Contact	ADRIENNE HAHN Email: <a href="mailto:adrienne.hahn@chanel.com">adrienne.hahn@chanel.com</a> Phone: 2127154816



Customs Recordation Number  
TMK 22-01081

CBP Recordation Effective Date  
2022-11-22

CBP Recordation Expiration  
2032-10-10

### Recordation Information

Title	MARLBORO ROOF DESIGN
Product	IC 034. Tobacco Products, Namely, Cigarettes
Description	Color is not claimed as a feature of the mark. The mark consists of a five-sided figure with a horizontal top and two vertical sides with two upwardly and inwardly sloping diagonals.
Owner of Intellectual Property Right	Philip Morris USA Inc.
Gray Market Importations Restricted	Yes 
Registration Number	4170978
Point of Contact	Shannon Browning Email: <a href="mailto:shannon.d.browning@altria.com">shannon.d.browning@altria.com</a> Phone: 8043352652





# Five Stages of CBP IP Enforcement

1. Search/examination
2. Detention
3. Seizure
4. Forfeiture/destruction
5. Assess Penalties



# In rem seizure authority

- In civil IPR enforcement the action is taken against the goods themselves, and not the importer
- Ex: *United States v. 10,500 Computer Towers*, *United States v. One (1) Lot of Approximately Twenty Thousand (20,000) Pairs of Counterfeit Blue Jeans Bearing the Jordache Trademark*



**Merchandise arrives at a US Port of Entry**



**Merchandise released into commerce**



**Merchandise subject to random examination by CBP**



**Merchandise transferred to examination area**



# Stage One: Examination

- CBP needs reasonable suspicion to detain imported merchandise
- Notice to importer, in writing, must be given within 5 business days of the decision to detain



## Stage Two: Notice of Detention

Issuance to importer with notification that they have 7 business days to come forward with evidence that use of the mark is authorized, otherwise disclosure of sensitive information to the right holder may occur

Importer may request images and/or a sample of the merchandise at issue

CBP can work with the importer to establish that the merchandise is authorized to bear the protected trademark



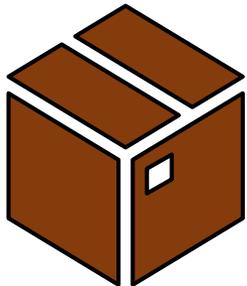
## Stage Two: Detention: Fact Gathering

- CBP needs *probable cause* to seize imported merchandise
- Probable Cause: when the facts and circumstances are sufficiently strong to lead a *reasonable and prudent* person to believe that a *violation of law* has occurred



# Timing Under 19 U.S.C. § 1499

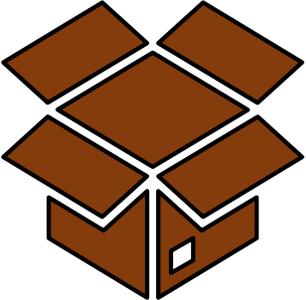
Shipment Presented for Examination



**5**

DAYS

Examination



**5**

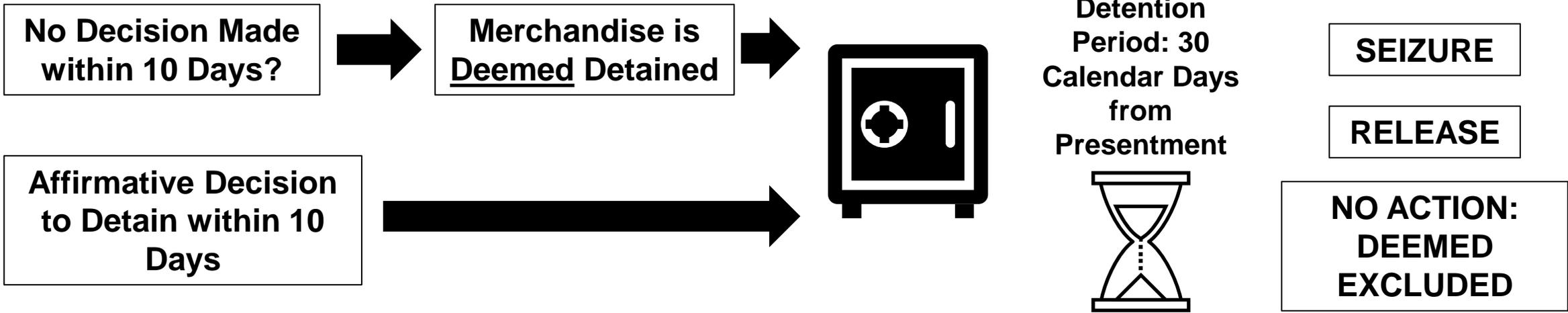
DAYS

Decision to Detain



**10**

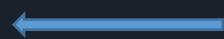
Business Days to Make Decision to Detain





## Stage Two: Detention Determinations

#1 Authenticity  
Determination



Importer

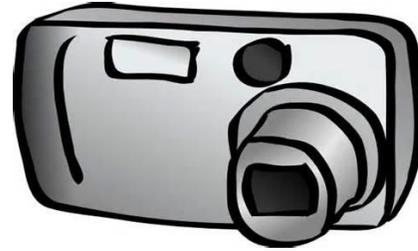
Right Holder



# Determining Authenticity



Merchandise Examined



Right Holder





# Helpful Documentation

- License agreement with right owner
- License/certificate from partner government agencies
- Purchase orders and invoices
- Evidence of place and date of manufacture
- USPTO/USCO Registration Certificate
- CBP Advance Ruling

## If relevant:

- Evidence of where and when components were purchased
- Evidence that manufacturer of components was authorized to apply the protected trademarks at the time of manufacture
- Evidence that end product is authorized to bear the protected trademark



## Permissible pre-seizure disclosure

- Date of importation
- Port of entry
- Description of goods
- Quantity
- Country of origin
- Digital images of merchandise and/or its packaging (provided all identifying information is **redacted**)



# After 7 days

If the importer has not proven to CBP's satisfaction that the merchandise sought to be imported is authorized to bear the protected trademark or CBP can disclosure to the right holder the following:

- info. appearing on, and/or photographs of, the merchandise and/or its retail packaging, including labels, **in its condition presented for examination**
- CBP may release a sample, subject to bond and return requirements
- CBP must notify right holder that some or all of the info. being released may be subject to Trade Secrets Act and is being disclosed for the limited purpose of assisting CBP



# Helpful Responses to CBP Requests for Authentication Assistance

- Response received within 24 hours, or confirmation of receipt and that a response will be forthcoming
- Reference a review of the digital images
- Articulate specific factors derived from a visual review of the images
- Link these factors to the conclusion that the mark was, or was not, applied to the imported merchandise with authorization
- “Only parties authorized to import” - type responses are not helpful, as all IP related seizures are *in rem*



# Three Main Infringement Determinations for Trademarks



1. Counterfeit
2. “Confusingly Similar” /Merely Infringing
3. Not Infringing





# What is a counterfeit mark?

[A] spurious mark which is **identical with, or substantially indistinguishable from, a registered mark . . .** (15 U.S.C. § 1127)

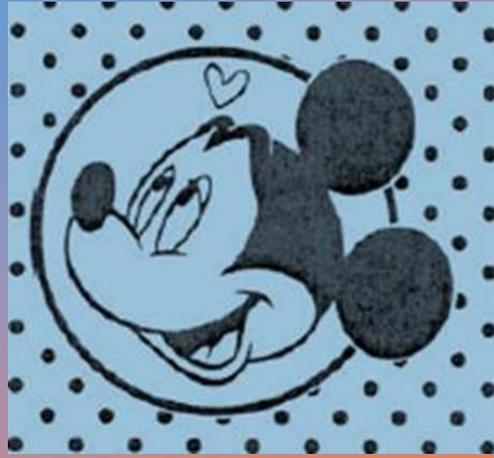


Ray-Ban

## What is a “Confusingly Similar”/ Merely Infringing mark?

- “Copies” or “Simulates” the protected mark
- Satisfies likelihood of confusion test
- Opportunity during the 30-day detention period to “cure” the violation and obtain release using one of the processes set forth under 19 CFR § 133.22(c)





# What is a Piratical Copy?

The suspect merchandise must be “substantially similar” to the protected work



# Stage Three: Seizure

MAR 12 2020



U.S. Customs and  
Border Protection

U.S. Department of Homeland Security  
U. S. Customs and Border Protection  
City View Plaza II, 48 Carr. 165 OFC 3000  
Guaynabo, PR 00968-80046

## NOTICE OF SEIZURE AND INFORMATION TO CLAIMANTS

- The importer is provided with notice of what was seized, why it was seized, and what recordation numbers are at issue
- Importer can request digital images of the seized merchandise or a sample, provided a bond is posted
- Importer elects to either (1) abandon the merchandise, (2) begin administrative forfeiture proceedings, (3) lodge an administrative appeal, or (4) proceed to judicial forfeiture

# Stage Three: Seizure Petition for Relief

- Importer has 30 days to file a petition for relief with local FP&F Officer
- HQ IPE Branch will receive petitions if a certain monetary threshold is met, or if the importer specifically requests HQ review
- Upon CBP's denial of the petition, importer has a second opportunity to file a Supplemental Petition for Relief
- If the importer is unable to rebut the contention that the marks are counterfeit, the goods are forfeited through the administrative process.





Within 30 days of the seizure of merchandise bearing a counterfeit mark or consisting of a piratical copy, CBP will disclose to the right holder the following comprehensive importation information, if available:

- (1) The date of importation
- (2) The port of entry;
- (3) The description of the merchandise from the notice of seizure;
- (4) The quantity as set forth in the notice of seizure;
- (5) The country of origin of the merchandise;
- (6) The name and address of the manufacturer;
- (7) The name and address of the exporter; and
- (8) The name and address of the importer



# §1526(f) Penalties and Remission



IP Penalties are based on the MSRP  
of the genuine article.



## Final Disposition of Merchandise



OR

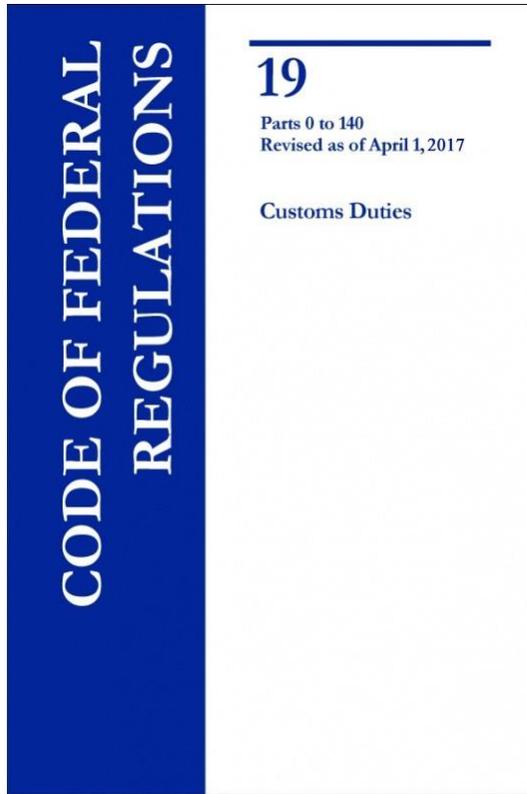


OR



- Three main possibilities for the final disposition of merchandise
- Many options in effectuating such dispositions
- Restrictions on disposition of counterfeit goods and those relating to consumer health and safety
- Right holder must **consent** to donation or auction, and the violative mark must be removed prior to either disposition

# Legal enforcement authorities



# Main IPR Seizure Statutes

## 19 U.S.C. §1526(e)

- Used only for goods bearing counterfeit marks

## 19 U.S.C. §1595a(c)

- Used for almost everything else:
  - - goods bearing “confusingly similar” marks
  - - gray market restricted/ *Lever*-rule protected goods
  - - §2320 trademark violations
    - piratical copyright violations
    - DMCA violations

## 19 U.S.C. §1526(b)

- Used for restricted gray market goods

## 19 U.S.C. §1337(d)

- Used to exclude merchandise subject to an exclusion order

## 19 U.S.C. §1337(i)

- Used seize merchandise subject to an ITC Seizure and Forfeiture Order





## Gray Market Goods

# Gray Market Goods

- (1) Foreign made goods that;
- (2) bear a *genuine* trademark;
- (3) are intended for sale in a market other than the United States; and
- (4) are *imported* with or without authorization from the U.S. trademark owner.



# Gray Market Goods

General rule: the importation of gray market goods is permissible *unless* the mark has been specifically afforded “gray market” protection by CBP



# Two Types of Gray Market Enforcement with CBP

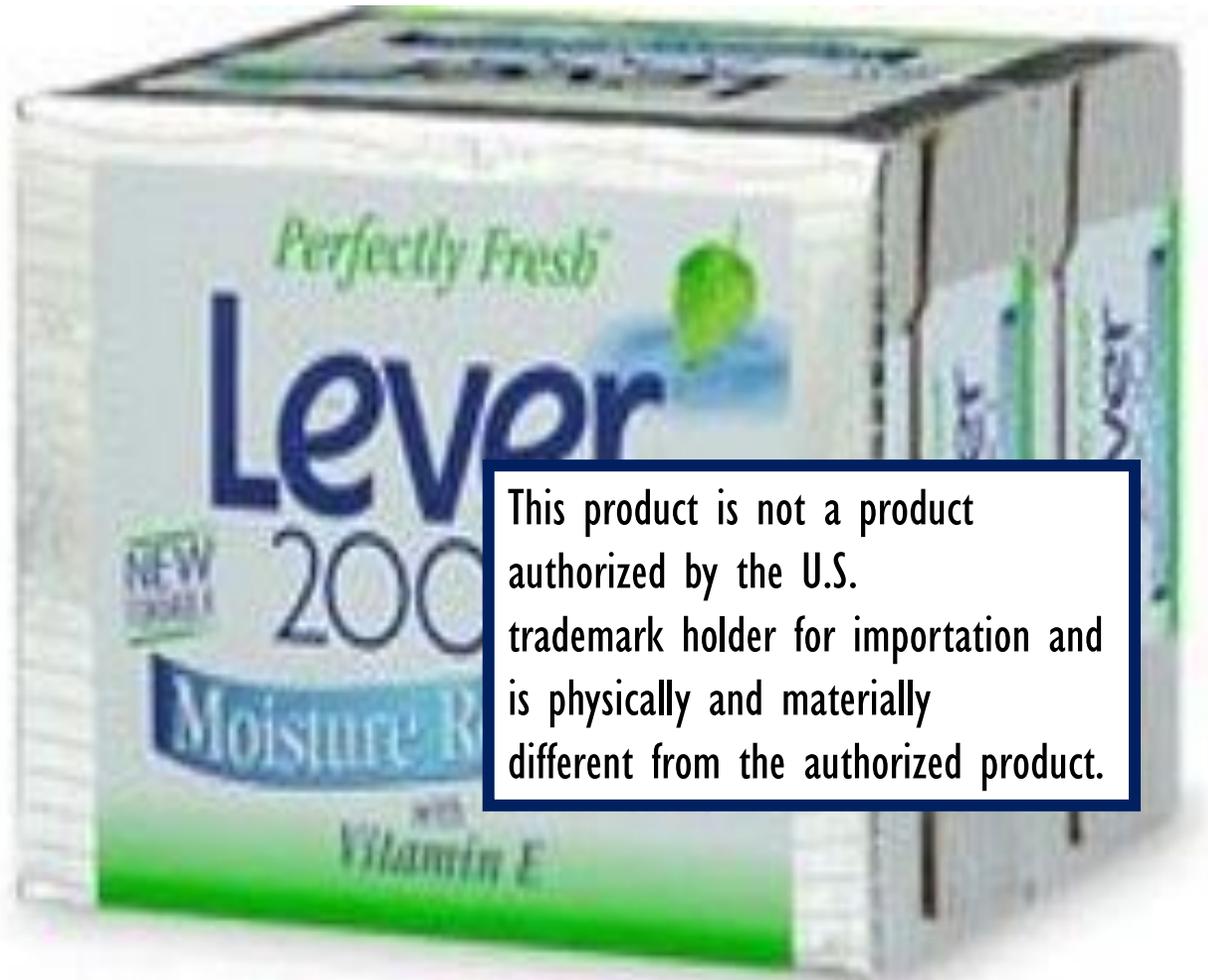
“Pure” Gray Market Protection	Lever-Rule Protection
<ul style="list-style-type: none"><li>• NO OWNERSHIP</li></ul>	<ul style="list-style-type: none"><li>• COMMON OWNERSHIP, and</li><li>• A physical or material difference between the goods sold in the U.S. and sold abroad.</li></ul>



# How to Enforce “Pure” Gray Market & Lever Rule

“Pure” Gray Market Protection	Lever-Rule Protection
<ul style="list-style-type: none"><li>• Same procedures as “confusingly similar” – importer has 30 days during detention to “cure” the violation; if not, then proceed to seizure (“CS”)</li></ul>	<ul style="list-style-type: none"><li>• CS + Sticker</li></ul>





Lever Rule: If the trademark is not “cured” and if the sticker is not added, then proceed to seizure.

# Programs Available to Recordation Holders

- Submission of product authentication manual/guides
- CBP directed webinar presentation
- In-person field training
- e-Allegation reporting
- Enhanced partnership with CBP



# Product Identification Guides

- Recordation holders have the ability to upload product identification guides, introducing their brand and providing information on how to identify genuine merchandise and distinguish it from others
- Product identification guides are posted on CBP's internal website, and used by CBP personnel to help evaluate suspect shipments
- Side-by-side comparisons of genuine vs. unauthorized goods may be provided
- All CBP personnel are governed by the Trade Secrets Act, 18 U.S.C. § 1905, and cannot disclose this proprietary information
- For more information, and a sample guide, visit:  
<https://www.cbp.gov/document/guidance/ipr-product-id-training-guide>



**Company Name**

**Product Identification  
Training Guide**

**Company Website**

Date of Product Guide Submission to CBP

FOR LAW ENFORCEMENT USE ONLY

**GENUINE AND SUSPECT PRODUCT EXAMPLES**

Genuine



Description(s) of physical characteristics of the Genuine product.

For example, a Genuine product of Company V incorporates blue labeling.

Suspect



Description(s) of physical characteristics of the Suspect product.

For example, the Suspect version is incorrectly labeled with improper placement, font, and font size.

FOR LAW ENFORCEMENT USE ONLY

7



# IPR Product Identification Webinars

- Right holders who conduct product identification trainings, either in-person or online, see heightened identification of counterfeit goods.
- Trainings can now be conducted online, maximizing the number of CBP attendees, and allowing for question and answer periods.
- The webinars are recorded, and available for future viewing by CBP personnel
- The IPR **MUST** be recorded with CBP, a product ID guide must be current, and all materials must be vetted prior to delivering the webinar
- To schedule online training events please contact the IPR Division at [IPRHELPDESK@cbp.dhs.gov](mailto:IPRHELPDESK@cbp.dhs.gov).
- For more information visit:  
<https://www.cbp.gov/trade/priority-issues/ipr/webinar>



# In-person training

- Private sector entities can also partner with CBP for in-person, port specific training opportunities
- If interested, private sector entities should submit a request to [tradeseminars@cbp.dhs.gov](mailto:tradeseminars@cbp.dhs.gov).
- Pursuant to Section 104 of the *Trade Facilitation and Trade Enforcement Act of 2015* (TFTEA), CBP established a formal process for the intake and tracking of requests submitted to CBP by the private sector to provide trade-related training.



# Proposals for private sector training should contain the following information and materials:

- (1) Name, address, telephone number, and email address of the entity proposing the training;
- (2) Type of business in which the entity is engaged;
- (3) Topic for the proposed training;
- (4) Outline of proposed curriculum and instructional materials;
- (5) Name, address, telephone number, email address, and qualifications of the proposed private sector instructor(s) (including previous experience in conducting training on the proposed topic);
- (6) Name of the ports or locations at which the training is proposed to be given (which may be conducted at a location provided by the entity proposing the training), as applicable, and the intended audience in CBP and/or ICE;
- (7) Proposed dates for the training;
- (8) Length of the training; and
- (9) Any previous history of trade related training provided to CBP and/or ICE.



# Reporting Tools

Actionable intelligence regarding suspect shipments or parties importing infringing merchandise should be directed to [e-Allegations Online Trade Violation Reporting System](#).



# e-Allegations

## Merchandise Violations: Counterfeit/Fake Goods (IPR)

There are two allegation options for counterfeit merchandise. See the table below.

<b>Personal Online Orders</b>	<b>Commercial Quantities</b>
If you placed a personal online order and received IPR/trademark-violative (counterfeit) merchandise, please submit an allegation at this site:	If you are aware of commercial quantities of counterfeit merchandise being imported by a U.S. company or individual, please file an e-Allegation:
<a href="#">Report IPR Theft</a>	<a href="#">Report Trade Violation</a>

### Additional Resources:

[www.cbp.gov/FakeGoodsRealDangers](http://www.cbp.gov/FakeGoodsRealDangers)



# Process Overview

- Suspected trade violations are submitted to CBP by the trade community and the general public through the e-Allegations portal.
- CBP screens and assesses each allegation. Allegations that warrant further review are assigned within CBP to expert analysts who research the allegations and determine if enforcement action is warranted.

## Best Practices

- Be specific about the commodity at issue.
- Describe the violation thoroughly.
- Provide any evidence you have.
- If allegation has been reported previously, please indicate when and to whom (e.g. other government agencies, NGOs, trade associations)
- **Non-import IP violations** should be reported to the Intellectual Property Rights Coordination Center.



U.S. Customs and  
Border Protection



# Reporting Tools



You may also contact the [National IPR Coordination Center](#) for additional enforcement opportunities concerning reported violations.



# QUESTIONS?



U.S. Customs and  
Border Protection



# IP Points of Contact

- Recordation questions: [IPRRQuestions@cbp.dhs.gov](mailto:IPRRQuestions@cbp.dhs.gov)
- Right holder webinars and product ID guides: [IPRHelpDesk@cbp.dhs.gov](mailto:IPRHelpDesk@cbp.dhs.gov)
- IP border enforcement matters: [HQIPRBranch@cbp.dhs.gov](mailto:HQIPRBranch@cbp.dhs.gov)
- e-Allegations: [eAllegations@cbp.dhs.gov](mailto:eAllegations@cbp.dhs.gov)
- In-person port training: [TradeSeminars@cbp.dhs.gov](mailto:TradeSeminars@cbp.dhs.gov)
- e-Commerce and Small Business Branch: [eCommerce@cbp.dhs.gov](mailto:eCommerce@cbp.dhs.gov)



# APPENDIX

- Web resources for IP enforcement
- How to update recordation information
- Applicable IPR regulations
- Overview of enforcement authorities
- Major CBP publications
- Online CBP resources
- Centers of Excellence and Expertise



# Web resources for IP Enforcement

FAQs on CBP recordation:

<https://iprr.cbp.gov/Content/Docs/instruction.pdf>

CBP Recordation application: <https://iprr.cbp.gov/>

IPR Search: <https://iprs.cbp.gov/#/>

Informed Compliance Publication, *CBP Enforcement of IPR*

[https://www.cbp.gov/sites/default/files/assets/documents/2017-Feb/enforce\\_ipr\\_3\\_0.pdf](https://www.cbp.gov/sites/default/files/assets/documents/2017-Feb/enforce_ipr_3_0.pdf)



# How to update recordation information

- To update contact information, please submit a request on your firm/company's letterhead via email to [iprrquestions@cbp.dhs.gov](mailto:iprrquestions@cbp.dhs.gov)
- To change the ownership of a recordation, access the IPRR application at <https://iprr.cbp.gov> and use the *CHANGE OF OWNERSHIP* online application form/button.
- To makes changes to licensees, countries of manufacture and/or 'additional information,' please submit a request on your firm/company's letterhead, specifying the recordation number(s) you are seeking to modify, to [iprrquestions@cbp.dhs.gov](mailto:iprrquestions@cbp.dhs.gov)



# Applicable IPR Regulations

## 19 CFR Part 133 - TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

- § 133.0 Scope.
- Subpart A - Recordation of Trademarks (§§ 133.1 - 133.7)
- Subpart B - Recordation of Trade Names (§§ 133.11 - 133.15)
- Subpart C - Importations Bearing Recorded Marks or Trade Names (§§ 133.21 - 133.27)
- Subpart D - Recordation of Copyrights (§§ 133.31 - 133.37)
- Subpart E - Importations Violating Copyright Laws (§§ 133.41 - 133.46)
- Subpart F - Procedure Following Forfeiture or Assessment of Liquidated Damages (§§ 133.51 - 133.53)
- Subpart G [Reserved]
- Subpart H - Donations of Intellectual Property Rights Technology and Related Support Services (§ 133.61)



# Overview of Enforcement Authorities

- Seizures
  - CBP Takes Possession of Merchandise that is Subject to Seizure under Federal Statutes; Detentions Typically Precede Seizures (19 U.S.C. § 1499)
- Penalties
  - CBP Imposes a Monetary Penalty Against an Entity for a Violation of Laws Enforced by CBP
- Liquidated Damages
  - CBP Issues a Claim for Liquidated Damages for Breach of a Bond Condition under 19 CFR Part 113



# Overview of Enforcement Authorities

- Key Seizure Statutes
    - 19 U.S.C. § 1497: Undeclared Merchandise (“Smuggling”)
    - 19 U.S.C. § 1499: Examination of Merchandise (Detention Precedes Seizure)
    - 19 U.S.C. § 1526(e): Merchandise Bearing Counterfeit Marks
    - 19 U.S.C. § 1595a(c): A Wide Variety of Articles which Have Been Introduced or Attempted to be Introduced into the U.S. Contrary to Law
    - 19 U.S.C. § 1595a(a): Conveyances or Other Things Facilitating Importation of Articles Contrary to Law
    - 19 U.S.C. § 1595a(d): Articles Exported Contrary to Law
- Other Enforcement:
- 19 U.S.C. § 1337: Unfair Practices in Import Trade



# Overview of Enforcement Authorities

- Key Penalty Statutes
  - 19 U.S.C. § 1592: Penalties for Fraud, Gross Negligence, Negligence
  - 19 U.S.C. § 1595a(b): Penalties for Introduction or Attempted Introduction of Articles Contrary to Law
  - 19 U.S.C. § 1509: Recordkeeping Penalties. See Appendix to Part 163—Interim (a)(1)(A) List
  - 19 U.S.C. § 1641: Penalties Against Customs Brokers
  - 19 U.S.C. § 1526(f): Penalties for Importation of Merchandise Bearing Counterfeit Marks



# Major CBP Publications

- *Federal Register* (daily) “Official Notice to Public”
  - Substantive and Procedural Rules (5 U.S.C. § 553)
  - Guidance: Statements of General Policy; Interpretations of General Applicability
  - General Announcements
- Customs Bulletin and Decisions (weekly)
  - Hard Copy Subscribers and Posted on [www.cbp.gov](http://www.cbp.gov)
  - Reprints CBP Documents Published in FR (Rulemakings and Notices)
  - Specific CBP Documents (Recordations; Quota; Currency Rates; Ruling Revocations under § 1625)
  - Slip Opinions—CIT, Federal Circuit Court of Appeals
- CROSS—Customs Rulings Online Search System (Over 200,000 Rulings)



# Resources

- Electronic (“FOIA”) Reading Room
  - Records Posted When Two or More Requests for the Same Document are Received
- PODS -- Internal Policy, Handbooks, and CBP Directives
- ICPs—Informed Compliance Publications
  - Restates Policy and Procedures Found in Other Official Publications: <https://www.cbp.gov/trade/rulings/informed-compliance-publications>
- [www.regulations.gov](http://www.regulations.gov)
  - Public Comments Submitted for Rulemakings



# Engage the Centers of Excellence and Expertise

- Suspected violations, as well as any questions about CBP operations should be directed to the appropriate Center of Excellence and Expertise.

<http://www.cbp.gov/trade/centers-excellence-expertise-information/cee-directory>

- Email [CEE@cbp.dhs.gov](mailto:CEE@cbp.dhs.gov) for assistance in determining which Center to contact.

