



U.S. Customs and  
Border Protection

# Working with CBP to Help Protect Your Intellectual Property Rights



# Effect of illicit trade on brand owners

*from U.S. Joint Economic Committee Report*

- In the US, IP-intensive industries account for nearly 20 percent of all jobs and contributed over a third of GDP
- Average company lost \$101.9 million in revenues and incurred costs of \$1.4 million in identification and enforcement of intellectual property rights, leading to an average decline in profits of \$46.3 million
- Availability of a counterfeit goods put downward pressure on the price of the authentic product, causing a further decline in a firm's revenue
- Company's brands are damaged when consumers who are unaware they have purchased a counterfeit good
- Small businesses are unlikely to have the financial resources to protect themselves from IP theft or pursue enforcement actions when facing losses

# CBP's Interest in IP Enforcement

- IPR is one of seven of CBP's Priority Trade Issues (PTIs)
- PTIs represent high-risk areas that:
  - cause significant revenue loss;
  - harm the U.S. economy; and/or
  - threaten the health and safety of the American people
- IPR infringement, specifically:
  - threatens US economic competitiveness and livelihood of U.S. workers
  - implicates national security
  - threatens the health and safety of unsuspecting consumers
  - funds criminal activity and TCOs

# CBP Border Enforcement

- CBP is the primary federal agency responsible for securing American's borders; this includes civil enforcement of Intellectual Property Rights (IPR)
- CBP has **EX OFFICIO** authority to examine, detain, seize and/or exclude merchandise at US ports of entry
- CBP has the authority to forfeit merchandise imported in violation of U.S. trade laws, impose penalties, and ultimately destroy infringing goods
- All IP related enforcement actions are *in rem* – against the merchandise itself

# Main CBP Offices Involved in IP Enforcement

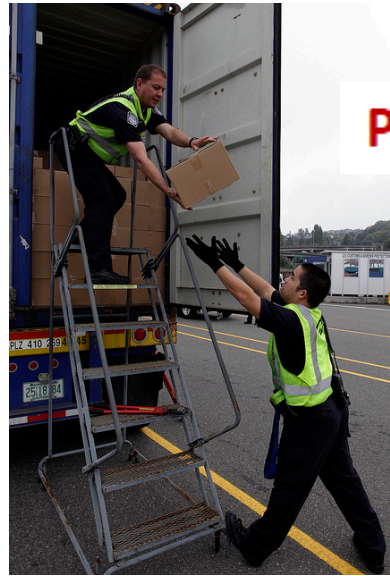


Office of Field Operations

Office of Trade



# Office of Field Operations IP Enforcement Structure



**PHYSICAL LOCATION**

**OFO**

**VIRTUAL**

**Ports of Entry**

**Centers**

**CBP  
Officers/Inspectors**

**Fines Penalties and  
Forfeiture Officers**

**Import Specialists**

**Entry Specialists**



# CBP Field Offices



# 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.






# IPR Enforcement Authority

- CBP is the “competent authority” to make infringement determinations under WTO-TRIPS (19 CFR § 162.21 “Responsibility and authority for seizures”)
- CBP must establish probable cause before effectuating a seizure
- Collaboration with TMK and COP owners is essential when processing an IP case
- **RECORDATION** is the cornerstone of TMK and COP protection at the border

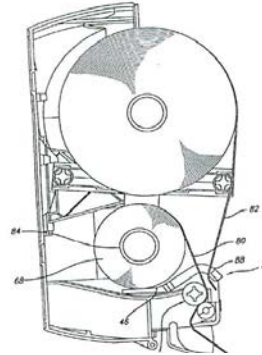
# What IP does CBP Enforce?

Trademark (*ex officio*) 

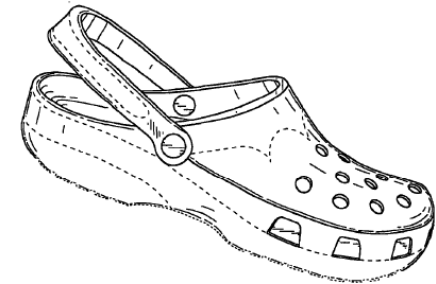


Copyright (*ex officio*)

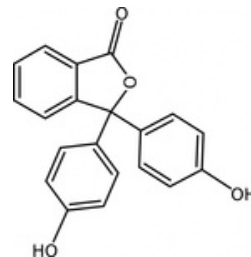
Utility Patent\*



Design Patent\*



Trade Secret\*



\* only pursuant to an ITC exclusion order

# IPR Recordation



***Intellectual Property  
Rights Branch***

# 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.*

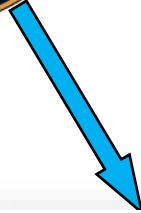


**Distinction:** Seizure is not always possible of goods that violate unrecorded rights.

# Importance of Recordation


- The longstanding CBP policy is to focus its IP enforcement efforts on recorded trademarks and copyrights
- The legal authorities for detaining, seizing and forfeiting merchandise are different depending on whether the trademark or copyright has been recorded with CBP
- Recorded trademarks and copyrights are afforded more protection than those that are unrecorded:
  - Right holders receive notice of the name and address of the parties associated with the seized goods
  - §1526(f) penalty available to deter future violations
  - 19 CFR 133.21 pre-seizure exchange of information and images with CBP
  - Enforcement against “confusingly similar” marks

# Registration



Int. Cl.: 14  
Prior U.S. Cls.: 2, 27, 28, and 50  
United States Patent and Trademark Office  
Reg. No. 2,209,815  
Registered Dec. 8, 1998

TRADEMARK  
PRINCIPAL REGISTER



NIKE, INC. (OREGON CORPORATION)  
ONE BOWENMAN DRIVE  
BEAVERTON, OR 97005

OWNER OF U.S. REG. NOS. 1,237,469,  
1,595,356, AND OTHERS.

FOR: TIMEPIECES OF ALL TYPES,  
NAMELY, WATCHES AND CHRONOGRAPHS,  
IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).  
FIRST USE 8-26-1997; IN COMMERCE  
8-26-1997.

SN 75-97,827, FILED 10-24-1996.  
PRISCILLA MILTON, EXAMINING ATTOR-  
NEY



ATTESTATION OF REGISTRATION

This Certificate issued under the seal of the Copyright Office in accordance with 17 U.S.C. Chapter 23, Section 101, attests that registration has been made for the work identified herein. The information on this certificate has been made a part of the Copyright Office records.

*Priscilla Milton*  
Register of Copyrights, United States of America  
Sep 2 2007

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE. USE A SEPARATE CONTINUATION SHEET.

1 My Sample Work

2 a

NOTE

3 a

4

# U.S. Copyright Office Registration

## TFTEA Section 304: Enforcement by CBP of Pending Copyright Registrations

### **TEMPORARY RECORDATION OF UNREGISTERED COPYRIGHTS**

Temporary recordation of unregistered Copyrights is now available while your application for registration is pending at the U.S. Copyright Office (USCO). Upon request (email to [iprrquestions@cbp.dhs.gov](mailto:iprrquestions@cbp.dhs.gov)), you will receive instructions for submitting an application for recordation of your copyright with CBP for border enforcement purposes. Proof of application to register your Copyright at the USCO is required.

- Pending applications granted temporary recordation status for 6 months
- Such recordations are eligible for only one renewal period




# RECORDATION



Int. Cl.: 14  
Prior U.S. Cls.: 2, 27, 28, and 50  
United States Patent and Trademark Office  
Reg. No. 2,209,815  
Registered Dec. 8, 1998

TRADEMARK  
PRINCIPAL REGISTER

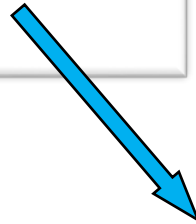


NIKE, INC. (OREGON CORPORATION)  
ONE BOWERMAN DRIVE  
BEAVERTON, OR 97005

OWNER OF U.S. REG. NOS. 1,217,408,  
1,951,376, AND OTHERS.

FOR: TIMEPIECES OF ALL TYPES,  
NAMESLY, WATCHES AND CHRONOGRAPHS,  
IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).  
FIRST USE 4-26-1975, IN COMMERCE  
8-26-1975.

SN 75-497,827, FILED 10-24-1996.  
PRISCILLA MILTON, EXAMINING ATTOR-  
NEY



Certificate of Registration  
FORM TX  
The Copyright Office under the seal of the Copyright Office in accordance with Title 17, United States Code, certifies that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Priscilla Milton*  
Registered Copyrights, United States of America

Effective date of registration: Sep 2 2007

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE. USE A SEPARATE CERTIFICATE SHEET.

1 TITLE OF THIS WORK  
My Sample Work

PREVIOUS OR ALTERNATIVE TITLES

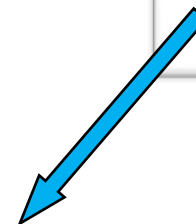
PUBLICATION AS A CONTRIBUTION

2 a Jane Doe

NOTE

3 a b

4



**IP RiS** INTELLECTUAL PROPERTY RIGHTS *internal* SEARCH



# IPRiS INTELLECTUAL PROPERTY RIGHTS *internal* SEARCH



# IPRR INTELLECTUAL PROPERTY RIGHTS e-RECORDATION

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

Welcome to the Intellectual Property Rights e-Recordation (IPRR) application.



The filing of this electronic application will begin the administrative recordation process with CBP. A separate application is required for each recordation sought. Applications will be processed in the order in which they are received. The recordation fee for copyrights is \$190. The recordation fee for trademarks is \$190 per International Class of goods.

**We recommend that you have the following materials and information readily available before you begin the application process:**

- U.S. Patent & Trademark Office Registration Number or the U.S. Copyright Office Registration Number
- Digital images of the protected mark/work in ".jpg," ".gif" or ".pdf" format that accurately depict the right to be protected. Individual image files are limited to 2MB.
- Evidence of a pending application for registration at the U.S. Copyright Office, if recording an unregistered copyright with CBP.

# Electronic Application Processing

Requests for assistance with the recordation application process should be directed to the Intellectual Property Rights Branch via email [iprrquestions@cbp.dhs.gov](mailto:iprrquestions@cbp.dhs.gov) or call (202)325-0020.

**Instructions** The system will time-out after 30 minutes of inactivity. Proceeding through the application resets the 30-minute timer on each page. Please complete the application before exiting the system, as incomplete applications will not be processed. If your application times out, please contact [IPRRQUESTIONS@cbp.gov](mailto:IPRRQUESTIONS@cbp.gov) to delete the incomplete application before you can continue on. Please refrain from entering information just to "test" the system. Click [TRADEMARK TRADEMARK Renewal](#) or [COPYRIGHT COPYRIGHT Renewal](#) if you would like to view the application before you begin. Be sure to "screen print" each page as you move through the application process, and retain for your records.

[Instructions/FAQ's](#)

NEW RECORDATION

RENEWAL

CHANGE OF OWNERSHIP

CHECK STATUS

REQUEST 3 MONTHS EXTENSION



Trademark 

Proceed with Trademark Recordation

Copyright 

Proceed with Copyright Recordation

- A separate application is required for each registration seeking recordation
- Only trademarks registered on the principal register (as opposed to the supplemental register) are eligible for recordation
- Copyrights not yet registered cannot be recorded via IPRR – have to email the IPR Branch directly [IPRRQuestions@cbp.dhs.gov](mailto:IPRRQuestions@cbp.dhs.gov)
- Data elements published on the public websites are automatically populated in the IPRR fields

# What additional information does CBP ask for?

- Electronic copy of registration certificate
- Accurate image(s) of protected mark as used in commerce, in .jpg, .gif or .pdf format
- Names of licensees or parties authorized to use the mark
- Countries of manufacture
- Point of contact: name, address, telephone and email
- “Additional information”
- Credit card payment encouraged over payment by check

## Recordation Fees

New recordations:

- \$190 per class of goods, per trademark
- \$190 per copyright

Renewal:

- \$80 per previously recorded class of goods, per trademark
- \$80 per copyright

## Recordation Term

- The recordation will remain in force concurrently with the underlying USPTO registration, if renewed with CBP every time the USPTO registration is renewed
- The recordation will remain in force concurrently with the underlying copyright registration, if renewed with CBP every 20 years

## Expired recordations

- The fees are the same as that for new recordations

**IPRR** INTELLECTUAL PROPERTY RIGHTS e-RECORDATION

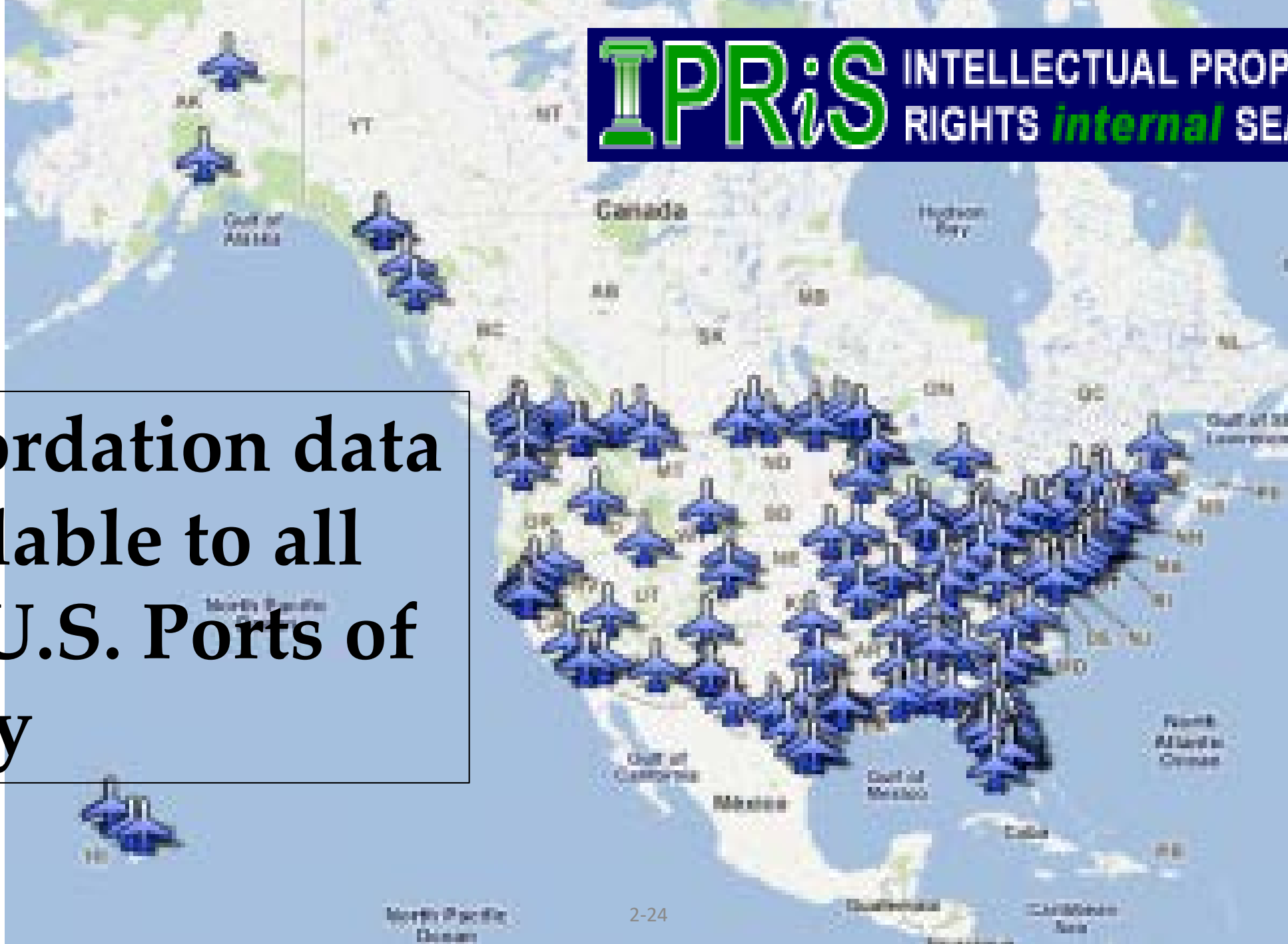


**IPRS** INTELLECTUAL PROPERTY RIGHTS SEARCH



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

**Recordation data  
available to all  
328 U.S. Ports of  
Entry**





# IPRS Public Website Search

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



**U.S. Customs and Border Protection**  
Securing America's Borders

**IPRS Intellectual Property Rights Search**

Keyword:

GO

[Help](#) | [About](#) | [Print](#) |  
[Report Technical Concerns](#)

SEARCH:

All

Title

Product

Description

Owner

Contact Name

Firm Name

Recordation No.

Agency Registration No.

FILTER:

Show All

Trademarks

Copyrights

Tradenames

Exclusion Orders

Exclude Expired

Include Expired

## What's New

The total number of searchable IPR recordations in this database is 41049

## Recordations

In order to record a new recordation or to renew your existing recordation, please navigate to [e-Recordations](#). CBP's IPR e-Recordation program is administered by the Intellectual Property Rights Branch within the Regulations and Ruling Directorate, Office of Trade. For assistance please email: [iprrquestions@cbp.dhs.gov](mailto:iprrquestions@cbp.dhs.gov), or call .

## About the Intellectual Property Rights Search (IPRS)

IPRS is a searchable database containing public versions of U.S. Customs and Border Protection intellectual property rights recordations. Recordations can be retrieved based on simple or complex search characteristics using keywords and Boolean operators. IPRS has the added functionality of restricting searches to specific fields and record types. IPRS contains expired as well as current records and by default excludes expired records. For more information



Keyword:  X

GO

[Help](#) | [About](#) | [Print](#) |  
[Product ID Manuals](#)  
[Service Requests](#) | [Technical Concerns](#)

SEARCH: **All** | Title | Product | Description | Owner | Contact Name | Firm Name | Recordation No. | Agency Registration No.

FILTER: **Show All** | Trademarks | Copyrights | Tradenames | Exclusion Orders | **Exclude Expired** | Include Expired

1 - 5 of 5 items

Effective Date	Expirat Date	Title	Product	Description	Owner Name	Contact Name	Firm Name	Recordi Number	Agen Numl	Typ
8/8/2018	9/24/2028	<a href="#">DESIGN ONLY (AIR FORCE 1 OUTSOLE)</a>	IC 025. Footwear	The color(s) Color is not claimed as a feature of the mark. is/are claimed as a feature of the mark. The mark consists of the design of the tread on the sole a shoe. The broken lines show the position of the mark on the goods and are not claimed as a part of the mark.	Nike, Inc.	Joe Pallett	Nike, Inc.	TMK 18-00812	34519...	TMK
8/8/2018	9/24/2028	<a href="#">DESIGN ONLY (AF1 HIGH)</a>	IC 025. Footwear.	The color(s) Color is not claimed as a feature of the mark. is/are claimed as a feature of the mark. The mark consists of the design of	Nike, Inc.	Joe Pallett	Nike, Inc.	TMK 18-00814	34519...	TMK

Effective Date: 8/8/2018

CBP Recordation Expiration Date: 9/24/2028

USPTO Registration Expiration Date: 6/24/2028

CLOSE

[Print](#)

## Trademark

Customs Recordation Number: TMK 18-00812

<b>Title</b>	DESIGN ONLY (AIR FORCE 1 OUTSOLE)
<b>Product</b>	IC 025. Footwear
<b>Description</b>	The color(s) Color is not claimed as a feature of the mark. is/are claimed as a feature of the mark. The mark consists of the design of the tread on the sole a shoe. The broken lines show the position of the mark on the goods and are not claimed as a part of the mark.
<b>Owner Name</b>	Nike, Inc.
<b>Gray Market Importations Restricted</b>	NO
<b>U.S. Patent and Trademark Office Registrati... Number</b>	3451904
<b>Firm Contact Name</b>	Nike, Inc. Joe Pallett One Bowerman Drive Beaverton, Oregon, 97005
<b>Phone</b>	.

Effective Date: 8/30/2012  
CBP Recordation Expiration Date: 10/25/2022  
USPTO Registration Expiration Date: 7/25/2022

Trademark  
Customs Recordation Number: TMK 08-00387

[CLOSE](#)[Print](#)

<b>Title</b>	MARLBOROFILTER CIGARETTES
<b>Product</b>	IC 034. CIGARETTES.
<b>Description</b>	MARLBORO FILTER CIGARETTES- Words with Design
<b>Owner Name</b>	Philip Morris USA Inc.
<b>Gray Market Importations Restricted</b>	<b>YES</b>
<b>U.S. Patent and Trademark Office Registrati... Number</b>	0938510
<b>Firm Contact Name</b>	Altria Client Services Inc. / Representative Shannon D. Browning Altria Client Services LLC 6601 W. Broad Street Richmond, Virginia, 23230
<b>Phone</b>	.

# 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

# 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>

Utilize e-Allegations with actionable intelligence on illegal trade activity



<https://eallegations.cbp.gov/>





## e-ALLEGATIONS

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 persons are hereby notified that use of this system constitutes consent to such monitoring and auditing. Unauthorized attempts to upload information and/or change 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.

Thank you for visiting the U.S. Customs and Border Protection e-Allegations portal. Here you can report on suspected violations of U.S. Customs Law and related illicit trade activities. In making allegations, please be as specific, detailed, and concise as possible to help expedite your complaint.

### REPORT SUSPECTED CRIMINAL/ILLEGAL ACTIVITY

This button is to be used for reporting criminal and illegal activities for referral to Homeland Security Investigations.

- Immigration crime, human rights violations and human trafficking or smuggling
- Smuggling of weapons, narcotics, or other contraband
- Financial crimes, money laundering, bulk cash smuggling
- Cybercrime, website fraud
- International art and antiquity theft
- [En Español](#)

**REPORT SUSPECTED CRIMINAL/ILLEGAL ACTIVITY**

### REPORT TRADE VIOLATIONS

This button is to be used only to report illegal trade activity.

- Intellectual Property Rights infringement
- Textile or Free Trade Agreement violations
- Health and Safety issues
- Classification and Value violations
- Forced Labor Violations

**REPORT TRADE VIOLATIONS**

# IP Authentication Technology

- Through the Donations Acceptance Program (DAP) CBP is authorized to accept trade tools from right holders, such as IP authentication technology
- If interested in exploring partnership opportunities with CBP or for more information, please contact the DAP at [dap@cbp.dhs.gov](mailto:dap@cbp.dhs.gov)
- The DAP is authorized by 6 U.S.C. § 301a, and consistent with 19 CFR 133.61 as mandated by Section 308(d) of the *Trade Facilitation and Trade Enforcement Act* of 2015

# 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.

What is the SINGLE most important thing you can do to enhance CBP enforcement of your IPR?

# Keep your IPRiS POC Information Current



# 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)

# OTHER HELPFUL HINTS...

- Include clear, **accurate** images of the registered TMK or COP for upload into IPRiS
- Include clear images of how the TMK or COP is used in commerce
- Record ALL trademarks and copyrights that you want to have enforced at the border
- Record ALL **international classes** for particular trademarks that you intend to have enforced at the border

# Helpful Right Holder Responses to CBP Requests for Assistance

- 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 goods with authorization
- Elucidate what they believe the violation to be:
  - TMK context: whether the suspect mark “copies or simulates the protected mark” or whether it is “identical with or substantially indistinguishable from” the protected trademark;
  - COP context: whether the suspect work is “substantially similar to” the protected work



# Web resources

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)

# Intellectual Property Rights Branch

*Regulations & Rulings Directorate*

Office of Trade, Washington DC

- Branch Chief [Alaina.vahorn@cbp.dhs.gov](mailto:Alaina.vahorn@cbp.dhs.gov)
- Recordation Questions: [IPRRQuestions@cbp.dhs.gov](mailto:IPRRQuestions@cbp.dhs.gov)
- IP Enforcement Matters: [HQIPRBranch@cbp.dhs.gov](mailto:HQIPRBranch@cbp.dhs.gov)