

Commercial Customs Operations Advisory Committee (COAC) Government Issue Paper: Intellectual Property Rights (IPR)

February 2018



U.S. Customs and
Border Protection



INTELLECTUAL PROPERTY RIGHTS (IPR)

Action Required: Informational

Background:

- The Commercial Customs Operations Advisory Committee (COAC), through the Trade Enforcement and Revenue Collection Subcommittee (TERC) Intellectual Property Rights Working Group (IPRWG), provides advice and recommendations on improving intellectual property rights (IPR) enforcement.
- At the July 27, 2016, quarterly meeting, the COAC made four recommendations to collaboratively address current challenges in IPR enforcement. CBP continues to work within the IPRWG to explore and work through the recommendations:
 - (1) that the IPRWG continue to consider other approaches to developing a known IPR supply chain program that includes working with the National IPR Center to extend Trade Association participants to promote the “Report IP Theft” campaign and encourage real-time reporting of IPR violations through a newly established 800 Hotline.
 - (2) that CBP investigate partnering with e-commerce stakeholders to develop an automated process for their on-line customers to complete a survey if they feel the shipment of product they received is not legitimate along with the opportunity to submit an allegation through the Report IP Theft Button. COAC also recommends that CBP establish an e-commerce working group to further explore this and other pressing e-commerce issues.
 - (3) that CBP should consult with the IPRWG to determine how to better facilitate cargo that arrives as “blanks” without a logo or trademark to distinguish the brand at the time of arrival to reduce resources CBP is expending on unnecessary seizures. The IPRWG should consider how this could be automated to manage known parties or entities to the transaction within the ACE Portal.
 - (4) that CBP take advantage of certain IPR best practices established by the Centers of Excellence and Expertise (Centers) to conduct webinars internally to allow Centers to gain knowledge of these successes, inform the trade of these successes, and inform industries of CBP’s efforts through these webinars and even CSMS messages.
- The IPRWG expanded discussions in its conference calls to include the voluntary abandonment pilot program, the IPR Public Awareness Campaign, e-commerce, and Executive Order 13785. The IPRWG also is discussing IPR-related topics and mandates in Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA), including provisions requiring the drafting of regulations.
- The second phase of the IPR outreach campaign, titled “The Truth Behind Counterfeits” ran at 6 airports from November 20, 2017, to December 25, 2017, and on numerous online travel sites, potentially reaching an estimated 88 million travelers.
- On the January conference call, CBP and the IPRWG members discussed potential areas of interest for future partnership. The topics included IPR enforcement regarding small packages, bi-directional conversion on IPR threats, recordation, destruction, and IPR supply chain cooperation.

Issue:

- The working group members are interested further briefings and discussions on the implementation of Executive Order 13785 and the E-Commerce Strategic Plan

Current Status:

- CBP and the working group members are exploring ways to partner on the exchanges of information with regard to small packages for risk assessment by CBP and brand protection by rights holders.

- The COAC is also looking at the IPR Dontaion program as a way to help share industry expertise with CBP for IPR enforcement.

Next Steps:

- CBP is working with the COAC to explore new technology for product identification and importer facilitation. The group will be looking at some best practices and exploring if new forms of identiy authentication.