

**Commercial Customs Operations Advisory Committee  
Government Issue Paper  
Intelligent Enforcement Subcommittee  
Intellectual Property Rights Process Modernization  
Working Group**

**September 2024**



**U.S. Customs and  
Border Protection**



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**Office of Trade/Trade Policy and Programs**  
**Intelligent Enforcement Subcommittee**  
**Intellectual Property Rights Process Modernization Working Group**  
**July 2024**

**Action Required:** Informational

**Background:**

- In October 2020, U.S. Customs and Border Protection (CBP) asked the Commercial Customs Operations Advisory Committee (COAC) to further develop, expand on, and align three previous recommendations regarding the following: Sharing Detention Information, Photographic Standards Guide, and Data-Driven CBP Seizures Process.
- The Intellectual Property Rights (IPR) Process Modernization Working Group began meeting regularly in October 2020 to discuss implementing solutions to the recommendations. In early 2021, the group went on hiatus to reorganize and allow CBP to implement recommendations.
- The IPR Process Modernization Working Group reconvened as part of the 17th term of the COAC to identify opportunities to enhance trade and CBP practices, policies, and programs for interdicting violative counterfeit goods.
- Since reconvening, the IPR Process Modernization Working Group has met regularly to discuss pragmatic and practical recommendations for improving communications among CBP, rights holders, and importers and to develop strategies for streamlining the seizure process.
- At the September 2023 Public COAC meeting, the IPR Process Modernization Working Group provided seven additional recommendations that expanded on the December 2022 recommendations, which covered topics such as:
  - Automating the detention and seizure process and facilitate engagement between CBP and the trade community;
  - Reviewing unique identifiers throughout CBP’s administrative enforcement actions;
  - Revising CBP Form 5106;
  - Clarifying the previous recommendation to create an IPR portal;
  - Discussing IPR portal funding;
  - Implementing voluntary program and standards for parallel imports and used/recycled goods; and alternatives to seizure.
- At the June 2024 Public COAC meeting, the IPR Process Modernization Working Group provided additional recommendations covering these issues:
  - Enhancing the current Trade Seminars Mailbox. CBP would rename the mailbox and provide additional information on [CBP.gov](https://www.cbp.gov) to facilitate the use of the mailbox;
  - Expanding CBP’s e-Petition portal or a future tool to allow for two-way communications between CBP with parties — including rights holders — impacted by exams, detentions, and other enforcement actions; and
  - Establishing and adopting the use of a unique identifier as a reference number throughout all its administrative enforcement actions (COAC’s recommendation).

**Issue:**

- During Fiscal Year 2023, CBP seized 23 million counterfeit items which, based on the manufacturer's suggested retail price, would have been valued at over \$2.7 billion had they been genuine.
- In further progress on IPR enforcement, the IPR Process Modernization Working Group is focused on automating the detention process and improving communication between rights holders and CBP.

**Current Status:**

- CBP is gathering more detailed feedback from the IPR Process Modernization Working Group and discussing implementation recommendations. We will continue to discuss IPR enforcement and communication tools.
- CBP appreciates the IPR Process Modernization Working Group members' forward-thinking initiatives, and we look forward to our continued collaboration.

**Next Steps:**

- CBP will continue to advise the IPR Process Modernization Working Group of updates on detention and seizure process automation.
- CBP will work with the IPR Process Modernization Working Group to gather more detailed feedback and further discuss the feasibility of CBP implementing the recommendations above.

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