

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

March 2023



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



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Office of Trade/Trade Policy and Programs
Intelligent Enforcement Subcommittee
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Action Required: Informational

Background:

- In late October 2020, U.S. Customs and Border Protection (CBP) asked the Commercial Customs Operations Advisory Committee (COAC) to further develop, expand upon, and align three previous recommendations pertaining to these efforts: Sharing of Detention Information, Photographic Standards Guide, and Data-Driven CBP Seizures Process.
- The Intellectual Property Rights (IPR) Working Group (IPRWG) met regularly starting in October 2020 to discuss implementation solutions to the identified recommendations and, in early 2021, went on hiatus to reorganize and allow CBP to implement some of its recommendations.
- The IPRWG reconvened as part of the 16th term of the COAC to identify opportunities to enhance trade and CBP practices, policies, and programs for interdicting violative counterfeit goods.

Issue:

- During Fiscal Year 2022, CBP seized nearly 25 million counterfeit goods with a manufacturer's suggested retail price of nearly \$3 billion, had the goods been genuine.
- To further progress in the IPR space, the IPRWG is focusing efforts on three items: (1) automation of the detention process; (2) the ability to manipulate shipments so they comply with CBP's admissibility standards; and (3) review and identification of improvements to the CBP.gov webpage, CBP Priority Trade Issues.

Current Status:

- Since reconvening, the IPRWG has met regularly to discuss pragmatic and practical recommendations for improving communications with CBP, rights holders, and importers and to develop strategies for streamlining the seizure process.
- At the December 2022 Public COAC meeting, the IPRWG recommended that CBP:
 - Create a single, bidirectional automated system for CBP's detention and seizure process that would allow electronic notices of detention and include a unique identifier to act as a reference number throughout the entire importation process.
 - Develop an enhanced communication capability for interested parties to enable direct and confidential communications between CBP and interested parties. This capability would include:
 - Password-protected accounts that allow access of notifications, images, and information exchange;
 - A search mechanism for importers and other interested parties to track CBP actions through the entire enforcement process using a unique identifier; and
 - The ability for appropriate parties to provide permission or request manipulation or abandonment of goods.

Next Steps:

- CBP is working with the IPRWG to gather more detailed feedback and further discuss how CBP can implement the above recommendations.

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