

Commercial Customs Operations Advisory Committee (COAC)

Government Issue Paper: Intellectual Property Rights (IPR)

November 2017



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 August 23, 2017, quarterly meeting, the COAC made the following recommendations to collaboratively address current challenges in IPR enforcement. CBP continues to work within the IPRWG to explore and work through the recommendations.
 - (1) 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) 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) 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) 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 discussed IPR-related topics and mandates in Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA), including provisions requiring the drafting of regulations.

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:

- The E-Commerce and Small Business Branch, in coordination with the executive order implementation team, has developed an E-Commerce strategic plan.

Next Steps:

- CBP is working to finalize the E-Commerce Strategic Plan. CBP will then look to make a version available to the public which outlines coordination, education, and collaboration efforts with the trade community and the public regarding e-commerce.