

# Commercial Customs Operations Advisory Committee (COAC)

## Government Issue Paper: Intellectual Property Rights (IPR)

April 2020



U.S. Customs and  
Border Protection

## **INTELLECTUAL PROPERTY RIGHTS (IPR)**

**Action Required:** Informational

### **Background:**

- The Commercial Customs Operations Advisory Committee (COAC), through the Intelligent Enforcement Subcommittee Intellectual Property Rights Working Group (IPRWG), provides advice and recommendations on improving intellectual property rights (IPR) enforcement.
- At the February 27, 2019 COAC public meeting, the advisory committee voted on six recommendations that were developed by the IPR Working Group (IPRWG) to address current challenges in IPR enforcement.
  1. Additional Data Elements and Metrics
  2. Small Package Concerns
  3. Automation Needs
  4. Regulatory Changes
  5. Donation Acceptance Program
  6. eRecordation
- In August 2019, COAC put forward three recommendations on automation to both the eRecordation system and the ACE Portal:
  1. COAC recommended CBP receive resources to make eRecordation improvements
  2. COAC recommended that functionality be built into ACE for right holders to view detention and seizure information
  3. COAC recommended for the ACE portal to allow intelligence sharing on the outcome of IPR violations and involved parties.
- With these previously submitted recommendations in mind, CBP worked with the IPRWG in coordination with the 21<sup>st</sup> Century Customs Framework effort to conduct a supply chain mapping exercise to identify and elucidate best practices companies are taking prior to importation to protect against trade in IPR-infringing goods.
- The IPRWG then began working on longer term “art of the possible” type recommendations toward improving IPR enforcement.
  1. In December 2019, CBP and the IPRWG members participated in an in-person meeting to clarify and finalize the mapping exercise that had been developed in weekly calls throughout the fall.
  2. The in person meeting led to the formation of two working groups to discuss specific areas of focus (Team 1 – eRecordation; Team 2 – data sharing). These 2 groups met bi-weekly to discuss ways to tackle these identified areas and to develop recommendations.

### **Issues and Next Steps:**

The IPRWG is finalizing recommendations that the two teams have developed over the last several months and will submit for the April 15, 2020 COAC public webinar meeting.

- Team 1 is working to submit recommendations concentrated on eRecordation System, Data Flows, and a Hub for Enforcement. Team 2 is drafting recommendations focused on data sharing and the January 24, 2020, DHS Report responding to the Presidential Memorandum on Combatting Trafficking in Counterfeit and Pirated Goods.