

**Commercial Customs Operations Advisory Committee (COAC)  
Government Issue Paper: (Intelligent Enforcement Subcommittee/  
Intellectual Property Rights (IPR) Working Group)**

October 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.
- Building on COAC recommendations made in late 2019, CBP worked with the IPRWG, in coordination with the 21<sup>st</sup> Century Customs Framework team, at an in-person meeting in Washington, D.C. to finalize a supply chain mapping exercise and to identify and elucidate best practices companies are taking prior to importation to protect against trade in IPR-infringing goods.
- The IPRWG developed 29 recommendations that were adopted by the COAC at the April 2020 public meeting. These recommendations focused on eRecordation, Data Sharing, and action items in the January 24, 2020 DHS Report on Combatting Trafficking in Counterfeit and Pirated Goods (DHS Report).
- Following the April 2020 public meeting, the IPRWG created a third sub-group, Team 3, to discuss action items in the DHS Report. From April to September 2020, the three IPRWG sub-groups met regularly to discuss the recommendations on automation and improvements to the recordation system, data sharing and improvements to the seizure process, and the action items in the DHS Report.

### **Issue:**

- In late September 2020, a new IPRWG Statement of Work (SOW) was introduced, asking the COAC to further develop, expand upon, and align three previous recommendations pertaining to Sharing of Detention Information, Photographic Standards Guide, and Data-Driven CBP Seizures Process. Specifically, the IPRWG will develop a model that appropriately accounts for and incorporates:
  - A cost sharing framework that reduces the burden of storage, detention, seizure, and/or destruction of IPR violative goods;
  - A tiered approach for the disposal, detention and/or seizure of shipments, based on key shipment characteristics (e.g. parcel size, quantity or value);
  - The effective use of new or emerging technologies for the enforcement of IPR;
  - Information sharing needs; and
  - Current laws that should be amended to enable the implementation of new processes.

### **Next Steps:**

- CBP has informed the IPRWG members that CBP's eRecordation system is a stand-alone system which is not suitable for two-way information exchanges between CBP and rights holders or other stakeholders. Accordingly, CBP has requested that the IPRWG reconsider its recommendation on the use of the eRecordation system as it is not suitable for the two-way communication exchange functionality recommended by the IPRWG.