

CBP Finalizes Disclosure of Information Rule Regarding Suspected Trademark Infringing Merchandise

On Friday, September 18, 2015, a final rule titled “Disclosure of Information for Certain Intellectual Property Rights Enforced at the Border” was published by U.S. Customs and Border Protection (CBP) in the **Federal Register** (80 FR 56370).

CBP is adopting as final, with certain changes, interim amendments to the CBP regulations pertaining to the importation of merchandise bearing suspected counterfeit trademarks. The rule finalizes the agency’s authority to disclose unredacted samples or images of merchandise or its retail packaging that is suspected of bearing a counterfeit trademark to the trademark owner. The importer of the suspected counterfeit merchandise will be informed at the time of detention that certain information may be disclosed to the owner of the trademark and given seven business days as of the suspected counterfeit trademark notification to establish that the detained merchandise does not bear a counterfeit mark. Likewise, CBP will disclose unredacted samples, photographs or images of imported merchandise suspected of bearing a counterfeit mark to the importer at any time after the merchandise is presented to CBP for examination to ensure that the importer has complete information regarding the marks appearing on their goods.

For further information regarding this rule, please refer to the [Federal Register Notice 80 FR 56370](#). Questions about the final rule may be directed to Goli Gharib at (202) 325-0216.