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March 5, 2011
Department of Homeland Security
Docket No. USCBP-2011-0009

Enhancing Intellectual Property Rights Enforcement Efforts

Along with toy safety laws, enforcing U.S. trade laws, particularly those relating to the enforcement of intellectual property rights, are among the Toy Industry Association's highest international trade priorities.

Among the actions which will be of particular benefit to the toy industry, which appear in the "2010 Joint Strategic Plan on Intellectual Property Enforcement", is information sharing and reporting law enforcement activities at home and abroad; working with our trading partners and with international organizations to better enforce American intellectual property rights in the global economy; and securing supply chains to stem the flow of infringing products at our borders and through enhanced cooperation with the private sector.

The Plan recognizes that "right-holders" are particularly well equipped to identify the legitimacy of their own goods, through various methods, including production coding. Sharing information between U.S. Government enforcement agencies and right-holders is therefore helpful in order to make accurate infringement determinations.

The "Administration's White Paper on Intellectual Property Enforcement Legislative Recommendations", published in March 2011, suggests numerous legislative changes which would be of great benefit for TIA members, including the following:

- Increase the U.S. Sentencing Guideline range for intellectual property offenses committed by organized criminal enterprises/gangs.

- Authorize DHS & CBP to share pre- and post- seizure information about, and sample of, products and devices with right-holders to help DHS to determine whether the products are infringing or the devices are circumvention devices.

Other relevant legislative proposals include amendments to CBP's administrative penalties which would:

- Permit relief when someone who unknowingly and unintentionally acquires infringing products voluntarily discloses them to CBP before becoming aware of any

CBP enforcement action (or a law enforcement investigation);

- Give CBP authority to issue penalties for infringing exports; and
- Strengthen CBP's authority to issue penalties for infringing imports discovered during audits of company records.

Please contact the undersigned should you require any additional information.

Very truly yours,

M. Barry Levy
On behalf of the
Toy Industry Association