Strategies for Protecting IP In China
WHAT BUSINESSES NEED TO KNOW
Enforcing Intellectual Property Rights in the U.S

U.S. Customs and Border Protection
DHS – Dual Enforcement Mechanisms

- CBP – Civil, Administrative Enforcement
  - Pursuant to Border Search Authority
  - Results in Seizure, Forfeiture and Destruction of Infringing Goods
  - Civil Fines may be Imposed in Trademark Cases
  - May Result in Criminal Investigation

- HSI – Criminal Investigation
  - Border Search, Plain View (Markets/Storefronts), Search Warrants
  - Results in Seizure, Forfeiture and Destruction of Infringing Goods AND POTENTIALLY, Criminal Prosecution
  - Runs Concurrently with Civil, Administrative Action
Violations Recognized by CBP

- Counterfeit Trademark
- “Confusingly Similar” Trademark
- “Piratical” Copy
- (Restricted Gray Market Importation)
Criminal Laws Enforced by HSI

- Trafficking in Counterfeit Goods and Services
- Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging
- Unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances
- Unauthorized recording of Motion pictures in a Motion picture exhibition facility
- Asset Forfeiture
Features of CBP’s Border Enforcement Program

1. *Ex Officio* authority to search, examine, detain, seize and forfeit merchandise violating IP;

2. Centralized database of “recorded” trademarks, copyrights, and product ID guides;

3. Targeting and risk assessment tools;

4. Communication, cooperation, assistance by and disclosure to, the private sector (industry);

5. Ongoing training of CBP personnel (by CBP AND the Trade);

6. Collaboration with and outreach to the public
Disclaimer

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CBP IPR IT Innovations

- eAllegations
- ATS
- ITTN
  - Bulletins
  - PSAs
- IPRS/IPRiS
- Product ID Guides/Manuals
- Seizure Tracking Database

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eAllegations

https://eallegations.cbp.gov/Home/Index2
You are entering an Official United States Government System, which may be used only for authorized purposes. The Government may monitor and audit usage of this system, and all persons are hereby notified that use of this system constitutes consent to such monitoring and auditing. Unauthorized attempts to upload information and/or change information on this website are strictly prohibited and are subject to prosecution under the Computer Fraud and Abuse Act of 1986 and Title 18 U.S.C. Sec. 1001 and 1030.

https://eallegations.cbp.gov/Home/In

REPORT SUSPECTED CRIMINAL/ILLEGAL ACTIVITY

This button is to be used for reporting criminal and illegal activities for referral to Homeland Security Investigations.

- Immigration crime, human rights violations and human trafficking or smuggling
- Smuggling of weapons, narcotics, or other contraband
- Financial crimes, money laundering, bulk cash smuggling
- Cybercrime, website fraud
- International art and antiques theft
- En Español

REPORT TRADE VIOLATIONS

This button is to be used only to report illegal trade activity

- Intellectual Property Rights infringement
- Textile or Free Trade Agreement violations
- Health and Safety issues
- Classification and Value violations
- Forced Labor Violations

REPORT EVASION VIOLATIONS VIA THE ENFORCE AND PROTECT ACT

This category is for reporting allegations as to evasion of an antidumping or countervailing duty (AD/CVD) order. NON-EARPA allegations may be reported in the Report Trade Violations button above. Please review the EARPA allegation requirements and instructions. Enforce and Protect Act Allegation Instructions. Small business requests for assistance should be mailed to: eallegations@cbp.dhs.gov

- Meet the definition of an interested party as defined by statute
- Provide a statutory description of covered merchandise and applicable AD/CVD order
- Demonstrate that evasion of an AD/CVD order has occurred
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Step 1 - Tell us about yourself

First Name: 
Middle Name: 
Last Name: 
Phone Number: 
Contact E-Mail: 
Who are you? Other

Step 2 - Tell us about the allegation

Is this an Immediate Threat to Loss of Life or Damage to Property? No 
If you selected "yes" contact 1-800-BE-ALERT (1-800-232-0378) immediately.
Violation Type: * Classification of Merchandise

Violation Description: 

Violation Product: * 
Country Of Export: Select Country
Product Category: 00 Select HSUS

Step 3 - Tell us about the alleged violator

Violator Name: * 
Violator Address 1: 
Violator Address 2: 
Violator City: 
Violator State: Select State
Province or U.S. Possession: 
Violator Zip Code: 
Country: Select Country

Additional Parties: 

Proceed
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Step 2 - Tell us about the allegation

Is this an Immediate Threat to Loss of Life or Damage to Property? no

Violation Type: Intellectual Property Rights

Violation Description:

Violator Product:

Country Of Export:

Product Category 00 Select HTSUS

Step 3 - Tell us about the alleged violator

Violator Name:

Violator Address 1

Violator Address 2

Violator City

Violator State:

Province or U.S. Possession:

Violator Zip Code

Country:

Additional Parties:

*Enter text below

Attachment option: If you would like to attach a document file to this allegation, select File Upload.
# Recordation

- Tells CBP WHAT is protected
  - Word, design, product shape, etc
  - (Classes of) goods protected

- Product ID Guides may be linked to database

- Incumbent on right owners to keep current

- Some of the information provided to CBP through this process is protected by the Trade Secrets Act (18 U.S.C. 1905)
Why Recordation is Encouraged

- Provides information to CBP
- Facilitates communication with right holder
Recordation of Trademarks and Copyrights with CBP

- Subsequent to registration with the USPTO or U.S. Copyright Office, rights may be recorded with CBP

- Application for recordation is made with CBP in order protect against infringing imports

- Requirements for recordation are set out in regulations (19 CFR Part 133)
  - CBP’s Statutory/Regulatory Scheme currently require recordation as a prerequisite to detention (Suspension of Release)
EXAMPLE OF A
U.S. TRADEMARK REGISTRATION
Record 1 out of 1

(TESS was last updated on Fri Oct 16 04:01:40 EDT 2009)

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

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TRADEMARK
PRINCIPAL REGISTER

NIKE, INC. (OREGON CORPORATION)
ONE BOWERMAN DRIVE
BEAVERTON, OR 97005

FOR: ALL-PURPOSE SPORTS BAGS, WAIST PACKS, BACKPACKS, FANNYPACKS AND DUFFLE BAGS, IN CLASS 18 (U.S. CL. 3).

FIRST USE 3-17-1972; IN COMMERCE 3-17-1972.
OWNER OF U.S. REG. NOS. 1,237,469, 1,325,938 AND OTHERS.
TERESA M. RUPP, EXAMINING ATTORNEY
EXAMPLE OF A U.S. COPYRIGHT REGISTRATION
Certificate of Registration

This Certificate issued under the seal of the Copyright Office in accordance with Title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK
My Sample Work

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION if this work was published as a contribution to a periodical, serial, or collective give information about the collective work in which the contributor appeared Title of Collective Work

DATE OF REGISTRATION
Sep 2, 2003

2

NAME OF AUTHOR
Jane Doe

DATE OF BIRTH AND DEATH
Year Born
Year Died
N/A

AUTHOR'S NATIONALITY OR DOMICILE
United States

WAS THIS AUTHOR'S CONTRIBUTION TO THIS WORK
Anonymous
Yes
No

NAME OF AUTHOR OF WORK

DATE OF BIRTH AND DEATH
Year Born
Year Died
N/A

AUTHOR'S NATIONALITY OR DOMICILE
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United States

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Anonymous
Yes
No

NOTE
Under the law the author of a work made for hire is the employer or person or agency that commissioned or directed the work. If you are the person or agency that commissioned or directed the work, give the name of the employer or agency and the names of any employees or other persons who worked on the work. If the work was prepared as a work made for hire for another entity, give the name of the entity.

AUTHORSHIP
Study describe nature of material created by this author or which copyright is claimed

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
2003

DATE AND MANNER OF OFFICIAL PUBLICATION OF THIS PARTICULAR WORK
June 1, 2003

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the .
Jane Doe
123 Main Street
Anytown, AZ 90009

APPLICATION RECEIVED

SIGNATURE OF CLAIMANT

TRANSFERRED FROM THE COPYRIGHT CLAIMANT(S) TO THE person(s) named here as space 4 a (or) see the annexed statement of assignment to the person(s) named in space 4.

MORE ON BACK Complete all applicable spaces (number 6b) on the reverse side of this page

Page 1 of 1 page

PART 2 OF 1 PAGE
Public Catalog

Copyright Catalog (1978 to present)
Search Request: Left Anchored Title = mickey mouse
Search Results: Displaying 6 of 6705 entries

Type of Work: Visual Material
Registration Number / Date: VAu000454521 / 1999-04-08
Title: Mickey Mouse.
Description: Drawings.
Series: Mickey Mouse works
Notes: Model sheets.
Copyright Claimant: Disney Enterprises, Inc.
Date of Creation: 1999
Authorship on Application: artwork: Walt Disney Pictures and Television, employer for hire.
Previous Registration: Appl. states based on prev. reg. artwork.
Basis of Claim: New Matter: new artwork.
Names: Disney Enterprises, Inc.
Walt Disney Pictures and Television
E-Recordation via “IPRR”

https://iprr.cbp.gov/

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Welcome to the Intellectual Property Rights e-Recordation (IPRR) application.

The filing of this electronic application will begin the administrative recordation process with CBP. A separate application is required for each recordation sought. Applications will be processed in the order in which they are received. The recordation fee for copyrights is $100. The recordation fee for trademarks is $300 per International Class of goods.

We recommend that you have the following materials and information readily available before you begin the application process:

- U.S. Patent & Trademark Office Registration Number or the U.S. Copyright Office Registration Number
- Digital images of the protected mark/work in ".png," ".gif" or ".pdf" format that accurately depict the right to be protected. Individual image files are limited to 2MB.
- Evidence of a pending application for registration at the U.S. Copyright Office, if recording an unregistered copyright with CBP.
- Familiarization with the applicable regulations: Trademarks: 19 CFR 133.1 et seq. Copyrights: 19 CFR 133.31 et seq.

FORM OF PAYMENT
The recordation fee may be made either by credit card or check. Please be advised that applications paid for by check could be delayed up to six weeks. All incoming mail is processed through CBP’s mailroom at the Ronald Reagan Building, which includes irradiation and sorting. It is then transferred to the Office of Trade, Regulations & Rulings, where it is sorted again for final delivery to the IPR Branch. We apologize in advance for any delay this may cause in providing enforcement. On the other hand, applications paid on-line with a credit card are generally processed within three (3) business days.

RENEWALS OF EXISTING TRADEMARK AND COPYRIGHT RECORDATIONS
A separate recordation application is required for each recordation renewal sought. Applications will be processed in the order in which they are received. The renewal fee for an unexpired copyright recordation is $80 and $190 for an expired copyright. For unexpired trademark recordations, the renewal fee is $80 per previously recorded International Class (IC) of goods and $190 for any additional IC’s added to a renewal not previously recorded. For expired trademark recordations, the fee is $190 per International Class of goods.

TEMPORARY RECORDATION OF UNREGISTERED COPYRIGHTS
Temporary recordation of unregistered Copyrights is now available while your application for registration is pending at the U.S. Copyright Office (USCO). Upon request (email to IPRQUESTIONS@cbp.dhs.gov), you will receive instructions for submitting an application for recordation of your copyright with CBP for border enforcement purposes. Proof of application to register your Copyright at the USCO is required.

Time Zone: Please note that all online applications are processed in our system on the Eastern Standard Time (EST) zone.

Once your recordation application has been approved, you may view your CBP recordation using the Intellectual Property Rights Search (IPRS) database at: IPRS.

Requests for assistance with the recordation application process should be directed to the Intellectual Property Rights Branch via email IPRQUESTIONS@cbp.dhs.gov or call (202)325-0236.
New Recordation

Fields marked with an asterisk (*) are required.

In this application for Copyright or Trademark?  
☐ Trademark  ☐ Copyright  *

Registration Number  *

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided within the page whenever possible.
<table>
<thead>
<tr>
<th>Is this the Trademark you wish to record?</th>
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<tr>
<td><strong>Word Mark</strong></td>
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<td><strong>Mark Drawing Code</strong></td>
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<tr>
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<tr>
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<td><strong>Attorney of Record</strong></td>
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<tr>
<td><strong>Live/Dead Indicator</strong></td>
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### Intellectual Property Rights (IPR) Search - cpb.gov Trademark Recordation Application - Microsoft Internet Explorer

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**Fields marked with an Asterisk (*) are required**

<table>
<thead>
<tr>
<th><strong>Description of trademark registered with the U.S. Patent &amp; Trademark Office</strong></th>
<th><em>(1) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS</em></th>
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<td><strong>Supplemental Information</strong></td>
<td><em>(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS</em></td>
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<td><strong>Name of trademark owner(s)</strong></td>
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<td><strong>Zip Code</strong></td>
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<td><strong>Is the applicant the trademark owner(s)? If not, what is the applicant’s name and relationship to the trademark owner?</strong></td>
<td>Yes ☐ No ☐</td>
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**Done**
The information contained on this page does not constitute an official publication of the United States. The statistics, and the projections based upon any statistics contained herein, are not intended to be used for economic analysis, and are provided for the purpose of establishing CBP priorities and workload.
Digital images of the protected mark must be in .jpg or .gif format, and must be an accurate depiction of the mark. Only five images may be uploaded, with each image limited to 2MB. When done uploading images click proceed.

**Note:** Do not submit images of infringing merchandise through this application.
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IPRS

https://iprs.cbp.gov/##/
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What’s New

The total number of searchable IPR recordings in this database is 38929

Recordations

In order to record a new recording or to renew your existing recording, please navigate to e-Recordations. CBP’s IPR e-Recording program is administered by the Intellectual Property Rights Branch within the Regulations and Ruling Directorate, Office of Trade. For assistance please email: iprrquestions@cbp.dhs.gov, or call (202) 325-0216.

About the Intellectual Property Rights Search (IPRS)

IPRS is a searchable database containing public versions of U.S. Customs and Border Protection intellectual property rights recordings. Recordations can be retrieved based on simple or complex search characteristics using keywords and Boolean operators. IPRS has the added functionality of restricting searches to specific fields and record types. IPRS contains expired as well as current records and by default excludes expired records. For more information about features or how to use IPRS, please visit the HELP section.

Note:
The IPRS database is updated nightly (except Saturday and Sunday) at approx. 4:00 a.m. eastern standard time. Those lasing import(exports transactions based upon data contained within IPRS are reminded that recording information is updated by CBP IPR Branch personnel daily.

Related CBPAPPS Information:
U.S Customs & Border Protection (CBP) IPR Enforcement

Please submit any technical concerns related to IPRS to CBP website technical questions.
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<th>Description</th>
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<td>4/27/2025</td>
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<td>IC 009. Mobile phone covers; laptop covers and sleeves; protective covers and sleeves for tablet computer.</td>
<td><strong>adidas AG</strong></td>
<td>Mia Gutierrez</td>
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<td>11/12/2024</td>
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<td>IC 025. Footwear; apparel, namely, shirt, tops, shorts.</td>
<td><strong>adidas AG</strong></td>
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<td>4/3/2018</td>
<td>4/3/2038</td>
<td><strong>JERSEY DESIGNS</strong></td>
<td>[N/A] World Cup Soccer Jerseys; (Argentina) AFA Home, AFA Away; (Germany) DFB Home, DFB Away; (Mexico) FMF Away, FMF Home; (Russia) RFU Home, RFU Away</td>
<td><strong>adidas AG</strong></td>
<td>Mia Gutierrez</td>
<td>[N/A]</td>
<td>COP 18-00065</td>
<td>VAU00128...</td>
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<td>4/3/2018</td>
<td>3/7/2024</td>
<td><strong>CLIMALITE</strong></td>
<td>IC 025. shirts.</td>
<td><strong>adidas AG</strong></td>
<td>Mia Gutierrez</td>
<td>[N/A]</td>
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<td>1/12/2018</td>
<td>8/1/2027</td>
<td><strong>DESIGN</strong></td>
<td>IC 025. Headwear.</td>
<td><strong>adidas AG</strong></td>
<td>MIA GUTIERREZ</td>
<td><strong>adidas</strong></td>
<td>TMK 11-01164</td>
<td>3236505</td>
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<td>1/11/2018</td>
<td>1/11/2038</td>
<td>[GROUP ROUND DESIGN, ET AL.]</td>
<td>[N/A] Knockout Ball Design Group Ball Design</td>
<td><strong>adidas AG</strong></td>
<td>Mia Gutierrez</td>
<td><strong>adidas</strong></td>
<td>COP 18-00004</td>
<td>VAU1-292-929</td>
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<td>9/20/2017</td>
<td>6/8/2026</td>
<td><strong>DESIGN ONLY (3-STRIPES DIAGONAL)</strong></td>
<td>IC 025. Clothing, namely, shirts, T-shirts, sweatshirts, jerseys, pullovers, tops, vests, sweaters, pants, shorts, bottoms, DESIGN ONLY (3-Stripes Diagonal Left version 3) - Color is not claimed as a feature of the mark. The mark consists of three diagonal quadrilaterals</td>
<td><strong>adidas AG</strong></td>
<td>Mia Gutierrez</td>
<td>[N/A]</td>
<td>TMK 17-00966</td>
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<td><strong>Title</strong></td>
<td>ADIDAS (STYLIZED)</td>
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<td><strong>Product</strong></td>
<td>IC 009. Mobile phone covers; laptop covers and sleeves; protective covers and sleeves for tablet computer.</td>
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<td><strong>Description</strong></td>
<td>Word Mark in Stylized Form, adidas (Stylized) - Color is not claimed as a feature of the mark. The mark consists of the word “ADIDAS” - Color is not claimed as a feature of the mark.</td>
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<tr>
<td><strong>Owner Name</strong></td>
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<td><strong>Contact Name</strong></td>
<td>Mia Guibnerz</td>
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Product Identification Guides
