

## **INTELLECTUAL PROPERTY RIGHT (IPR) PRODUCT IDENTIFICATION TRAINING GUIDELINES**

### **U.S. Customs and Border Protection and EU Customs Administrations**

A product identification training guide is one of the most effective ways to help personnel from U.S. Border Protection (CBP) and customs administrations in the EU, hereinafter referred to as ‘competent authorities’, to identify counterfeit and piratical goods in order to prevent them from entering the U.S or the EU.

Product identification training materials from IPR holders should neither address the competent authorities’ legal authority nor offer legal opinions concerning the course of action that the competent authorities should take in any particular situation.

The competent authorities need not have made an actual determination that a suspect mark is counterfeit or that a suspect work is piratical in order for IPR holders to use these terms in their training materials.] However, when developing their training materials, IPR holders are encouraged to use terms such as “suspect” or “allegedly infringing” rather than “counterfeit” or “piratical,” where possible.

An effective manual should be brief and simple. To the extent practical, the product identification training guide should include the following information:

#### **Company Information**

- Introductory information about the company
- Brands, marks, copyrights patents or any other IP right that the company owns
- Names, addresses,, phone, fax numbers and email addresses of company contacts that can provide immediate assistance on administrative and technical matters to customs personnel regarding suspect merchandise

#### **Registration and Recordation Information**

For the US:

- U.S. Patent and Trademark Office (USPTO) and U.S. Copyright Office registration numbers
- CBP recordation numbers
- International Trade Commission (ITC) case number for exclusion orders

For the EU:

- National application for action registration numbers
- Community application for action numbers and the Member States for which the application applies

- Registered national trademarks, international trademarks, design rights, international design rights, copyright and related rights, patents, supplementary protection certificates, designations of origin, geographical indications, geographical designations for spirits or wine, plant variety rights
- Registered Community trademarks (OHIM), design rights, plant variety rights, geographical designations of origin or geographical indications

### **Product Information**

- Physical characteristics of genuine articles – security devices, hang tags, logos, stitching, placement, packaging, accompanied documents and other information that would help a customs officer to readily distinguish a legitimate article from one that is suspect
- Clearly labeled photos comparing genuine and suspect articles
- Customs value
- Tariff heading
- Release and/or production dates or ranges of dates for specific styles, models or product lines
- Product catalogue or website that provides pictures/images and model/style numbers

### **Product Manufacture and Distribution**

- Manufacturers and/or shippers of genuine goods
- Countries of manufacture of genuine goods
- Names and addresses of importers and/or licensees of genuine goods
- Modes of transportation of imported genuine goods
- Ports of entry/ customs office of genuine goods
- Channels of distribution

### **Violation Information**

- Names and addresses of known violators, distributors, intermediaries, transporters, importers, consignees or exporters
- Known transport routes and means of transport
- Countries and/or cities of manufacture of suspect goods
- Channels of distribution
- Lowest threshold value
- Specific items (i.e. styles, brands, patterns) that are copied the most
- Specific accompanying document that were different or missing
- Physical characteristics of suspect articles

The guide should be dated and updated whenever there are significant changes, such as new registrations, contacts, or product lines.

**All information included in the product identification manual is kept strictly confidential.**

**The following verbiage *must* be included inside the front cover of the product identification training guide:**

DISCLAIMER

The opinions expressed herein are those of the right owner and do not necessarily reflect the position of U.S. Customs and Border Protection (CBP). Decisions as to whether or not merchandise should be detained or seized for infringing protected intellectual property rights are to be made in accordance with established procedures by CBP personnel at the appropriate management level of the concerned field office. CBP personnel who have questions arising from this product identification training material or manual should call the IPR Helpdesk at 562-980-3119, ext. 252, or the IPR and Restricted Merchandise Branch, Regulations and Rulings at (202) 325-0020.