

Intellectual Property Rights Committee

January 20, 2015

12:00 pm- 1:00 pm

by Peter Quinter, Esq.

GrayRobinson Law Firm

Mobile (954) 270-1864



Peter Quinter, Attorney

Customs & International Trade Law Group

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Questions??



IPR Center

- In 2000, started with two agencies US Customs and FBI
- In 2008, the IPR Center was enhanced with ICE, CBP, FBI, USPIS, FDA, and DOC
- Today the IPR Center is a collaborative effort of 21 federal and international agencies



Counterfeiting Perceptions

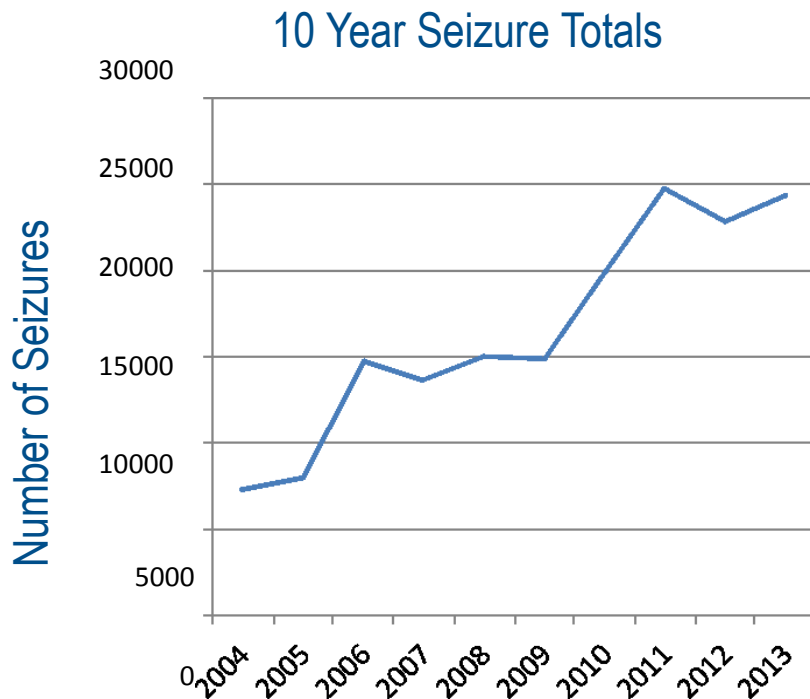


- Intellectual Property Rights
 - Seizures Statistics
 - Fiscal Year 2013

Executive Summary

- Products that infringe on U.S. trademarks, copyrights, and patents threaten the health and safety of American consumers, our economy, and our national security.
- In Fiscal Year (FY) 2013 the number of IPR seizures increased nearly 7% to 24,361 from 22,848 in FY 2012. The manufacturer's suggested retail price (MSRP) of the goods had they been genuine, increased 38% to \$1,743,515,581.
- Tactical interagency collaboration led by the National Intellectual Property Rights (IPR) Coordination Center led to 693 arrests, 411 indictments, and 465 convictions for IPR crimes in FY 2013. Additionally, 1,413 domain names distributing counterfeit merchandise were seized, 35 exclusion order enforcement actions were completed and 20 shipments of circumvention devices were seized.
- Each year, more than 11 million maritime containers arrive at our seaports. At land borders, another 10 million arrive by truck and 3 million by rail. Through air travel arrives an additional quarter billion more cargo, postal, and express consignment packages.

Year in Review



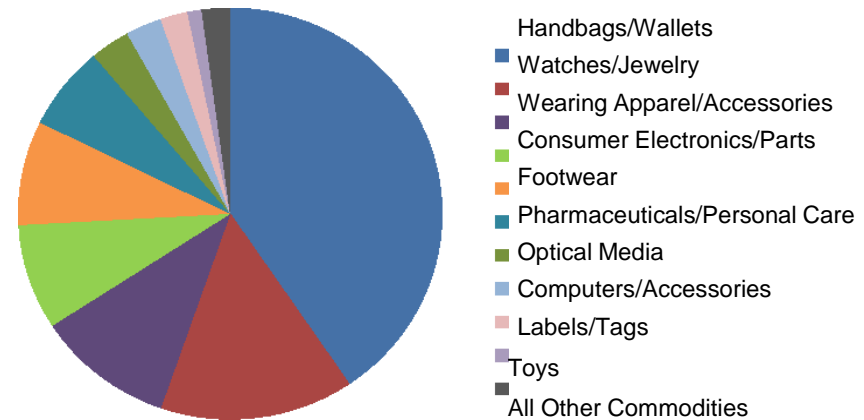
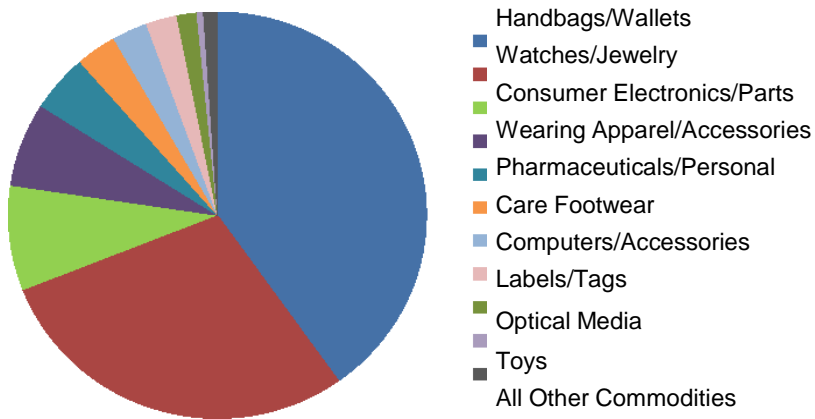
- While the People's Republic of China remains the primary source economy for counterfeit and pirated goods seized by DHS, with a total value of \$1.1 billion, representing 68% of all IPR seizures by MSRP in FY 2013, DHS also made seizures from 73 additional countries during FY 2013.
- Overall the watches/jewelry category increased 169% and represent the second largest commodity classification by value.
- Operation Red Zone focusing on professional sport apparel and souvenirs during the Super Bowl season yielded seizures valued at \$17.3 million MSRP. Overall sports jerseys made up almost 29% of all seized counterfeit shipments.

Year in Review

- CBP and China Customs performed the first ever joint IPR enforcement operation between the two agencies. The month-long operation resulted in 1,735 shipments being seized, removing more than 243,000 counterfeit consumer electronic products from entering commerce.
- Operation Core Systems, an enforcement partnership with French Customs resulted in the seizure of 480 shipments of potentially harmful counterfeit electronic components. These faulty products not only create extra costs for businesses and individuals, but can also corrupt the computer networks of critical infrastructure systems and potentially jeopardize public safety.
- Operation Zero Tolerance focused on the express consignment environment and yielded \$43.3 million MSRP in seizure value.
- Operation Home Plate 1 and Operation Home Plate 2, two one-week operations focusing on major sports league apparel and accessories resulted in 292 seizures valued at \$2.4 million MSRP.

Manufacturer's Suggested Retail Price

- Fiscal Year 2013 Fiscal Year 2012

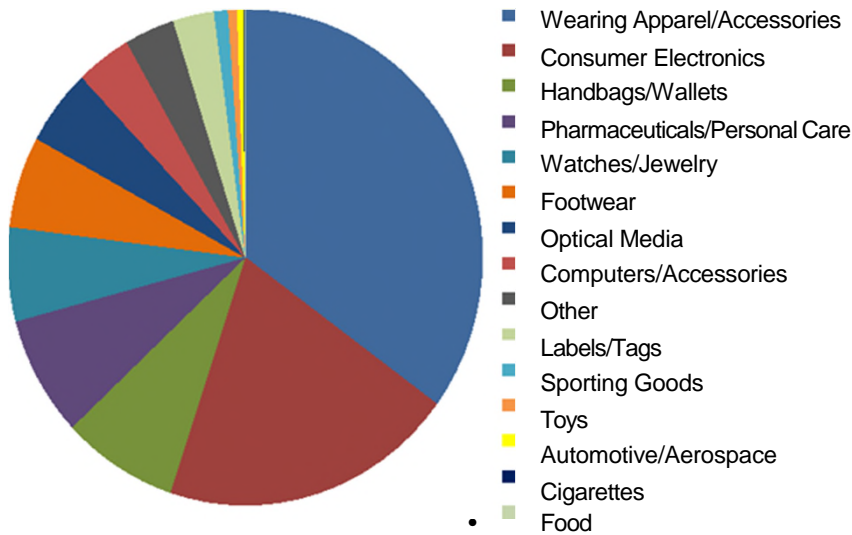


Manufacturer's Suggested Retail Price

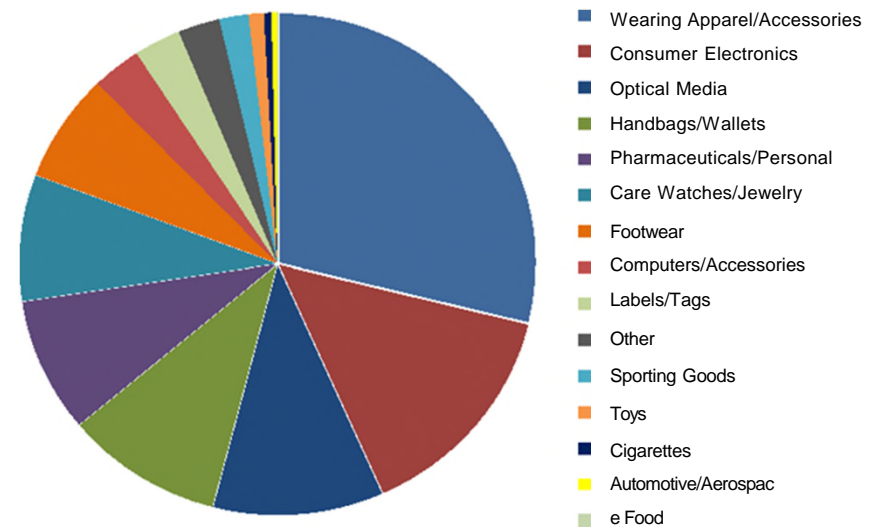
| FY 2013 Commodity | Estimated MSRP | Percent of Total | FY 2012 Commodity | Estimated MSRP | Percent of Total |
|----------------------------------|---------------------------|-----------------------------|-------------------------------|---------------------------|-----------------------------|
| Handbags/Wallets | \$ 700,177,456 | 40% | Handbags/Wallets | \$ 511,248,074 | 40% |
| Watches/Jewelry | \$ 502,836,275 | 29% | Watches/Jewelry | \$ 186,990,133 | 15% |
| Consumer Electronics/Parts | \$ 145,866,526 | 8% | Wearing Apparel/Accessories | \$ 133,008,182 | 11% |
| Wearing Apparel/Accessories | \$ 116,150,041 | 7% | Consumer Electronics/Parts | \$ 104,391,141 | 8% |
| Pharmaceuticals/Personal Care | \$ 79,636,801 | 5% | Footwear | \$ 103,365,939 | 8% |
| Footwear | \$ 54,886,032 | 3% | Pharmaceuticals/Personal Care | \$ 82,997,515 | 7% |
| Computers/Accessories | \$ 47,731,513 | 3% | Optical Media | \$ 38,404,732 | 3% |
| Labels/Tags | \$ 41,768,528 | 2% | Computers/Accessories | \$ 34,710,624 | 3% |
| Optical Media | \$ 26,830,902 | 2% | Labels/Tags | \$ 26,282,098 | 2% |
| Other | \$ 10,167,496 | Less than 1% | Toys | \$ 13,603,356 | 1% |
| Toys | \$ 8,794,285 | Less than 1% | Cigarettes | \$ 13,142,919 | 1% |
| Automotive/Aerospace | \$ 4,139,803 | Less than 1% | Other | \$ 6,566,589 | 1% |
| Sporting Goods | \$ 3,010,296 | Less than 1% | Automotive/Aerospace | \$ 5,291,713 | Less than 1% |
| Cigarettes | \$ 1,320,365 | Less than 1% | Sporting Goods | \$ 1,446,197 | Less than 1% |
| Food | \$ 199,263 | Less than 1% | Food | \$ 753,266 | Less than 1% |
| <i>Total FY 2013 MSRP</i> | <i>\$ 1,743,515,581</i> | | <i>Total FY 2012 MSRP</i> | <i>\$ 1,262,202,478</i> | |
| <i>Number of Seizures</i> | <i>24,361</i> | | <i>Number of Seizures</i> | <i>22,848</i> | |

Number of Seizures

Fiscal Year 2013



Fiscal Year 2012



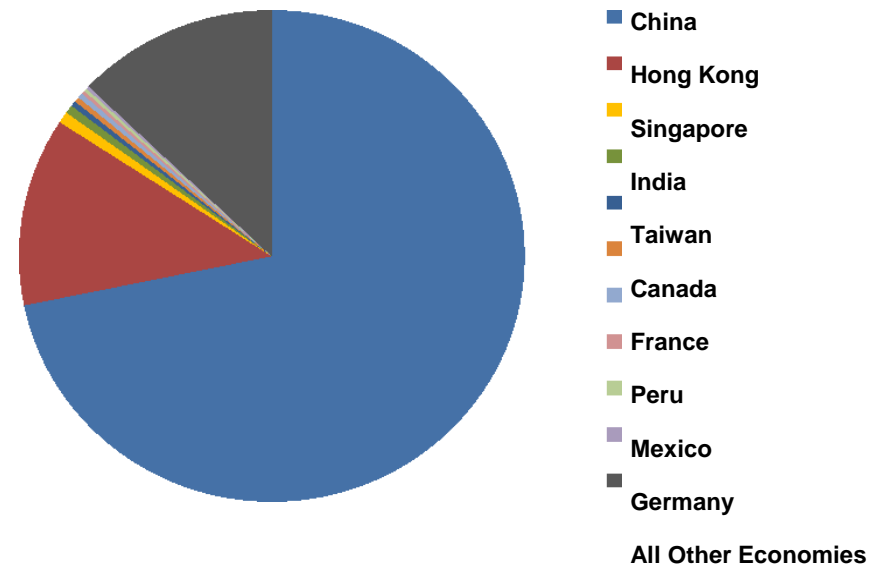
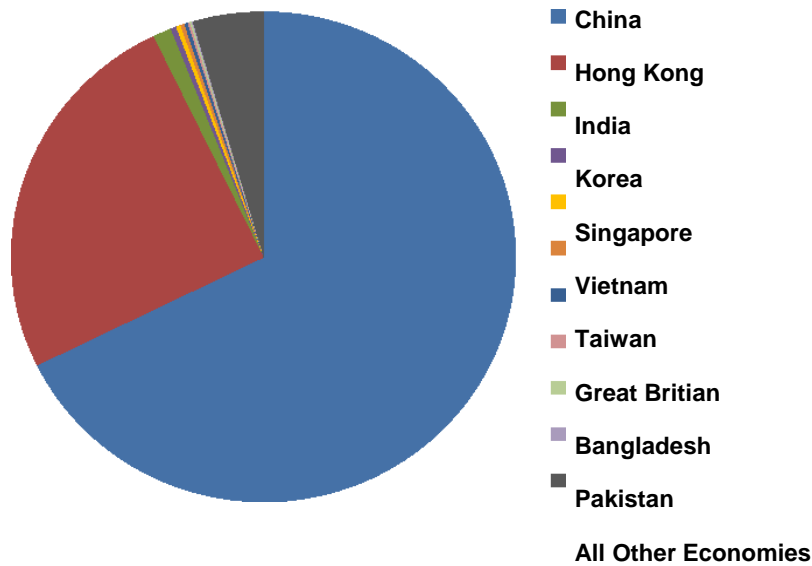
Number of Seizures

| FY 2013 Commodity | Number of Seizures | Percent of Total* | FY 2012 Commodity | Number of Seizures | Percent of Total* |
|-----------------------------------|-----------------------|----------------------|-----------------------------------|-----------------------|----------------------|
| Wearing Apparel/Accessories | 9,894 | 35% | Wearing Apparel/Accessories | 7,805 | 29% |
| Consumer Electronics | 5,656 | 20% | Consumer Electronics | 3,928 | 15% |
| Handbags/Wallets | 2,223 | 8% | Optical Media | 2,892 | 11% |
| Pharmaceuticals/Personal Care | 2,215 | 8% | Handbags/Wallets | 2,678 | 10% |
| Watches/Jewelry | 1,729 | 6% | Pharmaceuticals/Personal Care | 2,350 | 9% |
| Footwear | 1,683 | 6% | Watches/Jewelry | 2,197 | 8% |
| Optical Media | 1,409 | 5% | Footwear | 1,897 | 7% |
| Computers/Accessories | 1,062 | 4% | Computers/Accessories | 833 | 3% |
| Other | 961 | 3% | Labels/Tags | 796 | 3% |
| Labels/Tags | 788 | 3% | Other | 710 | 3% |
| Sporting Goods | 266 | Less than 1% | Sporting Goods | 496 | 2% |
| Toys | 175 | Less than 1% | Toys | 259 | 1% |
| Automotive/Aerospace | 118 | Less than 1% | Cigarettes | 124 | Less than 1% |
| Cigarettes | 24 | Less than 1% | Automotive/Aerospace | 96 | Less than 1% |
| Food | 9 | Less than 1% | Food | 6 | Less than 1% |
| <i>Number of Seizures</i> 28,212* | | | <i>Number of Seizures</i> 27,067* | | |

* Seizures may contain more than one commodity

Source Economics by Manufacturer's Suggested Retail Price

- Fiscal Year 2013 Fiscal Year 2012

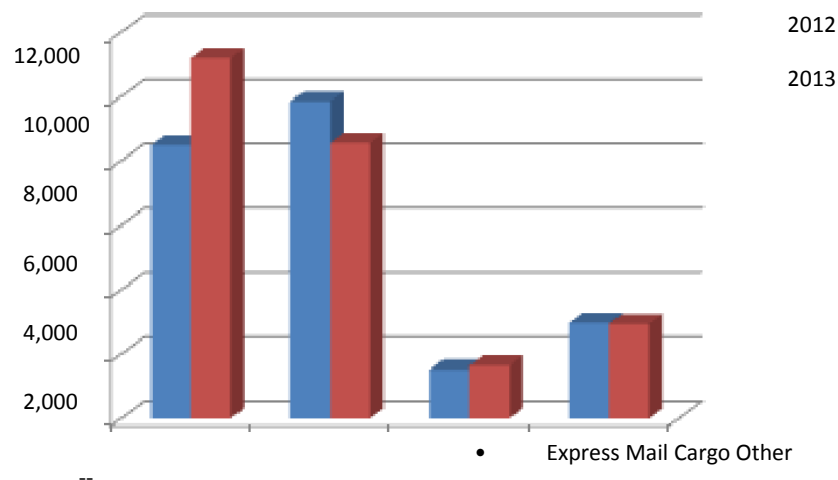
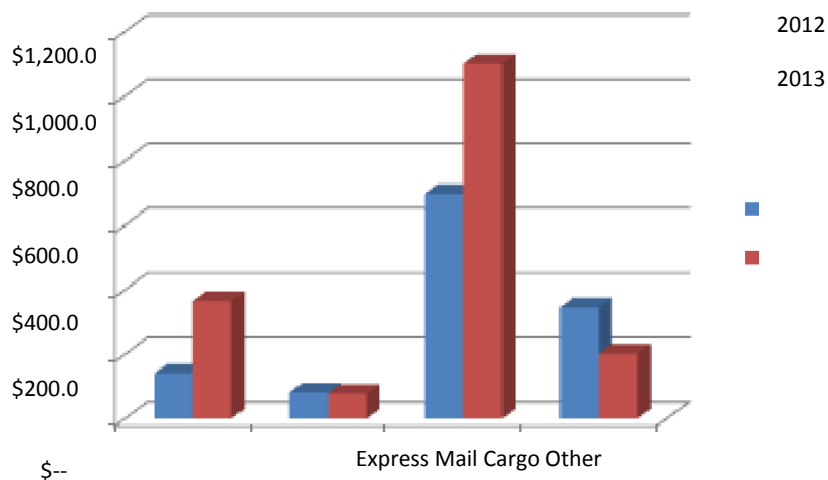


Source Economics by Manufacturer's Suggested Retail Price

| FY 2013 Source Economy | Estimated MSRP | Percent of Total | FY 2012 Source Economy | Estimated MSRP | Percent of Total |
|--------------------------------|-------------------------|---------------------|--------------------------------|-------------------------|---------------------|
| China | \$ 1,180,919,064 | 68% | China | \$ 906,206,684 | 72% |
| Hong Kong | \$ 437,538,041 | 25% | Hong Kong | \$ 156,337,345 | 12% |
| India | \$ 20,683,669 | 1% | Singapore | \$ 9,385,173 | 1% |
| Korea | \$ 6,308,434 | Less than 1% | India | \$ 7,020,939 | 1% |
| Singapore | \$ 5,065,398 | Less than 1% | Taiwan | \$ 4,500,610 | Less than 1% |
| Vietnam | \$ 4,406,367 | Less than 1% | Canada | \$ 4,236,359 | Less than 1% |
| Taiwan | \$ 3,975,422 | Less than 1% | France | \$ 4,221,443 | Less than 1% |
| Great Britain | \$ 2,421,034 | Less than 1% | Peru | \$ 2,760,392 | Less than 1% |
| Bangladesh | \$ 1,914,318 | Less than 1% | Mexico | \$ 2,673,976 | Less than 1% |
| Pakistan | \$ 1,335,728 | Less than 1% | Germany | \$ 2,280,520 | Less than 1% |
| All Other Economies | \$ 78,948,105 | 5% | All Other Economies | \$ 162,579,037 | 13% |
| <i>Total FY 2013 Est. MSRP</i> | <i>\$ 1,743,515,581</i> | | <i>Total FY 2012 Est. MSRP</i> | <i>\$ 1,262,202,478</i> | |
| <i>Number of Seizures</i> | | <i>24,361</i> | <i>Number of Seizures</i> | | <i>22,848</i> |

Modes of Transportation

- MRSP (in millions) Number of Seizures



- In any given year, approximately ten percent of all seizures cannot be categorized as express, mail, or cargo. The other seizures request ICE investigations, exports, passengers baggage, or other enforcement situations.

1. Counterfeit Marks

Pursuant to Title 15, United States Code, section 1127 (15 U.S.C. § 1127), a counterfeit mark is defined as a spurious mark that is identical with, or substantially indistinguishable from, a federally registered and recorded trademark. Merchandise imported into the United States bearing marks “counterfeit” of a federally registered trademark recorded with CBP shall be seized and forfeiture proceedings instituted pursuant to Section 526(e) of the Tariff Act of 1930 (19 U.S.C. §1526(e)), as implemented by 19 CFR § 133.21. Such merchandise shall be seized and, absent the trademark owner’s written consent to import the merchandise, forfeited for violation of customs laws.

2. Copying or Simulating Marks

In addition, pursuant to 15 U.S.C. § 1124, as implemented by 19 CFR § 133.22, a copying or simulating mark or trade name is one that so resembles a recorded mark or name as to be likely to cause the public to associate the copying or simulating mark or name with the recorded mark or name. Merchandise bearing a copying or simulating mark is subject to detention and possible seizure.

3. Restricted Gray Market Articles ("Parallel Imports")

Gray market goods are defined as foreign-manufactured goods bearing a genuine trademark or trade name identical with, or substantially indistinguishable from, one owned and recorded by a citizen of the United States or a corporation or association created or organized within the United States which are imported into the U.S. without the authorization of the U.S. trademark owner. In other words, gray market goods are genuine products bearing a trademark/name which has been applied with the approval of the right owner for use in a country other than the United States. Goods bearing counterfeit marks, on the other hand, are never genuine as these are marks (identical to or substantially indistinguishable from the genuine trademark) which have been applied without the authority of the trademark/trade name owner.

Intellectual Property Rights

- Is your merchandise or its packaging using any trademark, copyright or patent?
- If so, do you have the legal right to import those items into, and/or use those items in, the United States?
- Permission?
- License?



"Need I remind you, Doctor, that you signed over intellectual property rights to the lab?"

03/12/2014 09:30 3058368735

MEMO CBP

PAGE 01



Customs and Border Protection
I Notice of Detention

3/12/13
RECEIVED

Port Code 5201 Port Name Miami Seaport
Date of Detention 03/12/2014 Entry Number _____
Broker / Importer _____
Description of Merchandise Tablet PC & Spare Parts
Reason for Detention IPR Review
Tests or Inquiries to be Conducted SIA
Additional Information / Action N/A
Requested of Importer _____
Requested by Date N/A
Name of Detaining Officer CBP OFFICER FUENTES
US Customs Point of Contact CBP OFFICER FUENTES
POC Phone Number 305-336-8731 EXT. 8006
Date of Conditional Release and
Location of Goods N/A
Additional Remarks DETAINED UNDER CBP FORM 6051D: 883488
FAXED TO (305) 477-6615

*Dependents may be detained for up to 90 days, unless statutory authority or interagency agreement mandates that a longer period of time is required, or the importer/broker requests a longer detention period through the Port Director.

Agreement to Redeliver Merchandise: If merchandise is released conditionally from Customs custody to the principal before all required evidence is produced, before its quantity and value are determined, or before its right of admission into the U.S. is determined, the principal agrees to timely redelivery, on demand by Customs, the merchandise released if it fails to comply with the laws and regulations governing admission into the U.S. (Section 15.42(d)(2) Customs Regulations).

UL Trademark



UL Trademark- TMK 13-00196

U.S. Customs and Border Protection
Securing America's Borders

DHS.gov

IPRS INTELLECTUAL PROPERTY RIGHTS SEARCH Keyword GO

HELP | ABOUT | PRINT

Search ALL | Title | Product | Description | Owner | Contact Name | Firm Name | Recordation No. | Agency Registration No.

Filter Show All | Trademarks | Copyrights | Tradenames | Exclusion Orders | Exclude Expired | Include Expired

Effective Date: 2/28/2013
Recordation Expiration Date: 4/29/2023
Trademark Expiration Date: 1/29/2023

Trademark
Customs Recordation Number: TMK 13-00196

BACK

| | |
|--|--|
| Title | UL CERTIFIED AND DESIGN |
| Product | IC A . ENERGY AND POWER GENERATION, DISTRIBUTION, STORAGE, AND CHARGING EQUIPMENT, AND PARTS THEREFOR, AND RELATED GOODS; ENGINES, MOTORS, GENERATORS, HYDRAULIC EQUIPMENT AND PARTS THEREFOR; ELECTRICAL DEVICES, EQUIPMENT, MATERIALS AND PARTS THEREFOR, USUALLY NOT OF A VOLTAGE EXCEEDING 600V; LAMPS, LUMINARIES AND LIGHTING EQUIPMENT, MATERIALS AND PARTS THEREFOR; WIRE, CABLE AND PARTS THEREFOR FOR POWER, DATA AND TELECOMMUNICATIONS; BUILDING AND CONSTRUCTION MATERIALS, EQUIPMENT, AND RELATED GOODS; CONSUMER AND BUSINESS ELECTRONICS, EQUIPMENT AND APPLIANCES; CHEMICALS FOR HOUSEHOLD OR COMMERCIAL USE; EQUIPMENT FOR DETECTING, HANDLING, STORING OR USING HAZARDOUS LIQUIDS AND GASES; RECREATION, LIFE SAFETY AND POWER EQUIPMENT FOR MARINE AND WATER USE; FIRE, SECURITY, SAFETY, AND PERSONAL PROTECTIVE EQUIPMENT AND SYSTEMS AND RELATED GOODS; FLAME RETARDANT AND NON-COMBUSTIBLE FABRICS AND MATTRESSES; HEATING, VENTILATION, AIR CONDITIONING AND REFRIGERATION SYSTEMS, EQUIPMENT AND PARTS THEREFOR; MEDICAL EQUIPMENT AND DEVICES; PLUMBING EQUIPMENT, MATERIALS AND PARTS THEREFOR; ROBOTS AND ROBOTIC EQUIPMENT, PARTS AND RELATED GOODS; SEMICONDUCTOR DEVICES AND EQUIPMENT; VEHICLES AND VEHICLE EQUIPMENT, PARTS AND RELATED GOODS; FOOD PROCESSING, PREPARATION, HANDLING AND STORAGE EQUIPMENT AND RELATED GOODS; WATER, WATER TREATMENT SYSTEMS AND EQUIPMENT. |
| Description | UL CERTIFIED & DESIGN |
| Owner Name | UL LLC |
| Gray Market Importations Restricted | NO |
| U.S. Patent and Trademark Office Registration Number | 4283960 |
| Firm | UL LLC / REPRESENTATIVE |
| Contact Name | ROBERT CRANE LEAD ENFORCEMENT MANAGER, ANTI-COUNTERFEITING OPERATIONS 12 LABORATORY DRIVE RESEARCH TRIANGLE PARK, NC 27709 |
| Phone Number | 919-967-9953 |

GRAY | **ROBINSON**
ATTORNEYS AT LAW

From: Peter A. Quinter
Sent: Friday, March 28, 2014 3:13 PM
To: Crane, Robert K.
Cc: Peter A. Quinter
Subject: Detention/Seizure of Tablets by CBP Miami Imported by CLIENT

Bob,

Hello. Thank you for returning my call yesterday as well as emailing me about the above matter.

CBP Miami is in the process of seizing approximately \$300,000 worth of imported tablets made in China. I learned from the CBP seizing officer that it was seized for an alleged counterfeit violation of the "UL" logo on the included AC Adaptor. This matter is URGENT for my client.

As you will read below, and in the attached documents and photograph, the Chinese supplier of the AC adaptor was authorized by UL to manufacture adaptors using the "UL" logo. Moreover, the Chinese supplier was authorized by UL for this particular AC adaptor model. See last page of the first attachment which is a printout from the UL Online Certification Directory.

The problem is that the Chinese supplier incorrectly printed the wrong model number by inverting a digit in the model code number. Instead of stating "Model: XXX" which was provided by the Chinese supplier in the sample to my client, the slightly incorrected printed label used on the imported shipment seized by CBP reads "Model: XXX." Moreover, the sample had the correct UL logo with the word correctly spelled as "LISTED" but the label for the detained/seized goods says "LISED" without the required letter "T". See the photograph of the sample in the first attachment.

The AC adaptors are genuine, in its Proforma Invoice to the Chinese exproter, my client did everything reasonable in attempting to be sure its supplier used only a genuine UL adaptor, the Chinese exporter admitted that its supplier of the AC Adaptor made the printing error (see March 26, 2014 letter).

With your help now, I can get CBP to STOP the process of seizing this shipment. It has NOT yet been referred to the FP&F Miami office, and no Seizure Number has been assigned the case. You know I am well versed in these IP matters, and I know well the CBP personnel here in Miami.

As stated in the 2nd attachment from my client's accountant, this seizure means the closing of his company and the termination of the 4 employees. See 3rd attached tax returns for 2013. Hence the critical involvement of UL now rather than later when the seizure petition process takes many months to attempt to resolve.

I remain available to you 24/7, and can provide additional information/documentation as UL desires. As this is critical for the client, please call me anytime over the weekend on my mobile phone at 954 270-1864. I fear that otherwise in the next few business days, CBP will formally seize the shipment.

Thanks
Regards,

03/14/2014
10:51:36 AM

World Nations Inc.
CARGO RELEASE PROCESSING RESULTS

Page: 1
JOSE

File No: 0987588
Imp IRS:
Voy/Flt/Trip: 1403

Entry No:
Vessel: MAERSK KURE
Arrival Date: 03/01/2014

Entry Type: 01
Carrier: MAEU
Entry Port: 5201

Bill Of Lading

| IT No. | Issuer Master | Issuer House | Sub-House | Quantity | UOM |
|--------|---------------|--------------|-----------|----------|-----|
| | MAEU | | | 703 | CTN |

Status

| Msg Type | Release Date | Message | Date | Time | Quantity | Sequence |
|----------|--------------|---------------------------------|------------|------------|----------|----------|
| ACTION | | INTENSIVE EXAM/RELEASE COMPLETE | 03/14/2014 | 10:38:00AM | | |
| ACTION | | CUSTOMS MANIFEST HOLD REMOVED | 03/14/2014 | 10:38:00AM | | |
| REL. BY | 03/06/2014 | RELEASE DATE UPDATE | 03/14/2014 | 10:38:00AM | | |

Addl. Msg

INTENSIVE EXAM COMPLETED

ABI/OGA Thru ABI/OGA Lines

**THE RELEASE IS ONLY FOR 3 CARTONS SPARE PARTS. THE
700 CTNS ARE STILL DETAINED.**

GRAY | ROBINSON
ATTORNEYS AT LAW

From: SCHMALTZ, ROBIN R
Sent: Thursday, March 20, 2014 3:13 PM
To: Peter A. Quinter
Subject: RE: CBP 6051D for Entry No.

Hi Peter,

The shipment you are inquiring about has been seized for Underwriter's Laboratory. The FP&F case # is [20145201XXX](#).

We are still in the process of closing everything out so the seizure notification has not been sent to Mr. CLIENT yet but the officer will do so tomorrow.

Let me know if you need any further information.

Thank you,

Robin Schmaltz

CBP Chief, Trade

Miami Seaport

From: Peter A. Quinter [<mailto:Peter.Quinter@gray-robinson.com>]
Sent: Thursday, March 20, 2014 2:37 PM
To: SCHMALTZ, ROBIN R
Subject: CBP [6051D](#) for Entry No.

Robin,

Hello. I have been contacted by and represent the importer, MIC Import & Export, Inc. regarding the above entry which has been detained by CBP. See attached documents. I called CBPO Fuentes to inquire whether the merchandise was still in detention status, or had been seized, however, he hung up on my legal assistant, so I am contacting you directly.

Please identify which trademark(s) that may be of concern to CBP as part of its "IPR Review" so that I may address them directly with CBP or get the U.S. trademark representative to authorize CBP to allow the cargo to proceed.

As always, feel free to call me at the office (305) 416-6960. I have copied the customs broker, Jose Mena at World Nations, Inc., on this email to you.

Regards,



Peter A. Quinter
GrayRobinson, P.A.
Shareholder
Customs & International Trade
(305) 416-6960 Work
(954) 270-1864 Mobile
peter.quinter@gray-robinson.com
1221 Brickell Avenue, Suite 1600

GRAY | **ROBINSON**
ATTORNEYS AT LAW

From: "SENIOR, NANCY E" <Nancy.E.Senior@cbp.dhs.gov>
To: CLIENT
Sent: Wednesday, April 2, 2014 11:16 AM
Subject: Re: 2014-5201-XXX

Good morning Mr. CLIENT,

This is to advise you that Upon further review it has been determined that the release of the 6,000 Tablets PC; 1,000 Tablets PC and 15 Adapters, is hereby warranted. In order for you to pick up the merchandise, U. S. Customs and Border Protection will require for you to fill out the attached Hold Harmless Agreement, sign it and return it to my attention, along with the name and a copy of the driver's license of the person or persons who will be retrieving the merchandise from our storage facility.

Upon receipt of the above mentioned information, this office will draft a Disposition Order Authorizing the release of the merchandise into your custody and provide you with the information of our storage facility and the name of the contact point, in order for you to make arrangements to pick up the merchandise.

If you have any questions, please feel free to contact me at (305) 717-4959.

Thank you,

Nancy Senior
Paralegal Specialist
U. S. Department of Homeland Security
U. S. Customs and Border Protection
Fines, Penalties & Forfeitures Office
Miami International Airport

Recordation With Customs

- Only \$190 –
 - CBP is YOUR POLICEMAN!!!!
- IPR Branch
- Copyright/Trademark Application Template



Trademark Recordation Application Template

- The names and principal business addresses of any business entities, foreign or domestic, who use the trademark and a description as to those use(s).
- Provide the name, address, telephone number, facsimile number, and email address of the contact person to whom CBP should send inquires regarding potentially infringing merchandise and notices of detention and seizure pursuant to 19 CFR 133.24.

Trademark Recordation

Intellectual Property Rights (IPR) search - cpb.gov

Page 1 of 4



DHS.gov



Keyword



[HELP](#) | [ABOUT](#) | [PRINT](#)

Search | | | | | | | |

Filter | | | | | |



Results [1 - 10] of 22 records | Search took 0.06 Seconds

| Effective Expiration | Title Product | Description | Owner | Contact Name | Firm Name | Recordation No. Agency No. | Type |
|-----------------------|---|--|----------------------|---------------------|-------------------------------------|--------------------------------|-----------|
| 7/24/2013 5/5/2019 | DESIGN (PEACE SIGN, HEART, SMILEY FACE) IC 006. : METAL KEY CHAINS; METAL KEY HOLDERS; METAL KEY RINGS; METAL RINGS AND CHAINS FOR KEYS; RINGS OF METAL FOR KEYS. IC 014. : BRACELETS; CHARMS; COSTUMEJEWELRY; JEWELRY; JEWELRY BOXES; JEWELRY CHAINS; JEWELRY FOR THE HEAD; RINGS BEING JEWELRY. IC 016. : STICKERS ANDDECALS. IC 018. : TOTE BAGS; POCKETWALLETS; WALLETS; WALLETS WITH CARD COMPARTMENTS; ALL PURPOSE | DESIGN ONLY - PEACE SIGN, HEART, SMILEY FACE - THE MARK CONSISTS OF A HAND-DRAWN PEACE SYMBOL, WHICH IS ADJACENT TO A HAND-DRAWN HEART SYMBOL, WHICH IS FURTHER ADJACENT TO A HAND-DRAWN SMILING FACE. | PEACE LOVE WORLD LLC | PETER QUINTER, ESQ. | GRAYROBINSON, P.A. / REPRESENTATIVE | TMK 13-00730 3615946 | Trademark |

Seizure Authority

- **U.S. Customs Statutory authority for seizure & forfeiture:**
 - Title 19 U.S.C. § 1595a(c)
 - Merchandise introduced contrary to U.S. law.



What Should be Done Upon Receipt of a Detention Notice or Seizure Notice?

- During the detention process, establishing proof of compliance with U.S. law avoids seizure of the merchandise, administrative delays, and related costs.
- Critical stage to get **legal counsel** involved.
- Administrative petition process for seizures can take months to resolve before medical devices returned.

Fines by CBP

- In accordance with 19 CFR § 133.27, CBP, as authorized by 19 U.S.C. § 1526(f), may impose a civil fine relative to seizures effected for merchandise bearing counterfeit marks pursuant to 19 U.S. § 1526(e). For the first seizure of such merchandise, the fine shall be no more than the domestic value the merchandise would have had if it were genuine, based upon the manufacturer's suggested retail price (MSRP) at the time of seizure. For second and subsequent violations, the fine shall not be more than twice such value.

Intellectual Property Rights Committee

January 20, 2015

12:00 pm- 1:00 pm

by Peter Quinter, Esq.

GrayRobinson Law Firm

Mobile (954) 270-1864