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RECORDATION OF TRADEMARK REGISTRATIONS WITH THE UNITED STATES CUSTOMS AND BORDER PROTECTION

The United States Customs & Border Protection (“CBP”), a bureau of the United States Department of Homeland Security, now maintains a trademark *recordation* system for trademarks currently registered with the United States Patent & Trademark Office (“USPTO”). The CBP’s aggressive intellectual property enforcement program devotes substantial resources to target, intercept, detain, seize, and forfeit shipments of goods that violate USPTO trademark registrations on the principal registry.

Specifically, if you register your trademark with the USPTO, you may now also record your trademark with the CBP and receive United States Customs and Border protection. This means you may be able to prevent the importation of goods that infringe your registered trademark. The CBP recordation database includes information regarding all recorded trademarks, including images of those trademarks. There are CBP officers who are actively monitoring imported goods into the United States, and are able to prevent the importation of goods bearing infringing registered trademarks. The CBP officers view the recordation database at each of the United States ports of entry where they work.

With the help of other government agencies and the trading community, CBP officers seize anything from Wearing Apparel, Toys, Consumer Electronics, Cigarettes, to Footwear, and many other commodities that show use of a mark that may infringe a USPTO registered trademark. In particular, for Mid-Year Fiscal Year 2005:

Mid-Year FY 2005 Commodity	Domestic Value	% of Total Value
Wearing Apparel	\$7,991,733	18%
Toys/Elec.Games/Trading Cards	\$6,423,349	15%
Handbags/Wallets/Backpacks	\$6,337,011	14%
Consumer Electronics	\$5,953,780	13%
Cigarettes	\$4,977,493	11%
Footwear	\$2,809,730	6%
Perfumes/Colognes	\$2,095,820	5%
Automotive/Parts/Scooters	\$1,033,469	2%
Watches/Parts	\$894,071	2%
Batteries	\$822,162	2%
All Other Commodities	\$4,905,496	11%
Total Domestic Value	\$44,244,114	
Total Number of Seizures	3,448	

It is important to note that the CBP cannot possibly screen each and every imported shipment. However, it can and does seize many. If you currently have a mark registered with the USPTO, a CBP recordation may serve to further your intellectual property protection. You may receive CBP seizure notices on a fairly regular basis, which may provide a window into counterfeiting organizations in connection with your goods.

Please feel free to contact us for any assistance you may need with United States Customs Border Protection.

This complimentary newsletter is intended to provide general information. Because of the complexities and constant changes in the law, it is important to seek professional advice before acting on any of the matters covered herein.