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Red Rock Casino

Las Vegas, NV

By Peter Quinter

Intellectual Property Rights: How to Detect and Avoid the Scammers



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Presenters

- Peter Quinter
 - GrayRobinson, P.A.
- Robert Crane
 - U.S. Customs Program Manager, Global Security & Brand Protection UL, LLC

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

- 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?"

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 BCBP 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

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DHS.gov



Keyword



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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.

Penalty Authority

- **U.S. Customs Statutory authority to issue penalties is from Title 19 U.S.C. § 1592 for:**
 - Fraud
 - Gross Negligence
 - Negligence
- 19 CFR Part 171
 - Appendix B
 - Offer in Compromise



Export Enforcement Federal Agencies

- 1. OFAC
- 2. BIS
- 3. TSA
- 4. CBP
- 5. U.S. Census Bureau

Federal Investigations for Import and Export Activities

- BIS
- OFAC
- ICE
- Criminal
- Administrative



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.

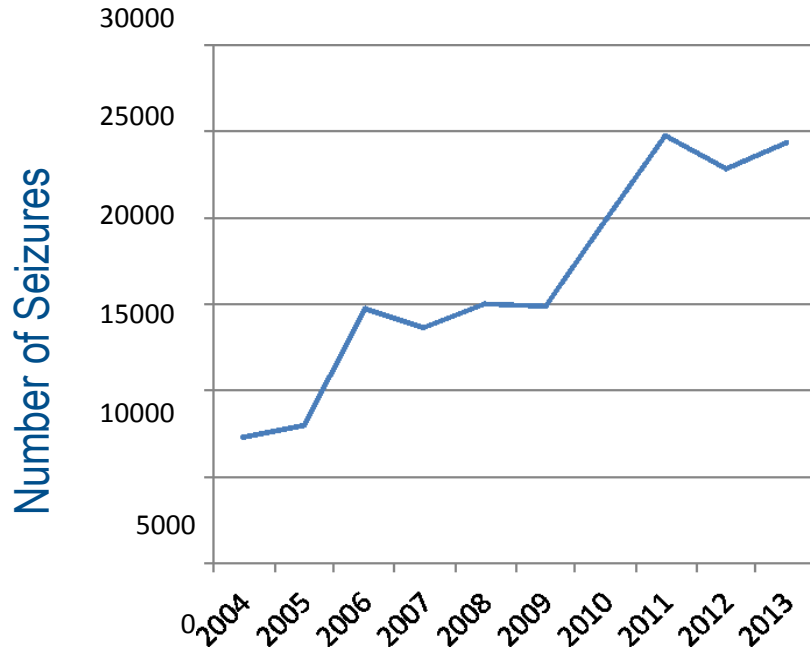
- Intellectual Property Rights
 - Seizures Statistics
 - Fiscal Year 2013

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

10 Year Seizure Totals



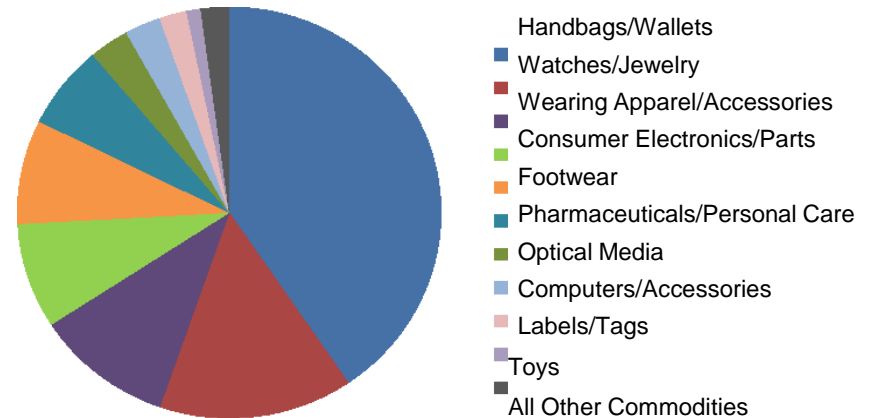
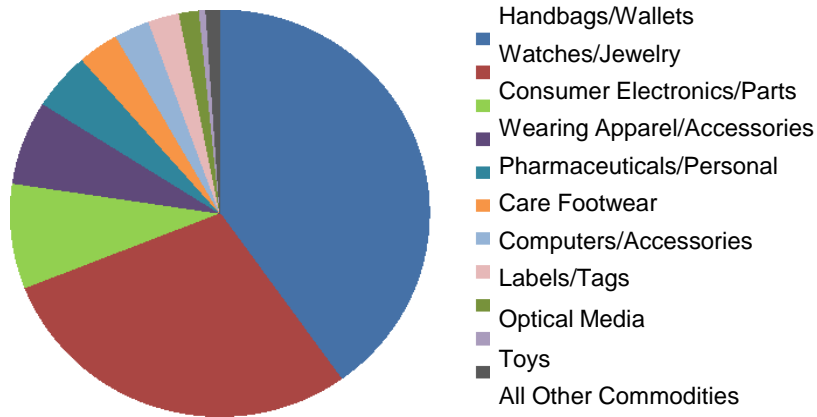
- While the People's Republic of China remains the primary source economy for counterfeit and pirated goods seized by DHS, with a total value of \$1.1 billion, representing 68% of all IPR seizures by MSRP in FY 2013, DHS also made seizures from 73 additional countries during FY 2013.
- Overall the watches/jewelry 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

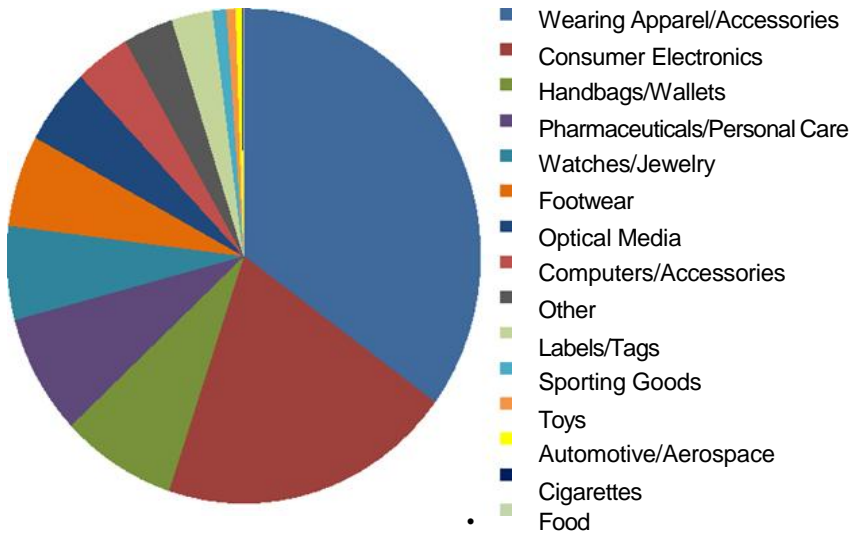


Manufacturer's Suggested Retail Price

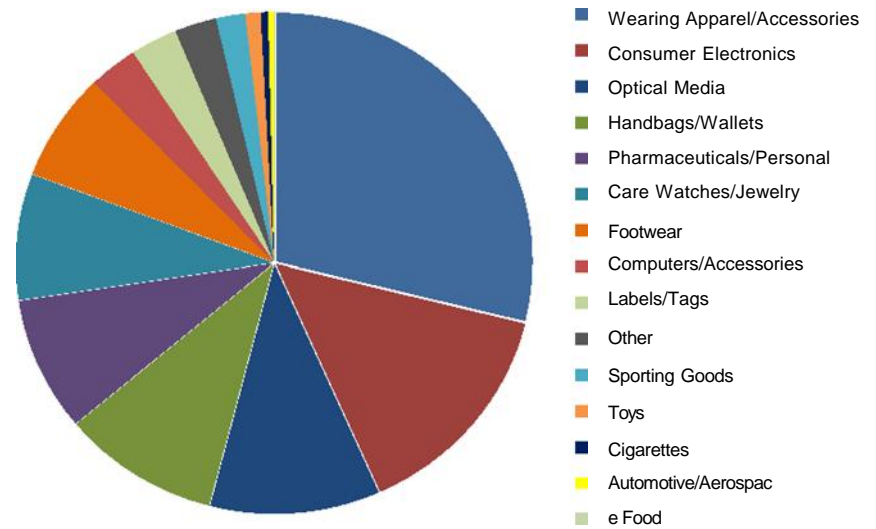
FY 2013 Commodity	Estimated MSRP	Percent of Total	FY 2012 Commodity	Estimated MSRP	Percent of Total
Handbags/Wallets	\$ 700,177,456	40%	Handbags/Wallets	\$ 511,248,074	40%
Watches/Jewelry	\$ 502,836,275	29%	Watches/Jewelry	\$ 186,990,133	15%
Consumer Electronics/Parts	\$ 145,866,526	8%	Wearing Apparel/Accessories	\$ 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



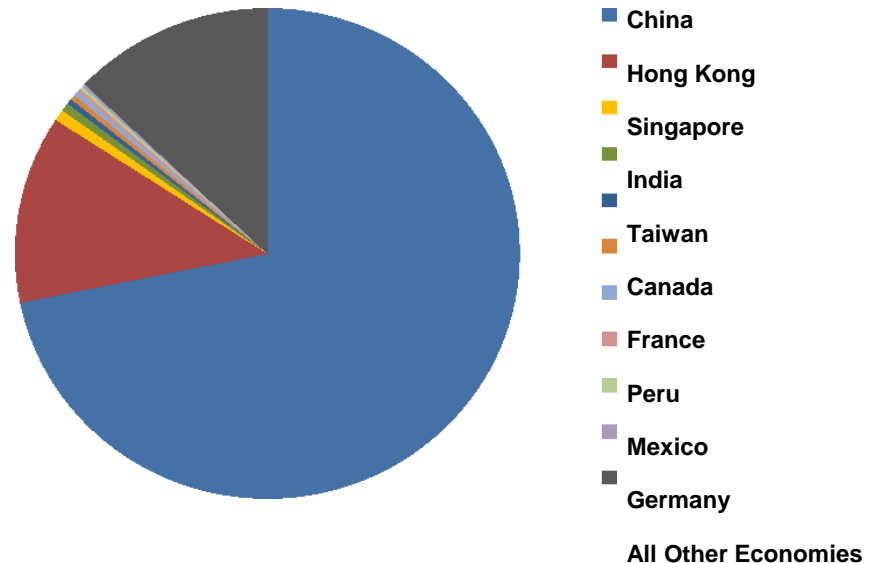
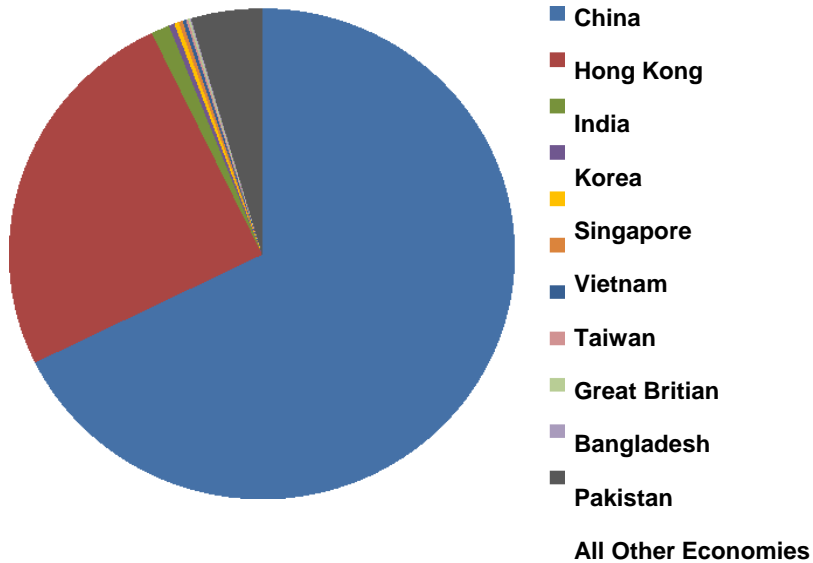
Number of Seizures

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



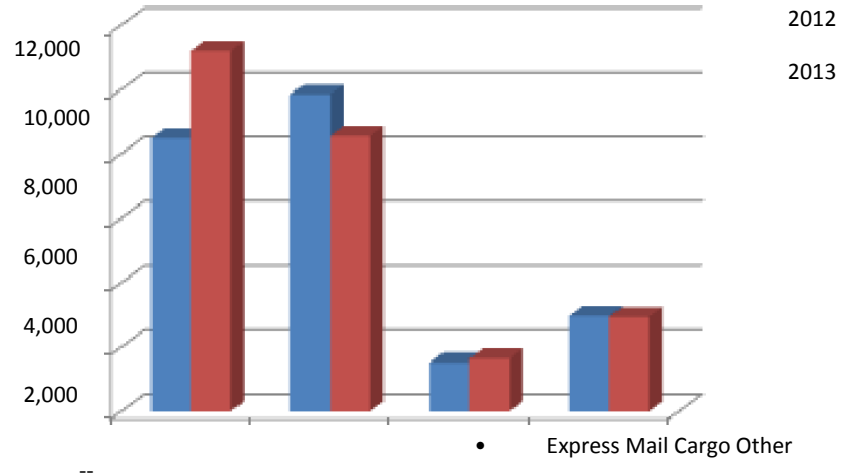
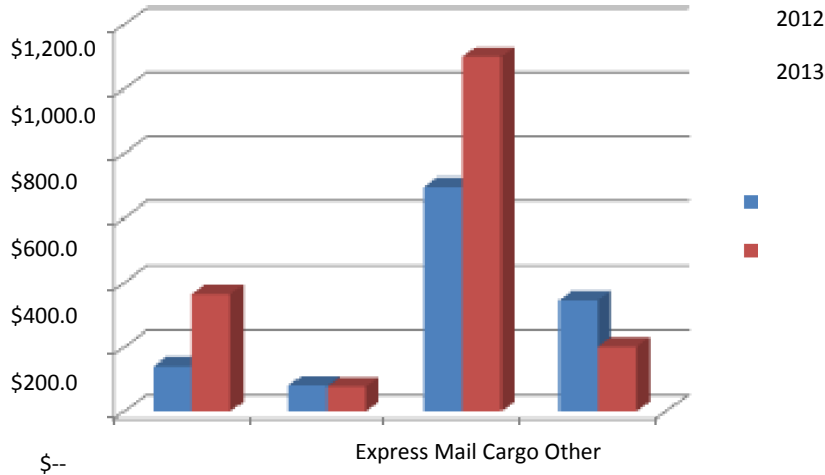
Source Economics by Manufacturer's Suggested Retail Price

FY 2013 Source Economy	Estimated MSRP	Percent of Total
China	\$ 1,180,919,064	68%
Hong Kong	\$ 437,538,041	25%
India	\$ 20,683,669	1%
Korea	\$ 6,308,434	Less than 1%
Singapore	\$ 5,065,398	Less than 1%
Vietnam	\$ 4,406,367	Less than 1%
Taiwan	\$ 3,975,422	Less than 1%
Great Britain	\$ 2,421,034	Less than 1%
Bangladesh	\$ 1,914,318	Less than 1%
Pakistan	\$ 1,335,728	Less than 1%
All Other Economies	\$ 78,948,105	5%
<hr/>		
<i>Total FY 2013 Est. MSRP</i>	<i>\$ 1,743,515,581</i>	
<i>Number of Seizures</i>		<i>24,361</i>

FY 2012 Source Economy	Estimated MSRP	Percent of Total
China	\$ 906,206,684	72%
Hong Kong	\$ 156,337,345	12%
Singapore	\$ 9,385,173	1%
India	\$ 7,020,939	1%
Taiwan	\$ 4,500,610	Less than 1%
Canada	\$ 4,236,359	Less than 1%
France	\$ 4,221,443	Less than 1%
Peru	\$ 2,760,392	Less than 1%
Mexico	\$ 2,673,976	Less than 1%
Germany	\$ 2,280,520	Less than 1%
All Other Economies	\$ 162,579,037	13%
<hr/>		
<i>Total FY 2012 Est. MSRP</i>	<i>\$ 1,262,202,478</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.

IPR Points of Contacts

Contact

Phone Number

Therese Randazzo, Director, IPR Division

(202) 863-6091

Vacant Chief, IPR Policy Branch

Vacant Chief, IPR Operations Branch

Robin Rangel, Supervisory International Trade Specialist,
IPR National Targeting and Analysis Group

(562) 980-3119 ext. 254

Christopher Robertson, Deputy Director,
National IPR Coordination Center

(703) 603-3950

7" DVD TFT LCD Headrest Monitor MHRD720



**MPEG5 Functions, Supports the DIVX/
DVD/VCD/CD/MP4/MP3/WMA
JPEG Compatible**

**HD
800X480
PANEL**



7" DVD TFT LCD Headrest Monitor MHRD720



2 PAIR OF IR EARPHONES
INCLUDED
32 Bits Game System

- 7" (16:9) aspect ratio high resolution LED backlit display
- Built-in DVD player compatible with DVD, VCD, MP3, MP4, MP5, CD-R, CD-RW and DIVX discs
- High resolution panel 800 x 480 Pixels
- Adjustable headrest pole distance fits almost any car
- Free tilt mechanism allows adjustment to optimum viewing angle
- USB and SD/MMC inputs for audio and video file playback
- Composite audio/video output
- Dual A/V inputs, one on front and one on pig tail connector
- Compatible with 3.5mm or wireless infrared headphones
- Built-in speakers automatically switch off when headphones are connected
- FM transmitter sends audio through car stereo
- Supports 32 bit games with included game controller
- Full Function wireless remote control



MHRD720
BK GR TN



MADE IN CHINA FC

7" DVD TFT LCD Headrest Monitor MHRD720



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