

Aviation Group Client Update

Date: April 13, 2012

Contact: Lisa A. Harig, Partner
Washington DC Office
lhari@mklawdc.com
+1 703 247 5487

CBP AMENDS RECORDED MARKS AND TRADE NAME REGULATIONS

Today, U.S. Customs and Border Protection (CBP) amended, on an interim basis, the agency's regulations pertaining to importations of merchandise bearing recorded trademarks or recorded trade names. The interim rule allows CBP, subject to limitations, to disclose to a holder of intellectual property rights information otherwise protected by the Trade Secrets Act, 18 USC § 1905, for the purpose of assisting CBP to determine whether the merchandise bears a counterfeit mark.

Current regulations do not provide a procedure for disclosing information to the rightful holder prior to CBP seizing the merchandise. Now, pre-seizure disclosure of information may include serial numbers, universal product codes, and stock keeping unit numbers appearing on the imported merchandise and its retail packaging, whether in alphanumeric or other formats. Such information will be provided to the right holder in the form of photographs, a sample of the goods, or retail packaging.

The interim amendments are effective **April 24, 2012**. Comments must be received on or before **June 25, 2012**. If you have any questions regarding the interim amendments or require assistance preparing or submitting comments, please contact our office.

* * * * *

McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.