



Intellectual<sup>®</sup>  
Property  
Owners  
Association

**AIPLA**  
American Intellectual Property Law Association

December 5, 2019

The Honorable Thom Tillis  
Chairman  
Subcommittee on Intellectual Property  
Senate Judiciary Committee  
United States Senate  
113 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Chris Coons  
Ranking Member  
Subcommittee on Intellectual Property  
Senate Judiciary Committee  
United States Senate  
218 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Tillis and Ranking Member Coons:

Intellectual Property Owners Association (IPO) and the American Intellectual Property Law Association (AIPLA) write to express strong support for the Counterfeit Goods Seizure Act of 2019 that would authorize U.S. Customs and Border Protection (CBP) to seize imported merchandise that infringes a design patent.

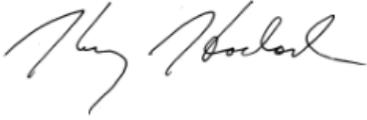
In addition to the economic harm to design patent owners, knockoff and counterfeit designs harm the public. Products incorporating knockoff and counterfeit designs are often not manufactured to the same quality and safety standards as a genuine product, posing usability problems and safety risks to the unsuspecting consumer. Currently, CBP has the authority to detect and seize only goods that infringe trademark, trade dress, and copyright rights, but not design patents. For design patents, CBP's authority is currently limited to enforcing exclusion orders issued by the U.S. International Trade Commission (ITC), which are rare and expensive to obtain.

We support this legislation because it makes the straightforward change required to adapt CBP's existing enforcement mechanisms and tools to include the enforcement of design patents. The current trademark and copyright recordation system could be readily extended to permit the recordation of design patents and provide CBP field officers with instantaneous access to information about each protected right.

Many U.S. trading partners (e.g., the European Union, Japan, South Korea, China, India, Mexico, Turkey, Argentina, South Africa, Switzerland, and Panama) have established procedures enabling the enforcement of design rights by their respective customs agencies. Updating U.S. law to do the same would bring the United States in line with international norms and would give CBP greater ability to help protect domestic markets from counterfeit and knockoff goods.

We hope the Senate will move ahead with the bill as soon as possible. We stand ready to assist in any way we can.

Sincerely,



Henry Hadad  
President, IPO



Barbara A. Fiocco  
President, AIPLA

cc: The Honorable Chuck Grassley  
Chair, Senate Finance Committee

The Honorable Ron Wyden  
Ranking Member, Senate Finance Committee