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March 26, 2012

The Honorable Ted Poe
United States House of Representatives
Washington, D.C. 20515

The Honorable Steve Chabot
United States House of Representatives
Washington, D.C. 20515

Dear Representatives Poe and Chabot:

The International Trademark Association (INTA) expresses its appreciation for your leadership in re-establishing the ability of U.S. Customs and Border Protection (CBP) to share information with rights holders in order to identify counterfeit and pirated merchandise, and then prevent it from entering the commerce of the United States. We support your legislation, H.R. 4216, which would remove an unnecessary obstacle to a customs officer's ability to detain suspect goods.

Prior to 2008, CBP routinely sought the expertise of rights holders as they worked to interdict the mounting and often overwhelming volume of illegal merchandise crossing our borders. While the customs officers are well-trained in enforcement techniques, the trademark or copyright owner is in the best position to identify counterfeit or pirated products. In fact, CBP found that, with the increased sophistication of counterfeiting and piracy, the guidance of the rights holders is often the *only* way to differentiate real merchandise from fake. In 2008 however, customs officers were told to remove or obliterate much of the identifying information transmitted to the rights holder because to do otherwise would violate the Trade Secrets Act.

Your legislation would make it clear that the Trade Secrets Act was not intended to interfere with law enforcement officers collaborating with intellectual property owners in identifying illegal products. INTA thanks you for introducing H.R. 4216 and is prepared to work with your staffs on this important legislation.

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If you have questions or need additional information please contact David Warr, Director
Government Relations at 202-261-6570 or by email at dwarr@inta.org.

Sincerely,

A handwritten signature in cursive script that reads "Alan C. Drewsen".

Alan C. Drewsen
Executive Director

cc. Members of the House Committee on the Judiciary