



International Trademark Association
Representing Trademark Owners Since 1878

August 9, 2010

Tracey Denning
Agency Clearance Officer
U.S. Customs and Border Protection
Office of Regulations and Rulings
799 9th Street NW 7th Floor
Washington, D.C. 20229

Reference: **Notice and Request for Comments on Regulations Relating to Recording and Enforcement of Trademark and Copyrights 1651-0123, May 5, 2010**

Dear Ms. Denning:

The International Trademark Association (INTA) is pleased to respond to your May 5, 2010 notice and request for comments relating to the recordation and enforcement of trademarks and copyrights.

INTA is a membership association of more than 5,700 trademark owners and professionals, from more than 190 countries. The organization is dedicated to the support and advancement of trademarks and related intellectual property as elements of fair and effective national and international commerce.

Customs and Border Protection's (CBP) recordation database of registered trademarks is a critical tool for the agency's enforcement of trademark rights. It is the foundation for border enforcement efforts, the essential starting point for CBP officers at the border seeking to determine the legitimacy of products being imported into the United States. The database provides important information about the trademark, the product and the owner, including contact information so that the officer can quickly followup if more detailed information is required.

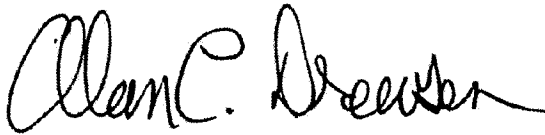
Given the importance of CBP's database of recorded trademarks, attention should be directed to ways of enhancing the process to achieve a more robust database. Over 140,000 certificates of registration are granted by the U.S. Patent and Trademark Office (USPTO) each year, and yet CBP records only approximately 2,000 registered trademarks each year. These applications are generally filed electronically with CBP, followed by a manual review to confirm that the mark is registered and the application is sufficient.

While the recordation process is not unduly complicated, it does constitute a second and distinct process – completely separate from the USPTO registration process. To facilitate and encourage the recordation of trademarks with CBP, INTA recommends incorporating the recordation option in the trademark application process at the USPTO. Applicants for a trademark registration at the USPTO could affirmatively choose to have the mark later recorded with CBP, providing the

necessary information and fee to USPTO at any time during, or for a limited time after, the trademark registration process. It is important to recognize that many registrations are filed as *intent to use (ITU)* and to further recognize that applicants may be undecided about the efficacy of recordation for a particular product. Finally, recordation depends upon issuance of a trademark registration. Thus, INTA recommends that there be flexibility accorded the applicant in the timing of the decision to record a mark. In all events, though, USPTO should develop the means to transmit electronically the necessary information and required fees to the CBP database at the conclusion of this process. Accordingly, INTA has discussed this proposal extensively with the USPTO and is committed to working with both the USPTO and CBP to overcome any barriers to implementing a seamless registration and recordation process.

This streamlined process would raise awareness of the need to record a trademark, while offering a simple and straightforward means to do so during the trademark application process. In this way, CBP's recordation database can become more richly populated, providing a more robust tool in the fight against counterfeiting and piracy.

Sincerely,

A handwritten signature in black ink that reads "Alan C. Drewsen". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Alan C. Drewsen
Executive Director

Cc: Lynne G. Beresford
Commissioner for Trademarks
United States Patent and Trademark Office