



Trademark Administration

Customs Recordation Checklist

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I. Should You Record IP Rights with Customs—and Where?

Once you have determined if and where your brand is being copied/exploited or is at risk of being copied/exploited, please refer to the applicable sections below.

- ☐ Is your brand at risk of being copied or exploited?
- ☐ Have you encountered counterfeit or infringing goods in the United States?
- ☐ Have you encountered counterfeit or infringing goods outside the United States?
- ☐ Have consumers complained about or reported infringing goods?

II. Customs Recordation in the United States

This section of the checklist organizes the major steps in the U.S. Customs and Border Protection (“U.S. Customs”) recordation process.

Which IP rights can be recorded with U.S. Customs?

- ☐ U.S. trademarks registrations that are on the Principal Register; marks that are registered on the Supplemental Register *cannot* be recorded with U.S. Customs.
- ☐ U.S. copyrights that have been registered in accordance with the Copyright Act of July 30, 1947, or the Copyright Act of 1976.

How do you record with U.S. Customs?

- ☐ Electronic filing. This is the quickest and preferred method: <https://iprr.cbp.gov/>.
- ☐ Paper filing in the form of a letter, including the same “requirements” listed below, and mailed to:
 - U.S. Customs and Border Protection
 - Chief, Intellectual Property Rights Branch
 - Office of Regulations and Ruling
 - 1300 Pennsylvania Ave., NW
 - Washington, D.C. 20229

What information is required for recording trademark rights with U.S. Customs?

- ☐ name and contact information of trademark owner’s representative in the United States
- ☐ trademark registration number
- ☐ name of the trademark owner
- ☐ business address of the trademark owner
- ☐ citizenship of the trademark owner, if a natural person
- ☐ state of incorporation of the trademark owner, if a juridical person
- ☐ country (or countries) of manufacture of goods bearing genuine trademark
- ☐ name and address of ALL parties authorized to apply the trademark
- ☐ nature of relationship to the owner of ALL parties authorized to apply the trademark (i.e., licensee, subsidiary, manufacturer, etc.)
- ☐ name and address of all persons or business entities (foreign or domestic) who use or are authorized to use the trademark (distributors, etc.)
- ☐ digital images (.jpg, .gif, or .pdf) of protected mark (authentic images only)
- ☐ fee—confirm amount and method of payment at: http://www.ecfr.gov/cgi-bin/text-idx?SID=16c0d726cd451729ca3982d17baaab0a&mc=true&node=pt19.1.133&rgn=div5#se19.1.133_13

What information is required for recording copyrights with U.S. Customs?

- ☐ name and address of the copyright owner
- ☐ country of manufacture of genuine copies of the protected work
- ☐ name and principal address of any foreign person or business entity authorized or licensed to use the protected work, and a statement as to the exclusive rights authorized
- ☐ foreign title of the work, if different from the U.S. title
- ☐ for sound recordings, a statement setting forth the name(s) of the performing artist(s), and any other identifying names appearing on the surface of reproduction of the sound recording
- ☐ certificate of copyright registration issued by the U.S. Copyright Office
- ☐ five likenesses of a component part of a copyrighted work, together with the name or title, if any, by which the part depicted is identifiable, may accompany an application covering an entire copyrighted work

___ fee—confirm amount and method of payment at: http://www.ecfr.gov/cgi-bin/text-idx?SID=16c0d726cd451729ca3982d17baaab0a&mc=true&node=pt19.1.133&rgn=div5#se19.1.133_13

What other information would it be useful to include with the recordation?

- ___ product authentication guides or training manuals, to be shared with law enforcement
- ___ covert labeling (many brands use labeling as a layer of authentication)
- ___ common routes of transit for authentic goods
- ___ where authentic products enter the United States (specific ports)
- ___ how authentic products are shipped into the United States (mode of transportation (air, sea, ground), container, box sizes, coding, etc.)
- ___ known or suspected counterfeit sellers or counterfeit exporters or importers

How long does a recordation with U.S. Customs last before it must be renewed?

- ___ Trademark customs recordation in the United States lasts for the life of the trademark registration—i.e., since a trademark registration term in the United States is ten years, a customs recordation can technically be valid for ten years; the customs recordation renewal is due on or before the same date that the trademark registration is due.
- ___ Copyright customs recordation remains in effect for 20 years, unless ownership of the copyright by the recording party expires before that time.

III. Customs Recordation Outside the United States

This section of the checklist organizes the major steps that should be taken when recording with a customs authority outside the United States. This checklist covers the major issues, but please be aware that not all countries have the same requirements and you should consult with your local counsel. Also see INTA's [Country Guides](#), for information on which countries allow recordation of IP rights with the local customs authority and for a general overview of how to record.

In which country or countries should I record with customs?

The determination of which countries in which to record will be based on your client's business needs, and such determination is beyond the scope of this checklist. However, please note that recordation can occur on both a national and a regional level.

- ___ national recordation

- ☐ regional recordation
- ☐ European Union
- ☐ other

What can be recorded with customs?

- ☐ trademark registrations (local only)
- ☐ copyright registrations

What information is required for recording trademark rights with the customs authority?

Determine which of the below requirements are necessary for each country in which you will record with customs.

- ☐ copy of the trademark registration certificate and any of the following items that are not in the certificate
 - ☐ trademark registration number
 - ☐ trademark goods
 - ☐ trademark owner's name
 - ☐ trademark owner's address
 - ☐ trademark owner's state/country of incorporation, if a juridical person
 - ☐ trademark owner's citizenship, if a natural person
 - ☐ trademark owner's tax ID/ Economic Operator Registration and Identification (EORI) number
 - ☐ mode of transportation by which the goods are brought into the customs country
 - ☐ air
 - ☐ sea
 - ☐ ground
- ☐ average local market value of the goods
- ☐ authorized distributor name(s)
- ☐ authorized distributor address(es)
- ☐ authorized distributor contact name(s)
- ☐ authorized manufacturer name(s)
- ☐ authorized manufacturer address(es)
- ☐ authorized manufacturer contact name(s)
- ☐ authorized licensee name(s)
- ☐ authorized licensee address(es)
- ☐ authorized licensee contact name(s)
- ☐ known infringer name(s)
- ☐ known infringer address(es)
- ☐ trademark owner representative's name
- ☐ trademark owner representative's address
- ☐ trademark owner representative's phone
- ☐ trademark owner representative's email

What information is required for recording copyrights with the customs authority?

Determine which of the below requirements are necessary for each country in which you will record with customs.

- ☐ copy of the copyright registration certificate and any of the following items that are not in the certificate
- ☐ copyright registration number
- ☐ copyrighted goods
- ☐ copyright owner's name
- ☐ copyright owner's address
- ☐ copyright owner's state/country of incorporation, if a juridical person
- ☐ copyright owner's citizenship, if a natural person
- ☐ copyright owner's tax ID/EORI number
- ☐ mode of transportation by which the goods are brought into the customs country
 - ☐ air
 - ☐ sea
 - ☐ ground
- ☐ average local market value of the goods
- ☐ authorized distributor name(s)
- ☐ authorized distributor address(es)
- ☐ authorized distributor contact name(s)
- ☐ authorized manufacturer name(s)
- ☐ authorized manufacturer address(es)
- ☐ authorized manufacturer contact name(s)
- ☐ authorized licensee name(s)
- ☐ authorized licensee address(es)
- ☐ authorized licensee contact name(s)
- ☐ known infringer name(s)
- ☐ known infringer address(es)
- ☐ copyright owner representative's name
- ☐ copyright owner representative's address
- ☐ copyright owner representative's phone
- ☐ copyright owner representative's email

What documents are required to be filed with the customs authority?

Determine which of the below requirements are necessary for each country in which you will record with customs.

- ☐ trademark and/or copyright registration
- ☐ power of attorney/appointment of representative
- ☐ product packaging

- ☐ actual packaging if feasible and not cumbersome
- ☐ product pictures
- ☐ description of the packaging (if pictures not available)
- ☐ product inserts (in the case of pharmaceuticals)
- ☐ listing of distinctive features of the genuine product
- ☐ educational materials to assist customs authorities in recognizing counterfeits
 - ☐ marketing materials
 - ☐ genuine product where feasible
 - ☐ provide relevant website and social media links

What should be discussed with local counsel?

- ☐ Weigh how seriously customs recordation is taken by the customs authority in each country in which you wish to record against the cost of recording with the customs authority in that country.
- ☐ What is the best way to educate the customs personnel to recognize a counterfeit?
- ☐ Is it possible to add additional trademark or copyright registrations to an existing customs recordation, and if so, how?

How long does a recordation with the customs authority last before it must be renewed?

- ☐ Most last only one year.
- ☐ Some last for as long as the trademark registration or copyright is valid.
- ☐ Other.

What documents are required to renew recordation with the customs authority?

- ☐ proof of renewal of the trademark registration if the trademark registration renewal occurred prior to the customs recordation renewal
- ☐ power of attorney/appointment of representative
- ☐ confirmation that all prior information is still correct (addresses, tax ID numbers, etc.)

How should the recordation with the customs authority be docketed?

- ☐ List all marks and copyrights covered under the customs recordation.
- ☐ Docket the filing date(s).
- ☐ Docket the term/date of renewal for the recordation.
- ☐ Note the owner, distributor, manufacturer, and/or licensee contact information.