



DHS Privacy Act Statement

IPRR Privacy Act Statement

This Privacy Act Statement serves to inform you of why DHS is requesting the information on this form.

AUTHORITY:

CBP is authorized to collect the information requested on this application pursuant to the following statutes and implementing regulations:

- 19 U.S.C. § 1526(e), which subjects to seizure and forfeiture any merchandise bearing a counterfeit mark, as defined in Title 15 U.S.C. Section § 1127 defines as “a spurious mark, which is identical with, or substantially indistinguishable from, a registered mark,” as implemented by 19 C.F.R. § 133.21
- 15 U.S.C. § 1124, which provides that no article of imported merchandise that copies or simulates a trade name or a trademark registered in accordance with provisions of this chapter, shall be admitted to entry at any customhouse, as implemented by 19 C.F.R. § 133.22
- 19 U.S.C. § 1595a(c)(2)(C), which provides seizure and forfeiture authority for articles introduced or attempted to be introduced which violate trademarks or copyrights, as implemented by 19 CFR §§ 133.22 – 23, 133.25, and 133.42 – 43
- 17 U.S.C. § § 602, 603, which provides a right of action regarding importation of infringing copies of copyrights and authorizes U.S. Customs and Border Protection (CBP) to prescribe regulations and procedures relative to recordation of copyrights and notification of apparent violations, as implemented by 19 C.F.R. §§ 133.32 – 33, and 133.42 – 43
- Title 17 U.S.C. § 1201, which prohibits the importation of devices which circumvent access control technologies
- 19 U.S.C. § 1624, which authorizes additional rulemaking in regards to collection of information to protect against copyright and trade infringement conferred by CBP’s general rulemaking authority
- 19 C.F.R. § § 133.2, 133.3 specifies the information required to be submitted to CBP in order to protect against trademark infringing imports
- 19 C.F.R. § § 133.32, 133.33 specifies the information required to be submitted to CBP to protect against copyright infringing imports

PURPOSE:

The CBP “recordation” program allows trademark and copyright owners, once having duly registered their intellectual property with the respective U.S. agencies, to request that CBP collect and retain information relative to those rights for a specified time, during which CBP shall, either of its own initiative, or with the assistance of the rights owner, actively monitor imports in order to prevent the importation of violative articles. CBP policy mandates that the majority of resources and emphasis should be placed upon the enforcement of recorded trademarks and copyrights. The information collected during the recordation process is used to assist CBP in identifying which trademarks and copyrights shall receive border enforcement priority, facilitate the identification of infringing goods at the U.S. borders, and identify a point of contact for CBP to communicate with



when seeking right owner assistance in authenticating imported merchandise. Applicants must submit the information required by 19 C.F.R. Part 133 through the IPR e-Recordation website at <https://iprr.cbp.gov/>.

ROUTINE USES:

If you choose to provide us with PII on the IPR e-Recordation website, that information will only be used to assist CBP in identifying what trademarks and copyrights shall receive border enforcement priority, facilitate the identification of infringing goods at the U.S. borders, and indicate a point of contact for CBP to communicate with when seeking right owner assistance in authenticating imported merchandise. The personally identifiable information (PII) retained by CBP/DHS in a system of records will be safeguarded in accordance with the Privacy Act of 1974, as amended (5 U.S.C. § 552a). The PII that you provide will only be shared with another government agency if your inquiry relates to that agency, or as otherwise required by law as a “routine use” pursuant to its published Privacy Act system of records notice (*DHS/CBP-004 – Intellectual Property Rights e-Recordation and Search Systems SORN, January 15, 2013, 78 FR 3015*). The Department's system of records notices can be found on the Department's website at <http://www.dhs.gov/system-records-notices-sorns>.

CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION:

Providing this information is required for those individuals seeking recordation of their trademarks and/or copyrights.