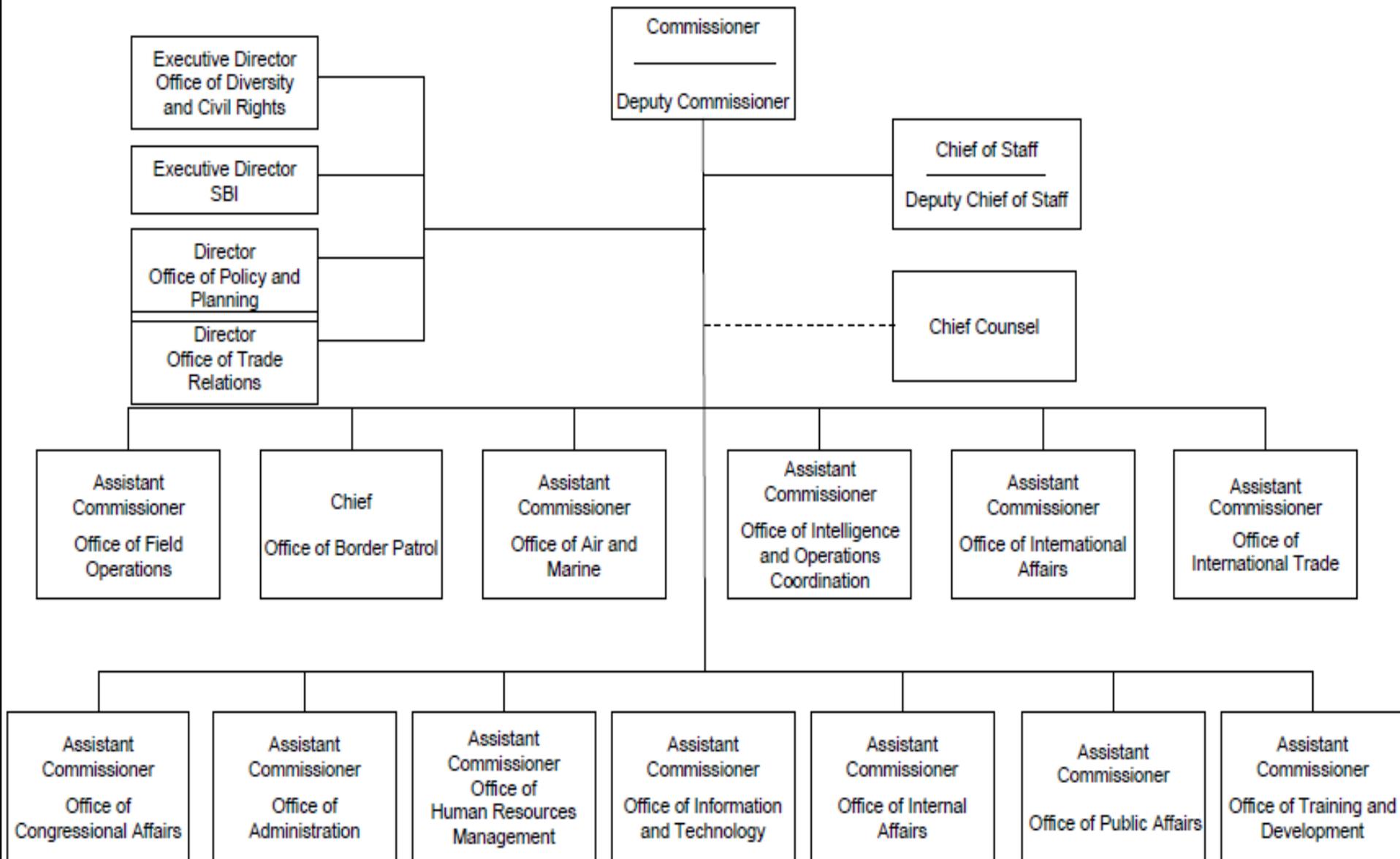


# **CBP STRUCTURE AND OVERVIEW**

# CBP Organization Chart



# **U.S. CUSTOMS AND BORDER PROTECTION**

## Office of Field Operations

- Officers (Inspectors)
- Import Specialists
- Entry Specialists (Protests)
- Fines, Penalties and Forfeitures Officers (Petitions)

## Office of International Trade

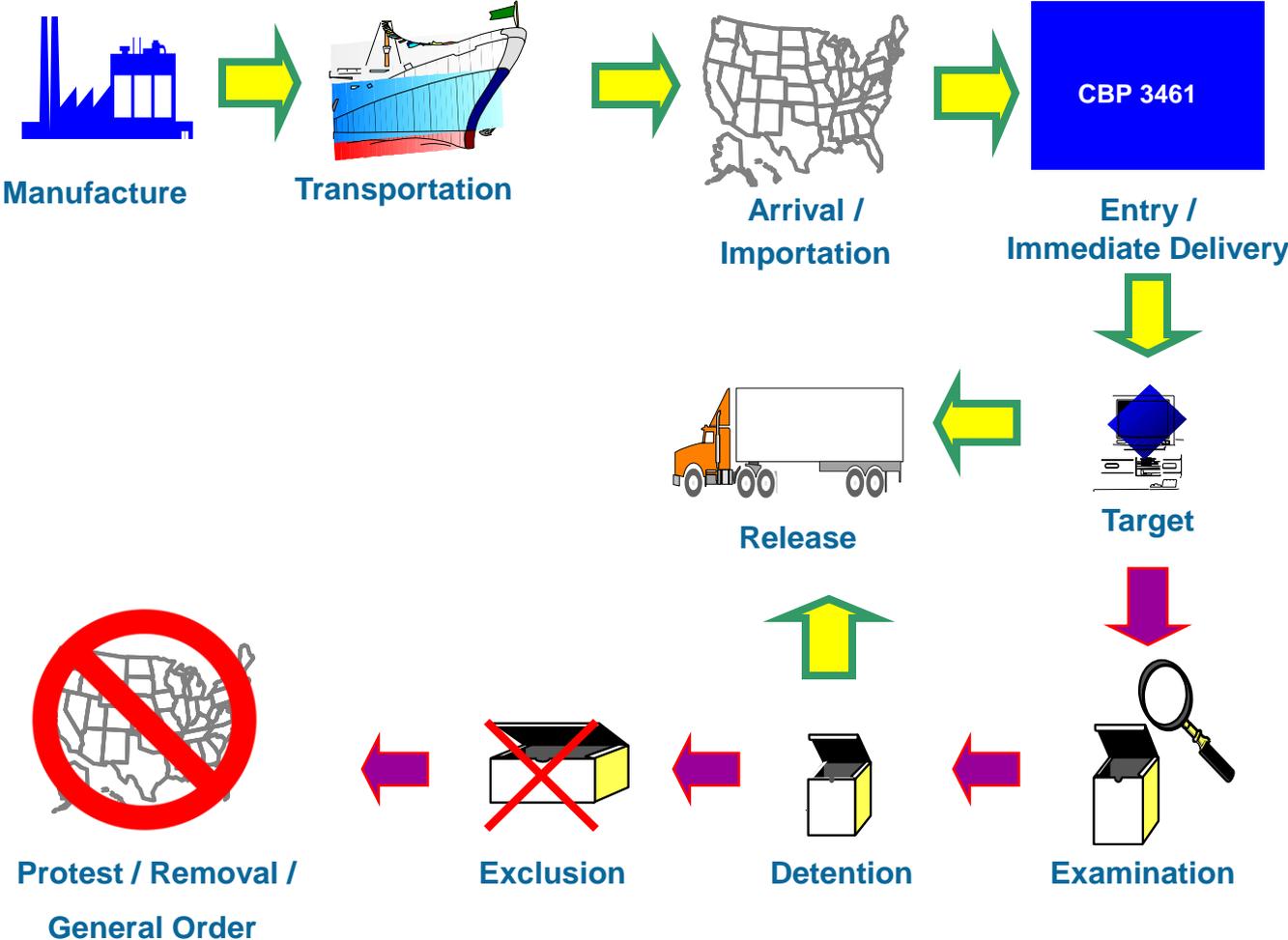
- Attorney-Advisors
  - Intellectual Property Rights Branch
- International Trade Specialists
  - Los Angeles National Targeting and Analysis Group (LA-NTAG)

# **EXAMINATION / DETENTION**

## **AUTHORITY**

- 19 U.S.C. § 1499 – reasonable suspicion to detain
- Five days from date merchandise presented for examination to determine whether to detain or release
  - Merchandise not released within five days is considered detained
- Five days from date of decision to detain (or date deemed detained) to provide notice to importer
  - Translates into ten day period to determine whether to release or provide detain notice
- Merchandise not released thirty days from date of presentation is considered excluded for purposes of 15 U.S.C. § 1514
  - Allows the importer to file a protest of the exclusion from entry
- A protest not decided thirty days from the date of filing is considered denied for purposes of 28 U.S.C. § 1581

# Overview of Exclusion Order Enforcement



# **Current Procedures**

## **IPR Branch Interpretive Decisions**

- Statutory and regulatory authority at 19 U.S.C. § 1625, 19 C.F.R. § 174 (Protests), and 19 C.F.R. § 177 (Administrative Rulings)
- Protests
  - Decisions Eligible For Filing Protest (19 U.S.C. § 1514)
  - Application For Further Review (19 U.S.C. § 1515)
- Administrative Rulings
  - Prospective Transactions
  - Sample For Testing Purposes
  - Modification
- Confidential Business Information
  - Trade Secrets Act (18 U.S.C. § 1905)
  - Freedom of Information Act (5 U.S.C. § 552)
  - Availability of Information (19 C.F.R. § 103)

# Articles Not Addressed at The ITC

- CBP does not have authority, absent an exclusion order under 19 U.S.C. § 1337(d), to make patent infringement determinations, which is unlike determinations related to trademark infringement (19 U.S.C. § 1526 / 15 U.S.C. § 1124) and copyright infringement (17 U.S.C. § 602)
- However, language of exclusion orders requires CBP to make such determinations, even regarding articles not addressed before the Commission
  - Redesigns
  - General Exclusion Orders
- Process to obtain such a determination must conform to 19 C.F.R. § 177
- Certifications accepted at CBP discretion only and not for redesigned products
  - Issuance of Penalties