

The Use of U.S. Customs to Enforce the Client's IP Rights

Tools Available to Tackle the Problem of Counterfeiting in the United States

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Recordation Process

- It is now possible to electronically file IPR recordation applications
- It is no longer necessary to submit certified copies of trademark or copyright registrations.

Recordation Process

- Applicant can pay by credit card (preferred), check or money order.
- No need to send samples of the work to CBP because an applicant can upload images of the protected work or trademark
- The time from filing of the application to enforcement by field personnel should be reduced.



Welcome to the Intellectual Property Rights e-Recordation (IPRR) application.



This new method for filing initial trademark and copyright recordation applications will greatly decrease the amount of time and paperwork normally required, thus providing more timely enforcement of your intellectual property rights. (* Please note: An electronic application for trademark and copyright "renewals" and "tradename" recordations is not yet available. For additional information, please review the "Renewals" and "Tradename" sections at the bottom of this page.)

The filing of this electronic application will begin the administrative recordation process with CBP. A separate application is required for each recordation sought. Applications will be processed in the order in which they are received. The recordation fee for copyrights is \$190. The recordation fee for trademarks is \$190 per International Class of goods. By submitting this application on-line, you agree to supply the documents specified in [19 CFR 133.3](#) for trademarks, and [19 CFR 133.33](#) for copyrights, upon request by CBP. Failure to do so will result in your recordation being suspended pending receipt of the documents.



We recommend that you have the following materials and information readily available before you begin the application process:

- ✓ U.S. Patent & Trademark Office Registration Number or the U.S. Copyright Office Registration Number
- ✓ Digital images of the protected mark/work in ".jpg" or ".gif" format that accurately depict the right to be protected. Individual image files are limited to 2MB.
- ✓ Familiarization with the applicable regulations
 - ▶ [Trademarks: 19 CFR 133.1 et seq.](#)
 - ▶ [Copyrights: 19 CFR 133.31 et seq.](#)

RENEWALS OF EXISTING TRADEMARK AND COPYRIGHT RECORDATIONS

To renew your existing trademark or copyright recordation, please submit an e-mail message to iprr.questions@dhs.gov containing the information provided for in [19 CFR 133.7](#) and [19 CFR 133.37](#), respectively. You will be contacted by a representative of the IPR Branch regarding payment of the recordation fee and, if applicable, for additional required information. Note that credit card payment for renewals is not yet available.

TRADENAME RECORDATIONS

To apply for a tradename recordation, please submit an e-mail message to iprr.questions@dhs.gov containing the information provided for in [19 CFR 133.11 et seq.](#) You will be contacted by a representative of the IPR Branch regarding payment of the recordation fee and, if applicable, for additional required information. Note that credit card payment for renewal is not yet available.

*** Please note: The system is set to time-out after 30 minutes of inactivity. Proceeding through the application resets the 30-minute timer on each page. Please complete the application before exiting the system. Incomplete applications will not be processed.**

Begin Application



Trademark 

Proceed with Trademark Recordation

Copyright 

Proceed with Copyright Recordation



**U.S. Patent and Trademark Office
Registration Number**

2935665

e.g.,(0,000,000)

Proceed



Is this the Trademark you wish to record?

Word Mark	YU-GI-OH!
Translations	The English translation of "YU-GI-OH" is "King of the Game".
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: Playingcards; trading cards; calendars; posters; game instruction manuals; computer game instruction manuals; game instructions sheets; scoringsheets; books, namely, strategy guides; stationery. FIRST USE:19990204. FIRST USE IN COMMERCE: 20000120
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76071881
Filing Date	June 16, 2000
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	March 4, 2003
Registration Number	2935665
Registration Date	March 29, 2005
Owner	(REGISTRANT) KONAMI CORPORATION CORPORATION JAPAN 2-4-1,Marunouchi, Chiyoda-ku Tokyo JAPAN
Attorney of Record	Jeffrey H. Kaufman
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE



Keyword

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What's New

The total number of searchable IPR recordations in this database is 29536.

The most recent recordation effective date is 10/13/2005

The oldest recordation effective date is 12/26/1945.

About the Intellectual Property Rights Search (IPRS)

IPRS is a searchable database containing public versions of U.S. Customs and Border Protection intellectual property rights recordations. Recordations can be retrieved based on simple or complex search characteristics using keywords and Boolean operators. IPRS has the added functionality of restricting searches to specific fields and record types. IPRS contains expired as well as current records and by default excludes expired records. For more information about features or how to use IPRS, please visit the [HELP section](#).

Note: The IPRS database is updated nightly (except Saturday and Sunday) at approx. 4:00 a.m. eastern standard time. Those basing import/exports transactions based upon data contained within IPRS are reminded that recordation information is updated by CBP IPR Branch personnel daily.

Related IPRS Information

[U.S Customs & Border Protection \(CBP\) IPR Enforcement](#)

Please submit any technical concerns related to IPRS to [CBP website technical questions](#).



IPRS INTELLECTUAL PROPERTY RIGHTS SEARCH

Keyword

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Results [1 - 10] of 171 records | Search took 0.42 Seconds

Effective Expiration	Title Product	Description	Owner	Contact Name	Firm Name	Recordation No. Agency No.	Type
4/11/2003 4/11/2023	YU-GI-OH!TRADING CARDS 15025844 (PICTURE OF BLUE WOMAN TRADING CARD 474053)	YU-GI-OH! TRADING CARDS 15025844 (PICTURE OF BLUE WOMAN	KONAMI CORPORATION	OBLON SPIVAK MCCLELLAND	MAIR & NEUSTADT, P.C.	COP 03-00060 VA 1-046-170	Copyright
4/10/2003 4/10/2023	YU-GI-OH!TRADING CARD 83764718 (PICTURE OF A BLUE ANKH TRADING CARD DESIGN 474061)	YU-GI-OH!TRADING CARD 83764718 PICTURE OF A BLUE ANKH	KONAMI CORPORATION	JEFFREY H. KAUFMAN, ESQ.	OBLON, SPIVAK, MCCLELLAND	COP 03-00034 VA 1-046-178	Copyright
4/10/2003 4/10/2023	YU-GI-OH!TRADING CARD 71625222 (PICTURE OF CLOCK MONSTE TRADING CARD DESIGN 474062)	YU-GI-OH!TRADING CARD 716522 PICTURE OF A CLOCK MONSTER	KONAMI CORPORATION	JEFFREY H. KAUFMAN, ESQ.	OBLON, SPIVAK, MCCLELLAND	COP 03-00035 VA 1-046-179	Copyright
4/10/2003 4/10/2023	YU-GI-OH! VOLUME 7 COVER ART 474035	YU-GI-OH! VOLUME 7, COVER ART	KONAMI CORPORATION	JEFFREY H. KAUFMAN, ESQ.	OBLON, SPIVAK, MCCLELLAND	COP 03-00038 VA 1-046-152	Copyright
4/10/2003 4/10/2023	YU-GI-OH!TRADING CARD 17985575 (PICTURE OF COSTUMED TRADING CARD DESIGN 474034)	YU-GI-OH!TRADING CARD 17985575 (PICTURE OF COSTUMED WIZARD)	KONAMI CORPORATION	JEFFREY H. KAUFMAN, ESQ.	OBLON, SPIVAK, MCCLELLAND	COP 03-00037 VA 1-046-151	Copyright
4/10/2003 4/10/2023	YU-GI-OH!TRADING CARD 43973174 (PICTURE OF A DRAGON TRADING CARD DESIGN 474059)	YU-GI-OH!TRADING CARD 4393174 (PICTURE OF A DRAGON HEAD)	KONAMI CORPORATION	JEFFREY H. KAUFMAN, ESQ.	OBLON, SPIVAK, MCCLELLAND	COP 03-00032 VA 1-046-176	Copyright
4/10/2003 4/10/2023	YU-GI-OH! VOLUME 6 COVER ART 474036	YU-GI-OH! VOLUME 6, COVER ART	KONAMI CORPORATION	OBLON SPIVAK MCCLELLAND	MAIR & NEUSTADT, P.C.	COP 03-00039 VA 1-046-153	Copyright



Keyword

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Effective Date: 4/11/2003
Expiration Date: 4/11/2023

Copyright

Customs Recordation Number: COP 03-00060

Title	YU-GI-OH!TRADING CARDS 15025844 (PICTURE OF BLUE WOMAN
Product	TRADING CARD 474053
Description	YU-GI-OH! TRADING CARDS 15025844 (PICTURE OF BLUE WOMAN
Owner Name	KONAMI CORPORATION
Gray Market Importations Restricted	NO
U.S. Copyright	
Office Registration Number	VA 1-046-170
Firm	MAIR & NEUSTADT, P.C. 1940 DUKE STREET 1940 DUKE STREET ALEXANDRIA, VA 22314
Contact Name	OBLON SPIVAK MCCLELLAND
Phone Number	(703) 413-3000

Involving Customs in the Anti-Counterfeiting Effort

- Recordation of trademarks, registered copyrights and non-registered trade names
- Recordation is not mandatory, but substantially increases the chances of Customs detaining and seizing counterfeit items

Recordation Process

- Place of manufacture of goods
- Lists of authorized licenses, subsidiaries, and other authorized users or importers of the relevant goods
- Filing fees

Recordation Process

- Complete recordation process using e-forms provided by Customs
- The information provided is put into a national U.S. Customs database and is available at all ports
- Further, specific information regarding known infringements can also be included in the database

Trade Names

- The trade name to be recorded.
- Whether the trade name has been used for at least six months.
- If the trade name to be recorded if other than a complete business name, provide convincing proof to establish that only one part of the name is customarily used.

Trade Names

- The name, complete business address, and citizenship of the trade name owner(s).
- Information regarding the applicant and its business entity
- Identify what information, if any, you are claiming as confidential or privileged.

Recordation Process

- The paper recordation process generally took about six weeks.
- The new electronic system should be much quicker.
- Once recordation is complete, a confirmation letter is sent to the rights owner.

How the Process Works

- Goods arrive at the Customs port of entry
- Customs inspectors may detain merchandise at the time of the merchandise's arrival in the United States
- Customs may examine, take samples from, detain, and deny entry of imported goods bearing marks suspected of copying or simulating a registered mark.

How the Process Works

- Counterfeit – 19 C.F.R. § 133.21
 - “a spurious trademark that is identical to, or substantially indistinguishable from” a registered mark
 - Seized goods will be forfeited absent consent of the trademark owner
 - Customs can impose civil fines
 - Recordation not mandatory

How the Process Works

- Counterfeit goods are seized and, in the absence of written consent of the owner, forfeited for violation of customs laws

How the Process Works

- Upon seizure, Customs provides the following information to the trademark owner:
 - The date of importation
 - The port of entry
 - A description of the goods
 - The quantity involved

How the Process Works

- The name and address of the manufacturer
- The country of origin of the merchandise
- The name and address of the exporter; and
- The name and address of the importer

Categories for Seizures - Trademarks

- Confusingly Similar - 15 U.S.C. § 1124
 - A “copying or simulating trademark” is one which may so resemble a recorded mark as to be likely to cause the public to associate the copying or simulating mark with the recorded mark.
 - Recordation is mandatory
 - Infringing goods are detained, not seized.

How the Process Works

- Confusingly Similar Marks
- Under 19 CFR § 133.22, such goods shall be detained for 30 days during which time the importer shall be afforded the opportunity, before expiration of the 30-day period, to take corrective action.

How the Process Works

- A physical sample of the seized item may also be sent to the trademark holder, but only after the trademark holder has posted a bond sufficient to cover the value of the sample.

Seizure

- If the importer files a claim and cost bond Customs must forward the case to the U.S. Attorney's Office for review and possible filing of a forfeiture complaint against the property
- The importer can also file a petition to challenge the seizure

Thank you.

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