



PROFESSIONAL ASSOCIATION
of Exporters and Importers



Import Compliance Boot Camp Session V

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Customs Boot Camp Agenda



➤ Session V

- Responding to CF-28s, 29s, liquidated damages, seizures, and CBP penalties
- Hidden Dangers – Antidumping and Countervailing Duties/ IPR violations
- FDA, FCC, FTC and other alphabet soup agencies

Responding to CBP Forms 28 and 29s

- Responding to CBP Forms 28
 - Most common method for CBP to obtain information about transaction or to request sample.
 - Generally sent to broker/filer **and** importer if CBP has mailing information
 - Commonly issued inquiry for classification, valuation, AD/CVD, FTA verification, and marking
 - Importer has **30 days** from date to respond with information and/or provide sample
 - Failure to respond or inadequate response will result in adverse action and/or further investigation
 - CAUTION!** Should review response with Broker or legal Counsel
 - CF-28 will not (normally) preclude a “Prior Disclosure”
 - DANGER** -- With ACE, importer may select to receive electronically (broker will not receive a copy!)

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

OMB No. 1551-0023
Exp. 06-30-2016

REQUEST FOR INFORMATION
19 CFR 151.11

1. Date of Request
05/18/2016

2. Date of Entry and Importation
01/12/2016

3. Manufacturer/Seller/Shipper
[REDACTED]

4. Carrier
YANG MING MARINE TRANSPORT

5. Entry No.
UPS40443187

6. HTSUS Item No.
7318158069

7a. Invoice Description of Merchandise
[REDACTED]

7b. Invoice No.
[REDACTED]

7. Country of Origin/Exportation
CN CN

8. CBP Broker and Reference or File No.
UPS SUPPLY CHAIN SOLUTION

9. TO:
[REDACTED]
[REDACTED]
[REDACTED]
US

11a. Port
2809

11b. Date Information
Furnished

Production of Documents and/or Information Required by Law: If you have provided the information requested on this form to U.S. Customs and Border Protection at other ports, please indicate the port of entry to which it was supplied, and furnish a copy of your reply to this office, if possible.

General Information and Instructions

12. Please Answer Indicated Question(s)

☐ A. Are you related (see reverse) in any way to the seller of this merchandise? If you are related, please describe the relationship, and explain how this relationship affects the price paid or payable for the merchandise.

☐ B. Identify and give details of any additional costs or expenses incurred in this transaction such as:

☐ (1) packing
☐ (2) commissions
☐ (3) proceeds that accrue to the seller
☐ (4) assists
☐ (5) royalties and/or license fees

13. Please Furnish Indicated Item(s)

☐ A. Copy of contract (or purchase order and seller's confirmation thereof) covering this transaction, and any revisions thereto.

☐ B. Descriptive or illustrative literature or information explaining what the merchandise is, where and how it is used, and exactly how it operates.

☐ C. Breakdown of components, materials, or ingredients by weight and the actual cost of the components at the time of assembly into the finished article.

☐ D. Submit samples:
Article number and description _____
from container _____
mark(s) and number _____
Samples consumed in analysis, and other samples whose return is not specifically requested, will not normally be returned.

☒ E. See item 14 below.

14. CBP Officer Message
See continuation sheet

15. Reply Message (Use additional sheets if more space is needed.)

16. CERTIFICATION
It is required that an appropriate corporate/company official execute this certificate and/or endorse all correspondence in response to the information requested. (NOTE: NOT REQUIRED IF FOREIGN FIRM COMPLETES THIS FORM.)

I hereby certify that the information furnished herewith or upon this form in response to this inquiry is true and correct, and that any samples provided were taken from the shipment covered by this entry.

16a. Name and Title/Position of Signer (Owner, Importer, or Corporate/Company Official)

16b. Signature

16c. Telephone No.

16d. Date

17. CBP Official
CATHERINE FAHRIG

18. Team Designation
065

19. Telephone No.
360-332-2356

20. Fax No.

21. Email
catherine.fahrig@cbp.dhs.gov

CBP Form 28 (06/14)

Responding to CBP Forms 28 and 29s

- CBP Forms 29
 - Communicates CBP action on entry prior to liquidation.
 - Generally but not necessarily issued after CF-28
 - Action may be “proposed” or “taken”
 - If “proposed” importer **has 20 days to respond** with legal or factual objections
 - If “taken” importer **must “protest” action** after liquidation of entry (unless marking) (may protest immediately)
 - May not preclude a “prior disclosure”
 - **Red flag** to investigate prior transactions
 - **DANGER** -- In ACE, Importers have option to receive CF-29’s electronically.

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

NOTICE OF ACTION
19 CFR 152.2

This is NOT A Notice of Liquidation			1. DATE OF THIS NOTICE 07/14/2016	
2. CARRIER NYK DEMETER (HDMU)	3. DATE OF IMPORTATION	4. DATE OF ENTRY 07/01/2015	5. ENTRY NO. DSV85091517	
6. MFR/SELLER/SHIPPER [REDACTED]	7. COUNTRY CN	8. CBP BROKER AND FILE NO. [REDACTED]		
9. DESCRIPTION OF MERCHANDISE pencils				
10. TO [REDACTED]		11. FROM Jean Xu 555 Battery St San Francisco, CA 94111-2312 US		
12. THE FOLLOWING ACTION, WHICH WILL RESULT IN AN INCREASE IN DUTIES, IS:				
<input type="checkbox"/> IS PROPOSED				
<input checked="" type="checkbox"/> HAS BEEN TAKEN				
TYPE OF ACTION <input checked="" type="checkbox"/> RATE ADVANCE <input type="checkbox"/> VALUE ADVANCE <input type="checkbox"/> EXCESS <input type="checkbox"/> WEIGHT <input type="checkbox"/> QUANTITY <input type="checkbox"/> OTHER (See below)				
13. EXPLANATION (REFER TO ACTION LETTER DESIGNATIONS ABOVE) After reviewing line#062 for graphite pencils and line#063 for colored pencils for compliance, we found that the colored pencil was misclassified as 9609.20.4000, which provides for pencil leads, black or colored. The correct tariff number is HTS#9609.10.0000, which provides for pencils and crayons with leads encased in a rigid sheath. The duty rate is 14 cents per gross plus 4.3 %. Please also see attached ruling# NY K83562 for reference. We also found that the incorrect country of origin listed on the line#062 graphite pencils. Both graphite pencils and colored pencils made in China are subject to antidumping duties 114.90% under the case#A570-827-000. The entry type will be changed from type 001 to 003. This entry and the following associated entries will be rate advanced with the correct duties. Please ensure future entries with these products are correctly classified.				
[REDACTED]				
14. CBP OFFICIAL Jean Xu		15. TEAM DESIGNATION 777	16. TELEPHONE 415-782-9377	
17. FAX NUMBER		18. EMAIL jean.x.xu@cbp.dhs.gov		

CBP Form 29 (06/14)



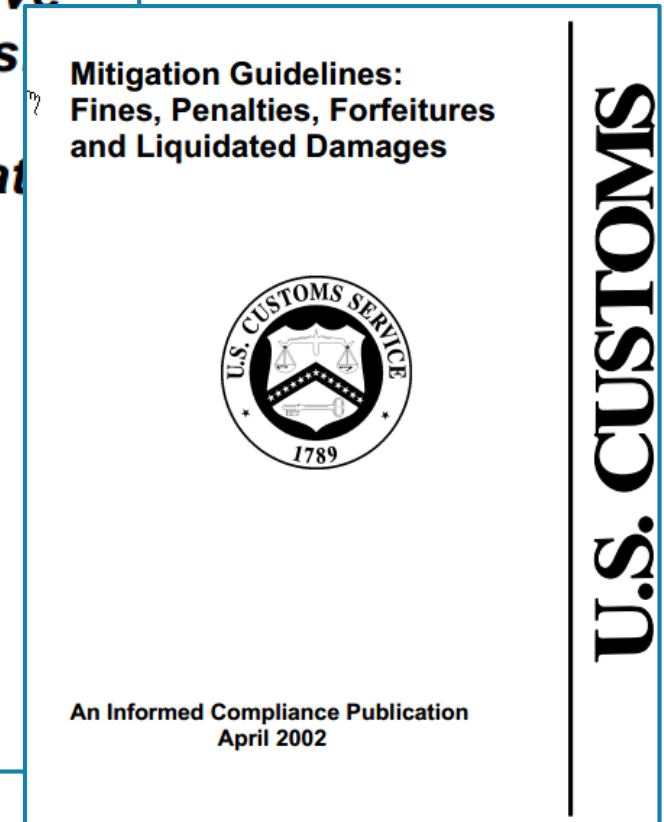
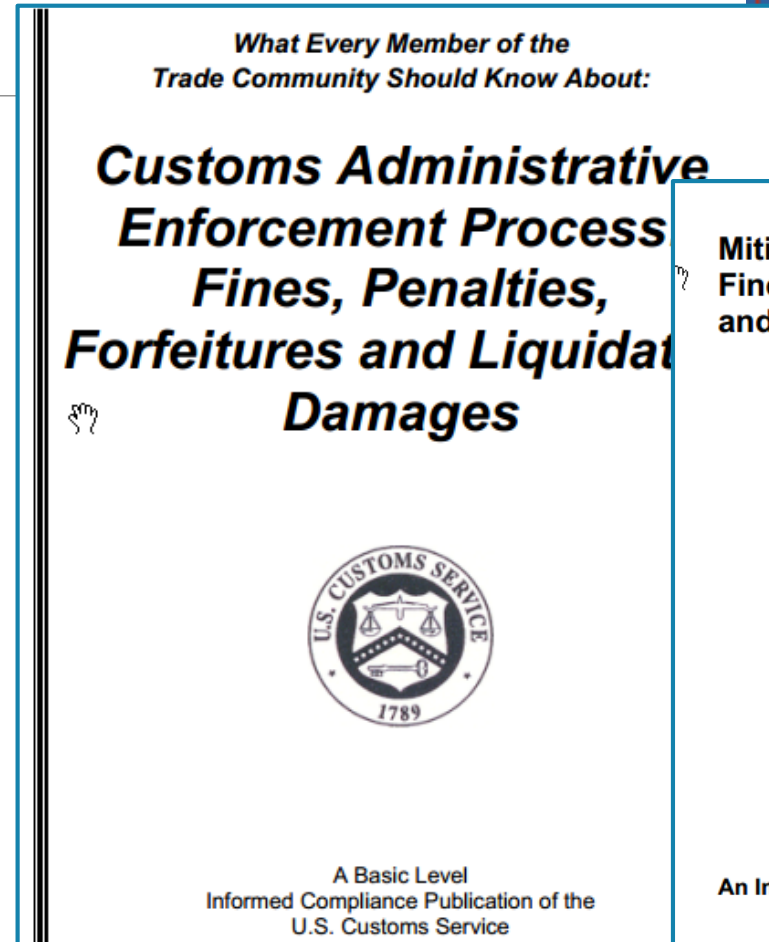
Types Of Customs Penalties

- Commercial Fraud and Negligence Penalties (19 U.S.C. 1592)
- Drawback Penalties (19 U.S.C. 1593a)
- Recordkeeping Penalties (19 U.S.C. 1509)
- Liquidated Damages
- Penalties for Unlawful Importation (19 U.S.C. 1595a(c))
- Counterfeit Trademark Penalties (19 U.S.C. 1526(f))

Customs Publications On Fines & Penalties



- Reasonable Care (1/98)
- ABC's of Prior Disclosure (5/01)
- Customs Enforcement of Intellectual Property Rights (6/99, Revised 8/01)
- Customs Administrative Enforcement Process: Fines, Penalties, Forfeitures and Liquidated Damages (4/2000, Revised 6/00, 10/01)
- Mitigation Guidelines: Fines, Penalties, Forfeitures and Liquidated Damages (4/02)



Liquidated damages, seizures, and CBP penalties



➤ Common Elements

- Due Process **Notice** of Liquidated damages, seizure, or monetary penalty
- May be mailed to importer or received by Broker
- Notice must specifically identify
 - ✓ The provisions of law alleged to have been violated
 - ✓ Description of the specific acts or omissions forming the basis of the alleged violations
 - ✓ A description of the merchandise and the circumstances
 - ✓ The identity of each entry, if specific entries are involved; and
 - ✓ If the alleged violations involve a loss of revenue, the total loss of revenue and how it was computed.
 - ✓ Give Importer notice of right to administrative petition against seizure, penalty, etc.
 - ✓ Defer judicial or administrative forfeiture/ correction proceedings until completion of administrative process
- Time to Respond: 60 days for LD and monetary penalties; 30 days for seizures

Customs Penalties for False Statements (19 USC 1592)



- A violation of section 1592 occurs when a “**person**,” through fraud, gross negligence, or negligence:
 - ✓ enters, **introduces**, or attempts to enter or introduce merchandise by means of
 - ✓ any document, written or oral statement, or act that is **material** and **false**, or
 - ✓ any omission that is **material**.
- Importer of Record is always **responsible** for entry of merchandise
- One who violates the statute is always liable whether or not the importer of record. United States v. Golden Ship Trading, 22 C.I.T. 950 (Ct. Int'l Trade 1998); United States v. Action Prods. Int'l, 25 C.I.T. 139 (Ct. Int'l Trade 2001)
- United States v. Trek Leather, Inc., 767 F.3d 1288 (Fed. Cir. 2014)

Degrees of Culpability Under 1592: Negligence



- A violation is **negligent** if done through the failure to exercise the **degree of reasonable care** and competence expected from a person in the same circumstances in:
 - Ascertaining the facts or in drawing inferences therefrom,
 - ascertaining the offender's obligations under the statute; or
 - Communicating information in a manner so that it may be understood by the recipient.

- A violation is **negligent** if it results from failure to exercise **reasonable care and competence** to:
 - ensure that statements made and information provided in connection with the importation of merchandise are **complete and accurate**; or
 - perform any **material act** required by statute or regulation.

Degrees of Culpability Under 1592: Gross Negligence and Fraud



➤ Gross Negligence

An act (or omission) done with:

- actual knowledge of or wanton disregard for the relevant facts and
- With indifference to or disregard for the offender's obligations under the statute
- CBP must establish facts to support **higher** level of culpability

➤ Fraud

- A violation is fraudulent if
 - a material false statement, omission, was committed (or omitted)
 - knowingly, i.e., done voluntarily and intentionally, as established by **clear and convincing evidence**.

Statutory Penalties Under 1592



❖ Negligent Violations

- Statutory Penalty
 - 2 times loss of revenue or domestic value
 - 20% of dutiable value of merchandise if violation does not involve loss of revenue

❖ Statutory Penalty For Grossly Negligent Violations

- 4 times loss of revenue or domestic value
- 40% of dutiable value of merchandise if no revenue loss

❖ 19 U.S.C. 1592(d)

in addition to penalties for violations of section 19 U.S.C. 1592(a), Customs also may issue a demand for unpaid duties.

Restoration of Duties and Statute Of limitations



❖ Section 1592(d) cont.,

(d) Deprivation of lawful duties, taxes, or fees

Notwithstanding **section 1514**, if the United States has been deprived of lawful duties, taxes, or fees **as a result of a violation of subsection (a)**, Customs shall require that such lawful duties, taxes, and fees be **restored**, regardless of a monetary penalty is assessed.

❖ If there is no “negligence” under “subsection (a),” there can be no restoration of “lawful duties”

❖ Reasonable Care defense to violation

❖ 19 U.S.C. Code § 1621 – Statute of Limitation

- no suit or action for violation of section 1592, may be instituted unless commenced within **5 years after the date of the alleged violation** or,
- if such violation arises out of fraud, within 5 years after the date of discovery of fraud.

❖ Waivers of Statute of Limitations

- If violations go back 4 or 5 years, CBP will requests 2 yr waiver of Statute of Limitations or
- Deny administrative consideration of case
- See CUSTOMS DIRECTIVE NO. 4410-014

Mitigation of Section 1592 Claims



❖ Customs may mitigate section 1592 penalties to amounts within the following ranges:

- Negligence –

- from a minimum of 0.5 times to a maximum of 2 times the total duty loss or
- 5% to 20% of the dutiable value in non-revenue loss cases

- Gross negligence –

- from a minimum of 2.5 times to a maximum of 4 times the total duty loss, or
- 25% to 40% of the dutiable value in non-revenue loss cases

Fraud –

- from a minimum of 5 times to a maximum of 8 times the total duty loss, or
- 50% to 80% of the dutiable value in non-revenue loss cases

Subpart G-Supplemental Petitions for Relief



[§ 171.61 Time and place of filing.](#)

[§ 171.62 Supplemental petition decision authority.](#)

[§ 171.63 Appeals to the Secretary of the Treasury in certain 1592 cases.](#)

[§ 171.64 Waiver of statute of limitations.](#)

[Appendix A to Part 171-Guidelines for Disposition of Violations of 19 U.S.C. 1497](#)

[Appendix B to Part 171-Customs Regulations, Guidelines for the Imposition and Mitigation of Penalties for Violations of 19 U.S.C. 1592](#)

[Appendix C to Part 171-Customs Regulations Guidelines for the Imposition and Mitigation of Penalties for Violations of 19 U.S.C. 1641](#)

[Appendix D to Part 171-Guidelines for the Imposition and Mitigation of Penalties for Violations of 19 U.S.C. 1593a](#)

19 USC 1618 Mitigation Factors



❖ Customs considers various mitigating and aggravating factors

◦ **Mitigating factors** include:

- contributory Customs error,
- cooperation with the investigation,
- immediate remedial action,
- inexperience in importing, and
- prior good record.

Aggravating factors include:

- obstructing the investigation,
- withholding evidence,
- providing misleading information concerning the violation,
- textile transshipment, and
- prior substantive 1592 violations with a final administrative finding of culpability.

Prior Disclosure For 1592 Violations



- ❖ liability for a violation of 1592 can be substantially mitigated by filing a “prior disclosure.”
- ❖ Parties are not required to make a prior disclosure. They ELECT to disclose the violation to customs
- ❖ If a party elects to make a "disclosure" of a violation - -
 - the party receives reduced penalties...
 - the penalty is "zero" if the importations involve unliquidated (i.e., "open") Customs entries and no fraud is involved.
 - If the entries are liquidated (i.e., "closed or finalized") and no fraud is involved, the penalty is the interest on the loss of duties.
 - If a fraudulent violation is disclosed, the penalty is reduced from the normal assessment of the domestic value of the goods to
 - 1 times the duty loss
 - if the violation involves no duty loss - the penalty is reduced to 10 per cent of the value of the merchandise.

Prior Disclosure For 1592 Violations



A “prior disclosure” notifies Customs of the existence of a violation of law:

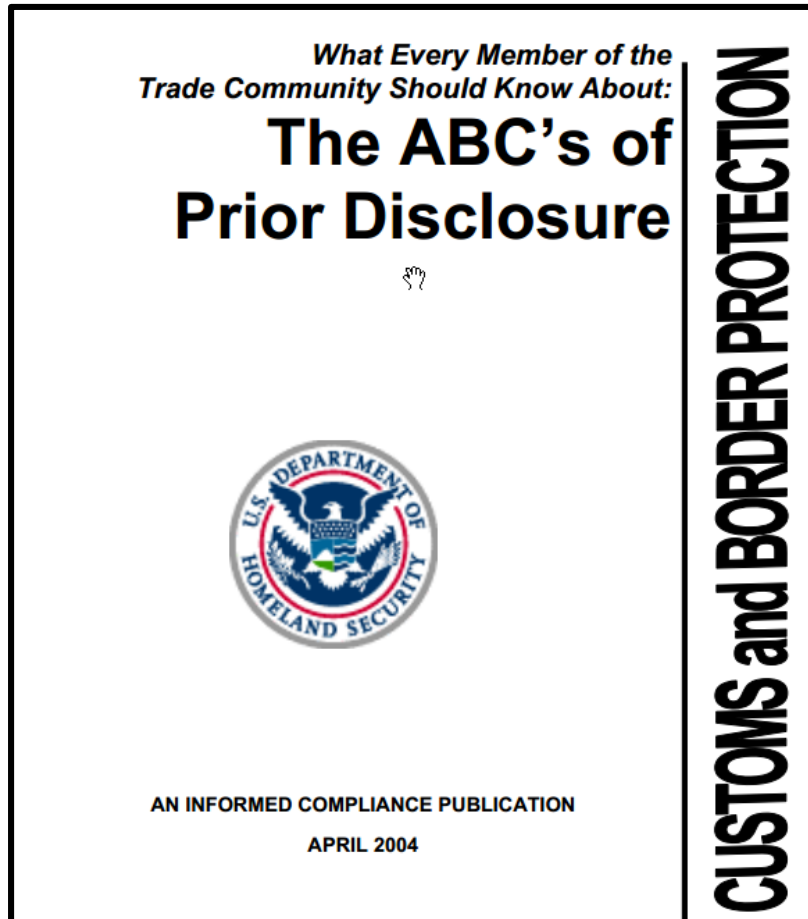
- Describes the type of the violation and the merchandise involved
- Time period or customs entries involved
- Sets forth the correct information that should have been provided
- Tenders loss of revenue or agrees to do so within 30 days of finding by Customs of actual loss of revenue.



Prior Disclosure

- ❖ "Disclosure" must be made before or without knowledge of a formal Custom investigation of the violation
 - means that the disclosure must be made before a Customs has discovered facts or circumstances that give rise to the belief that a possible violation exists, and records that information in writing.
 - If a formal investigation has been commenced, then the burden is on the disclosing party to establish that disclosure was made without knowledge of the investigation

Common Prior Disclosure Questions



- What period should be covered by a disclosure?
- Must the disclosure be in writing?
- What information should be in the in the disclosure?
- What if I don't have all of the required information?



Liquidated Damage Claims

- Law requires a bond be filed by the importer, and other custodians of merchandise, to ensure compliance.
- Bond is a contract between the principal (e.g., importer, carrier, warehouseman, etc.) and the surety with Customs as the beneficiary.
- Surety and importer agree to pay a specified amount if there is a breach of the bond conditions
- Surety is liable up to bond amount if importer does not pay.

Subpart F-Assessment of Damages and Cancellation of Bond

§ 113.51 Cancellation of bond or charge against the bond.

§ 113.52 Failure to satisfy the bond.

§ 113.53 Waiver of Customs requirement supported by a bond.

§ 113.54 Cancellation of erroneous charges.

§ 113.55 Cancellation of export bonds.

Subpart G-Customs Bond Conditions

§ 113.61 General.

§ 113.62 Basic importation and entry bond conditions.

§ 113.63 Basic custodial bond conditions.

§ 113.64 International carrier bond conditions





Claims For Liquidated Damages

- May issue a claim for liquidated damages in an amount prescribed under the regulation for the type of breach involved, e.g.,
 - failure of the importer to comply with a proper request to redeliver merchandise to Customs custody for Marking
 - late filing or non-filing of an entry summary;
 - late payment or non-payment of estimated duties;
 - temporary importation violations;
 - failure to redeliver merchandise into customs custody; and
 - carnet violations (i.e., violations pertaining to the temporary importation of certain types of merchandise).
 - failure to redeliver FDA rejected foods.

19-CFR-172

PART 172-CLAIMS FOR LIQUIDATED DAMAGES; PENALTIES SECURED BY BONDS

Section Contents

[§ 172.0 Scope.](#)

[Subpart A-Notice of Claim and Application for Relief](#)

[§ 172.1 Notice of liquidated damages or penalty incurred and right to petition for relief.](#)

[§ 172.2 Petition for relief.](#)

[§ 172.3 Filing a petition.](#)

[§ 172.4 Demand on surety.](#)

[Subpart B-Action on Petitions](#)

[§ 172.11 Petitions acted on by Fines, Penalties, and Forfeitures Officer.](#)

[§ 172.12 Petitions acted on at Customs Headquarters.](#)

[§ 172.13 Limitations on consideration of petitions.](#)

[§ 172.14 Headquarters advice.](#)

Mitigation Or Cancellation Of Claims For Liquidated Damages



- Customs may cancel any claim for liquidated damages made against a bond upon payment of a lesser amount
 - Guidelines for bond cancellation are published.
 - Current guidelines appear in *T.D. 94-38*, which covers claims relating to:
 - Late filing of entry summaries,
 - TIBs,
 - failure to redeliver merchandise to Customs custody,
 - bonded warehouses, foreign trade zones,
 - Shipper's Export Declaration (SED) and outbound (export) violations.

Mitigation Guidelines: Fines, Penalties, Forfeitures and Liquidated Damages

CUSTOMS



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V. Failure to Provide Missing Documents (19 C.F.R. 113.42) (T.D. 94-38)	223

Liquidated Damages: Mitigation Amounts



- Non-filing or late filing of entry summary: \$100 or \$200 plus payment of all estimated duties due plus interest.
- Temporary Importation Bond breaches: From one to five percent (1 to 5%) of the claim but no lower than \$100 (late filing of export documents), to no relief (double the duties, taxes and fees if the merchandise is not exported or destroyed).
- Failure to timely redeliver to Customs custody:
 - From one to five percent (1 to 5%) of the claim but no lower than \$100 (merchandise redelivered beyond the permissible Customs Administrative Enforcement Process time period),
 - no relief (up to three (3) times the value of the goods) for restricted or prohibited merchandise.

Customs Seizures & Forfeitures



- Property may be “seized” for certain violations of the Customs and related laws, i.e.,
 - FDA or other OGA violations
 - IPR violations
- In a seizure, a government takes physical possession of the merchandise
- Ownership in the seized merchandise is transfer to the Government through appropriate judicial or administrative means, and the seized property becomes the property of the Federal government
- The owner and any other claimants lose their interest in the property

Seizures & Forfeitures



➤ There are two types of seizures

- The first is where a law provides for “forfeiture” of the property, including:
 - prohibited merchandise (e.g., controlled substances, **counterfeit goods**, etc.);
 - restricted merchandise (e.g., restrictions imposed by textile quota agreements, Consumer Product Safety Commission, Foreign Assets Control, Environmental Protection Agency, Food and Drug Administration/USDA, etc.);
 - Undeclared, unreported or smuggled merchandise; and
- In the second type of seizure, the property is seized to secure payment of a monetary penalty.
 - If the penalty is not paid, the property will be sold to pay the penalty.

Penalties for Importation Contrary to Law (19 U.S.C. 1595a(c))



- Merchandise may be seized and forfeited if -
 - Subject to any restriction or prohibition which is imposed by law relating to health, safety, or conservation and the merchandise is not in compliance;
 - requires a license, permit or other authorization and the merchandise is not accompanied by such license, permit, or authorization;
 - Merchandise or packaging in which copyright, trademark, or trade name protection violations are involved;
 - Merchandise is marked intentionally in violation of section 1304 (marking); or
 - Importer has received written notices that previous importations of identical merchandise from the same supplier were found to have been marked in violation of section 1304

Counterfeit Trademark Penalties (19 U.S.C. 1526(f))



- Section 1526(e) provides for the seizure of merchandise bearing a counterfeit mark, imported in violation of 15 U.S.C. 1124, and the forfeiture of such merchandise in the absence of written consent of the trademark owner.
- Section 1526(f) provides for fines against anyone who directs or assists the importation of merchandise that is seized pursuant to 19 U.S.C. 1526(e).
- Customs will assess section 1526(f) penalties as follows:
 - First seizure – penalties up to the value of the genuine merchandise based on the manufacturer's suggested retail price (MSRP).
 - Subsequent seizures – penalties up to twice the value of the genuine merchandise based on the MSRP.

Counterfeit Trademark Penalties (19 U.S.C. 1526(f))



- Customs can mitigate section 1526(f) penalties to amounts within the following ranges:
 - First offense with mitigating, but no aggravating factors: 10-30% of the MSRP of the seized goods.
 - First offense with aggravating factors or second offense with no aggravating factors: 30 -50% of the MSRP of the seized goods.
 - Second offense with aggravating factors or third/subsequent offense: 50-80% of the MSRP of the seized goods.
 - Customs applies the same mitigating and aggravating factors previously set forth concerning the mitigation of penalties.

Hidden Dangers – Antidumping and Countervailing Duties/ IPR violations



A screenshot of the U.S. Customs and Border Protection (CBP) website. The header includes the CBP seal and the text "U.S. Customs and Border Protection". Below the header is a navigation bar with links: "About CBP", "Newsroom", "Travel", "Trade", and "Border Security". A breadcrumb trail reads "HOME > TRADE > PRIORITY TRADE ISSUES". The main content area is titled "Priority Trade Issues" and includes a description of PTIs, a list of "Current Priority Trade Initiatives" (Antidumping and Countervailing Duty (AD/CVD), Import Safety, Intellectual Property Rights, Textiles/Wearing Apparel, and Trade Agreements), and a paragraph about comprehensive trade enforcement efforts. A blue arrow points from the "Antidumping and Countervailing Duty (AD/CVD)" item in the list to the right. A sidebar on the left contains links for "Trade", "Basic Import and Export", "For The Trade Community", "ACE and Automated Systems", "Border Interagency Executive Council", "Programs and Administration", "Priority Trade Issues", "Antidumping and Countervailing Duties", "Import Safety", and "Intellectual Property".

CBP Penalizes Wire Hanger Importers

CBP imposed \$3.9 million in civil penalties on three importers for evading the antidumping duty order on wire hangers from China. CBP found that these importers failed to properly report the imports as subject to antidumping and failed to pay the antidumping duties. This resulted in a potential loss of revenue of \$3.4 million in antidumping duties. CBP found the importers to be negligent of making false statements and false invoicing. CBP is continuing its enforcement of the antidumping duty orders on wire hangers from China, Vietnam, and Taiwan. Note: This is an update to AD/CVD.

Significant Regulatory Audit Findings

CBP's Regulatory Audit discovered a loss of revenue of \$36 million during an audit of importers of tapered roller bearings from China. The company failed to declare and pay AD duties on imported taper roller bearings, resulting in \$32.4 million in unpaid duties, along with finding significant classification errors resulting in an additional \$3.6 million in penalties. CBP is seeking to collect the duties and penalty amount from the importer.


Audit of Antidumping Duties

CBP's Regulatory Audit division completed an audit and found an importer underpaid antidumping duties of \$5.6 million as the company claimed an antidumping rate of 71.71 percent instead of the actual 128.32 percent. The company was referred for audit based on concerns about the company importing xanthan gum from China without paying the correct duties.

A screenshot of the U.S. Customs and Border Protection (CBP) website, specifically the "AD/CVD" section. It features the CBP seal and the text "U.S. Customs and Border Protection". Below this is a table titled "FY 2015 First Quarter – AD/CVD Audits" with the following data: "Number of Audits Completed" (14), "Discrepancy Value Identified" (\$21,968,843), and "Revenue Collected To Date" (\$177,517). At the bottom, a red circle highlights the text "CBP has 108 AD/CVD audits in progress."

Are my Goods Subject to AD or CVD orders?

- Monitoring for new cases
 - Must monitor Websites (ITA or ITC) or Federal Register for notices of Initiation of Investigation
 - Section 701 (countervailing duty) & 731 (antidumping duty) petition published by ITC
 - http://www.usitc.gov/petitions_and_complaints/index.htm
 - Commerce will publish a Notice of Initiation in the Federal Register.

 <div>United States International Trade Commission</div> <div>Search <input type="text" value="www.usitc.gov"/> <input type="button" value="Go"/></div> <div>About USITC Popular Topics Press Room Import Injury Intellectual Property Industry/Economic Analysis Tariff Affairs</div>				
Home » Intellectual Property » Recent Section 337 Complaints				
::Recent Petitions & Complaints				
This page provides information about recent petitions and complaints filed with the USITC. After the institution of an investigation, related information may be found in Federal Register notices.				
Docket No.	Received	Type	Commodity	Investigation No.
3079	7/21/15	701 & 731 Petition	Heavy-Walled Rectangular Welded Carbon Steel Pipes and Tubes	701-TA-539 and 731-TA-1280-1282
3078	7/20/15	337 Complaint	Windscreen Wipers	Pending Institution
3077	7/16/15	337 Complaint	Table Saws	Pending Institution
3076	6/30/15	332 Request	Economic Impact fo Trade Agreements Implemented Under Trade Authorities Procedures, 2016 Report	332-555
3075	7/8/15	337 Complaint	Activity Tracking Devices	Pending Institution
3074	6/30/15	332 Request	Generalized System of Preferences: Possible Modifications, 2014 Review	332-554
3073	6/25/15	701 & 731 Petition	Hydrofluorocarbon Blends	731-TA-1279
3072	6/17/15	337 Complaint	Resealable Packages with Slider Devices	337-TA-962
3071	6/12/15	337 Complaint	Lip Balm Products, Containers for Lip Balm	337-TA-961
3070	6/12/15	337 Complaint	Toner Supply Containers	337-TA-960
3069	6/3/15	701 & 731 Petition	Corrosion-Resistant Steel Products from China, India, Italy, Korea and Taiwan	701-TA-534-538 and 731-TA-1274-1278
3068	5/4/15	337 Complaint	Automatic Teller Machines and Point of Sale Devices and Associated Software	337-TA-958
3067	4/30/15	337 Complaint	Electric Skin Care Devices, Brushes, Chargers and Kits Containing Same	337-TA-959
3066	4/21/15	337 Complaint	Touchscreen Controllers	337-TA-957
3065	4/16/15	337 Complaint	Recombinant Factor VIII Products	337-TA-956
3064	3/11/15	337 Complaint	Protective Cases for Electronic Devices	337-TA-955
3063	3/10/15	337 Complaint	Variable Valve Actuation Devices and Automobiles	337-TA-954
3062	3/10/15	701 & 731 Petition	Polyethylene Terephthalate Resin	701-TA-531-533 and 731-TA-1270-1273

Are my Goods Subject to AD or CVD orders?



U.S. Customs and Border Protection
Securing America's Borders

ADD CVD SEARCH
ANTIDUMPING and COUNTERVAILING DUTIES

Filter by Category: ALL Message Type: ALL Search: candles Search Reset Search 10 results per page

What's New

- ADD CVD SEARCH was last updated on 07/24/2015
- There are a total of 20059 ADD CVD messages.
- There have been 30 messages updated in the last 30 days.

[View most recent messages](#)

About the Antidumping and Countervailing Duty Search System

- ADD CVD SEARCH is a searchable database of antidumping and countervailing duty messages that can be retrieved based on simple or complex search characteristics using keywords.
- The messages are segregated by Antidumping or Countervailing and span the years 1992 to present.
- Messages can be searched either by category or type.
- For a list of current AD/CVD message types, see ACE Portal Training Resources, AD/CVD Cases and Messages, Appendix A of the ACE User Guide at <http://www.cbp.gov/trade/ace/portal>
- For more information about features or how to use ADD CVD SEARCH, please visit the [Help section](#).
- This database includes antidumping and countervailing duty public messages only.
- Should you need assistance with the ADD CVD website please contact the CBP Technology Service Desk at (800) 927 - 8729 or CBPTECHNOLOGY.SERVICE.DESK@cbp.dhs.gov. Please
- This application was last built on 01/29/2015.

CBP Website: adcvd.cbp.dhs.gov



Topic: AD/C

Appendix A: Message Types

ARF – Admin Review Final
ARP – Admin Review Prelim
ENF – Enforcement
FIN – Final Determination
FNO – Final Det w/Order
INF – Information Notice
INI – Initiation of Review
INJ – Injunction
INQ – Inquiry
LIQ – Liquidation
NSR – New Shipper Review
ORD – Order
OTH – Other
PRE- Preliminary
REV – Revocation
SCO – Scope
TER – Termination Notice
WRIT – Writ of Mandamus





ADD CVD SEARCH

ANTIDUMPING and COUNTERVAILING DUTIES

Filter by Category

ALL

Message Type

ALL

Search

candles

Search

Reset Search

10 results per page

Case	Date	Period	Message	Cat	Type	Description
A-570-504	10/16/2014	08/01/2013 to 07/31/2014	4289310	ADA	LIQ	Automatic liquidation instruction for petroleum wax candles from The People's Republic of China for the period 08/01/2013 through 07/31/2014 (A-570-504)
A-570-504	08/01/2014	07/23/2014	4213306	ADA	SCO	Scope determination on antidumping duty order on petroleum wax candles from the People's Republic of China (A-570-504)
A-570-504	02/19/2014		4050301	ADA	LIQ	Antidumping duty scope determination on petroleum wax candles from the People's Republic of China (A-570-504)
A-570-504	11/01/2013	08/01/2011 to 07/31/2012	3305311	ADA	LIQ	Non-review liquidation instruction for petroleum wax candles from the People's Republic of China for the period 08/01/2011 through 07/31/2012 (A-570-504)
A-570-504	11/01/2013	08/01/2010 to 07/31/2011	3305310	ADA	LIQ	Non-review liquidation instruction for petroleum wax candles from the People's Republic of China for the period 08/01/2010 through 07/31/2011 (A-570-504)
A-570-504	10/25/2013	08/01/2012 to 07/31/2013	3298313	ADA	LIQ	Non-review liquidation instruction for petroleum wax candles from The People's Republic of China for the period 08/01/2012 through 07/31/2013 (A-570-504)
A-570-504	09/12/2013		3255303	ADA	LIQ	Antidumping duty scope determination on petroleum wax candles from the People's Republic of China (A-570-504)
A-570-504	09/05/2013	08/27/2013	3248301	ADA	SCO	Scope determination on antidumping duty order on petroleum wax candles from the People's Republic of China (A-570-504)
A-570-504	05/22/2013	04/30/2013	3142302	ADA	SCO	Scope determination on antidumping duty order on petroleum wax candles from the People's Republic of China (A-570-504)
A-570-504	04/29/2013	06/04/2012	3119304	ADA	SCO	Correction of message 3078303 dated 03/19/2013 concerning the antidumping duty order on petroleum wax candles from the People's Republic of China (A-570-504).

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Next →



Topic: AD/CVD Cases & Messages

What's Inside:

- Introduction Page 1
- Searching for an AD/CVD Case Page 1
- Printing an AD/CVD Case Page 11
- Searching for an AD/CVD Case Message
- Printing an AD/CVD Case Message
- Additional ACE Resources
- Appendix A: Message Types

Introduction

The Department of Commerce (Commerce) is responsible for administering antidumping/countervailing duty (AD/CVD) investigations.

<http://www.cbp.gov/document/guidance/adcvd-cases-and-messages>



Topic: AD/CVD Cases & Messages

Search AD/CVD Cases

Search AD/CVD Case

Case #:

Country:

HTS #:

Party Name:

Party ID:

Company Status:

Short Description:



If you know the AD/CVD Case number, no additional criteria is required to execute the search.

4. Enter your search criteria and select the **Search** button. The results are displayed at the bottom of the portlet, sorted alphanumerically by case number. If the search fails to display the intended results, select the **Clear**

ADD/CVD Standard Operating Procedure (Example)



Develop a program for identifying merchandise actually or potentially subject to ADD/CVD

- Managing customs brokers selected by the company
- Ensuring team members have adequate knowledge in order to carry out ADD/CVD specific tasks
- Facilitating interdepartmental communication
- Develop and maintaining records to substantiate all case numbers assigned to imports
- **Records** -- Maintaining current non-reimbursement statements for all subject products
- Performing quarterly post entry audits of entries to ensure internal controls with respect to ADD/CVD are adequate and being followed

ANTIDUMPING/COUNTERVAILING DUTIES – Internal Controls



TARIFF
CLASSIFICATION
& ADD/CVD
PROCEDURES

NEW PRODUCT
ADD / CVD
DETERMINATION
PROCEDURES

BROKER
MANAGEMENT
CONTROLS

ADD/CVD
POST ENTRY
AUDIT CONTROLS

ADD/CVD Broker Management Controls (Example)



Brokers should be required to enter merchandise in accordance with a HTS and ADD/CVD Database provided by the Importer.

Brokers should be required to inform Importer of any ABI or ACE alerts with respect to ADD/CVD so that the Importer can determine if the product is subject to ADD/CVD orders.

If ADD/CVD is applicable, the broker will enter the importation under the appropriate ADD/CVD case numbers on entry.


If ADD/CVD is not applicable, the broker will proceed to file the entry without applying ADD/CVD.


ADD/CVD: Importance of Classification



HTS accuracy is critical in managing ADD/CVD compliance.

Imports of the subject merchandise are provided for under the following HTS numbers.

 **U.S. Customs and Border Protection**
Securing America's Borders

[Back to List](#)  **5243309**

Message No: 5243309	Message Date: 08/31/2015
Message Status: Active	Category: Antidumping
Type: INF-Information Notice	Public: Y
Sub-Type:	
FR Cite:	FR Cite Date:
Reference Message #(s):	
Case #(s): A-201-994, A-570-967	
Effective Date: 08/24/2015	Court Case #:
Period of Review:	
Period Covered:	
Lifting of Suspension Date:	
TO: { Directors Of Field Operations, Port Directors }	
FROM: { Director AD/CVD & Revenue Policy & Programs }	
RE: Aluminum Extrusions from the People's Republic of China (A-570-967) processed and/or assembled in Mexico (A-201-994)	

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8414.59.60.90, 8415.90.80.45, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8473.30.20.00, 8473.30.51.00, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8536.90.80.85, 8538.10.00.00, 8543.90.88.80, 8708.29.50.60, 8708.80.65.90, 8803.30.00.60, 9013.90.50.00, 9013.90.90.00, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.11.40.80, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50

Hidden Dangers – IPR violations

Intellectual Property Rights Seizure Statistics

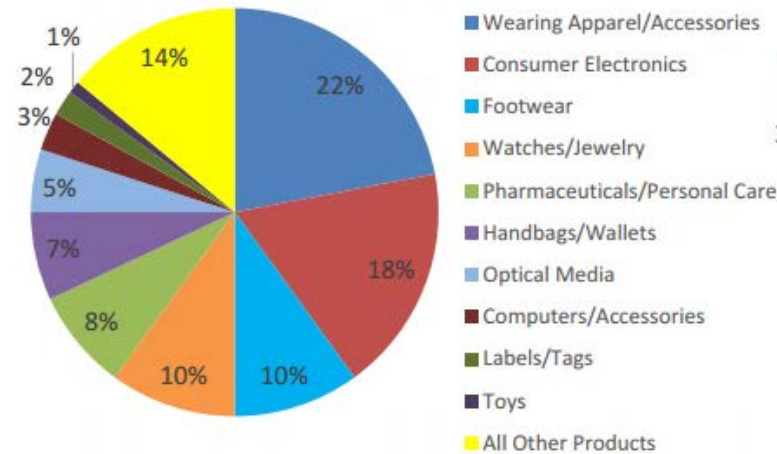
Fiscal Year 2015

Disclaimer: The information contained in this report does not constitute the official trade statistics of the United States. The statistics, and the projections based upon those statistics, are not intended to be used for economic analysis, and are provided for the purpose of establishing U.S. Department of Homeland Security workload.



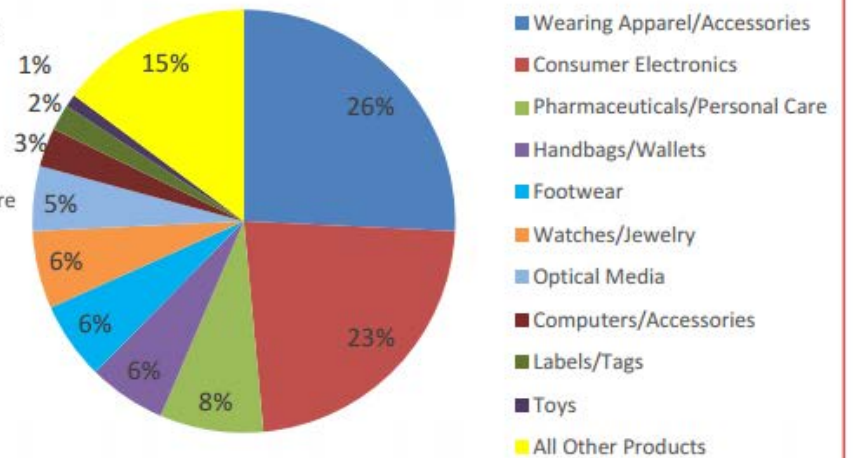
Number of Seizures

Fiscal Year 2015



Total Number of Seizures: 28,865

Fiscal Year 2014



Total Number of Seizures: 23,140

**In an effort to streamline DHS reporting, shipments with multiple products are now categorized as All Other Products. Prior to FY 2015, seizures with more than one type of product were included in more than one category. The FY 2014 totals have been adjusted to reflect this change.*

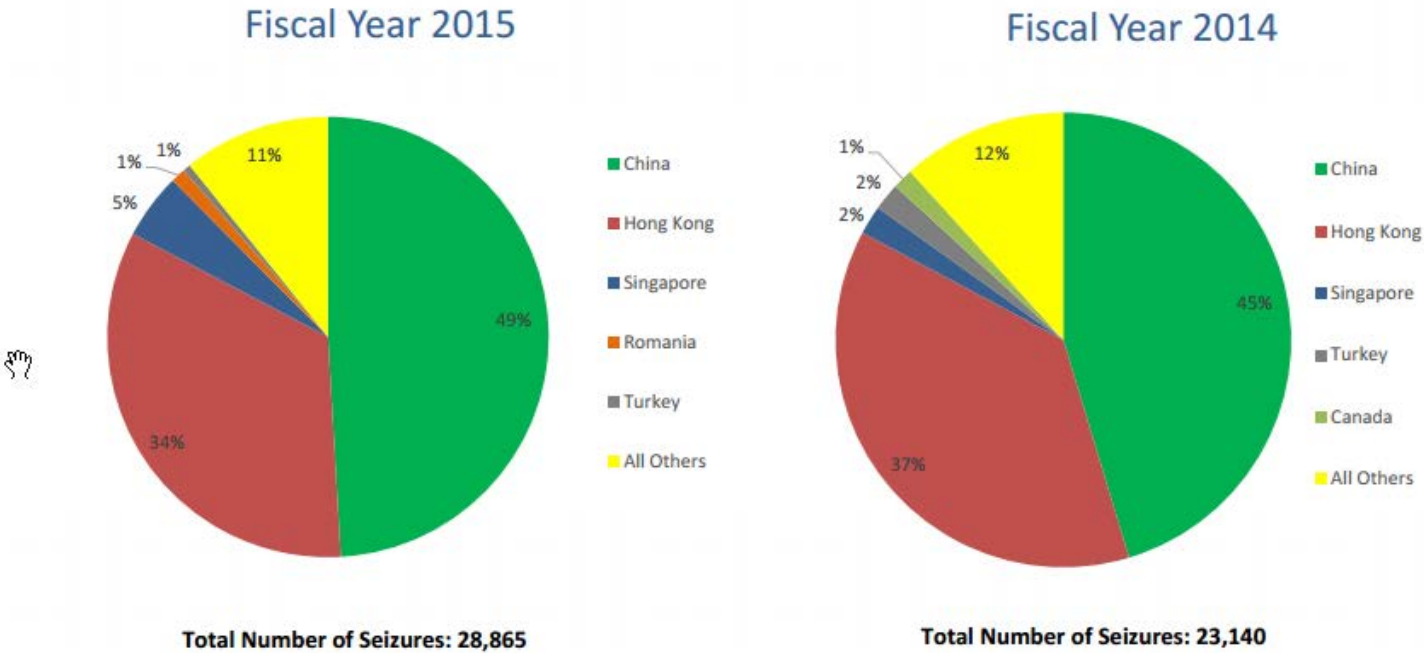


**Homeland
Security**

Hidden Dangers – IPR violations



Seizures by Source Economy



Homeland
Security

Hidden Dangers – IPR violations



- Common problems with electronics, electrical machinery and appliances, cables and media, etc.
- Products and or packaging may contain certification marks such as “UL” or industry standards like “DVD,” Apple marks, Windows etc.,



Subpart C-Importations Bearing Registered and/or Recorded Trademarks or Recorded Trade

- § 133.21 Articles bearing counterfeit trademarks.
- § 133.22 Restrictions on importation of articles bearing copying or simulating trademarks.
- § 133.23 Restrictions on importation of gray market articles.
- § 133.24 Restrictions on articles accompanying importer and mail importations.
- § 133.25 Procedure on detention of articles subject to restriction.
- § 133.26 Demand for redelivery of released merchandise.
- § 133.27 Civil fines for those involved in the importation of merchandise bearing a counterfeit mark.

- Importers should have a program in place to view product labeling and packaging from suppliers for 3rd party IP marks
- If 3rd party marks are on product or packaging, request copy of use authorize
- Review any marks against CBP data base.

Hidden Dangers – IPR violations



iprs.cbp.gov/index.asp

http://rulings.cbp.gov/ ear_data.html Lexis Advance® - Sign... Customs Bulletin and ... (IPR) search - cpb.gov http://tess2.uspto.gov/ WebVoyage Factory Five Roadsters ... BPC Electronic Code of Fed... LII United States Code: Tit... FDA Registration | U.S. ... FAS International Traffic In ... Mk Services

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Securing America's Borders

DHS.gov

IPRS INTELLECTUAL PROPERTY RIGHTS SEARCH

Keyword

Search ALL Title Product Description Owner Contact Name Firm Name Recordation No. Agency Registration No.

Filter Show All Trademarks Copyrights Tradenames Exclusion Orders Exclude Expired Include Expired

Results [1 - 10] of 12 records | Search took 0.02 Second

Effective Expiration	Title Product	Description	Owner	Contact Name	Firm Name	Recordation No. Agency No.	Typ
2/26/2015 12:15:21 PM 3/29/2025	UL CIRCLE IC A. US A. : Electrical Equipment, Usually Not of a Voltage Exceeding 600 Volts; Building Materials and Equipment; Fire Fighting and Fire Prev ...	Letters U and L inside of a circle. Certification Mark	UL LLC	EMMA PEARCE	UNDERWRITERS LABORATORIES	TMK 05-00236 782589	Tradema
2/10/2015 1:17:20 PM 10/15/2024	UL IC A. : Wire and cable.	Word Mark , Certification Mark - (UL)	UL LLC	EMMA PEARCE	UL LLC	TMK 15-00143 4566911	Tradema
2/28/2013 4/29/2023	UL CERTIFIED AND DESIGN IC A. US A. : Energy and power generation, distribution, storage, and charging equipment, and parts therefor, and related goods; engines, motor ...	WORD MARK AND DESIGN, CERTIFICATION MARK - UL CERTIFIED & Design - The mark consists of the staggered letters " UL " contained in a circle that is itself contained in a horizontally positioned black rectangle whose left side is arch shaped. The word "CERTIFIED" appears in white along the right interior vertical edge of the rectangle with the word spelled from bottom to top vertically.	UL LLC	EMMA PEARCE	UL LLC / REPRESENTATIVE	TMK 13-00211 4283959	Tradema
2/28/2013 4/29/2023	UL CERTIFIED AND DESIGN IC A. : Energy and power generation, distribution, storage, and charging equipment, and parts therefor, and related goods; engines, motors, generator ...	UL CERTIFIED & Design- UL WITH THE WORD CERTIFIED AND DESIGN	UL LLC	EMMA PEARCE	UL LLC / REPRESENTATIVE	TMK 13-00197 4283961	Tradema
2/28/2013 4/29/2023	UL CERTIFIED AND DESIGN IC A. : Energy and power generation, distribution, storage, and charging equipment, and parts therefor, and related goods; engines, motors, generators ...	UL CERTIFIED & Design	UL LLC	EMMA PEARCE	UL LLC / REPRESENTATIVE	TMK 13-00196 4283960	Tradema
2/28/2013 4/29/2023	UL CERTIFIED AND DESIGN IC A. US A. : Energy and power generation, distribution, storage, and charging equipment, and parts therefor, and related goods; engines, motors, ...	WORD MARK AND DESIGN, SERVICE MARK - UL CERTIFIED & Design - The mark consists of the staggered letters " UL " contained in a circle that is itself contained in a horizontally positioned rectangle whose left side is arch shaped. The word "CERTIFIED" appears along the right interior vertical edge of the rectangle with the word spelled from bottom to top vertically.	UL LLC	EMMA PEARCE	UL LLC	TMK 13-00222 4283962	Tradema
1/31/2013 12/4/2022	UL IC 009. downloadable safety and environmental standards. IC 016. : printed material, namely, safety and environmental standards 9. Scientific, na ...	UL -service mark	UL LLC	EMMA PEARCE	UL LLC / REPRESENTATIVE	TMK 13-00118 4201014	Tradema