

112TH CONGRESS  
2D SESSION

# H. R. 4216

To provide for the exchange of information related to trade enforcement.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2012

Mr. POE of Texas (for himself and Mr. CHABOT) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To provide for the exchange of information related to trade  
enforcement.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foreign Counterfeit  
5 Prevention Act”.

6 **SEC. 2. EXCHANGE OF INFORMATION RELATED TO TRADE**  
7 **ENFORCEMENT.**

8 Section 1905 of title 18, United States Code, is  
9 amended—

10 (1) by striking “Whoever” and inserting “(a)  
11 Whoever”; and

1 (2) by adding at the end the following:

2 “(b) It shall not be a violation of this section for an  
3 officer or employee of U.S. Customs and Border Protec-  
4 tion, at the time that merchandise is presented for exam-  
5 ination and thereafter, to provide the owner of a copyright  
6 or a registered mark, or any person who may be injured  
7 by a violation of section 1201 of title 17, United States  
8 Code—

9 “(1) any information appearing on the mer-  
10 chandise, including its retail packaging;

11 “(2) a sample of such merchandise and its re-  
12 tail packaging; or

13 “(3) digital images of such merchandise and its  
14 retail packaging,

15 as it was presented to the U.S. Customs and Border Pro-  
16 tection, without redaction, whether imported into or ex-  
17 ported from the United States, or attempted to be ex-  
18 ported from the United States, for the purposes of deter-  
19 mining whether the merchandise or its retail packaging  
20 infringes the copyright, bears or consists of a counterfeit  
21 mark of the registered mark, or is a violation of section  
22 1201 of title 17, United States Code.

23 “(c) It shall not be a violation of this section for an  
24 officer or employee of U.S. Customs and Border Protec-  
25 tion, after a determination is made that merchandise is

1 in violation of section 1201 of title 17, United States  
2 Code, to provide information to persons injured by such  
3 violation, including, but not limited to, the following:

4           “(1) The date of importation of the merchan-  
5           dise seized.

6           “(2) The United States port of entry at which  
7           the merchandise was seized.

8           “(3) A description of the merchandise.

9           “(4) The quantity of merchandise seized.

10           “(5) The country of origin of the merchandise.

11           “(6) The name and address of the foreign man-  
12           ufacturer of the merchandise.

13           “(7) The name and address of the exporter of  
14           the merchandise.

15           “(8) The name and address of the importer of  
16           the merchandise.

17           “(9) A photographic or digital image of the  
18           merchandise.

19           “(d) As used in this section—

20           “(1) the term ‘registered mark’ has the mean-  
21           ing given that term in section 45 of the Lanham Act  
22           (15 U.S.C. 1127);

23           “(2) the term ‘Lanham Act’ has the meaning  
24           given that term in section 2320(e) of this title;

1           “(3) the term ‘counterfeit mark’ has the mean-  
2           ing given that term in section 2320(e) of this title;  
3           and

4           “(4) the term ‘without redaction’ means with-  
5           out deleting, revising, or otherwise obscuring any in-  
6           formation, codes, marks, numbers, or any other  
7           markings appearing on the merchandise or its retail  
8           packaging.”.

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