

HR 6654

Foreign Counterfeit Merchandise Prevention Act

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Dec 13, 2012

Current Status: Referred to the House Committee on the Judiciary.

Latest Action: Referred to the House Committee on the Judiciary. (Dec 13, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/6654>

Sponsor

Name: Rep. Poe, Ted [R-TX-2]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Chabot, Steve [R-OH-1]	R · OH		Dec 13, 2012
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Dec 13, 2012
Rep. Sánchez, Linda T. [D-CA-39]	D · CA		Dec 13, 2012
Rep. Keating, William R. [D-MA-10]	D · MA		Dec 18, 2012
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Dec 18, 2012
Rep. McKeon, Howard P. "Buck" [R-CA-25]	R · CA		Dec 18, 2012

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred To	Dec 13, 2012

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
112 HR 4216	Related bill	Mar 28, 2012: Subcommittee Hearings Held.

Foreign Counterfeit Merchandise Prevention Act - Amends the federal criminal code to provide that it shall not be a violation of the prohibition against a federal employee disclosing trade secrets or other confidential or proprietary information for an officer or employee of U.S. Customs and Border Protection (CBP): (1) at the time that merchandise is presented for examination and thereafter, to provide the owner of a copyright or a registered mark or any person who may be injured by a circumvention of copyright protection systems with any information appearing on the merchandise, including its retail packaging, or a sample or image of such merchandise and its retail packaging, for the purposes of determining whether the merchandise or its packaging infringes the copyright, bears or consists of a counterfeit mark of the registered mark, or is a violation of copyright protection systems; or (2) after seizing merchandise determined to be in violation of copyright protection systems, to provide certain information to persons injured by such violation, including the date of importation, the port of entry, a description of the merchandise, the country of origin of the merchandise, the names and addresses of the foreign manufacturer, the exporter, and the importer, and a photographic or digital image of the merchandise.

Applies such exemption only with respect to tangible goods presented to the CBP for importation into, or exportation from, the United States.

Amends the Lanham Act to direct the Secretary of Homeland Security (DHS) (the Secretary) to record and transmit to customs officers any contact information, documentation of the locality in which goods were manufactured, and copies of trademark registrations furnished by domestic or eligible foreign manufacturers or traders for the purpose of aiding the enforcement of a prohibition on the importation of goods bearing infringing marks or names. (Currently, such activities are performed by the Secretary of the Treasury.)

Requires the Secretary, if the CBP detains critical merchandise bearing a DHS-recorded registered trademark, to provide the trademark owner any information on such critical merchandise and its packaging and labels, including, without redaction, photographs or digital images, packaging, and labels. Permits the Secretary, subject to any bonding and return requirements, to provide the owner samples of the critical merchandise without redaction.

Defines "critical merchandise" to include: (1) aircraft engines, appliances, propellers, and spare parts; (2) children's sleepwear, cosmetics, devices, drugs, food, motor vehicle equipment, pesticide chemicals, semiconductors, and tobacco products; (3) items on the U.S. Munitions List established under specified provisions of the Arms Export Control Act; and (4) any other article of manufacture that the Secretary determines could, if permitted entry into the United States in violation of the U.S. laws, pose a danger to the health, safety, or welfare of consumers, or to the national security of the United States.

Applies such Lanham Act amendments only with respect to tangible goods presented to the CBP for importation into the United States.

Actions Timeline

- **Dec 13, 2012:** Introduced in House
- **Dec 13, 2012:** Referred to the House Committee on the Judiciary.