

LAW OFFICES

BECKER & POLIAKOFF, P.A.

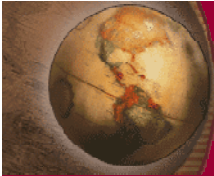
FLORIDA & THE WORLD

Cross-Border Trademark Enforcement

Presented by

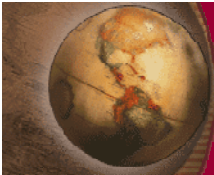
Peter A. Quinter, Esq.

January 2005



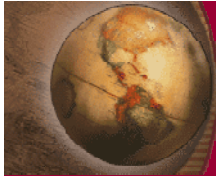
Department of Homeland Security CPB IPR Seizures Mid-Year FY 2004

Mid-Year FY 2004 Commodity	Domestic Value	% of Total Value
Wearing Apparel	\$ 27,752,256	43%
Cigarettes	\$ 11,513,518	18%
Handbags/Wallets/Backpacks	\$ 7,294,597	11%
Consumer Electronics	\$ 4,545,795	7%
Toys/Electronic Games	\$ 2,305,296	4%
Batteries	\$ 1,733,403	3%
Media	\$ 1,626,559	3%
Watches/Parts	\$ 1,016,783	2%
Footwear	\$ 988,115	2%
Identifying Elements	\$ 798,686	1%
All Other Commodities	\$ 4,828,331	7%
Total Domestic Value	\$ 64,403,339	
Total Number of Seizures	3,693	



Recordation With Customs

- **Only \$190**
- **IPR Branch**
- **Copyright/Trademark Application Template**



LAW OFFICES
BECKER & POLIAKOFF, P.A.
 FLORIDA & THE WORLD



U.S. Customs & Border Protection
 U.S. Department of Homeland Security
 CBP.gov

DHS.gov



**INTELLECTUAL PROPERTY
 RIGHTS SEARCH**

Keyword

[HELP](#) | [ABOUT](#) | [PRINT](#) | [KEYBRD SHORTCUTS](#)

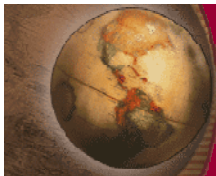
Search

Filter

Results [1 - 7] of 7 records | Search took 0.03 Seconds

Effective Expiration	Title Product	Description	Owner	Contact Name	Firm Name	Recordation No. Agency No.	Type
2/25/2004 2/25/2024	ECHOES II COLLECTION SCULPTURESS 475485	THE COPYRIGHT CONSISTS OF MINIATURE SCULPTURES	ECHOES L.L.C.	PETER QUINTER , ESQ.	BECKER & POLIAKOFF, PA	COP 04-00035 VA 1-169-990	Copyright
7/9/2002 7/23/2006	PSHENICHNAYA VODKA 472173	PSHENICHNAYA DESIGN RUSSIAN VODKA, VODKA	CRISTALL U.S.A., INC.	PETER A. QUINTER , ESQ.	BECKER & POLIAKOFF, P.A.	TMK 02-00484 1,987,870	Trademark
9/19/2000 4/4/2010	CRISTALL CRISTALL 469631	ALCOHOLIC BEVERAGES, NAMELY, VODKA	CRISTALL U.S.A., INC.	PETER A. QUINTER , ESQ.	BECKER & POLIAKOFF, P.A.	TMK 00-00476 2,336,937	Trademark
6/19/2000 12/21/2009	CRISTALL DESIGN ALCOHOL 469244	ALCOHOLIC BEVERAGES, NAMELY VODKA. THE TRANSLITERATION OF THE	CRISTALL U.S.A. INC.	PETER A. QUINTER , ESQ.	BECKER & POLIAKOFF, P.A.	TMK 00-00278 2,301,166	Trademark
10/14/1998 1/16/2006	AUROCH DESIGN ALCOHOLIC BEVERAGES VODKA	AUROCH DESIGN, ALCOHOLIC BEVERAGES, VODKA	CRISTALL U.S.A., INC.	PETER A. QUINTER , ESQ.	BECKER & POLIAKOFF, P.A.	TMK 98-00815 1,948,048	Trademark
8/19/1998 4/9/2006	STARAYA MOSKVA ALCOHOLIC BEVERAGES VODKA	FOR ALCOHOLIC BEVERAGES, NAMELY VODKA	CRISTALL U.S.A., INC.	PETER A. QUINTER , ESQ.	BECKER & POLIAKOFF, P.A.	TMK 98-00681 1,966,173	Trademark
8/19/1998 5/7/2006	POSOLSKAYA ALCOHOLIC BEVERAGES NAMELY VODKA	FOR ALCOHOLIC BEVERAGES, NAMELY VODKA	CRISTALL U.S.A., INC.	PETER A. QUINTER , ESQ.	BECKER & POLIAKOFF, P.A.	TMK 98-00684 1,972,190	Trademark

Results [1 - 7] of 7 records | Search took 0.03 Seconds



LAW OFFICES

BECKER & POLIAKOFF, P.A.

FLORIDA & THE WORLD



U.S. Customs & Border Protection
U.S. Department of Homeland Security
CBP.gov

DHS.gov



**INTELLECTUAL PROPERTY
RIGHTS SEARCH**

Keyword

GO

[HELP](#) | [ABOUT](#) | [PRINT](#) | [KEYBRD SHORTCUTS](#)

Search | | | | | | | |

Filter | | | | | |

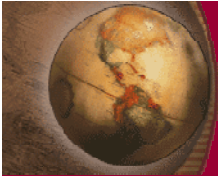
Effective Date: 6/19/2000
Expiration Date: 12/21/2009

Trademark

Customs Recordation Number: **TMK 00-00278**

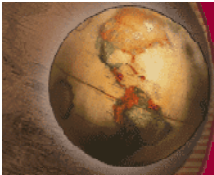
← BACK

Title	CRISTALL DESIGN
Product	ALCOHOL 469244
Description	ALCOHOLIC BEVERAGES, NAMELY VODKA. THE TRANSLITERATION OF THE
Owner Name	CRISTALL U.S.A. INC.
Gray Market Importations Restricted	YES
U.S. Patent and Trademark Office Registration Number	2,301,166
Firm	BECKER & POLIAKOFF, P.A. P.O. BOX 9057 FAX 954-985-4176 FT. LAUDERDALE, FL 33310-9057
Contact Name	PETER A. QUINTER, ESQ.
Phone Number	(954) 987-7550



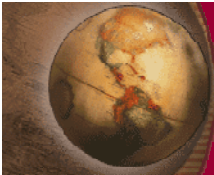
Trademark Recordation Application Template

- **Name/Description of trademark registered with the U.S. Patent & Trademark Office.**
- **U.S. Patent & Trademark Registration No.**
- **Place(s) of manufacture of goods bearing the trademark.**
- **Name(s) and address(es) of licensees who use the trademark.**



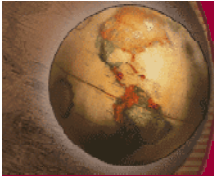
Trademark Recordation Application Template *(cont'd)*

- The names and principal business addresses of any business entities, foreign or domestic, who use the trademark and a description as to those use(s).
- Provide the name, address, telephone number, facsimile number, and email address of the contact person to whom BCBP should send inquires regarding potentially infringing merchandise and notices of detention and seizure pursuant to 19 CFR 133.24.



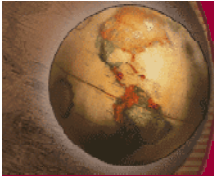
Copyright Recordation Application Template

- **Name/Description of copyright registered with the U.S. Copyright Office.**
- **U.S. Copyright Office Registration No.**
- **Place(s) of manufacture of genuine copies or phonorecords of the protected work.**
- **Name(s) and address(es) of licensees authorized to use the trademark.**



Copyright Recordation Application Template *(cont'd)*

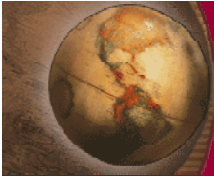
- **The names and principal business addresses of companies, foreign or domestic, authorized or licensed to use the protected work, and a description of the exclusive rights authorized.**
- **Provide the name, address, telephone number, facsimile number, and email address of the contact person to whom Customs should send inquires regarding potentially infringing merchandise and notices of detention and seizure pursuant to 19 CFR Part133.**



CBP IPR Matrices

Recommended Actions, Citations, and Dispositions of Importations Involving Trademark Violations

STATUS	CUSTOMS ACTION	CITATION	RECOMMENDED DISPOSITION
<p><u>COUNTERFEIT MARK</u></p> <ul style="list-style-type: none"> • Registered Patent & Trademark Office (PTO) trademark • Recorded with Customs 	<p>SEIZE AS COUNTERFEIT PROCEED TO FORFEIT</p> <p>ISSUE FINE</p>	<p>19 U.S.C. §1526(e) 19 U.S.C. §1526(f)</p>	<p>NO REMISSION OF FORFEITURE:</p>
<p><u>CONFUSINGLY SIMILAR MARK</u></p> <ul style="list-style-type: none"> • Registered PTO trademark • Recorded with Customs • No consent of trademark holder 	<p>INITIALLY DETAIN, SEIZE, UNLESS EXEMPTIONS APPLY UNDER 19 CFR §133.22(c)</p>	<p>DETAIN: 19 C.F.R. §133.25</p> <p>SEIZE: 19 U.S.C. §1595a(c)(2)(c) FOR VIOLATION OF: 15 U.S.C. §1124</p>	<p>REMIT FORFEITURE UPON: standard 1595a(c) mitigation guidelines of 10% –30% for first violation, and export to country of origin under Customs supervision, and removal or obliteration of the offending mark [19 C.F.R. §133.51(b)]</p>
<p><u>GRAY MARKET</u></p> <ul style="list-style-type: none"> • Registered PTO trademark • Recorded with Customs, • Gray Market protection (indicated by “Y” in IPR module) 	<p>INITIALLY DETAIN, 19 U.S.C. §133.25</p>	<p>DETAIN: 19 C.F.R. §133.25</p> <p>Seize: 19 U.S.C. §1526(b) and 19 C.F.R. §133.23(f)</p>	<p>IF PETITION FILED, REMIT FORFEITURE UPON: payment of 10% of the dutiable value for first violation, hold harmless agreement, and export to country of original exportation under Customs supervision.</p>



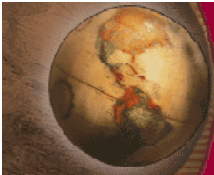
LAW OFFICES

BECKER & POLIAKOFF, P.A.

FLORIDA & THE WORLD

Recommended Actions, Citations, and Dispositions of Importations Involving Copyright Violations

STATUS	CUSTOMS ACTION	CITATION	RECOMMENDED DISPOSITION
1. Clearly Piratical copy of U.S. registered (U.S. Copyright Office) and recorded (CBP) copyright	SEIZE AND FORFEIT	19 U.S.C. §1595a(c)(2)(C) for violation of 17 U.S.C. §602	No Remission of Forfeiture
2. Clearly Piratical copy of U.S. registered copyright that is not recorded with CBP	SEIZE AND FORFEIT	19 U.S.C. §1595a(c)(2)(C) for violation of 17 U.S.C. §501	No Remission of Forfeiture
3. Clearly Piratical copy of U.S. registered copyright, recorded or not recorded with CBP, with consent of copyright owner after seizure	SEIZE,	<u>If recorded with CBP</u> : 19 U.S.C. §1595a(c)(2)(C) for violation of 17 U.S.C. §602 and 19 C.F.R. §133.42 <u>If not recorded with CBP:</u> 19 U.S.C. §1595a(c)(2)(C) for violation of 17 U.S.C. §501	REMIT FORFEITURE UPON: consent of copyright owner, mitigation of 1595a(c) to 2% of dutiable value, seizure costs, and hold harmless agreement, for first violation.



Questions

Peter A. Quinter, Esq.
Customs & International Trade Department
Becker & Poliakoff, P.A.
Fort Lauderdale, Florida
(985) 954-4101
pquinter@becker-poliakoff.com