IP Law Daily, INDUSTRY NEWS—U.S. House passes Counterfeit Notification Act, expanding information about suspected violations of intellectual property rights that U.S. Customs and Border Protection can share with stakeholders, (Apr. 28, 2026)

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Bipartisan legislation has support of major industry groups, including AIPLA and INTA.

The United States House of Representatives, addressing problems caused by limits on the ability of U.S. Customs and Border Protection (CBP) to share information with the private sector regarding suspected intellectual property violations in imported goods, has passed the Counterfeit Notification Act (the Act). The Act (H.R. 4930) expands the definition of "persons" in Section 628A of the Tariff Act of 1930 (19 U.S.C. 1826a) to include all parties "with an interest in the" imported merchandise, thus expanding the scope of stakeholders with whom CBP can share information. The Act also amends Section 628A to expand the scope of information that CBP is authorized to share with stakeholders, to include information such as packing materials, shipping containers, information about the imported merchandise generated by an online marketplace or similar market platform, or any other entity that plays a role in the sale, importation, or facilitation of the merchandise into the United States. The bill has received broad support from organizations representing various trade and industry groups, as well as the American Intellectual Property Law Association (AIPLA) and the International Trademark Association (INTA). It previously passed the House Ways and Means Committee by a bipartisan vote of 40-0.

CBP identifies counterfeit products at U.S. ports of entry and alerts businesses when it suspects a shipment might contain counterfeit or pirated goods. Under current law, CPB only can provide limited information about shipments in question and only to limited stakeholders. It cannot share the container used to ship the goods, images of the packaging, labels, invoices, or packing slips that identify the product's country of origin, with stakeholders involved throughout the chain of distribution, including the IP rights holders, carriers like DHL, UPS, or FedEx, and e-commerce platforms like Etsy and Amazon. The Act addresses those limitations by expanding the scope of information that can be shared to include that information, as well as the stakeholders with whom that information can be shared to include those involved in the chain of distribution.

As Representative Brad Schneider (D-Ill), one of the Act's co-sponsors in the House with Representative Blake Moore (R-Utah), highlights in a press statement, the Act allows CBP to share the following packaging information: (1) shipping labels and tracking numbers; (2) addresses of the sender and recipient; (3) shipping invoices and manifests; (4) images of the outer packaging; and (5) container-level packaging information and data. This can help CBP identify patterns of behaviors, including repeat senders across multiple shipments, "drop addresses" that organized counterfeiters use, and common entry points or air routes. By sharing this information with a broader scope of stakeholders, such as carriers like DHL, UPS, or FedEx, the expectation is that greater scrutiny of patterns will lead to more detection of illicit goods.

In a letter sent by several industry groups to Moore, Schneider, and Senators Chuck Grassley (R-Iowa) and Maggie Hassan (D-N.H.) encouraging passage of the Act in both the House and Senate, the groups pointed out the scope of the problem the Act is designed to address. They note that in Fiscal Year 2024, CBP seized more than 32 million counterfeit and pirated items, valued at more than $5 billion, across more than 300 ports of entry. They also note that those figures have been increasing at a "disconcerting" rate in recent years, with the amount of illicit goods seized more than doubling and the value of those goods increasing by more than 400% in the prior five years. Not only do these goods cause monetary losses, but also endanger consumers'

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health and safety, according to the industry groups. The letter was signed by: Alliance for Automotive Innovation (AAI), Alliance for Safe Online Pharmacies (ASOP Global), American Apparel & Footwear Association (AAFA), American Intellectual Property Law Association (AIPLA), Automotive Anti-Counterfeiting Council (A2C2), Baby Safety Alliance, International Anti-Counterfeiting Coalition (IACC), International Trademark Association (INTA), Partnership for Safe Medicines (PSM), Pharmaceutical Security Institute (PSI), Semiconductor Industry Association (SIA), and Transnational Alliance to Combat Illicit Trade (TRACIT).

Senators Grassley and Hassan of the Senate Judiciary Committee have introduced a companion bill (S. 2677) in the Senate, which has been referred to the Senate Finance Committee, according to Congress.gov.

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