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U.S. Trade Representative Seeks Public Comment For List of Markets Notorious for Counterfeiting

The United States Trade Representative ("USTR") recently announced that it is requesting public comments for its annual "Notorious Markets" list. This annual index identifies specific markets "where counterfeit or pirated products are prevalent to such a degree that the market exemplifies the problem of marketplaces that deal in infringing goods and help sustain global piracy and counterfeiting." To increase public awareness and guide trade enforcement action, the "Notorious Markets" list is, for the first time, being published separately from the USTR's comprehensive annual intellectual property report ("Special 301 Report").

Piracy and counterfeiting continue to present a substantial threat to the global economy. This ongoing epidemic is due in large part to markets that foster the production and sale of counterfeit goods. For businesses invested in the reputation of their brands, this opportunity for public comment offers another medium through which to implement a broad anti-counterfeiting strategy. Providing detailed written comments to the USTR will allow businesses to draw greater attention and resources to those aspects of their marketplaces most affected by counterfeiting.

The USTR requires that interested parties submit their written comments no later than November 5, 2010 at 5 p.m. Parties should submit detailed written comments that identify, whenever possible, the reasons why specific marketplaces "help sustain global piracy and counterfeiting." Specifically, written comments should include the following information for these markets: location, principle owners, product categories, ongoing enforcement efforts, and any progress made toward eliminating the threat of counterfeiting.

If your company is dealing with piracy or counterfeiting, or if you would like to submit comments to USTR, Venable can help. Venable's experienced professionals can help you implement a highly-effective program of intellectual property enforcement and anti-counterfeiting. Venable has years of experience working with federal enforcement agencies like the USTR and the Customs and Border Protection ("CBP") to promote the policy interests of its clients. Venable invites you to contact us with any questions, comments, and concerns you may have.

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