

United States Customs Service, Treasury

§ 133.2

133.15 Term of Customs trade name recordation.

Subpart C—Importations Bearing Registered and/or Recorded Trademark or Recorded Trade Names

- 133.21 Articles bearing counterfeit trademarks.
- 133.22 Restrictions on importation of articles bearing copying or simulating trademarks.
- 133.23 Restrictions on importation of gray market articles.
- 133.24 Restrictions on articles accompanying importer and mail importations.
- 133.25 Procedure on detention of articles subject to restriction.
- 133.26 Demand for redelivery of released merchandise.
- 133.27 Civil fines for those involved in the importation of counterfeit trademark goods.

Subpart D—Recordation of Copyrights

- 133.31 Recordation of copyrighted works.
- 133.32 Application to record copyright.
- 133.33 Documents and fee to accompany application.
- 133.34 Effective date, term, and cancellation of recordation.
- 133.35 Change of ownership of recorded copyright.
- 133.36 Change in name of owner of recorded copyright.
- 133.37 Renewal of copyright recordation.

Subpart E—Importations Violating Copyright Laws

- 133.41 [Reserved]
- 133.42 Infringing copies or phonorecords.
- 133.43 Procedure on suspicion of infringing copies.
- 133.44 Decision of disputed claim of infringement.
- 133.45 [Reserved]
- 133.46 Demand for redelivery of released articles.

Subpart F—Procedure Following Forfeiture or Assessment of Liquidated Damages

- 133.51 Relief from forfeiture or liquidated damages.
- 133.52 Disposition of forfeited merchandise.
- 133.53 Refund of duty.

AUTHORITY: 17 U.S.C. 101, 601, 602, 603; 19 U.S.C. 66, 1624; 31 U.S.C. 9701.

Section 133.1 also issued under 15 U.S.C. 1096, 1124;

Sections 133.2 through 133.7, 133.11 through 133.13, and 133.15 also issued under 15 U.S.C. 1124;

Sections 133.21 through 133.25 also issued under 15 U.S.C. 1124, 19 U.S.C. 1526;

Sections 133.26 and 133.46 also issued under 19 U.S.C. 1623;

Sections 133.27 and 133.52 also issued under 19 U.S.C. 1526;

Section 133.53 also issued under 19 U.S.C. 1558(a).

SOURCE: T.D. 72-266, 37 FR 20678, Oct. 3, 1972, unless otherwise noted.

§ 133.0 Scope.

This part provides for the recordation of trademarks, trade names, and copyrights with the United States Customs Service for the purpose of prohibiting the importation of certain articles. It also sets forth the procedures for the disposition of articles bearing prohibited marks or names, and copyrighted or piratical articles, including release to the importer in appropriate circumstances.

Subpart A—Recordation of Trademarks

§ 133.1 Recordation of trademarks.

(a) *Eligible trademarks.* Trademarks registered by the U.S. Patent and Trademark Office under the Trademark Act of March 3, 1881, the Trademark Act of February 20, 1905, or the Trademark Act of 1946 (15 U.S.C. 1051 *et seq.*) except those registered on the supplemental register under the 1946 Act (15 U.S.C. 1096), may be recorded with the U.S. Customs Service if the registration is current.

(b) *Notice of recordation and other action.* Applicants and recordants will be notified of the approval or denial of an application filed in accordance with §§ 133.2, 133.5, 133.6, and 133.7 of this subpart.

[T.D. 72-266, 37 FR 20678, Oct. 3, 1972, as amended by T.D. 91-77, 56 FR 46115, Sept. 10, 1991]

§ 133.2 Application to record trademark.

An application to record one or more trademarks shall be in writing, addressed to the Intellectual Property Rights Branch, U.S. Customs Service,