

Customs

Overview

Importers require knowledgeable counsel to guide them through the complexities of U.S. Customs and Border Protection's (CBP or Customs) specialized procedures and requirements. Issues commonly faced by importers involve compliance and enforcement with respect to the classification, valuation, and origin of imported merchandise.

Adduci, Mastriani & Schaumberg, LLP (AMS) advises clients on a broad range of import issues before CBP, including complementing the firm's specialization in intellectual property rights enforcement. Our firm's proximity to Customs Headquarters enables us to have face-to-face interaction with CBP officials and stay abreast of the ever-evolving regulatory landscape. We also litigate customs matters in the Court of International Trade and before the U.S. Court of Appeals for the Federal Circuit. Our administrative and litigation representations have resulted in tens of millions of dollars in duty savings and refunds for our clients.

We have nearly forty years of experience with customs matters including:

Duty Reduction and Avoidance

We have resolved issues regarding classification, valuation, and country of origin of imported merchandise leading to the reduction and even the avoidance of duties. Our familiarity with duty preference programs and free trade agreements can also lead to duty savings.

- We assist our clients in obtaining preferential duty treatment under, for example, the Generalized System of Preferences and the African Growth and Opportunity Act (programs that allow certain goods from eligible countries to enter the United States duty-free), which are brought before the Office of the U.S. Trade Representative.
- We help our clients take advantage of free trade agreements including NAFTA and the Dominican Republic-Central America-United States Free Trade Agreement.
- We work with clients on duty drawback programs that give U.S. importers the right to receive refunds of duties upon the exportation of previously imported, duty-paid merchandise.

Informed Compliance

Importers can meet their "reasonable care" responsibility through retaining experienced counsel such as AMS.

- We conduct compliance assessments of import processes, procedures, and documents to assist our clients with customs compliance, duty savings, and to insulate clients proactively from potential customs penalties for non-compliance.

Penalties and Seizures

Importers receiving formal notice that Customs is assessing a penalty or seizing merchandise must act to mitigate or avoid penalties, or have Customs release the seized merchandise.

- AMS works with clients and Customs to achieve the best possible results in cases involving penalties and seizures.
- We also have experience counseling clients through the process of filing prior disclosures, which, combined with the payment of any lost revenue resulting from a disclosed mistake, can mitigate or even eliminate penalties.

Customs Rulings

Our familiarity with Customs policies and procedures enables us to advocate proactively for our clients.

- If we encounter an issue for which there is no clear answer, we often work with the client to request a written ruling or internal advice from Customs.
- AMS attorneys continually monitor Customs rulings and court decisions on issues that may affect our clients and their businesses.

Recordation and Enforcement

Brand protection and enforcement represent two essential elements of intellectual property protection. We assist clients in protecting their IP rights from inception through enforcement.

- We record clients' registered trademarks and copyrights in an effort to prevent infringing products from being imported into the United States.
- AMS is one of the few firms with experience appearing in the recently established *inter partes* proceedings before CBP's Intellectual Property Rights Branch administered pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

News & Insights

Unanimous ITC Vote Brings Win for KPIC in Antidumping Investigation

The AMS team, alongside Capital Trade Economists, led client Korea Petrochemical Industry Co. Ltd. ("KPIC") to a unanimous victory at the U.S. International Trade Commission ("ITC") in the antidumping duty investigation of ultra-high molecular weight polyethylene from Korea.

Okun to Moderate 2021 CITBA Virtual Winter Luncheon 2021

Deanna Tanner Okun will moderate the 2021 CITBA Virtual Winter Luncheon. The panel will focus on recent developments related to trade with Vietnam as the new administration takes office.

Pardini to Moderate CITBA CBP Panel on the Biden Administration

Lydia Pardini will moderate a CITBA panel on current customs initiatives and what can be expected to change under President-Elect Biden's administration.

Trade Policy Under the Biden Administration: Five Big Issues We're Watching

With one day until President-Elect Biden takes office, major questions remain about how the incoming Administration will approach ongoing trade conflicts and duties imposed by the Trump Administration. This blog article discusses five issues AMS is keeping an eye on right now.

Pardini Passes the Customs Broker Exam

Congratulations to Lydia C. Pardini on passing the Customs Broker License Examination (CBLE)!

Fruit of the Poisonous Tree: The Absence of Senate-Confirmed Leadership at DHS and CBP Could Implicate Enforcement of International Trade Laws

AMS attorneys Garcia and Pardini write about how the absence of senate-confirmed leadership at the U.S. Department of Homeland Security and Customs and Border Protection could implicate enforcement of international trade laws.

Significant Changes Impacting U.S.-Hong Kong Trade

In this blog article, Lydia C. Pardini writes about the significant changes impacting U.S.-Hong Kong trade.

Chambers Global Practice Guides Article by Allam and Pardini is Now Available

The chapter on enforcements of judgments for intellectual property and international trade, authored by Asha Allam and Lydia Pardini and published by Chambers and Partners in their 2020 Global Practice Guides, is now available in the attached PDF.

AMS Attorneys Publish Chambers Article on Enforcements of Judgement

Asha Allam and Lydia Pardini, attorneys at Adduci Mastriani & Schaumberg (AMS), authored an insightful chapter on trends and developments in the enforcements of judgements for intellectual property and international trade, which Chambers and Partners published in their 2020 Global Practice Guides.

OtterBox Prevails in CAFC Appeal

Mobile Device Cases Do Not Qualify as "Containers" Under HTSUS Schedule Heading 4202