

Enforcement

Overview

Adduci, Mastriani & Schaumberg, LLP (AMS) utilizes a variety of tools to enforce our clients' IP rights, including working with the appropriate government agencies, traditional litigation, as well as monitoring, identifying, and seeking take-down of illegitimate product listings and websites.

Enforcement following ITC Investigations

AMS has extensive experience in enforcement of ITC remedial orders: we guide clients through the enforcement phase following the issuance of an exclusion order, working with U.S. Customs and Border Protection (Customs) to achieve effective strategies to enforce ITC remedial orders and/or to minimize the disruption those orders cause.

- Our individualized, hands-on approach adapts to the ever-changing legal landscape surrounding enforcement of ITC exclusion orders.
- We assist IP owners in ensuring that infringing products are excluded from entry into the United States, including seeking formal rulings of infringement from CBP or the ITC, where appropriate.
- We assist importers in ensuring that non-infringing products are permitted entry into the United States, including seeking rulings by Customs regarding non-infringement of a redesign and/or ensuring that products that are not covered by exclusion orders are permitted entry without disruption of legitimate trade.

Brand Protection and IP Enforcement

Intellectual property protection and enforcement of brand-name products is increasingly complex as the majority of retail purchasing now takes place online. Manufacturers of counterfeits and deceptive knock-offs exploit algorithms to attract customers with prominent placement in search results or fake websites that are virtually indistinguishable from the real thing. Even the most vigilant IP owners often find themselves struggling to get ahead of a seemingly endless flow of illegitimate products.

We work directly with online marketplaces, brand protection professionals, and the U.S. government agencies responsible for enforcing intellectual property rights.

- We register trademarks and copyrights, helping clients proactively protect their intellectual property.
- We have experience resolving enforcement issues expeditiously and, in many instances, without the need for litigation.
- When litigation is the best solution to stop counterfeiters, we represent clients in District Court patent prosecution cases and Section 337 investigations at the ITC.
- We coordinate with online marketplaces to take down listings for counterfeit products and work with Customs to stop counterfeit goods at the border.