



The Office of Textiles and Apparel (OTEXA) is part of the International Trade Administration of the U.S. Department of Commerce. OTEXA oversees programs and strategies to improve the domestic and international competitiveness of the U.S. fiber, textile, and apparel industries.

U.S. exporters are encouraged to contact OTEXA regarding their exporting problems. Many problems require only a clarification of procedure, while others may be more complicated. OTEXA regularly investigates cases involving regulations and restrictions that may be considered trade barriers or that may be inconsistent with international trade agreements. To report a problem, send an e-mail to exportadvantage@ita.doc.gov or call (202) 482-3400.

OTEXA is committed to ensuring that U.S. textile and apparel exports have access to global markets. Through its Web site, Export Advantage, OTEXA assists U.S. textile and apparel exporters, and works to ensure that foreign governments live up to their international trade obligations.



The International Trade Administration (ITA) has as its mission the creation of economic opportunity for U.S. workers and firms by promoting international trade, opening foreign markets, ensuring compliance with trade laws and agreements, and supporting U.S. commercial interests at home and abroad. To learn more about the ITA, write to: International Trade Administration, Office of Public Affairs, U.S. Department of Commerce, Washington, DC 20230, or visit the ITA's Internet site at www.ita.doc.gov.

January 2003



Intellectual Property Rights *for the* U.S. Textile and Apparel Industry



U.S. Department of Commerce
International Trade Administration
Office of Textiles and Apparel

Intellectual Property Rights (IPR)

The administration is focusing special attention on intellectual property rights (IPR) problems facing the U.S. textile and apparel industry. The U.S. Department of Commerce is working in conjunction with the U.S. Customs Service and the U.S. Patent and Trademark Office to address some of these concerns.

IPR give the creator of the intellectual property—such as the designer of a pattern—the right to exclude others from the use of this creation. Patents, trademarks, and copyrights are examples of different types of intellectual property. A carpet or upholstery pattern is an example of something that may be copyrighted.

Infringement of an intellectual property right involves the manufacture, use, exportation, or sale of a product embodying the protected right without the authorization of the right owner. Proof of infringement may be established through direct or circumstantial evidence, which requires a showing of the protected original work and the substantially similar infringing product.

The U.S. Customs Service is empowered to make substantive decisions pertaining to trademark and copyright infringement. Recording trademarks and copyrights with the Customs Service is a key step in keeping counterfeit or unauthorized goods out of the United States. Recordation allows the U.S. Customs to seize and/or detain potentially infringing goods before they enter U.S. territory. For more information, visit the Customs Service's Web site at www.customs.gov.

For IPR problems in foreign markets, become familiar with that country's IPR laws and seek qualified local counsel who are experienced in handling IPR issues.

Do You Have an IPR Problem?

- Is your patent, trademark, or copyright being illegally used?
- Is your trademark considered a famous mark?
- Do you have documentation or other proof of the patent, trademark, or copyright violation?
- Are you unable to protect your patent, trademark, or copyright in a foreign country—that is, through patent applications and trademark registrations? Are similar trademarks, patents, or copyrights protected in that country?
- Have you trusted a foreign government with your intellectual property, and has it passed your business' confidential information, technology, or trade secrets on to a local company without your permission? Is the local company now your main competitor?
- Is a foreign government not helping your agent, distributor, or wholly-owned subsidiary to stop the infringement of your trademark, patent, or copyright?

Protect Yourself

Things you should do to protect yourself against IPR infringement:

- **Record your product with the U.S. Customs Service.** Visit the Service's Web site at www.customs.gov. Click on "Enforcement" and then "Intellectual Property Rights."
- **Document all cases of IPR infringement that you experience.** Include "who," "what," "when," and "where."
- **Report infringement to the U.S. Department of Commerce,** Office of Textiles and Apparel, either by e-mail (exportadvantage@ita.doc.gov) or by telephone, (202) 482-3400.

Internet Resources

- **U.S. Customs Service:** www.customs.gov
- **U.S. Copyright Office:** www.loc.gov/copyright
- **World Trade Organization:** www.wto.org
- **World Intellectual Property Organization:** www.wipo.org

U.S. Department of Commerce
International Trade Administration
Office of Textiles and Apparel
1401 Constitution Ave. NW
Washington, DC 20230

Tel: (202) 482-3400 Fax: (202) 482-0858
E-mail: exportadvantage@ita.doc.gov
Web site: <http://otexa.ita.doc.gov>
(Click on "Export Advantage")