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What do unibrows and trademarks have in Common? Why, Anthony Davis, Jr., of course.

By: Michael D. Fishman, Esq.

Like Jay Leno and his notable chin and Justin Bieber and his adored hairstyle, Anthony Davis Jr., the highly acclaimed NBA basketball player for the New Orleans Hornets and former power forward for the University of Kentucky, has his UNIBROW.

While most teens, college students and young adults would tweeze or shave their unibrows out of embarrassment or fear of ridicule, Anthony Davis celebrates his. Apparently, so do his fans who wear “unibrow” masks and otherwise glorify Davis by wearing clothing, creating posters, and baking cookies all with unibrow themes. Even the University of Kentucky’s Wildcat mascot has been seen sporting a unibrow.

Fans and the media alike identify the player’s notable unibrow with Davis and him alone, as well as his star performance on the court. So much so that earlier this year Davis filed applications to register the brow-catchy phrases “RAISE THE BROW,” “BROW DOWN” and “FEAR THE BROW” with the U.S. Patent and Trademark Office as trademarks to capitalize on the unibrow hysteria. Undoubtedly, Davis’ unibrow will find its way into the marketing and sale of numerous promotions and sponsorships by Davis and the NBA, involving the many categories of products listed in his trademark applications, from apparel to water bottles to bumper stickers to, ironically, after-shave.

Enforcement of Intellectual Property Rights by U.S. Customs and Border Protection

By: Nivita Beri, Esq.

Today’s global economy requires businesses to adequately protect and enforce their Intellectual Property rights by obtaining the protection of patents and trademarks and



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registering copyrights. Once these fundamental routes of protection are obtained, a valuable enforcement resource exists with the U.S. Customs and Border Protection (CBP).

CBP devotes substantial resources to target, intercept, seize and forfeit shipments of counterfeit goods. Owners of registered trademarks and copyrights can record their registrations with the CBP to thwart importation of infringing foreign goods into the U.S. The recorded information is entered into an electronic database accessible at all 328 U.S. ports of entry. The CBP relies on the recorded information to actively monitor shipments to pre-vent the importation and exportation of infringing goods.

Only trademarks registered on the Principal Register of the USPTO are eligible for recordation with CBP. Both registered and pending copyright applications with the U.S. Copyright Office are eligible for recordation with CBP. Patents registered with USPTO cannot be recorded with CBP, however enforcement is possible if an Exclusion Order has been issued by the International Trade Commission.

In October 2005, CBP released the Intellectual Property Rights e-Recordation system (IPRR System). There are many benefits of filing with the CBP by using their IPRR System including, elimination of paper applications and the need for supporting documents, like physical copies of registration certificates; the availability of intellectual property rights information at various ports to help CBP Personnel with infringement determinations; and the ability to allow rights owners to upload images of their protected work or trademark, thus eliminating the need to send physical samples to the CBP. Additionally, when completing the online application, the required fee of \$190 per International Class can be paid by credit card or check.

Intellectual property rights recorded with the IPRR System are easily searchable through the Intellectual Property Rights Search Database (IPRS). The IPRS contains recorded trademarks and copyrights, which are available for viewing by anyone. Results can be retrieved based on simple or complex search strategies using keywords and Boolean operators.

Additionally, owners of intellectual property rights are encouraged to submit allegations of potentially infringing shipments or suspicious infringing conduct to the CBP, through its online reporting system called e-Allegations. The information submitted through e-Allegations is disseminated to the appropriate office or port of entry for investigation and



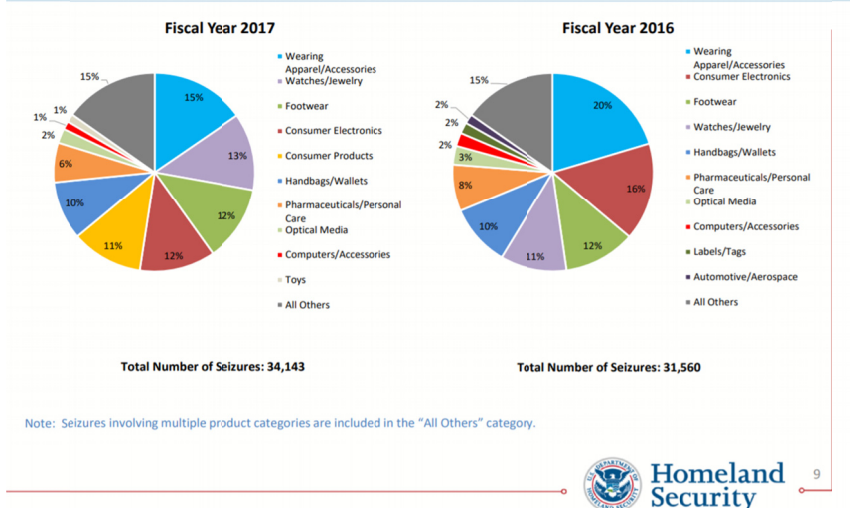
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eventually for criminal prosecution, when applicable. The submissions can be made anonymously and may include photos and other documentation.

CBP encourages intellectual property rights owners to proactively assist in the infringement determination process. For example, rights owners can create product identification guides, which should include information about the company/individual, physical characteristics of the product, photos of the genuine product comparing to photos of suspect version of the product, and manufacturing information. All product identification guides are submitted to the CBP and placed on CBP's internal websites and linked to the e-Recordation system, in turn providing CBP Field Personnel assistance in making infringement determinations. Another viable option is for companies to provide Product Identification Training Sessions to CBP Field Personnel located at various ports of entry. This allows company representatives to have face-to-face interaction with the CBP Field Personnel who will actually be inspecting shipments and looking for potential counterfeit products or other infringing goods.

To provide a summary of intellectual property theft, the CBP Office of International Trade has issued statistics that evidence the number of seizures in the Fiscal Years 2016 and 2017. As can be seen by the below pie charts and tables of statistics, Intellectual Property Rights seizures increased from 31,560 in FY 2016 to 34,143 in FY 2017.


Number of Seizures



Number of Seizures

FY 2017 Products	Number of Seizures	Percent of Total	FY 2016 Products	Number of Seizures	Percent of Total
Wearing Apparel/Accessories	5,223	15%	Wearing Apparel/Accessories	6,406	20%
Watches/Jewelry	4,297	13%	Consumer Electronics	5,043	16%
Footwear	4,224	12%	Footwear	3,630	12%
Consumer Electronics	4,137	12%	Watches/Jewelry	3,407	11%
Consumer Products	3,912	11%	Handbags/Wallets	3,184	10%
Handbags/Wallets	3,266	10%	Pharmaceuticals/Personal Care	2,401	8%
Pharmaceuticals/Personal Care	2,209	6%	Optical Media	963	3%
Optical Media	809	2%	Computers/Accessories	686	2%
Computers/Accessories	454	1%	Labels/Tags	572	2%
Toys	449	1%	Automotive/Aerospace	486	2%
All Others	5,163	15%	All Others	4,782	15%
Number of Seizures	34,143		Number of Seizures	31,560	

Notes: Seizures involving multiple product categories are included in the "All Others" category. Because the individual percentage figures are rounded, in some cases, the sum of the rounded percentages for a given fiscal year is slightly higher or lower than 100%.





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Scamming Trademark Fees from the Unsuspecting

Have you received a bill from the U.S. Patent & Trademark Office? Are you sure this is a legitimate communication? Recently, scammers have ramped up their solicitations of trademark fees using publicly available data on the U.S. Patent & Trademark Office website.

Fee scams are regular, but the recent wave of "official looking" documents is extremely deceptive due to a lack of scam identifiers. One major key to avoid being misled is to scrutinize the payment address. Although strange addresses are not the only indicator, strange addresses are quick to identify and easy to compare. In addition, because the U.S. Patent & Trademark Office only communicates with representing attorneys, your suspicions should rise when you are represented and receive any "official" communication directly. Our firm has specifically received numerous fake invoices of this type, and we have effectively protected our clients from inadvertent payouts. If you want the same protection, or have received a suspect communication, please contact Fishman Stewart PLLC at info@fishstew.com.