



Privacy Impact Assessment
for the

Intellectual Property Rights
e-Recordation and Search Systems

DHS/CBP/PIA-011

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Abstract

The U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), is publishing this Privacy Impact Assessment (PIA) for the Intellectual Property Rights e-Recordation and Search Systems (IPRRSS), which collect, use, and maintain records related to intellectual property rights recordations and their owners. IPRRSS collectively comprises the following three systems: (1) the Intellectual Property Rights e-Recordation (IPRR) system, which allows intellectual property owners to submit applications for trademark and copyright recordations; (2) the public Intellectual Property Rights Search (IPRS) system, which includes public information about copyrights, trademarks, and trade names; and (3) the CBP Intellectual Property Rights Internal Search (IPRiS) system, which is internal to CBP and contains the same information as IPRS, with additional information to assist CBP and ICE officials in enforcing copyrights, trademarks, and trade names. CBP may collect personally identifiable information (PII) about intellectual property rights holders, their agents, or their licensees in IPRR, IPRS, and IPRiS; therefore, CBP is providing the public notice about how CBP collects, uses, and maintains records related to intellectual property rights recordations.

Overview

To assist in preventing the importation of merchandise bearing infringing marks and piratical copies of works, CBP maintains an online system for filing trademark and copyright recordation applications, the Intellectual Property Rights e-Recordation (IPRR) system. The IPRR electronic application system allows intellectual property rights owners to electronically record their trademarks and copyrights with CBP. Through CBP's Intellectual Property Rights Search (IPRS) system, CBP provides a publicly searchable database of trademarks, trade names, and copyrights derived from certain non-confidential and non-law enforcement sensitive information obtained from applications (available at <http://iprs.cbp.gov>). CBP also maintains the internal Intellectual Property Rights Internal Search (IPRiS), which consists of the application data submitted through IPRR, as well as additional information which may contain PII and law enforcement sensitive information. The three systems of IPRRSS help CBP officials identify infringing marks or pirated works more effectively by allowing CBP officials to search quickly and easily for intellectual property rights recordations. IPRS also allows the public to easily search and identify registered and recorded trademarks, trade names, and copyrights.

Intellectual Property Rights e-Recordation System (IPRR)

IPRR collects and retains information from intellectual property right holders that contains PII. IPRR collects the name, address, and phone number of the right holder or its authorized agent or representative; a list of entities, foreign or domestic, who are known to have used the trademark or copyright, licensed or otherwise; the name and address of licensees; images of the trademark or copyright being recorded; and any additional information relating to enforcement of the trademark or copyright.

Through the IPRR web-based interface, an applicant is prompted to enter information into certain fields, which the application requires. Once the applicant has entered all required information, IPRR advances the applicant through a series of steps, in which he or she enters his or her billing name, billing address, and credit card information. IPRR forwards this payment information to Pay.gov for processing, and forwards the applicant name and an IPRR tracking number to the DHS/CBP-003 Credit/Debit Card



Data System (CDCDS) System of Records for payment reconciliation. Pay.gov sends a nightly activity file, including the last four digits of the credit card, authorization number, billing name, billing address, IPRR tracking number, and Pay.gov tracking numbers, to CDCDS. Pay.gov also sends a daily batch file with the necessary payment information to a commercial bank for settlement processing. After processing, the commercial bank sends a settlement file, including the full credit card number, authorization number, card type, transaction date, amount, and IPRR tracking number to CDCDS. Once IPRR receives confirmation from Pay.gov that the payment has been processed successfully, IPRR will retain the Pay.gov tracking number for payment reconciliation purposes.

IPRR benefits both the right holder and CBP because it simplifies the application procedure, reduces paper applications and processing time, provides electronic images for CBP personnel, and allows CBP to search for intellectual property rights using a range of criteria. At this time, IPRR accepts applications for recording registered trademarks and copyrights, but trade name owners must apply by mail or email to the Intellectual Property Rights Branch of the CBP Office of International Trade/Regulations and Rulings to have their trade names recorded.

Intellectual Property Rights Search (IPRS) System

The Intellectual Property Rights Search System (IPRS) was developed to meet the significant need for a web-based search engine for trademark, trade name, and copyright recordations. The IPRS database collects and retains a portion of the information entered by a right holder in IPRR, such as the name, address, and phone number of a right holder or its representative, as well as a description of the recorded trademark or copyright. The information provided may contain PII. All proprietary business information, such as lists of licenses and parties authorized to use the trademark or copyright, the countries of manufacture of genuine merchandise, as well as information relating to enforcement of the intellectual property right, is kept confidential and not made available to the public through this system. There are currently no images of the recorded trade names, trademarks, or copyrights available on IPRS.

Intellectual Property Rights Internal Search (IPRiS) System

IPRiS was developed to replace the Automated Commercial System Intellectual Property Rights (ACS IPR) Module and to convert the data received through IPRR. IPRiS not only includes the data in IPRS, but also includes confidential, non-public information submitted by the right holder at the time of application. IPRiS displays the information entered by the right holder at the time of application, such as the name, address and phone number of the right holder or its representative; the names of entities, foreign or domestic, that are known to have used the trademark, trade name or copyright, as licensed or otherwise; the country of manufacture of merchandise; images of the recorded trademark or copyright; lists of licensees; and any additional information relating to enforcement of the intellectual property right. CBP employees with access to the CBP secure network can conduct searches on IPRiS for this information; U.S. Immigration and Customs Enforcement (ICE) employees have access to IPRiS for law enforcement investigations. There is an administrative interface that is restricted to a few users in the Intellectual Property Rights Branch of the CBP Office of International Trade/Regulations and Rulings to process recordation applications and to administer the data collected in the system. They are the only users who have access, via login access control, to the applicant's payment information, which is limited to the last four digits of the applicant's credit card and the payment tracking number.



Section 1.0 Authorities and Other Requirements

1.1 What specific legal authorities and/or agreements permit and define the collection of information by the project in question?

The authority for this system derives from CBP's mission to enforce intellectual property rights; specifically, Section 42 of the Lanham Act (Trademark Act of 1946), as amended, 15 U.S.C. § 1124; Sections 101 and 602 through 603 of the Copyright Act of 1976, as amended, 17 U.S.C. §§ 101, 602-603; and Sections 526, 595a and 624 of the Tariff Act of 1930, as amended, 19 U.S.C. §§ 1526, 1595a, and 1624;

Pursuant to the Independent Offices Appropriations Act of 1952, 31 U.S.C. § 9701, intellectual property rights owners or their agents must pay a fee when they apply for the recordation with CBP of their trademark, trade name, or copyright. *See* 19 C.F.R. §§ 133.3, 133.13, and 133.33.

1.2 What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?

Intellectual Property Rights e-Recordation and Search Systems System of Records, DHS/CBP-004.

1.3 Has a system security plan been completed for the information system(s) supporting the project?

A system security plan has been completed for IPRS (CBP-05293-SUB-05274), which is a subsystem of CBP.gov (CBP-05274-MAJ-05274). The Authority to Operate date for CBP.gov is July 19, 2010.

A system security plan has been completed for IPRiS (CBP-05313-SUB-05276), which is a subsystem of CBPnet (CBP-05276-MAJ-05276). The Authority to Operate for CBPnet is February 17, 2012.

IPRR operates as a module, which the public uses to apply for recordation of intellectual property rights. As a module, IPRR provides data input to IPRiS and to IPRS, and is considered part of IPRiS and IPRS for purposes of the system security plans for CBP.gov and CBPnet.

1.4 Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist?

CBP is in negotiation with NARA for approval of the Intellectual Property Rights e-Recordation and Search Systems data retention and archiving plan.



1.5 If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.

The OMB control number for “Regulations Relating to Copyrights and Trademarks” is 1651-0123.

Section 2.0 Characterization of the Information

The following questions are intended to define the scope of the information requested and/or collected, as well as reasons for its collection.

2.1 Identify the information the project collects, uses, disseminates, or maintains.

IPRR collects information directly from owners of copyright or trademark rights, or their representatives, who file an electronic application with IPRR. Information about trade names in IPRS and IPRiS comes directly from the trade name owner; however, the process for submitting trade name information is not performed electronically through IPRR. Applications for protection of trade names are submitted separately, and, upon approval, information is forwarded to IPRS and IPRiS. Certain information is required to be submitted by the right holder in order to satisfy the administrative recordation process.

Trademark Recordation

Individuals applying for recordation with CBP of a registered trademark are required to provide the following information:

- U.S. Patent and Trademark Office Registration Number;
- Description of trademark registered with the U.S. Patent and Trademark Office;
- Name of trademark owner(s);
- Address of trademark owner(s), including city, state, and zip code;
- Whether the applicant is the trademark owner; if not, then the applicant’s relationship to the trademark owner;
- Name of contact person;
- Address of contact person, including city, state, and zip code;



- Telephone number and email address of point of contact;
- If the trademark being registered is a standard character mark;
- Date of expiration of the U.S. Patent and Trademark Office registration;
- Country(s) of manufacture of goods bearing the genuine trademark;
- If the trademark owner is a U.S. citizen (corporate or personal);
- Names of all parties authorized to apply the trademark and the nature of the relationship to the owner (e.g., licensee, subsidiary, manufacturer, etc.);
- Names of any persons or business entities, foreign or domestic, who use the trademark and a description as to those use(s);
- If the subject trademark is now, or has ever been, owned, used or otherwise claimed by the trademark owner outside the United States;
- If the subject trademark is owned, used or otherwise claimed by any parent company, subsidiary, or other entity, foreign or domestic, that is under common control or common ownership with, or shares any common control or common ownership with, the U.S. trademark owner.

Individuals applying to record a trademark with CBP may, but are not required to, provide the following information:

- Fax number of contact person;
- If the trademark owner is a U.S. citizen (corporate or personal), and, if not, the citizenship of the trademark owner;
- If the subject trademark is now, or has ever been, owned, used or otherwise claimed by the trademark owner outside the United States, the name of the foreign owner, user or claimant(s);
- Name(s) of any parent companies, subsidiaries, or other entities, foreign or domestic, that are under common control with, or share any type of ownership interest or relationship with, the U.S. trademark owner;
- Name(s) of any persons or business entities alleged to import merchandise bearing unlicensed uses of the recorded trademark;
- Up to five digital images of the protected mark.



Copyright Recordation

Individuals applying for recordation with CBP of a registered copyright are required to provide the following information:

- U.S. Copyright Office Registration Number;
- Description of copyrighted work;
- Date of issuance of copyright registration;
- Address of copyright owner, included city, state, and zip code;
- If the applicant is not the copyright owner(s), then the applicant's name and relationship to the copyright owner (e.g., firm name/representative);
- Name of the contact person to whom CBP should send inquiries regarding potentially infringing merchandise and notices of seizure pursuant to 19 CFR Part 133;
- Address of contact person, including city, state, and zip code;
- Telephone number and email address of contact person;
- Country(s) of manufacture of genuine copies or phonorecords of the protected work.

Individuals applying to record a copyright with CBP may, but are not required to, provide the following information:

- Fax number of contact person;
- Names of all parties authorized to use or reproduce the copyrighted work and the nature of the relationship to the owner (e.g. licensee, subsidiary, manufacturer, etc.);
- The foreign title of the work, if different from the U.S. title;
- In the case of an application to record a copyright in a sound recording, a statement setting forth the name(s) of the performing artist(s), and any other identifying names appearing on the surface of the reproduction of the sound recording, or its label or container;
- Name(s) of any persons or business entities alleged to import piratical uses of the recorded copyright;
- Up to five digital images of the protected work.



Trade Name Recordation

Trade Name owners may apply directly to the Intellectual Property Rights Branch of the Office of International Trade/Regulations and Rulings to have their trade names included in IPRS and IPRiS. *See* 19 C.F.R. §§ 133.11 - 133.15. They may do so by email to iprr.questions@dhs.gov. Upon receipt of their email, a representative of the branch will contact them regarding payment and whether they need to provide any additional information. Trade name owners applying to record a trade name with CBP are required to provide the following information:

- Description of the trade name;
- Name of trade name owner(s);
- Address of trade name owner(s), including city, state, and zip code;
- Whether the applicant is the trade name owner; if not, then the applicant's relationship to the trade name owner;
- Name of contact person;
- Address of contact person, including city, state, and zip code;
- Telephone number and email address of contact person;
- Country of manufacture of goods bearing the trade name;
- If the trade name owner is a U.S. citizen (corporate or personal);
- Names of all parties authorized to apply the trade name and the nature of the relationship to the owner (e.g., licensee, subsidiary, manufacturer, etc.);
- Names of any persons or business entities, foreign or domestic, that use the trade name and a description as to those use(s);
- If the subject trade name is now, or has ever been, owned, used or otherwise claimed by the trade name owner outside the United States;
- If the subject trade name is owned, used or otherwise claimed by any parent company, subsidiary, or other entity, foreign or domestic, that is under common control or common ownership with, or shares any common control or common ownership with, the U.S. trade name owner; and
- Names, addresses, and telephone numbers of two individuals, who are not related to the trade name applicant, who have actual knowledge and confirm that:
 - The applicant used the trade name,



- The applicant is the only one who may use the trade name, and
- The trade name is not identical or confusingly similar to another trademark or trade name used in connection with the same class or kind of merchandise.

U.S. Patent and Trademark Office (USPTO) and U.S. Copyright Office Websites

When an applicant enters the registration number of a copyright or trademark he or she would like to record with CBP, the IPRR system must receive a positive response from the USPTO website or the U.S. Copyright Office website in order for the application to proceed. If the registration number entered in IPRR does not match a registration number published on either of these websites, the applicant cannot record the trademark or copyright with CBP. Once a positive response is received from these websites, certain fields in the application are automatically populated. All of the information copied from the U.S. Copyright Office or USPTO websites is publicly available at www.uspto.gov and www.copyright.gov.

When IPRR receives a positive match response from the USPTO website, the following fields are automatically populated:

- Supplemental information concerning the trademark (e.g., type of mark or design code category);
- USPTO registration number;
- International class of goods covered by the USPTO registration and the specific products entitled to protection;
- Date of issuance of trademark registration; and
- Filing date of trademark registration.

When IPRR receives a positive response from the U.S. Copyright Office website, the following fields are automatically populated:

- Title of copyrighted work;
- U.S. Copyright Office registration number;
- Date of issuance of copyright registration; and
- Name of copyright owner.



Payment for Recordation

Applicants use the IPRR web-based interface to provide both the required recordation application information and payment information. When the user has entered all the required application information and is ready to make payment, IPRR will take the applicant through a series of screens where the applicant enters the following payment information:

- Billing name;
- Billing address; and
- Credit card information.

CBP will use billing name, address, and credit card information only to process payments and resolve payment issues. To keep this payment information separate from the application, it is not stored with application data in IPRR or IPRiS, but is forwarded to Pay.gov and eventually stored in CDCDS. IPRR will collect and store the Pay.gov tracking number that it receives from Pay.gov to ensure the payment is associated with the correct application.

CBP will forward payment information to Pay.gov for payment processing, and will forward the applicant name and an IPRR tracking number to CDCDS for payment reconciliation. Pay.gov sends a nightly activity file, including the last four digits of the credit card, authorization number, billing name, address, IPRR tracking number, and Pay.gov tracking numbers to CDCDS. Pay.gov also sends a daily batch file with the necessary payment information to a commercial bank for settlement processing. After processing, the commercial bank sends a settlement file, including the full credit card number, authorization number, card type, amount, IPRR tracking number, and transaction date, to CDCDS. CDCDS retains the information from these transactions on different data tables.

2.2 What are the sources of the information and how is the information collected for the project?

IPRR collects information directly from the individual recordation applicant. When an applicant enters a registration number into IPRR, IPRR must receive a positive response that such registration number exists from either the USPTO website or the U.S. Copyright Office website before the application may proceed. Once IPRR receives a positive response, certain fields in the application are automatically populated with data taken directly from the copyright or trademark registration associated with the registration number the applicant provided. The information that automatically populates certain fields in the application is publicly available online at www.uspto.gov and www.copyright.gov.



2.3 Does the project use information from commercial sources or publicly available data? If so, explain why and how this information is used.

IPRR uses information obtained directly from the USPTO registration website and the U.S. Copyright Office website, both of which are public websites, www.uspto.gov and www.copyright.gov, and both contain information that the intellectual property rights holders have voluntarily disclosed.

2.4 Discuss how accuracy of the data is ensured.

IPRR checks accuracy of the data preliminarily by requiring a positive response from the www.uspto.gov and www.copyright.gov that an entered registration number exists. When IPRR receives a positive response from the USPTO, the following fields are automatically populated:

- Supplemental information concerning the trademark (e.g., type of mark or design code category);
- USPTO registration number;
- International Class of goods covered by the USPTO registration and the specific products entitled to protection;
- Date of issuance of trademark registration; and
- Filing date of trademark registration.

When IPRR receives a positive response from the U.S. Copyright Office, the following fields are automatically populated:

- Title of copyrighted work,
- U.S. Copyright Office registration number,
- Date of issuance of copyright registration, and
- Name of copyright owner.

There is an administrative interface that is restricted to a few CBP personnel in the Intellectual Property Rights Branch of the Office of International Trade/Regulations and Rulings to process IPRR applications. A CBP official in the Intellectual Property Rights Branch with access to the administrative interface must manually approve every recordation application, renewal, or information change before it appears in IPRS and IPRiS.



Accuracy of the information contained in trademark and copyright recordations is primarily the responsibility of the individual right holder or its authorized agent. However, updates or changes to the recordation information may be made by contacting the Intellectual Property Rights Branch in the Office of International Trade/Regulations and Rulings. If a change is requested by the intellectual property right holder or his or her authorized agent, he or she must submit a request via postal mail or facsimile on company letterhead. To renew existing recordations, intellectual property rights holders submit an email message to iprr.questions@dhs.gov.



2.5 Privacy Impact Analysis: Related to Characterization of the Information

Privacy Risk: IPRiS and IPRS contain large amounts of data.

Mitigation: CBP limits the data it collects via IPRRSS to only the data elements that are relevant and necessary to the enforcement of intellectual property rights. The data elements are essential to fulfilling CBP's statutory, regulatory, and treaty-based obligations of preventing the importation of merchandise that violates certain trademarks, trade names, or copyrights that have been registered with the USPTO or the U.S. Copyright Office.

Privacy Risk: The data may be inaccurately entered into IPRR, IPRS, or IPRiS.

Mitigation: CBP collects the information in IPRS and IPRiS directly from the individual intellectual property rights holder. CBP officials must manually approve every recordation application before it appears in the searchable databases, and thus may catch errors and inconsistencies. Intellectual property rights holders are encouraged to renew, update, and correct their information, and may check their recordations on IPRS at any time.

Section 3.0 Uses of the Information

3.1 Describe how and why the project uses the information.

To effectively provide protection against the importation of merchandise constituting certain intellectual property right violations, CBP has established an online system for filing trademark and copyright recordation applications. IPRR simplifies the recordation procedure by eliminating paper applications, reducing staff time and unnecessary costs associated with manually processing the application, and simplifying the payment procedure by allowing online payment by credit card. IPRS and IPRiS provide trade name, trademark, and copyright recordation information, which the intellectual property rights holders submit directly to a centralized database. IPRS and IPRiS thus support the timely protection and enforcement of domestic intellectual property rights. IPRiS allows CBP and ICE personnel to search electronically for a particular recordation based on a number of different criteria. The public website, IPRS, allows the public to search recordations based on a number of search criteria, and informs importers of protected copyrights, trade names, and trademarks.



3.2 Does the project use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how DHS plans to use such results.

No.

3.3 Are there other components with assigned roles and responsibilities within the system?

IPRiS is available to ICE employees to assist in enforcing copyrights, trademarks, and trade names.

3.4 Privacy Impact Analysis: Related to the Uses of Information

Privacy Risk: Unauthorized use of information in IPRR or IPRiS.

Mitigation: CBP officials must undergo a background check, complete privacy training, and must obtain approval from their supervisors before they may have access to CBPnet, which is necessary to use IPRiS. CBP officials use IPRiS to assist in enforcing intellectual property rights at ports throughout the United States; however, CBP officials may access IPRiS only via CBPnet using only CBP-approved workstations. CBP officials who use IPRiS are able only to conduct searches, and do not have access to payment information and may not edit the entries. CBP logs all traffic to IPRiS, including files and queries, based on the user's Internet Protocol (IP) address. ICE employees must also have completed a background check, completed privacy training, and have obtained approval from their supervisors for the internal ICE portal, which links to IPRiS.

The administrative interface also mitigates the risk of unauthorized use of information in IPRR or IPRiS because CBP allows only a few users in the Intellectual Property Rights Branch of the CBP Office of International Trade/Regulations and Rulings, to have access to any payment information, to the processing of recordation applications, and to the overall administration of the data in IPRR, IPRiS, and IPRS. Those few CBP officials must obtain approval from their supervisors before they can have access to the administrative interface. The CBP officials administering IPRRSS use only CBP-approved workstations.



Section 4.0 Notice

4.1 How does the project provide individuals notice prior to the collection of information? If notice is not provided, explain why not.

CBP provides notice to individual intellectual property rights holders prior to the collection of information and during the application for recordation process. CBP notifies the public in publications available on www.cbp.gov that trademarks and copyrights registered with the USPTO or U.S. Copyright Office may be recorded with CBP to further their protection at the border.¹ An informed compliance publication, “CBP Enforcement of Intellectual Property Rights,” dated October, 2009, states that IPRS contains CBP-recorded trademarks, trade names and copyrights that are available for viewing by right holders as well as the public.² CBP also disclosed that use of the information that intellectual property rights holders provide in IPRR is made available to CBP offices throughout the United States to help personnel with infringement determinations. *See* CBP Publication # 0136-0311. Individuals are also notified that their information is being collected during multiple steps of the IPRR application process.

4.2 What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project?

The decision to record an intellectual property right with CBP is entirely voluntary. Individuals are notified prior to the collection of information that trademarks and copyrights registered with the USPTO or U.S. Copyright Office may be recorded with CBP to ensure their protection at the border.³ The decision being wholly voluntary, there is no need to opt out of the e-Recordation system.

4.3 Privacy Impact Analysis: Related to Notice

Privacy Risk: There is a risk that individuals may not know that their information is collected in IPRiS or IPRS.

¹ *See* CBP Publication # 0136-0311: “How Businesses Can Partner with CBP to Protect their Rights,” available at http://www.cbp.gov/linkhandler/cgov/trade/priority_trade/ipr/legal/ipr_guide.ctt/ipr_guide.pdf; IPR Fact Sheet, available at http://www.cbp.gov/linkhandler/cgov/newsroom/fact_sheets/trade/ipr_fact_sheet.ctt/ipr_fact_sheet.pdf.

² *See* CBP Enforcement of Intellectual Property Rights: An Informed Compliance Publication, October 2009, available at

http://www.cbp.gov/linkhandler/cgov/trade/legal/informed_compliance_pubs/enforce_ipr.ctt/enforce_ipr.pdf

³ *See* FN 1, 2 above.



Mitigation: CBP has provided notice of the scope of information collected in IPRR, IPRiS, and IPRS through publications and information on the public CBP website. To increase transparency, CBP has published its own System of Records Notice (SORN) and PIA. If the intellectual property right holder listed an incorrect contact person, then he or she may at any time request that the recordation be removed from the IPRR database. Recordation holders are also given notice that to renew their recordation or make changes to the information, they must contact the Intellectual Property Rights Branch. *See* <https://apps.cbp.gov/e-recordations/>. CBP has provided a mailbox dedicated to collecting any questions or concerns from users regarding the e-Recordation process at iprr.questions@dhs.gov. Furthermore, because CBP officials review every recordation application before it appears in the searchable database, if an inappropriate or erroneous image, or an image that includes an individual's likeness or other PII, appears in an application, then CBP officials will consult with the applicant before adding the recordation image to IPRiS.

Section 5.0 Data Retention by the project

5.1 Explain how long and for what reason the information is retained.

Trade name, trademark, and copyright recordations are active in IPRS and IPRiS for the time specified in CBP Regulations. *See* 19 C.F.R. Part 133. In addition, CBP will retain expired recordations, which have not been renewed, for seven years after the date of expiration. The systems retain the expired recordation information so that CBP officials may notify intellectual property right holders that their recordation is no longer active and give them the opportunity to renew. The systems retain the expired recordation information also because importers sometimes file petitions for relief from and appeals of seizures that occurred immediately before the expiration of a recordation, or CBP may conduct an audit of a business at risk of importing infringing merchandise. By retaining the expired recordation, CBP is able to use the information to verify whether a registered trademark, trade name, or copyright existed when the merchandise at issue was imported or seized.

5.2 Privacy Impact Analysis: Related to Retention

Privacy Risk: The IPRS and IPRiS systems retain a large amount of information for a long period of time.



Mitigation: The IPRS and IPRiS contain only information that is needed to assist CBP personnel in enforcing intellectual property rights. The expired recordations are retained for seven years after the expiration date to assist CBP personnel and importers with protests, appeals, and audits.

Section 6.0 Information Sharing

6.1 Is information shared outside of DHS as part of the normal agency operations? If so, identify the organization(s) and how the information is accessed and how it is to be used.

As discussed above, much of the information in the Intellectual Property e-Recordation and Search Systems is publicly available. Data that are law enforcement sensitive, that contain trade secrets or business proprietary information, or that contain personally identifiable information, which the intellectual property rights holder has not consented to be made public, are not shared outside of DHS except as described the SORN, Intellectual Property Rights e-Recordation and Search Systems System of Records, DHS/CBP-004.

6.2 Describe how the external sharing noted in 6.1 is compatible with the SORN noted in 1.2.

CBP shares information outside of DHS only in the manner described in the SORN. *See* Intellectual Property Rights e-Recordation and Search Systems System of Records, DHS/CBP-004.

6.3 Does the project place limitations on re-dissemination?

Yes. CBP and ICE employees who have access to IPRiS may not disclose IPRiS data outside of DHS without written permission from CBP. As part of the written permission, CBP places limits on the re-dissemination of the information without the express permission of CBP.

6.4 Describe how the project maintains a record of any disclosures outside of the Department.

To obtain CBP information in IPRiS, the requesting party must make the request in writing, describing the specific information it requests and specifically how it will use the information, which must be related to export control, international trade statistics, or law enforcement. CBP retains a copy of this request, which an attorney in the CBP Privacy Office reviews. The attorney then drafts an authorization memorandum specific to each case, and CBP retains the memorandum.

6.5 Privacy Impact Analysis: Related to Information Sharing

Privacy Risk: Information from IPRiS may be shared under inappropriate circumstances.



Mitigation: The SORN covering IPRR, IPRS, and IPRiS specifically defines the nature of access to the data in the systems. CBP Privacy Office reviews specific requests for any non-public IPRR or IPRiS data, drafts an authorization memorandum if he or she recommends that CBP share the particular information, and the CBP Privacy Officer determines whether CBP may share that particular information.

Section 7.0 Redress

7.1 What are the procedures that allow individuals to access their information?

Individuals may access a portion of their information online at <http://iprs.cbp.gov/>. Access to all information provided to CBP through the IPRR system may be obtained by a right holder by contacting the Intellectual Property Rights Branch and requesting access to their file. The Intellectual Property Rights Branch may be reached via telephone, at (202) 325-0020; via email, at iprr.questions@dhs.gov; via facsimile, at (202) 325-0153; or via postal mail, at Office of International Trade, Regulations and Rulings, Intellectual Property Rights Branch, 799 9th Street, NW, Washington DC 20229.

In addition, DHS allows persons, including foreign nationals, to seek access under the Privacy Act to certain information maintained in IPRR, IPRS, and IPRiS. Requests for access to PII contained in IPRR, IPRS, and IPRiS may be submitted by the right holder or its authorized representative to the Customer Service Center, OPA – CSC – Rosslyn, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW, Washington, DC 20229. The Customer Service Center may also be reached by phone at (877) CBP-5511.

The Freedom of Information Act (FOIA), 5 U.S.C. § 552, also provides a means of access to information, including IPRR data, for all persons, regardless of the individual's citizenship or immigration status under the Privacy Act. FOIA requests for access to information for which IPRR is the source system may be directed to CBP in the manner prescribed by regulations at Title 19, Code of Federal Regulations, Part 103 and described in the SORN. *See* Intellectual Property Rights e-Recordation and Search Systems System of Records, DHS/CBP-004.



7.2 What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?

CBP personnel in the Intellectual Property Rights Branch in the Office of International Trade/Regulations and Rulings assist intellectual property rights holders with correcting their information in the systems. The applicants and rights holders may contact the Intellectual Property Rights Branch by telephone, at (202) 325-0020; by facsimile, at (202) 325-0153; by email, at iprr.questions@dhs.gov; or by postal mail, at Office of International Trade, Regulations and Rulings, Intellectual Property Rights Branch, 799 9th Street, NW, Washington, DC 20029. Right holders or their representatives seeking to correct inaccurate or erroneous information should provide as much identifying information as possible regarding themselves to identify any records at issue. Right holders may at any time provide the Intellectual Property Rights Branch with additional or updated information to ensure that the information maintained in IPRS and IPRiS is accurate and complete.

7.3 How does the project notify individuals about the procedures for correcting their information?

CBP notifies individuals on the CBP public website, www.cbp.gov, about which CBP offices they may contact to correct their information.⁴

7.4 Privacy Impact Analysis: Related to Redress

Privacy Risk: There is a risk that an applicant could enter incorrect information about third parties.

Mitigation: Individual right holders or their representatives who have questions or seek to amend or change their application or recordation, may contact CBP personnel in the Intellectual Property Rights Branch of the Office of International Trade/Regulations and Rulings. *See* contact information in paragraph 7.2, above. Individuals may also contact CBP personnel in the Intellectual Property Rights Branch of the Office of International Trade/Regulations and Rulings if they believe there is information about them in the system that is incorrect.

⁴ See CBP Publication # 0136-0311: "How Businesses Can Partner with CBP to Protect their Rights," available at http://www.cbp.gov/linkhandler/cgov/trade/priority_trade/ipr/legal/ipr_guide.ctt/ipr_guide.pdf; "Who to Call" available at http://www.cbp.gov/xp/cgov/trade/priority_trade/ipr/legal/ipr_assistance.xml.



Section 8.0 Auditing and Accountability

The following questions are intended to describe technical and policy based safeguards and security measures.

8.1 How does the project ensure that the information is used in accordance with stated practices in this PIA?

Access to the administrative interface of IPRR is limited to authorized CBP personnel, who either enter data into the system or have recordation approval authority. Access to potentially sensitive, non-public information contained in IPRR is limited to CBP and ICE employees and subject to the controls discussed in paragraph 2.5, above. Individual rights holders or their authorized representatives, whose personal information is collected in IPRR, will not have access to their information in IPRR or IPRiS after it has been submitted.

8.2 Describe what privacy training is provided to users either generally or specifically relevant to the project.

CBP officials must complete privacy training for access to any internal CBP system, which includes IPRiS. CBP officials use IPRiS to assist in enforcing intellectual property rights at ports throughout the United States; however, CBP officials may access it only via CBPnet using only CBP-approved workstations. CBP officials who use IPRiS are able only to conduct searches, and do not have access to payment information and may not edit the entries. ICE employees must similarly complete privacy training before being granted access to the internal ICE network and IPRiS.

Only a few CBP officials administer IPRRSS, using the administrative interface. Those few CBP officials, who approve applications made via IPRR, who may edit information submitted through IPRR, and who may add information, must obtain approval from their supervisors before they have access to the administrative interface. The CBP officials administering IPRRSS use only CBP-approved workstations.

8.3 What procedures are in place to determine which users may access the information and how does the project determine who has access?

Individual rights holders, or their authorized representatives, whose personal information is collected by IPRR, will not have access to the information in IPRR or IPRiS after they have submitted it. They may view a portion of their information online at <http://iprs.cbp.gov> and may obtain access to additional information they submitted by contacting the Intellectual Property Rights Branch by one of the methods described in paragraph 7.2, above.

Users who have access to the administrative interface are limited to specific CBP personnel in the Intellectual Property Rights Branch in the Office of International Trade/Regulations and Rulings.



8.4 How does the project review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within DHS and outside?

For any sharing agreements and authorizations for access to non-public information in IPRR or IPRiS, the agency, component, or organization must obtain a written agreement or written authorization from CBP. The CBP Privacy Officer reviews all such agreements and authorizations.

Responsible Officials

Charles R. Steuart, Branch Chief
Intellectual Property Rights Branch
Office of International Trade/Regulations and Rulings
U.S. Customs and Border Protection
U.S. Department of Homeland Security
(202) 325-0020.

Laurence Castelli
CBP Privacy Officer
Office of International Trade
U.S. Customs and Border Protection
U.S. Department of Homeland Security
(202) 325-0280.

Approval Signature

Original signed and on file with the DHS Privacy Office.

Jonathan R. Cantor
Acting Chief Privacy Officer
Department of Homeland Security