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DIGEST

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Patent Examinations &
Expanding Information

WHAT A GREAT IDEA: WITH BOB CIRCOSTA

Q&A with Bob Circosta

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Patent Myths by
David Burge

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IN THIS ISSUE

ON THE COVER

16

Great Product,
Great Story,
Great Storyteller

FEATURES

- pg 24 USPTO - Expands the Information
- pg 32 Cargo Security
- pg 46 Classifieds

SHOWCASE

- pg 9 Marketing Tip of the Month
- pg 16 HSN
Great Product, Great Story,
Great Storyteller
- pg 20 What a Great Idea
with Bob Circosta
Q&A with Bob Circosta

DEPARTMENTS

- pg 10 Under the Radar
- pg 26 Megaphone
- pg 32 The Machine
- pg 34 USPTO
- pg 38 Lander Zone



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DAVID A. BURGE, is a Registered Patent Attorney in suburban Cleveland, Ohio. In practice David serves the individual inventor, small companies as well as serving large corporations. David is the author of many articles on patent and trademark protections. He also is the author of the book Patent & Trademark Tactics & Practice, that's in its 3rd edition and recently authored the book Design Patent Handbook. For more information on David's firm is available at www.daburge.com.



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ALYSON DUTCH, is a product PR maven, responsible for launching ideas which range from basketball shoes that prevent ankle sprains to bras that eliminate visible bra lines. She is the author of the PR Handbook For Entrepreneurs, the PR Bootcamp for Entrepreneurs, is a mentor for the SBA's SCORE program, speaker at INPEX, UIA and others. alyson@bdpr.com



JOHN RAU, is President/CEO of Ultra-Research, Inc., an Anaheim, CA-based, market research firm with over 25 years of experience conducting market research for ideas, inventions and other forms of intellectual property. In addition, he is a member of the Board of Directors of Inventors Forum, based in Orange County, CA, which is one of the largest inventor organizations in the nation. He has been a contributor to Inventors Digest magazine since 1998. Visit: e-mail: ultraresch@cs.com; phone: (714) 281-0150.

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Mark R. Cantey

MANAGING EDITOR
MARK R. CANTEY

Mary Dickson

ASSISTANT EDITOR
MARY DICKSON

Daniel Bizzell

CREATIVE DIRECTION
DANIEL BIZZELL

Jacob Brooks

ART DIRECTION AND LAYOUT
JACOB BROOKS

For Advertising Contact Us At:
info@InventorsDigest.com



CONTRIBUTING EDITORS
Andrea Simon
Edie Tolchin

GUEST CONTRIBUTING DESIGN
Gabriel Sena
Lauren Boone

INVENTORS DIGEST LLC

PUBLISHER:
Louis Foreman
SENIOR VICE PRESIDENT, DESIGN
Daniel Bizzell
VICE PRESIDENT, ASSOCIATE PUBLISHER
Mark Cantey
VICE PRESIDENT, INTERACTIVE AND WEB
Matt Spangard
FINANCIAL CONTROLLER
Debbie Muench
ASSISTANT TO THE PUBLISHER
Kara Sheaffer

ADVISORY BOARD
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Ad rates, subscriptions & editorial content: info@InventorsDigest.com www.InventorsDigest.com

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Cargo

Security

Measures

By: Edie Tolchin

Ever since 9/11, if you have ever considered manufacturing your invention outside of the good old USA, our government has made the import process increasingly more challenging than previous times when supply chain security was not as critical an issue.

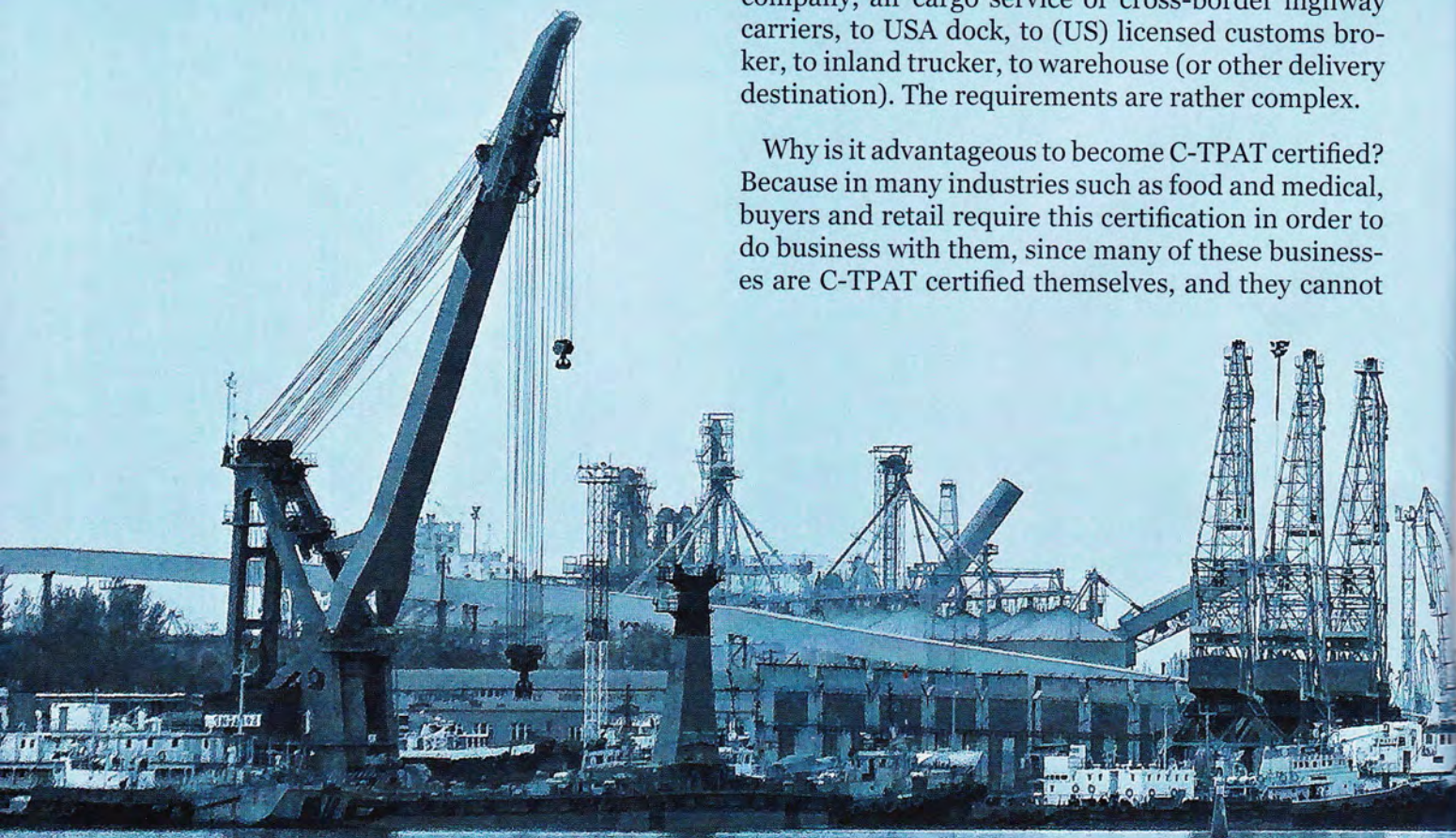
For *Inventors Digest*, I frequently write about the steps involved in safely and wisely producing your invention overseas, as well as how to get it here once it's made.

Here are two government programs which may affect the way in which you bring your product into the USA.

C-TPAT

Customs-Trade Partnership Against Terrorism was first created in late 2001. While many of you initially will be importing only small, trial quantities of your new product (low-volume importers are considered for this program on a case-by-case basis according to the US Customs' website) – though of course your goal will be to eventually ship tens, if not hundreds of thousands of units to eager buyers (and that is where C-TPAT might be in order) – the objective of this government initiative is to secure your supply chain, all the way from foreign factory, to vessel / steamship company, air cargo service or cross-border highway carriers, to USA dock, to (US) licensed customs broker, to inland trucker, to warehouse (or other delivery destination). The requirements are rather complex.

Why is it advantageous to become C-TPAT certified? Because in many industries such as food and medical, buyers and retail require this certification in order to do business with them, since many of these businesses are C-TPAT certified themselves, and they cannot



afford a weak link in their secure supply chain. It is also said that CBP (US Customs and Border Protection) issues less Customs inspections at the border, than non C-TPAT certified importers. There are other advantages, and you may of course contact me for additional information at any time.

Becoming C-TPAT certified is not a walk in the park. At the very least, you must complete a supply chain security profile, and a 5 Step Risk Assessment Process. There is a site visitation from your Customs' SCSS (Supply Chain Security Specialist) who is assigned to your account. You must present security questionnaires to all of your foreign suppliers, as well as domestic warehouses and truckers – and follow up with them to make sure they are completed and returned to you. Security cameras should be installed at your business, and you must conduct background checks on all current and future employees.

Once you become certified, you must revalidate every 3-4 years, and constantly monitor new service providers, foreign factories, warehouses, etc. Note that this is not – as of yet – a mandatory program, but as your new business as well as volumes grow, you may encounter business partners who may at the very least ask you to become C-TPAT compliant (the requirements of which are not as rigid) – if not C-TPAT certified.

ISF

Import Security Filing – otherwise known as “10 + 2”, this documentation requirement was established first in November 2008. With the ISF, Customs has an advance notice of what is being shipped into the

USA, even before it loads on the vessel at the foreign port.

There are 10 fields of information from the importer that must be included on the document, along with 2 fields from the carrier (sometimes the steamship company or trucking company). Among the 10 + 2 fields, you must include the foreign supplier's info, container stuffing location, the 'ship to' party, country of origin, etc., as well as the bill of lading number. Your foreign supplier or factory, or their freight forwarder must provide certain information in advance, and you must be very proactive in following up with them, since it is part of YOUR country's requirement, not THEIRS.

Either you - the IOR or Importer of Record – or your licensed US customs broker may file the ISF with Customs and Border Protection (CBP). Note that the document must be presented to Customs within 24 hours of vessel LOADING (not ship date). Loading dates are typically 2-3 days PRIOR TO vessel sailing.

Note that incomplete, late or missing ISFs can incur penalties of \$5000 to the importer. You can most definitely incorporate a stipulation in your purchase order to the overseas factory to cover any penalties due to late or incomplete filing which might be caused by negligence on their part. The ISF IS a mandatory program.

For further information, please contact the writer at

EGT@egtglobaltrading.com
www egtglobaltrading.com.



C-TPAT program: http://www.cbp.gov/xp/cgov/trade/cargo_security/ctpat/

Customs and Border Protection: <http://www.cbp.gov>

Import Security Filing (ISF) – for further information: http://www.cbp.gov/xp/cgov/trade/cargo_security/carriers/security_filing/