

# INVENTORS

THE MAGAZINE FOR IDEA PEOPLE >

DIGEST

November 2012  
Volume 28 Issue 11  
\$3.95

## UNITED STATES PATENT & TRADE OFFICE

Patent Examinations & Expanding Information

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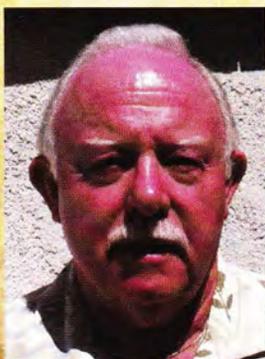
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# Cargo

# 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.

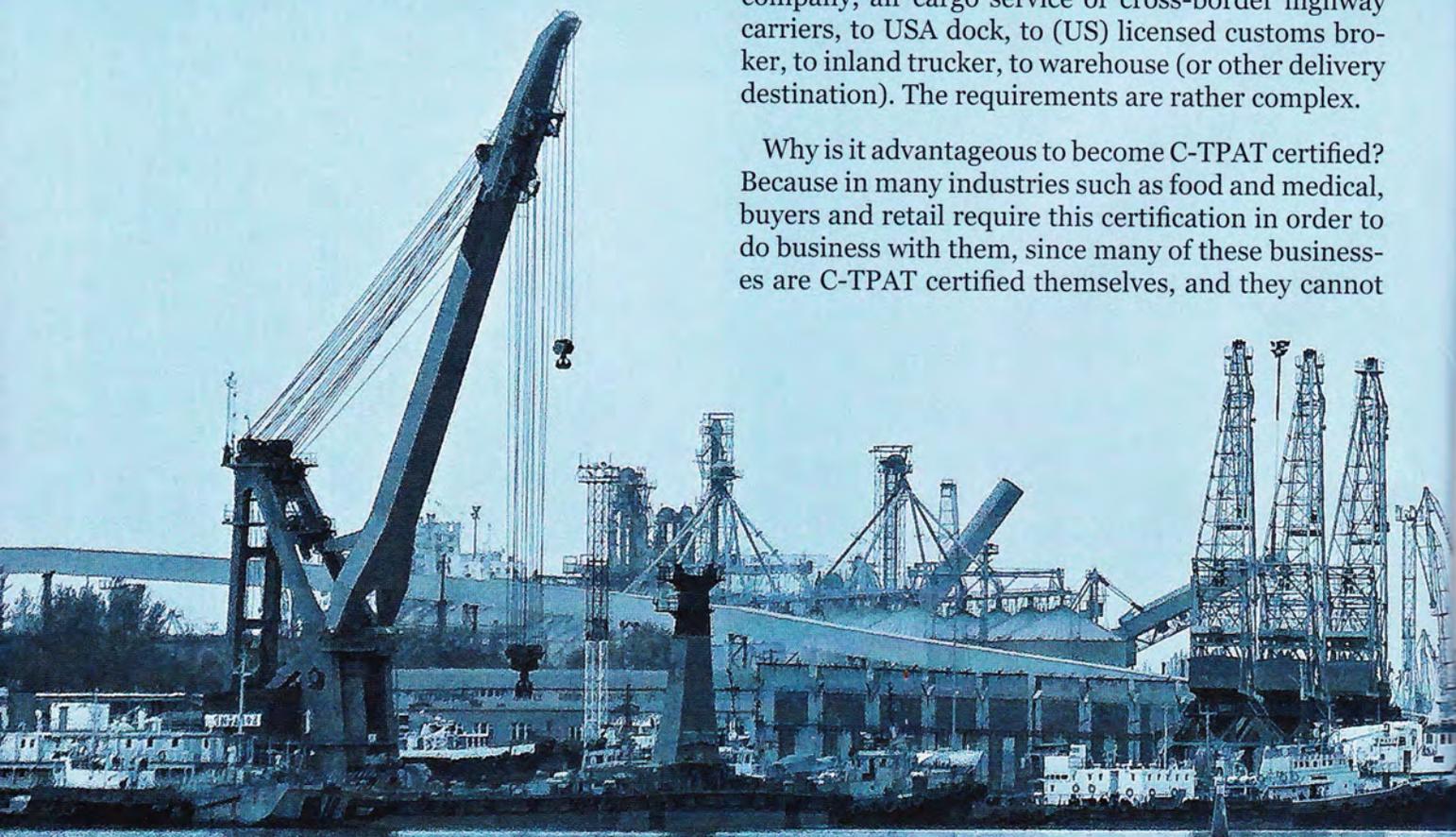
For *Inventors Digest*, I frequently write about the steps involved in safely and wisely producing your invention overseas, as well as how to get it here once it's made.

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

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C-TPAT program: [http://www.cbp.gov/xp/cgov/trade/cargo\\_security/ctpat/](http://www.cbp.gov/xp/cgov/trade/cargo_security/ctpat/)

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

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