

International

Customs and International Trade

Contacts

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We help domestic and foreign clients implement transnational business plans. Our services include the following:

- ▶ Providing guidance in establishing international distribution networks
- ▶ Drafting and negotiating contracts for the sale and distribution of goods and services
- ▶ Giving general corporate advice and resolving tax issues
- ▶ Ensuring compliance with export and import control regulations
- ▶ Satisfying governmental reporting and licensing requirements

Section 337 Actions

Brought under the Tariff Act of 1930, Section 337 actions seek to bar imports into the United States that infringe U.S. patent, trademark or other intellectual property rights. Both domestic and foreign businesses with a U.S. presence can initiate these proceedings, which are tried before the U.S. International Trade Commission. They are on a fast track; it often takes only eight to nine months until there is a trial before an administrative law judge. It can take twice as long to get to trial in a federal district court. Our lawyers have extensive experience dealing with these expedited proceedings, experience they have acquired both while serving on the International Trade Commission's legal staff and subsequently in private practice.

Our lawyers have defeated infringement claims and protected our clients' intellectual property rights across a broad range of technologies.

Antidumping Cases

Garvey Schubert Barer represents foreign producers and exporters as well as U.S. producers and importers in trade cases before the U.S. International Trade Commission and the U.S. Department of Commerce. These proceedings often involve complaints of antidumping and countervailing duties.

When litigating these cases, our lawyers draw on prior experience working at the International Trade Commission and the Commerce Department. This experience includes investigating factual issues, analyzing legal issues, advising commissioners at the U.S. International Trade Commission and representing these federal bodies before the Court of International Trade and the Court of Appeals for the Federal Circuit. Our lawyers have prevailed in cases involving products as diverse as steel, sebacic acid, saccharin, silicon carbide and honey.

Customs

Customs regulations can have a major impact on international transactions. Our customs lawyers represent clients in matters involving the U.S. Bureau of Customs and Border Protection as well as the U.S. Court of International Trade. We devise strategies to reduce or eliminate our clients' duty liability. Specifically, our lawyers help clients

- ▶ Conduct compliance assessments and internal customs compliance reviews
- ▶ Join Customs-Trade Partnership Against Terrorism (C-TPAT) and the Importer Self-Assessment Program (ISA)
- ▶ Perform foreign trade-zone opportunity analyses and implementations
- ▶ Develop import compliance programs by preparing customs compliance manuals and training seminars for client operations affected directly or indirectly by international trade

Our advice on customs regulations encompasses such areas as product valuation, tariff classification, marking, vessel repair and preferential trade programs. These programs include the North American Free Trade Agreement (NAFTA), the Caribbean Basin

Initiative (CBI), the Generalized System of Preferences (GSP), the United States–Israel Free Trade Area Agreement, and other multilateral and bilateral agreements.

We help clients develop and implement compliance programs that prevent problems with government agencies regulating international trade, such as the U.S. Food and Drug Administration, U.S. Department of Agriculture and Federal Trade Commission.

We also defend clients in enforcement matters before the U.S. Court of International Trade and in challenges to U.S. Customs and Border Protection decisions. Because Garvey Schubert Barer is a law firm, the attorney-client privilege typically protects our communications with customs clients from disclosure in administrative and legal proceedings.

Foreign Asset Controls

Regulations of the Office of Foreign Asset Control of the U.S. Department of the Treasury (OFAC) prohibit and restrict commercial relationships with foreign nationals from certain countries. Our firm helps clients comply with these regulations, including advising them how to structure business arrangements that comply with OFAC regulations. We also defend clients in OFAC enforcement proceedings.

Real Estate Investments

We advise foreign investors on the full gamut of U.S. real estate transactions, everything from the purchase of a single-family home to a full-scale development of multiunit apartment and shopping center projects. Our services include

- ▶ Assembling and providing information on desirable properties
- ▶ Assisting clients in evaluating and selecting properties
- ▶ Structuring the investing entity
- ▶ Providing advice on tax and regulatory issues
- ▶ Representing clients in all phases of purchase transactions
- ▶ Helping them with post-purchase property management

Export Controls

Our firm's Washington, D.C., office represents U.S. and foreign companies that import or export defense articles and services controlled by U.S. Department of State International Traffic in Arms Regulations (ITAR) and dual-use technologies controlled by U.S. Department of Commerce Export Administration Regulations (EAR). Our services include licensing and enforcement matters, the development of compliance programs, training and internal investigations. We also assist clients with policy issues requiring interagency coordination at high levels of government.