

3 Steps Brand Owners Should Take to Combat Counterfeiting After Suspension of the Duty-Free De Minimis Rule

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On August 29, the Trump administration's [executive order](#) suspended duty-free *de minimis* treatment for U.S. imports under \$800. The move has already had ripple effects on global brands and retailers across industries, as well as their counterfeiting counterparts. Now, counterfeiters are expected to pivot and customs inspection times are expected to increase, meaning brand owners need to update their counterfeiting detection practices to stay one step ahead.

Counterfeiters have long utilized [the *de minimis* rule to evade brand owners and U.S. Customs and Border Protection \(CBP\) officials](#) by shipping infringing products in single shipments. Not only does this tactic decrease the risk of detection, but it also protects operations from major disruption, as only individual items are subject to potential seizure (versus an entire bulk shipment).

In 2024 alone, it's estimated that [1.36 billion *de minimis* packages](#) were subject to CBP's expedited processing procedures. Now, with the *de minimis* rule suspended and even more packages subject to greater CBP scrutiny annually, customs officials will be spread thin — making it easier for counterfeits to fall through the cracks. But counterfeiters will need to adapt now that multiple, single shipments will be less economically feasible due to formal entry requirements.

As brand owners and counterfeiters adjust to the new normal, here are three steps brand owners can take to detect and combat counterfeit shipments:

- 1. Leverage the Intellectual Property Rights Recordation System (IPRR).** [IPRR](#) is a database that includes details on brand logos and products to help customs officials identify suspected counterfeit goods and detain infringing shipments. Providing detailed information about distinguishing features of branded products can increase the likelihood of Customs officials detecting counterfeit goods, including in bulk shipments — which are likely to become more prevalent due to the suspension of the *de minimis* rule.
- 2. Engage With Customs:** With millions more packages per day subject to formal entry requirements, it will be impossible for CBP to check them all. But brand owners can be proactive by engaging with customs to enhance detection capabilities. CBP permits brands [to offer guidance and training to customs personnel](#) on how to detect infringing shipments. However, any interaction with customs officials should be consistent with [federal ethics rules](#) and legal requirements.
- 3. Protect Your Sales Roadmap:** Organizations implementing plans to optimize shipping routes and methods to combat tariff challenges should treat such information as confidential trade secret information and ensure that it does not fall into the hands of a competitor or become emulated by a counterfeiter.

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