

**What Are You Letting Your Competitors Know
about Your Business Practices
-And What Can You Learn About Theirs-**

April 27, 2010

Prepared by the
Customs, International Cargo and Regulatory Compliance Group

Your company has invested precious time and money in securing customers and locating overseas suppliers capable of timely delivering your products at competitive prices. In order to get the jump on your competitors, you have done everything to protect this invaluable information - or have you?

While the Customs Regulations do not permit the public to examine actual inland and outland vessel manifests, all data contained therein may be copied and published. Moreover, the process for securing such information is relatively simple and can reveal, among other things, the following detailed information about a company's import and/or export practices:

- shipper's name and address;
- foreign port of lading;
- bill of lading number;
- description, piece count and weight of merchandise;
- date of arrival; and
- consignee's name and address (inward manifest only).

A veritable who, what, when and where of one's business. In fact, such information is so valuable, that it is regularly collected, organized and re-sold by trade-related service companies to various parties (i.e., importers, exporters, manufacturers, etc.) interested in ascertaining a rival's import/export practices, or

determining whether a competitor has been circumventing applicable regulatory requirements and/or duty obligations by reporting inaccurate information.

So what can your company do to protect itself from the release of this information to any member of the public? Fortunately, the Customs Regulations also provide a mechanism for importers and exporters to formally request confidential treatment of certain types of information contained in inward and outward vessel manifests. When done properly, such requests will eliminate the disclosure of certain business information for a period of two years from the date of Customs' grant of confidential treatment, a period which may be extended through the filing of biennial renewals. It is therefore imperative that Interested parties: (1) prepare and file accurate and complete confidentiality requests; (2) monitor Customs' compliance with any approved grant of confidentiality; and (3) timely file biennial requests for extension of such treatment.

For further information regarding this alert, please contact either Carl R. Soller (212) 790-9231 (crs@ccl.com), C.J. Erickson (212) 790-9274 (cje@ccl.com) or Don M. Obert (212) 790-9245 (dmo@ccl.com).