

## IMPORT RELIEF

Practice

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### PRIMARY CONTACTS

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As the world economy integrates, companies and entire industries will be harmed by unfair international trade practices, while others will have their fair trading practices targeted by competitors. Companies in both situations need smart and efficient international trade lawyers who know the applicable domestic and global trade rules and who can mix strategy and litigation for their clients' benefit. Our lawyers do just that every day. Our practice covers a broad array of international trade regulation under the U.S. unfair trade laws. We assist clients in defending against import relief and market access actions before the U.S. Trade Representative, the U.S. Department of Commerce, and the U.S. International Trade Commission (ITC), including proceedings under the antidumping and countervailing duty laws, Section 201 (on import safeguards), Section 301 (on market access), Section 337 (on intellectual property rights violations) and Section 421 (on safeguards against market disruption caused by increased imports from China). Our attorneys also litigate appeals of government agency determinations in trade cases before the U.S. Court of International Trade and the U.S. Court of Appeals for the Federal Circuit.

### Section 337

With a team comprising a former head of the U.S. International Trade Commission's Section 337 legal office and a group of intellectual property lawyers, our attorneys represent clients before the ITC in cases brought under Section 337 and assist them in defending against orders to exclude products that allegedly infringe a U.S. patent. Often this defense involves challenging the validity or infringement of the patent at issue. Our lawyers are frequently called upon for assistance or joint representations by law firms throughout the country that do not have this specialized Section 337 experience.

### Antidumping Duties

Companies being injured by dumped imports require skilled advocates to demonstrate that injury to the ITC, just as those accused of importing products into the United States at less than normal value need qualified legal representation to defend their interests and to avoid the imposition of duties. Our attorneys have experience in all facets of antidumping investigations, including how to demonstrate to the ITC both the presence and the absence of material injury, the most efficient ways to respond to a U.S. Department of Commerce cost and pricing questionnaire, and the techniques for surviving an on-site verification of the questionnaire response.

### Preventative Planning

Our preference is to work with clients before antidumping issues arise to ensure that contracts, pricing decisions and market impacts are carefully planned. We advise our clients on how to do business with an eye to minimizing the risks of subsequent antidumping actions being filed or, if they are filed, so as to reduce the petitioner's chances

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for success. For our clients that resell imported merchandise we help to structure purchase contracts so as to avoid tariff liabilities that would fall on the importer of record. Given the lag between entry of foreign-made goods and the final imposition of antidumping duties, it is vital for U.S. retailers not to be saddled with the indeterminate, contingent liability of an antidumping duty assessment.

### **Countervailing Duties**

If a foreign country subsidizes a product and thereby facilitates its sale in the United States at an unfairly low price, the U.S. Government can impose a countervailing duty to counter the advantage bestowed by the subsidy. Our attorneys have counseled clients, both foreign and domestic, on various aspects of countervailing duty proceedings.

### **International Trade Policy**

Our attorneys represent clients whose transnational business interests are affected by actions of various federal administrative agencies or the U.S. Congress. Our attorneys regularly monitor administrative and legislative developments that may have an impact on our clients' interests and, if appropriate, comment on, aggressively support, or actively oppose proposed legislation. Additionally, our firm represents clients in rulemaking proceedings and undertakes actions to seek regulatory approvals, clearances, exemptions and waivers from regulatory actions. Our attorneys prepare and implement trade policy strategies designed to influence congressional legislation and executive branch initiatives on cutting-edge issues, including export controls, technology transfer, economic sanctions (with Cuba, Iran, Syria, etc.), the recent WTO round of negotiations, and e-commerce.