

### **1. What is the ITC website?**

The ITC website that Mr. Brew referred to during the presentation is the ITC Dataweb site: <https://dataweb.usitc.gov/login>. This website provides U.S. trade and tariff data. To use it, you will need to register for a free of charge account to access the information. After making an account, you can run queries for export or import data based on criteria such as HTS codes, year and country.

### **2. What list (if any) do IoTs fall under?**

Much of the inputs used in IoT systems are included in List 3. This includes modems, antennas, and semiconductors. You need to confirm the HTS code of the specific product to confirm what list it is on.

### **3. Is the exclusion request public to where confidential data is not made public?**

Certain answers are labeled as “Business Confidential Information (BCI),” and therefore are not made public. For example, a company’s gross revenue will automatically be designated as BCI and will never appear on the public version. For other questions, you will be able to select whether the answers are BCI or not, for those optional questions if you do provide a confidential answer then you will also need to submit a public version as well. This situation applies to questions such as “comment on economic harm to the company or other U.S. interests.”

### **4. It is fashion product that changes season to season, however is a similar body type will that qualify to apply for exclusion?**

The USTR asks that each exclusion request cover “one product” but the USTR is vague on what is considered “one product” for the purposes of exclusion groupings. The USTR has granted exclusions based on the “product description” identified in the exclusion request and not for the entire 10-digit HTS category. If one wants the fashion product that changes from season to season to be covered under one request, one would have to write the product description in a manner that accurately describes your product. In general, if two products have the same 10 digit HTS code, same material composition and same use, and only varies in size or color, then you may file one petition for the two products.

### **5. If a competitor files for an exclusion and it’s granted, could it apply to us as well? How would we find this information? Or are exclusions based on company by company?**

Exclusions are granted based on the product description noted. Others can benefit from granted exclusion requests, depending on whether the product fits the description and matches the HTS-10 code of the granted exclusion request.

Exclusions are announced periodically through Federal Register notices, which USTR has been posting to their site:

List 1: <https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-china/34-billion-trade-action>

List 2: <https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-china/16-billion-trade-action>

List 3: <https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-china/200-billion-trade-action>

## **6. How can you search if an exclusion has been approved for an HTS code?**

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List 3: <https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-china/200-billion-trade-action>

The USTR also posts the status of exclusion request for List 3 on its online portal:

The List 3 public docket lists all filed exclusion requests: <https://exclusions.ustr.gov/s/PublicDocket>  
Users are able to search by Organization, HTS code, and Product Name. To access this website, users need to sign for a free of charge account.

## **7. Based on the baseball glove example: if one imports leather baseball gloves with “everfresh” trademark technology, will that be exclusive to company applying for exclusion?**

Whether or not a product is covered by an accepted exclusion request depends on the product description of the request. However, the USTR does not allow companies to include use-specific names and identifiers such as product numbers, SKU’s, trademark names, or specific branding inside product descriptions. So, exclusions cannot be based on a trademark. If there are physical differences that are readily identifiable upon importation, then an exclusion may be granted based on those unique physical characteristics.

## **8. Is there a place we can find existing exclusions filed before we file for similar products?**

The List 3 public docket lists all filed exclusion requests: <https://exclusions.ustr.gov/s/PublicDocket>  
Users are able to search by Organization, HTS code, and Product Name. To access this website, users need to sign for a free of charge account.