

## **FAQ ON SHIPPING TO VISION EXPO EAST AND VISION EXPO WEST**

**Q. I am new to the U.S. market. How do I get my samples and set up to the exhibit?**

A. It's not as hard as you think. There are companies called freight forwarders, logistic companies or express couriers in your home country that can assist you with international shipment of your samples, promotional literature, and display set ups to New York (for Vision Expo East) or Las Vegas (for Vision Expo West). You may even be able to hand carry your samples and promotional literature with you on your flight; but if you do make sure that you declare them to U.S. Customs and Border Protection when you arrive. You'll need invoices to prove the value of the samples too.

**Q. Do I need to use a Customs Broker in the United States?**

A. A Customs broker can greatly expedite an exhibitor's shipment to the show by preparing and filing the required documents to "clear Customs." They can also coordinate your shipment to the exhibit hall floor. If you use a freight forwarder, logistic company or express courier to assist with your shipping they likely will have affiliations with U.S. Customs brokers in New York or Las Vegas. If not, then we can suggest some.

**Q. How much time should I allow to get my samples and exhibit set up to the show?**

A. That will depend on where you are shipping from and the mode of transportation you use. Your freight forwarder, logistic company or express courier can help you plan your schedule. But allow time for Customs formalities at the U.S. border – clearance could take upwards of 10 days.

**Q. Can I avoid paying U.S. duty or taxes on my samples and exhibit set up?**

A. As long as your sample products and exhibit set ups are brought into the U.S. on a temporary basis, then two strategies can be used to avoid duties and taxes on those items.

One is called an **ATA Carnet**, which is an international Customs document that allows you to import on a temporary basis commercial samples, promotional materials, professional equipment and other things related to your exhibit. It's a streamlined process, with the carnet document serving in lieu of formal U.S. Customs documents.

There are more than 85 countries that issue **ATA Carnets**. Apply for the carnet in your home country (there will be a fee and you will need to post security) and then after it issues you can use it as **often as you like for 12 months** in any country that

recognizes **ATA Carnets**. You can use it to go to Vision Expo East this Spring and then again to attend Vision Expo West later this Summer and not pay duties or taxes! Procedures must be followed with U.S. Customs to establish that the goods have left the country after the show. Remember, carnets can only be used for show items in the country temporarily.

The other way is by filing with U.S. Customs a **temporary importation bond**, or TIB. Unlike a carnet, a TIB requires the presentation of formal U.S. Customs documents, and you would need to purchase from a Customs broker a bond for twice the duties and taxes. Like the carnet, a TIB only covers your samples and exhibit set ups temporarily in the U.S., and you would need to “close out” the TIB within one year by proving that you exported or destroyed this merchandise. Failure to do so results in a breach of the TIB and you will end up paying twice the duties that would have been owed if you paid duties up front.

**Q. Do I have to worry about registering with the U.S. Food and Drug Administration?**

A. Most likely. Most ophthalmic products are regulated by the U.S. FDA, including therapeutic items such as eyeglasses, frames, sunglasses, reading glasses, optical lenses, and low vision devices. Optical diagnostic, prosthetic and surgical devices are regulated too. **Even if you use an ATA Carnet or a TIB to make the Customs entry** you need to determine if your samples are “FDA regulated” products before you ship them.

For those items that are considered “Class I” medical devices, which include eyeglasses, frames, sunglasses, reading glasses, optical lenses, and low vision devices, you will need to:

1. Register with the FDA. This is a two-step on-line process that involves paying the FDA an annual registration fee. For 2015 the fee is \$3,646.00. You need to allow at least a week to complete the registration process.
2. List your medical devices with the FDA as part of the registration process.
3. Designate a U.S. agent for FDA purpose. This is a person in the U.S. who agrees to be a contact point for the FDA in case the agency has questions for you.

If your samples are Class II or Class III medical devices, then additional information will be required. This information might include a premarket notification number or a FDA 510K notification number. You need to confirm this before you ship.

This link provides more information about importing FDA-regulated products into the U.S.:

<http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/ImportingandExportingDevices/ucm050126.htm>

**Q. Will I need Impact Resistance Certificates for sunglass and reading glass samples?**

A. If you are bringing sunglass, reading glasses, finished eyeglasses or finished optical lenses to the exhibit then you will need impact resistance certificates for the lenses in those items. And if your frames have “demo” lenses in them, then you need to damage those lenses so that they can’t be reused, such as by scratching a line across them or drilling a hole in them.

**Q. Do I really have to pay that FDA registration fee before I can exhibit in the U.S.?**

A. The FDA has some discretion to release goods that are not in conformity with its laws. We suggest that you contact the relevant FDA district director beforehand and see if your samples could be brought into the U.S without FDA registration. If allowed, then the FDA will require that you post signage at the exhibit informing the public that your samples are not in compliance with the FDA laws. Also, you will have to arrange to have the FDA supervise the exportation of your samples. Otherwise, you will need to register with the FDA and pay the fee.

**Q. The FDA says I need a U.S. Agent. What does that mean?**

A. The FDA requires that foreign medical device manufacturers or exporters designate a U.S. Agent. It can be a person or a business, based in the U.S. The FDA may seek information about foreign origin medical devices through the U.S. agent, who in turn can request that information from the foreign manufacturer or exporter. The Vision Council oversees a fee-based U.S. agent program with expertise in ophthalmic optics -- [fda@thevisioncouncil.org](mailto:fda@thevisioncouncil.org)

**Q. Do my samples need to be marked with country-of-origin?**

A. Yes, your samples should be visibly and physically marked, in English, with the country in which they originate. The U.S. country-of-origin laws are complicated, but as a rule of thumb manufactured goods originate in the last country where those goods underwent substantial change or processing.

**Q. My samples are subject to someone else’s trademark. Is this a problem?**

A. To avoid problems with U.S. Customs bringing those samples into the U.S for the trade show you will need to get proof of authorization from the trademark, trade name or copyright holder allowing you to use that trademark on your sample. The authorization

must be on the trademark holder's letterhead, and a copy of this letter should accompany the shipment of samples.

**Q. Do I need a visa to get into the U.S.?**

A. If you are a nonresident from a country other than Canada or Bermuda, then yes you will. As long as you are not receiving any salary or income from a U.S. based company and you are coming to attend or participate at the trade shows, you should qualify for a B-1 temporary business visa.

You will need to pay a visa fee, complete a form (DS-160 Form), provide a photograph, and present your passport showing that it is valid for at least 6 months beyond your period of stay in the U.S. – this last requirement will be waived for citizens of certain countries, so check the list at this link --  
<http://www.state.gov/documents/organization/104770.pdf>.

Be mindful of how long the visa issuance process may take. You apply for it at the U.S. Embassy or Consulate in the country where you live, where you will need to schedule an appointment with them. Waiting times for appointments vary by city – for example, currently there is a 16 day waiting period in Beijing; a 7 day waiting period in Hong Kong; a 1 day waiting period in Taipei; and, a 9 day waiting period in Milan. Typically the U.S. Embassy or Consulate will process the visas within 24 to 48 hours of your appointment, but this could also take several days if the Consulate or Embassy is backlogged with other applications.

**Q. What is the Visa Waiver Program?**

A. The Visa Waiver Program allows citizens of certain participating countries to travel to the U.S. without a visa for stays of 90 days or less, as long as you have registered on the U.S. Department of Homeland Security's Electronic System for Travel Authorization system and will be traveling on an approved airline with a round trip ticket. This link identifies those countries participating in the Visa Waiver Program:  
<http://travel.state.gov/content/visas/english/visit/visa-waiver-program.html>

**Q. Is there someone we can speak with if we have questions?**

A. Yes. If you have questions about coordinating the shipment of your samples and exhibit set ups to the show flow contact the Customer Success Specialist at Reed Exhibitions, Jason Harris at [jharris@reedexpo.com](mailto:jharris@reedexpo.com).

If you have questions about information on this document or doing business in the United States, contact Rick Van Arnam, Esq. at [rvanarnam@barnesrichardson.com](mailto:rvanarnam@barnesrichardson.com).