

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN EYE COSMETICS
AND PACKAGING THEREFOR**

Investigation No. 337-TA-1407

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION FINDING REMAINING RESPONDENTS IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“the Commission”) has determined not to review an initial determination (“ID”) (Order No. 18) issued by the presiding administrative law judge (“ALJ”) granting complainant’s motion to find respondents Kaibeauty of Taipei City, Taiwan (“Kaibeauty”); I’ll Global Co., Ltd. of Seoul, South Korea (“I’ll Global”); Hikari Laboratories, Ltd. of Bnei Atarot, Israel (“Hikari”); and Kelz Beauty of Budapest, Hungary (“Kelz Beauty”) in default.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On July 16, 2024, the Commission instituted the present investigation based on a complaint, as supplemented, filed by Amarte USA Holdings, Inc. of Redding, California (“Amarte”), alleging violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, due to the importation into the United States, sale for importation, or sale in the United States after importation of certain eye cosmetics and packaging thereof that allegedly infringe U.S. Trademark Registration No. 4,328,655 (“the ’655 mark”), as well as unfair competition and false advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States. 89 FR 57942-43 (July 16, 2024). The complaint alleges that a domestic industry exists. The notice of investigation (“NOI”) names the following respondents: Kaibeauty; I’ll Global; Hikari; Kelz Beauty; Bourne & Morgan Ltd. of London, United Kingdom (“Bourne & Morgan”); Iman Cosmetics of London, United Kingdom (“Iman Cosmetics”); MZ Skin Ltd. of Hertfordshire, United Kingdom (“MZ Skin”); Strip Lashed of South Yorkshire, United Kingdom (“Strip Lashed”); Unilever PLC of

Merseyside, United Kingdom, Unilever United States, Inc. of Englewood Cliffs, New Jersey, and Carver Korea Co., Ltd. of Seoul, South Korea (collectively, “Unilever”). The Office of Unfair Import Investigations (“OUII”) is also named as a party to this investigation.

On October 7, 2024, the Commission partially terminated the investigation with respect to Unilever based on a settlement agreement. Order No. 9 (Sept. 6, 2024), *unreviewed by* Comm’n Notice (Oct. 7, 2024). On October 8, 2024, the Commission partially terminated the investigation with respect to Strip Lashed based on a consent order and consent order stipulation. Order No. 10 (Sept. 10, 2024), *unreviewed by* Comm’n Notice (Oct. 8, 2024). On November 1, 2024, the Commission partially terminated the investigation with respect to MZ Skin based on a settlement agreement. Order No. 14 (Oct. 15, 2024), *unreviewed by* Comm’n Notice (Nov. 1, 2024). On November 22, 2024, the Commission partially terminated the investigation with respect to Iman Cosmetics based on withdrawal of the complaint. Order No. 15 (Nov. 1, 2024), *unreviewed by* Comm’n Notice (Nov. 22, 2024). On January 14, 2025, the Commission partially terminated the investigation with respect to Bourne & Morgan based on a consent order and consent order stipulation, as corrected. Order No. 17 (Dec. 23, 2024), *unreviewed by* Comm’n Notice (Jan. 14, 2025).

On October 17, 2024, Amarte filed a motion (“Mot.”) requesting that the ALJ issue an order directing Kaibeauty, I’ll Global, Hikari, and Kelz Beauty (collectively, “Defaulting Respondents”) to show cause why they should not be found in default for failure to respond to the complaint and notice of investigation. *See* Mot. (Oct. 17, 2024). On October 21, 2024, Amarte filed a supplement to the motion (“Supp.”), noting that it was withdrawing its request for a general exclusion order and would seek “a limited exclusion order, pursuant to 19 U.S.C. 1337(d)(1), as to each Defaulting Respondent.” Supp. at 1 (Oct. 21, 2024).

On November 19, 2024, the ALJ issued the requested order directing the Defaulting Respondents to show cause by December 13, 2024 why they should not be found in default. Order No. 16 (Nov. 19, 2024). The ALJ found that the Defaulting Respondents were served the complaint and notice of investigation on various dates in July and August 2024, but they did not respond to either the complaint or notice of investigation. *Id.* The show cause order was properly served on the Defaulting Respondents. EDIS Doc. ID 837525 (Attachment IDs 2275918, 2276727).

On January 7, 2025, the ALJ issued the subject ID pursuant to Commission Rule 210.16, finding the Defaulting Respondents in default. Order No. 18 (Jan. 7, 2025). The ID finds that the Defaulting Respondents did not respond to the show cause order (Order No. 16, *supra*) within the designated time limit (or at any time) and, therefore, they necessarily failed to make the requisite showing of good cause to avoid default, pursuant to Commission Rule 210.16(b)(1)(ii), 19 CFR 210.16(b)(1)(ii).

No party filed a petition for review of the subject ID.

The Commission has determined not to review, and thereby adopts, the subject ID. Accordingly, the Commission finds Kaibeauty, I’ll Global, Hikari, and Kelz Beauty in default, pursuant to Commission Rule 210.16, 19 CFR 210.16. The Defaulting Respondents have

waived their right to appear, to be served with documents, and to contest the allegations at issue in this investigation, pursuant to Commission Rule 210.16(b)(4), 19 CFR 210.16(b)(4).

The Commission vote for this determination took place on January 31, 2025.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, stylized oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: February 3, 2025