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Areas of Practice

- CALEA/Wiretap
- CFIUS Foreign Investment Reviews
- Customs
- E-Commerce/Internet
- Economic Sanctions
- Encryption
- Export Controls
- International Regulation & Compliance
- International Trade & Investment
- International Trade Litigation
- Privacy & Data Security
- Telecom, Internet & Media

Education

Harvard Law School, J.D.,
cum laude, 2003, Editor-in-
 -Chief, *Harvard*
Environmental Law Review

Yale University, B.A.,
magna cum laude, 1999

Bar & Court Admissions

- District of Columbia
- New York
- US Court of Appeals for the Third Circuit

Michael T. Gershberg

Michael T. Gershberg is of counsel in the Washington office of Steptoe & Johnson LLP, where he is a member of the International Department.

International Trade

Mr. Gershberg’s practice focuses primarily on trade issues arising out of the US antidumping and countervailing duty laws. He represents clients in proceedings before the US Department of Commerce and the US International Trade Commission, including investigations, administrative reviews, sunset reviews, and section 129 proceedings. Mr. Gershberg has successfully represented clients in appellate litigation before the Court of International Trade, the Court of Appeals for the Federal Circuit, and NAFTA binational panels and Extraordinary Challenge Committees. He also counsels US companies and industry associations subject to antidumping and countervailing duty proceedings in foreign countries and advises clients on trade matters arising under the agreements of the World Trade Organization.

Mr. Gershberg’s experience extends to Customs compliance issues, including tariff classifications, country-of-origin regulations, and NAFTA-related Customs provisions. He counsels companies on making country-of-origin assessments to ensure compliance with Customs regulations and the Department of Commerce’s anti-circumvention rules. He has prepared numerous successful Customs protests of wrongful liquidations and voluntary disclosures of potential Customs violations. Mr. Gershberg has also worked with clients to prepare penalty petitions and presented policy submissions to the International Trade Commission and other agencies regarding amendments to the Harmonized Tariff Schedule.

Export Control and Economic Sanctions

Mr. Gershberg advises foreign and domestic clients regarding the application of export control and economic sanctions statutes and regulations administered by the Bureau of Industry and Security (BIS) at the Commerce Department, the Directorate of Defense Trade Controls (DDTC) at the State Department, and the Department of Treasury’s Office of Foreign Assets Control (OFAC). He has represented clients in export-related criminal investigations by the US Attorney’s Office. Mr. Gershberg also has experience with OFAC’s licensing program for exports of agricultural and medical products to Iran and Sudan.

Mr. Gershberg’s work in the export control area includes advocacy before governmental agencies, conducting of internal investigations, and the preparation of voluntary self-disclosures and other legal submissions. He also assists clients in connection with export transactions and enforcement issues, export control and economic sanctions training, the development of compliance plans, and export licensing.

US Court of Appeals for
the Federal Circuit

US Court of International
Trade

Michael T. Gershberg

Technology/Privacy

Mr. Gershberg's practice also involves matters of data protection and cybersecurity. He advises companies regarding their rights and obligations under the surveillance provisions of the Electronic Communications Privacy Act (ECPA), the Communications Assistance for Law Enforcement Act (CALEA), the Federal Wiretap Act (Title III), and federal and state privacy laws. He also counsels companies regarding encryption import, export, and use rules in the United States and jurisdictions around the world. His experience with encryption items includes product classification, encryption licensing, and related compliance and enforcement issues.

International Investment

Mr. Gershberg advises clients concerning regulatory issues related to foreign investment transactions, including proceedings before the Committee on Foreign Investment in the United States (CFIUS), created under the Exon-Florio Amendment.

Mr. Gershberg provides pro bono representation to clients in asylum and other immigration proceedings before the Immigration Court, US Citizenship and Immigration Services, and appeals to federal court. He also has experience representing Trade Adjustment Assistance petitioners in challenges before the US Court of International Trade.

Prior to law school, Mr. Gershberg worked at an economic consulting firm in Washington, DC, concentrating on international trade and antitrust matters. In this capacity, he helped prepare expert witness reports and was involved in several antidumping and countervailing duty proceedings at the US International Trade Commission.

Select Seminars & Events

Customs Union of Russia, Kazakhstan & Belarus: Satisfying Complex Encryption Import Licensing Requirements, ACI's 3rd Advanced Summit on Global Encryption Controls, April 19, 2012

Selected Publications

OFAC's New Guidance On Software Exports To Iran
March 29, 2012, *Law360*

OFAC Issues Guidance on Exports of Personal Communications Services and Software to Iran
March 26, 2012

DDTC's Proposed Rule to Implement US-UK and US-Australia Defense Trade Treaties

Michael T. Gershberg

December 21, 2011, *The Government Contractor*

DDTC Issues Proposed Rule to Implement US-Australia and US-UK Defense Trade Cooperation Treaties
November 28, 2011

OFAC Implements Sanctions on Seven Persons Under the Iran Sanctions Act
November 15, 2011

OFAC Enforcement Update
November 9, 2011

OFAC Lifts Most Sanctions on Libya, Maintains Targeted Sanctions on Qaddafi-Related Entities
September 21, 2011

New Executive Order Blocks Property of Transnational Criminal Organizations
July 29, 2011