Insights: Publications

5 Key Takeaways | ITC's Proposed New Rule on Funding and Ownership Disclosures

May 5, 2026

Written by **Aarti Shah**

---

1. The proposed rule would require the disclosure of all entities with financial and/or ownership Interests

The U.S. International Trade Commission (ITC) has proposed a new rule requiring parties in Section 337 investigations to disclose the identity of any entity with a financial or ownership interest in the investigation. This rule aims to shed light on all parties who stand to benefit or lose from ITC actions, including those who may not be direct participants but have a significant stake or investment in the outcome. The focus is on enhancing transparency and accountability throughout the proceedings. 91 Fed. Reg. 23192 (April 30, 2026).

2. Broad Application: Complainants, Respondents, and Intervenors

The disclosure requirements are not limited to complainants but extend to respondents and intervenors as well. The proposed disclosures are similarly broad—litigants would have to disclose any entity with a financial interest in, or exerting control with respect to, the parties and intervenors. This includes any entities which are corporate parents of or hold stock in the entity, or which provide funding for the investigation. Litigants would also have to disclose the identity of any entities whose approval is necessary for litigation decisions or settlement, as well as any other entities that have the legal right to bring an action based on the unfair act asserted in the complaint.

3. Purpose: Aligning ITC Practice with District Courts and Facilitating Settlement

The stated purposes of the proposed rule are a) to align ITC practices more closely with those of federal district courts, which commonly require disclosure of real parties in interest and litigation funding; b) help facilitate settlements by clarifying the parties with interest in, or whom control, the litigation; and c) help identify potential conflicts issues.

4, Potential Impact on NPEs: A Chilling Effect?

The ITC has historically faced some criticism for allowing non-practicing entities (NPEs) to file complaints at the Commission, or to try to obtain exclusion orders. Though this is not one of the stated goals of the proposed rule, it is possible that this greater transparency will have a chilling effect on NPE activity and litigation funding in ITC investigations, and the notice itself states that rule is being proposed to “address concerns that have arisen in Commission practice.”

5. Public Comments Invited: Deadline June 29

The ITC is actively seeking public feedback on the proposed rule and interested parties and the general public are encouraged to submit comments, which must be received by June 29, 2026. The ITC is particularly

interested in receiving input on specific issues including: a) whether or not the rule should apply to respondents and intervenors or just to complainants; b) whether only entities owning a certain minimum percentage of stock should be required to be disclosed; and c) whether the disclosures should vary by unfair act alleged. The ITC historically has considered public comments on its proposed rules carefully, often altering them to address concerns raised by public comment. Participation in this comment process provides a valuable opportunity to influence the final version of the rule and its practical impact on ITC proceedings.

For more information, please contact
Aarti Shah, ashah@ktslaw.com

Related People

Aarti Shah

t 202.481.9937

ashah@ktslaw.com