



Japan Customs' Efforts to Combat Counterfeits and Protect IPR

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Today's topics

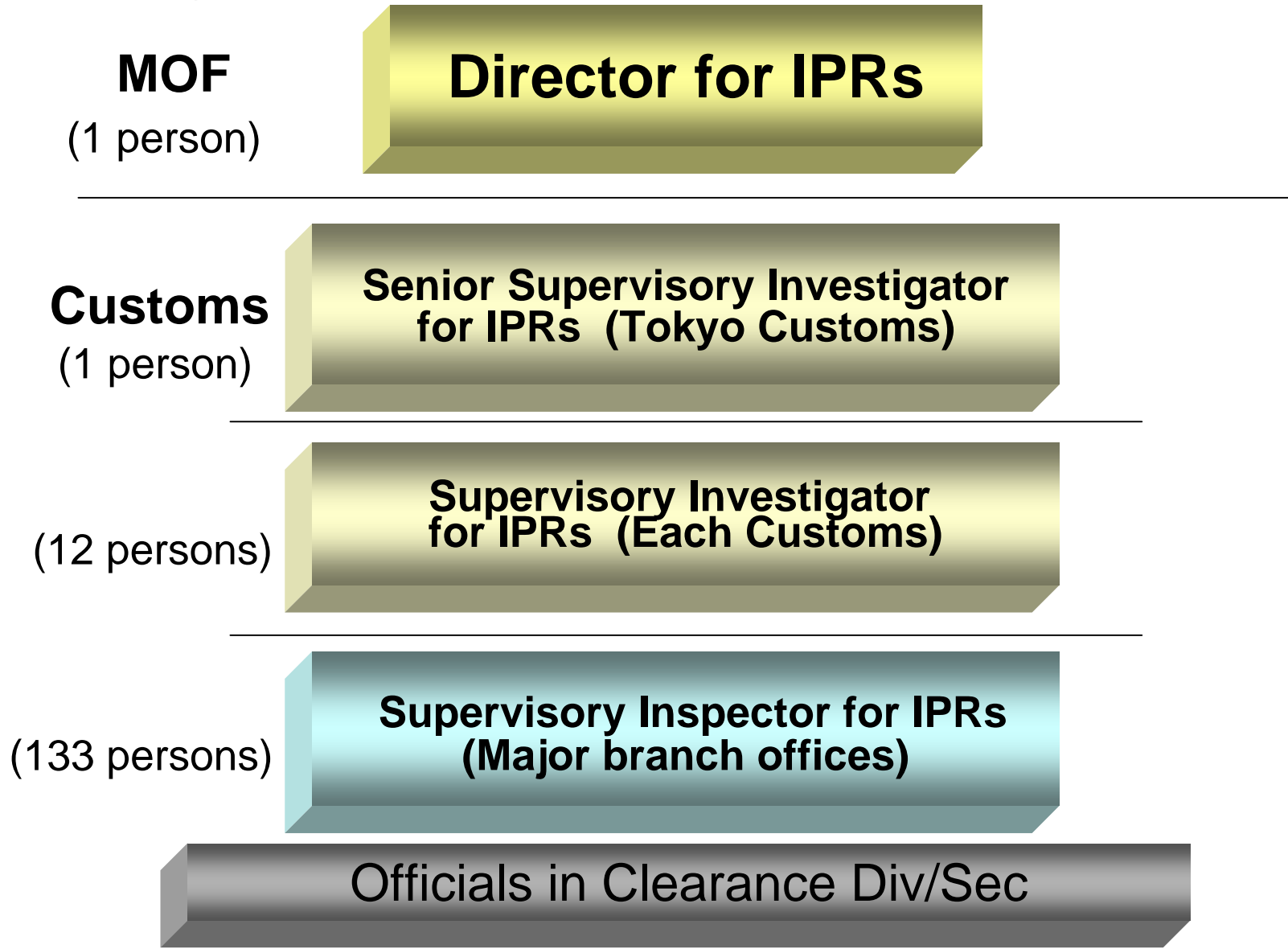
- Organizational structure of the investigation of IPRs
- Identification Procedures
- IPR Suspension Record
- Strengthening of the Law
- Example



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Organizational structure of the investigation of IPRs





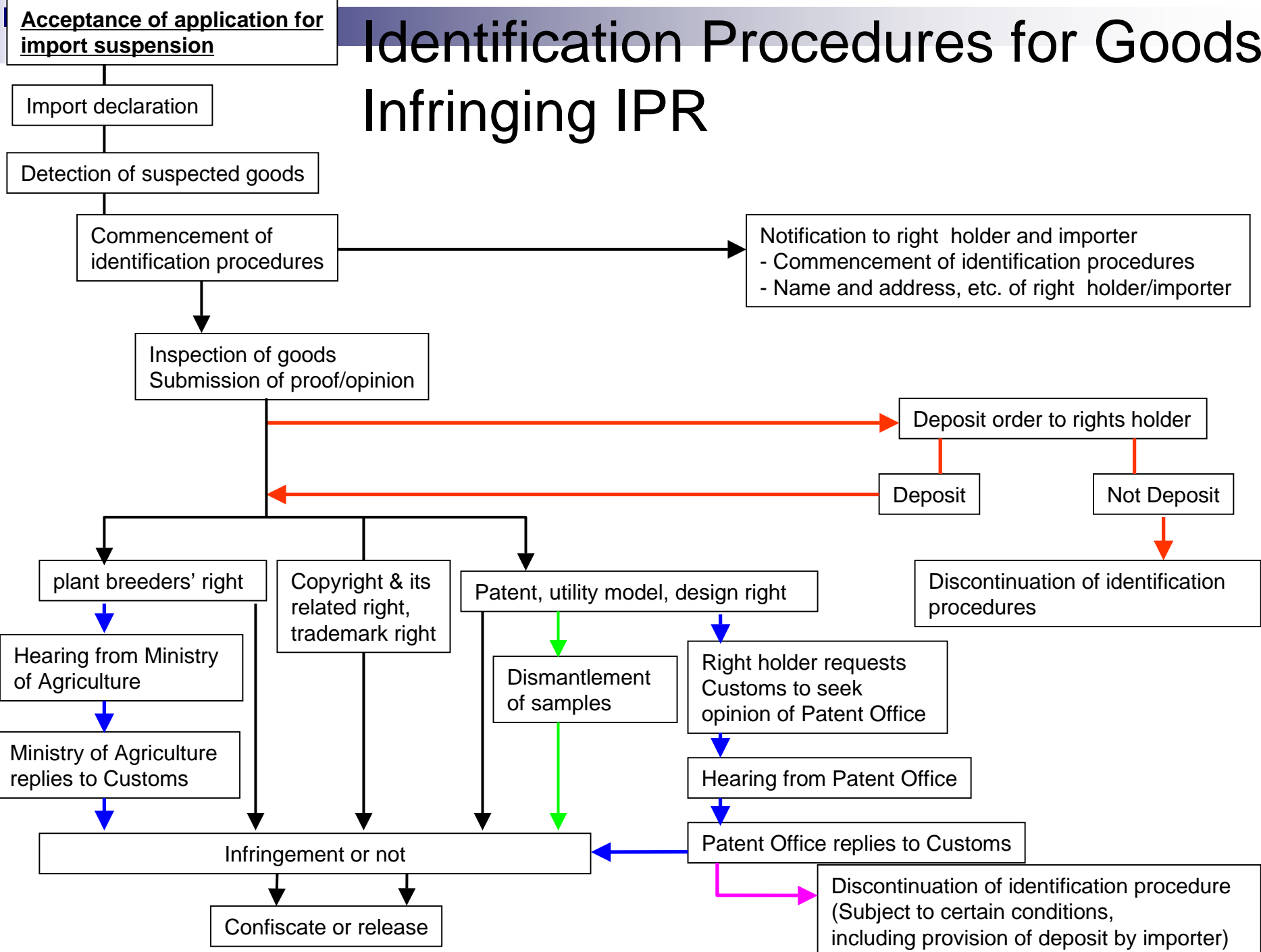
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Identification Procedures for Goods Infringing IPR





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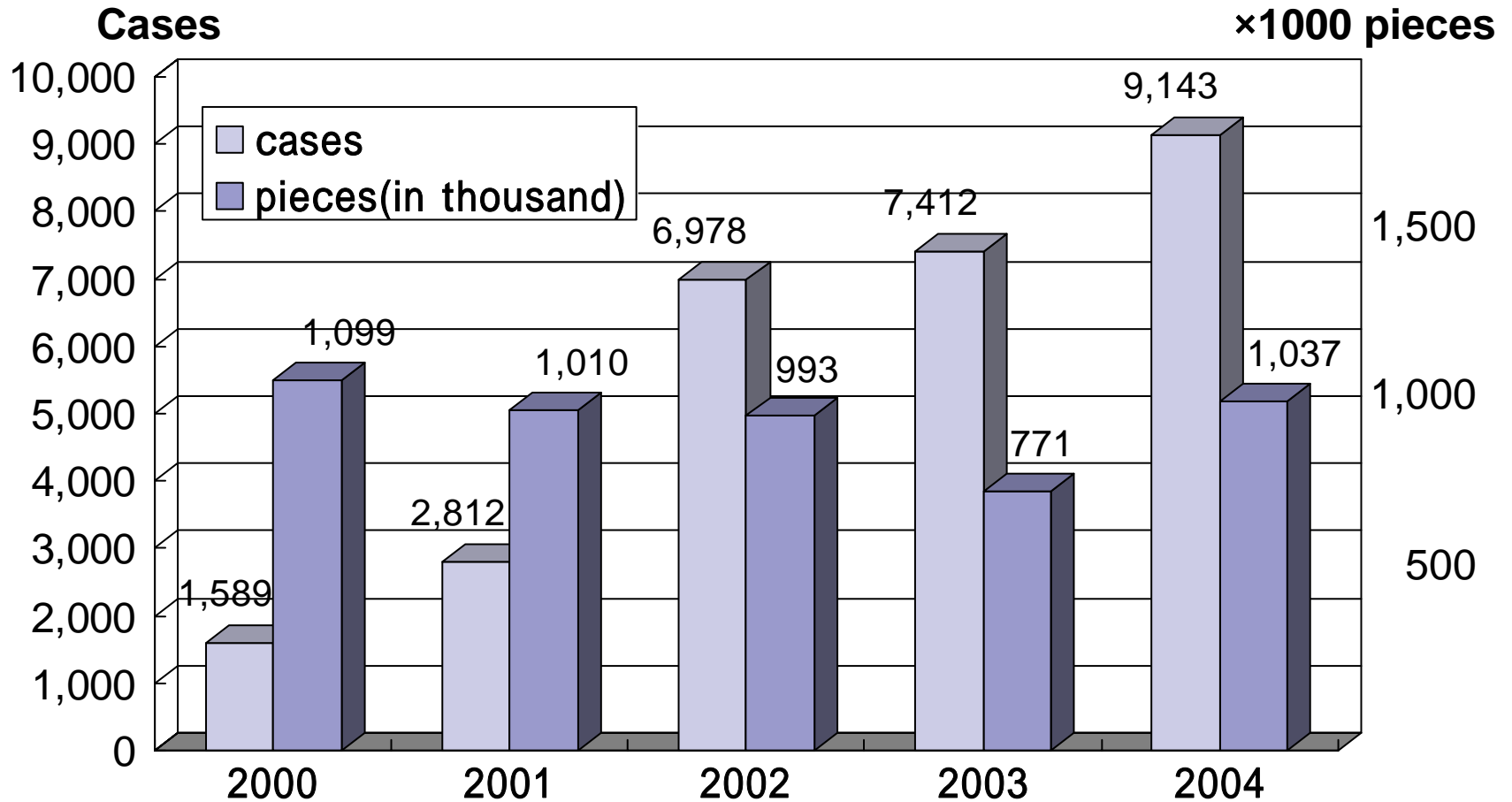
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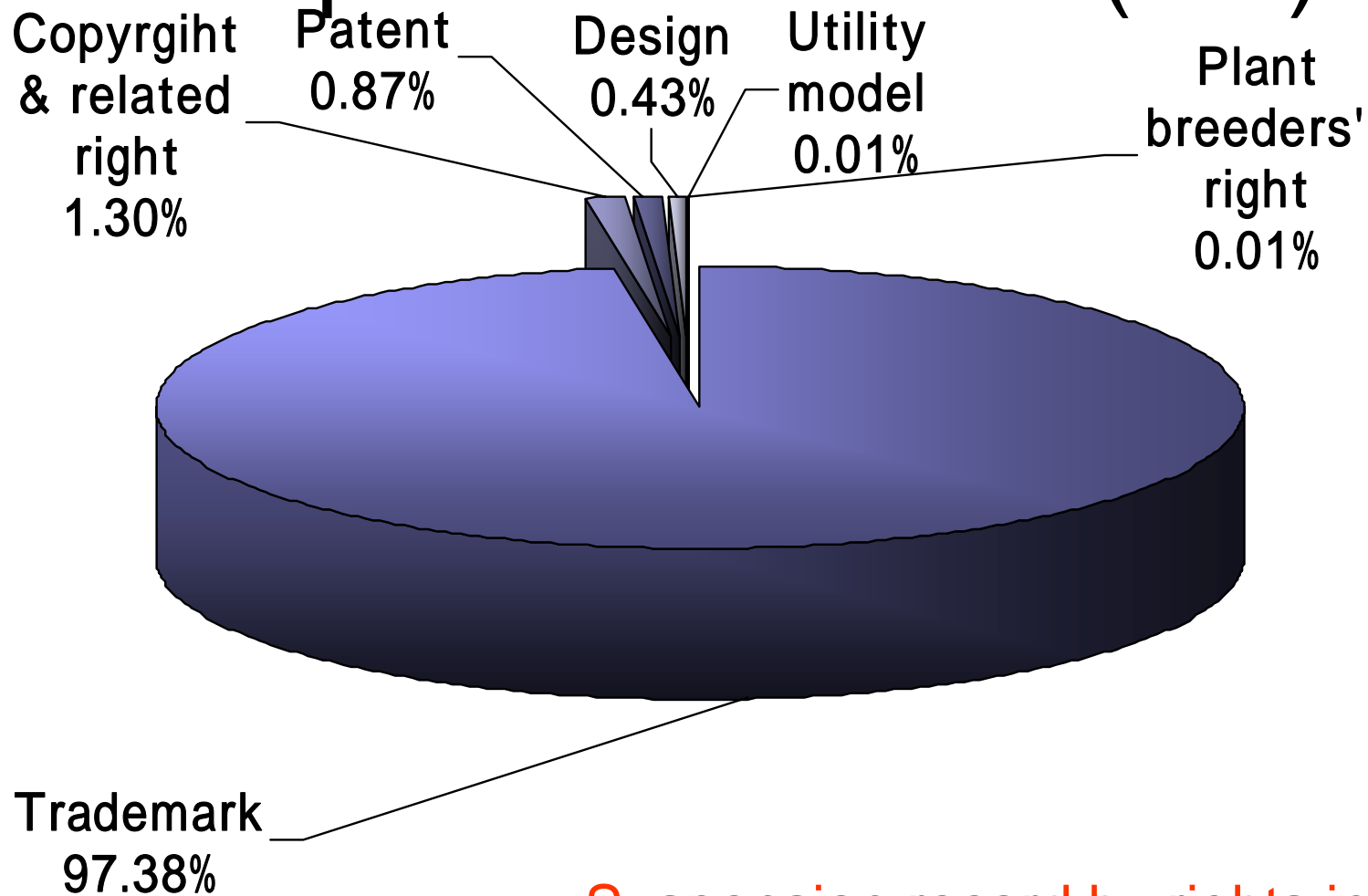
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IPR Suspension Record (1)



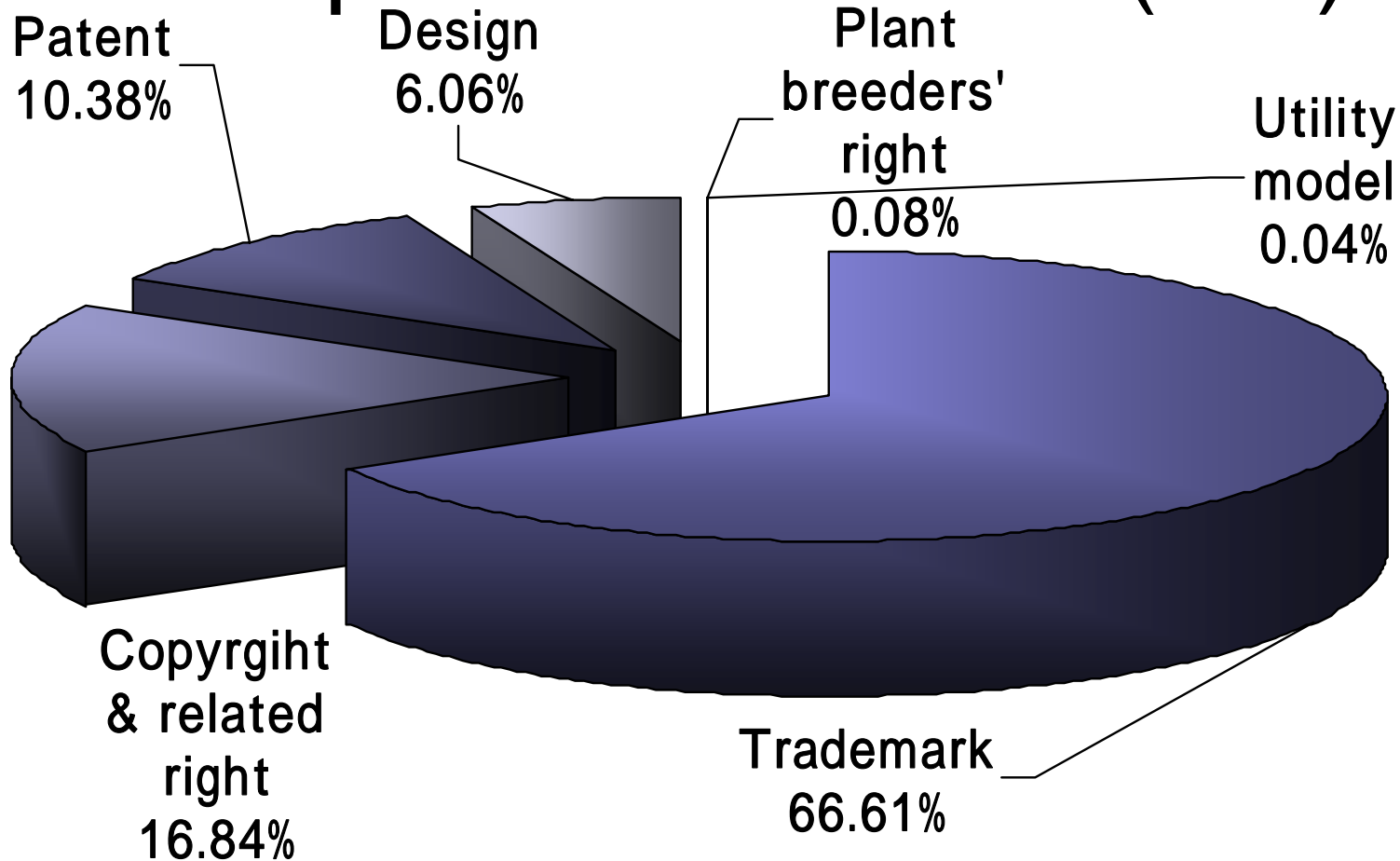
(by number of cases and pieces)

IPR Suspension Record (2-1)



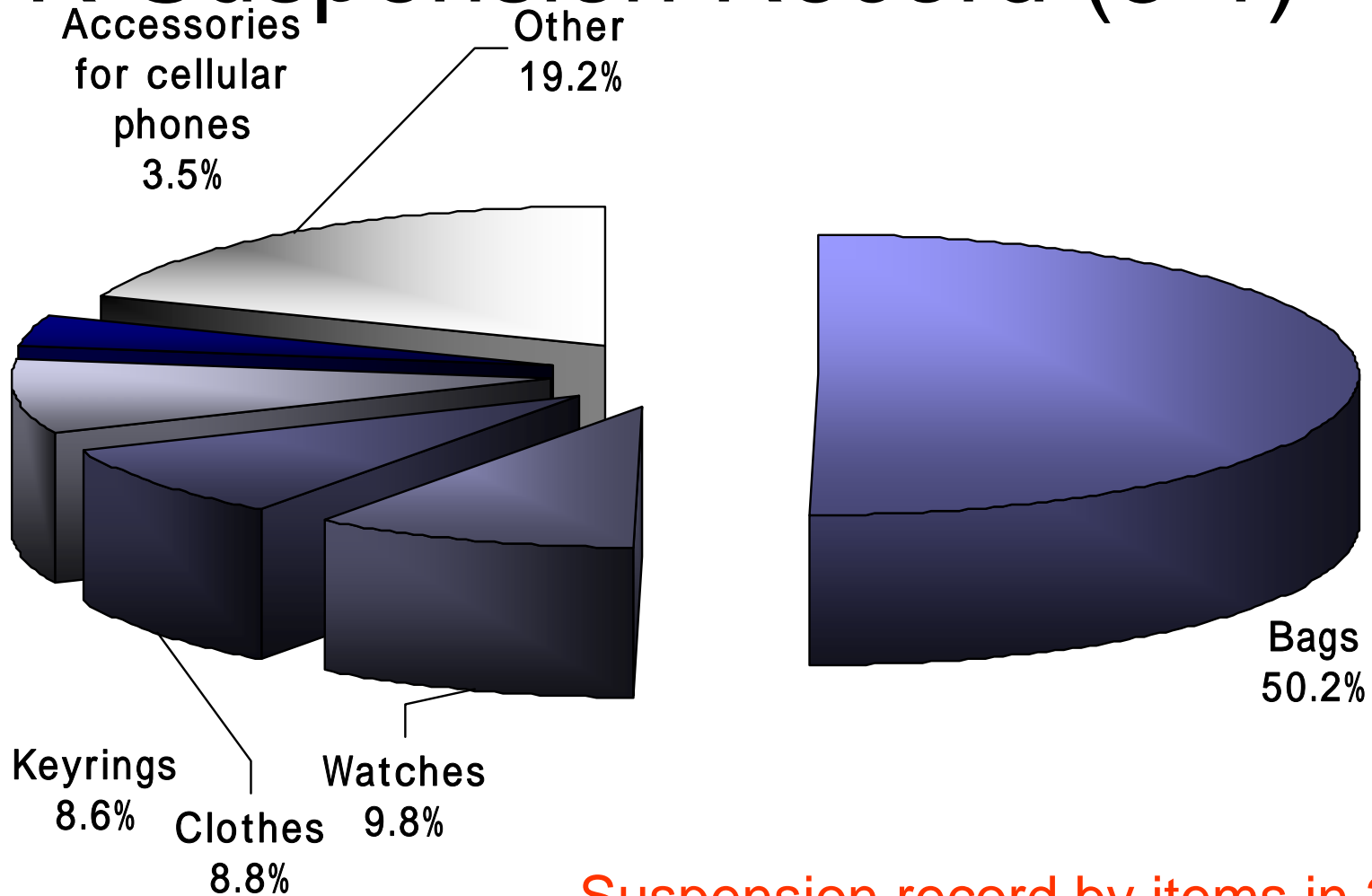
Suspension record by rights in 2004
(by number of cases)

IPR Suspension Record (2-2)



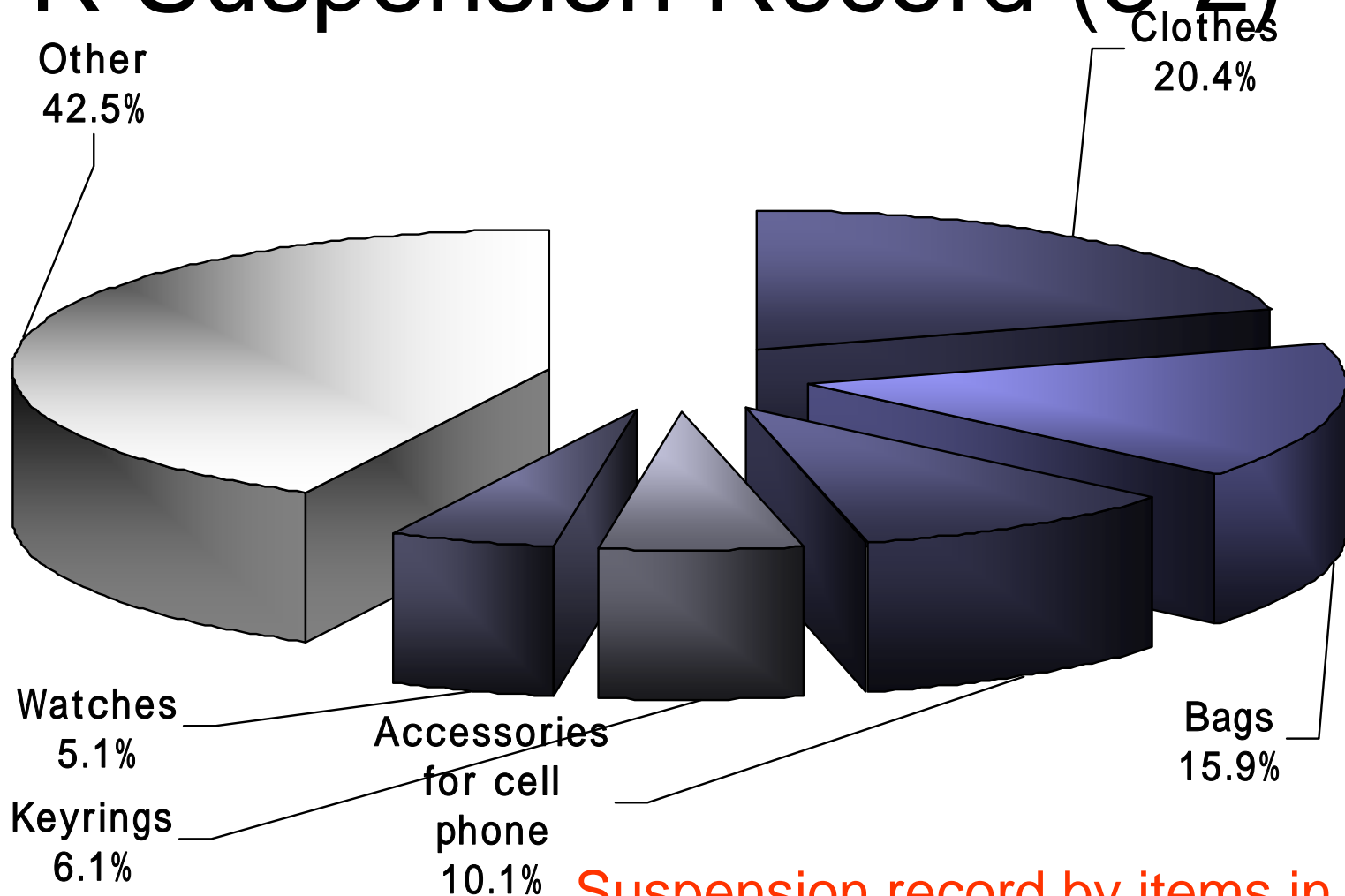
Suspension record by rights in 2004
(by number of pieces)

IPR Suspension Record (3-1)



Suspension record by items in 2004
(by number of cases)

IPR Suspension Record (3-2)



Suspension record by items in 2004
(by number of pieces)



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Strengthening of the Law

■ The following changes were made to the relevant law

- Patent right, utility model right, design right and plant breeders' right were added to the subject of applications for import suspension (2003)
- Customs seeks opinions of the Patent Office as part of the identification procedures (2003)
- Customs notifies right holder of information about importers of suspicious goods (2004)
 - May help right holders file a lawsuit
- Dismantlement of samples of suspected goods on inspection (2005)
 - May help right holders prove infringement on their rights

Effective Border Enforcement of IPR

- Application for Import Suspension from Rights Holders
 - Essential evidence for proving infringement
 - Co-operation with right holders
 - Advance consultation
 - Invite right claimants as lecturers at internal training courses for Customs officials
- Co-operation with Relevant Agencies
(Patent Office, Police, etc.)



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Example

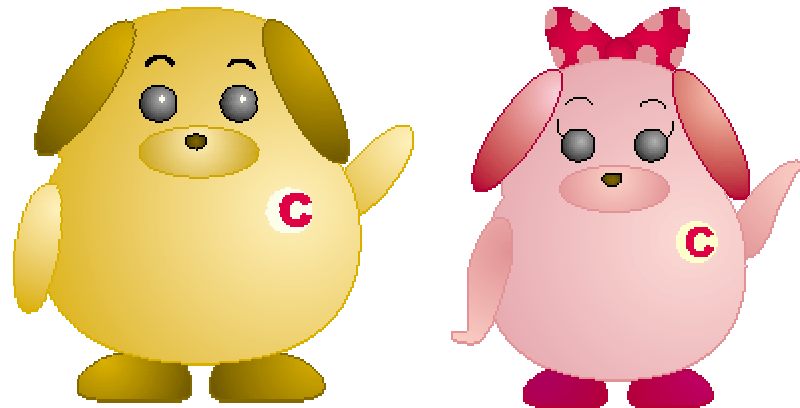


- Application for import suspension
- Cargo : Rush, “HINOMIDORI”
- Plant Breeder’s Right Holder : Kumamoto Prefecture
- Application date : 2nd December 2003
- Selectivity Criteria : 3 HS Code (10 digits)
 - 4601.91.2114 (Tatami facing)
 - 4601.20.0100 (Mats, matting and screens)
 - 4601.20.0995 (- ditto -)



Example

- Importer: Obuchi Seiichi Company (Kumamoto Pref.)
- Declared Cargo : Rush made of other than HINOMIDORI, 8,788 kg in 860 Bags
- Declaration : 21 Dec. 2004
- Inspection : 25 Dec. 2004
- Judgment by Kumamoto prefectural institute :
20 & 21 Jan. 2005 (Certified on 10 Feb.)
- Accusation : 1 Mar. 2005
- Applied legislation : Customs Law Art. 109 & 117
Customs Tariff Law Art. 21



Thank you for your attention!

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