

# 1. Enforcements by the Customs

Dynamic

Diligent

Discreet

## Where the Customs Locates

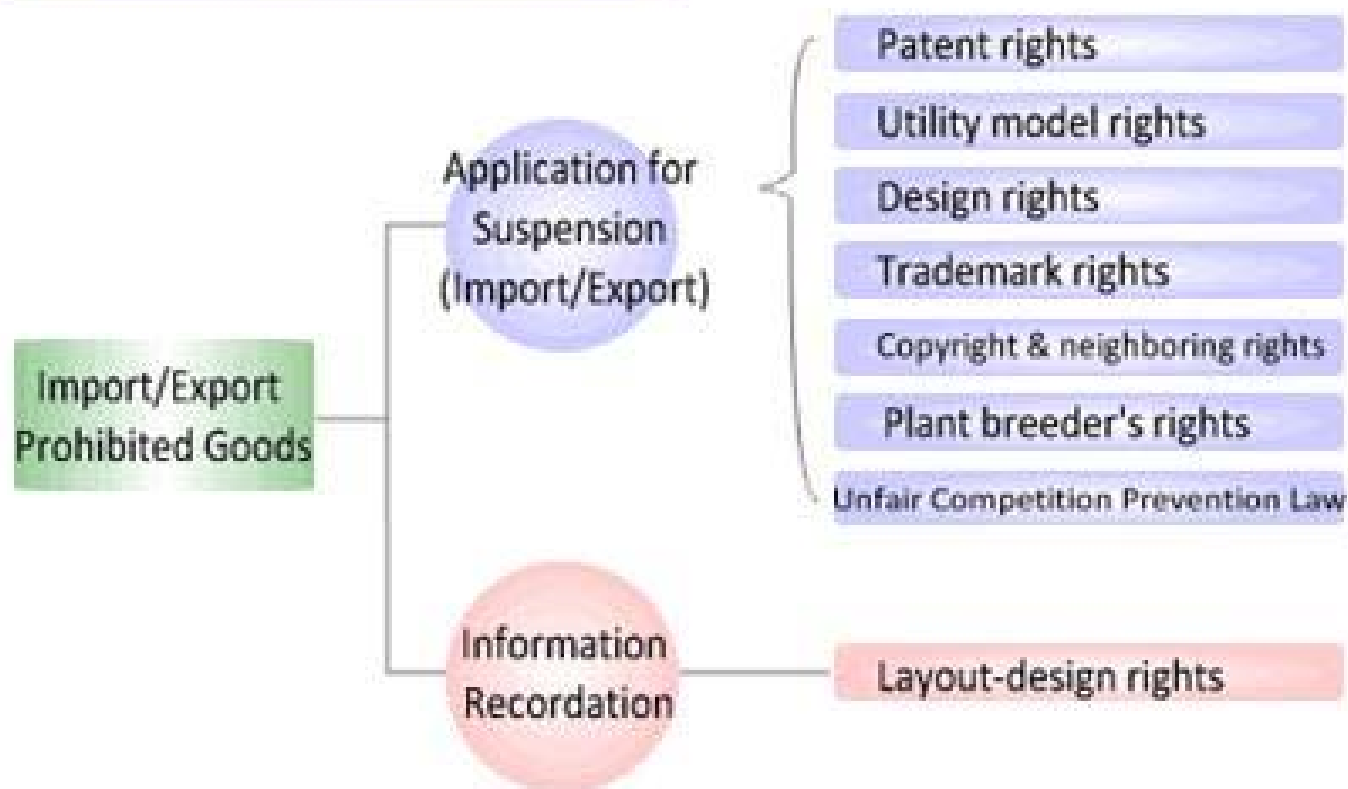
- 9 Regional Customs
- 68 Branches
- 111 Sub-branches
- 8,962 Officials



# Types of IPRs

5

## Scope of IPR Border Enforcement



## KEY POINTS

- Seize to Import & Export both
- No Security Bond
- Patent Right Enforceable
- Unfair Competition conducts Seizable

## Import 8 Number of Valid Application for Import Seizure

Patent	21
Utility Model	0
Design	87
Trademark	318
Copyright	96
Related right (Neighboring right)	208
Plant breeder's right	1
Unfair Competition Prevention Law	3
Total	733

(as of Dec 31<sup>st</sup>, 2015)

6

Types of IPRs

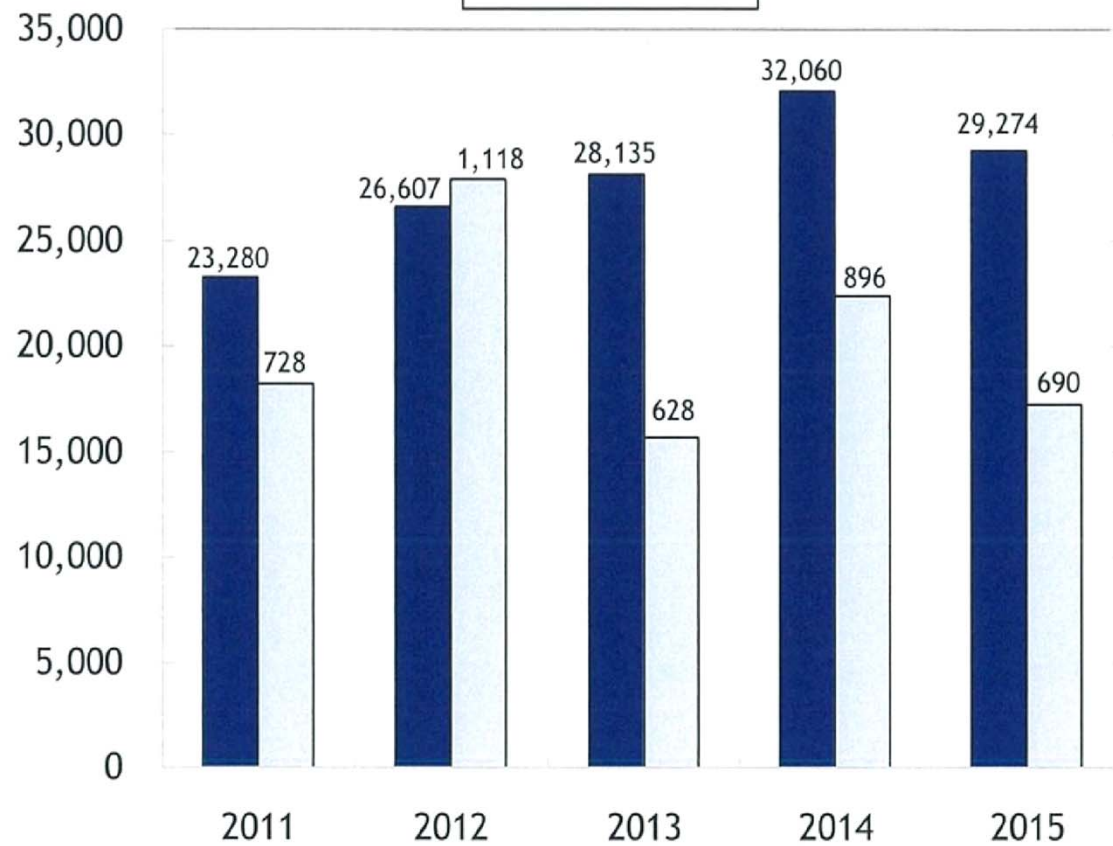
Accepted  
Number of  
Applications  
for Seizure

## Import 1

## Number of Import Seizures

Number of cases

■ No. of cases  
□ No. of articles



Number of articles  
(1,000)

Statistic

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In 2015  
Cases: 29,274  
Articles: 690,000

# Application for Suspensions

IPR holders request Customs to initiate Identification Procedures in the case Customs detects goods suspected of infringing their IPR in imports or exports.

Identification Procedures:  
The Customs makes a decision as to whether the suspected goods are infringing IPRs or not.



## Requirements in Application

9

1

- Ownership of the right *or* an **exclusive license** proves.

2

- The IPRs are valid.

3

- The IPRs has been infringed or is **LIKELY TO BE** infringed.

4

- Evidence has to be provided to satisfy Customs that there is **PRIMA FACIE** an infringement of the IPR.

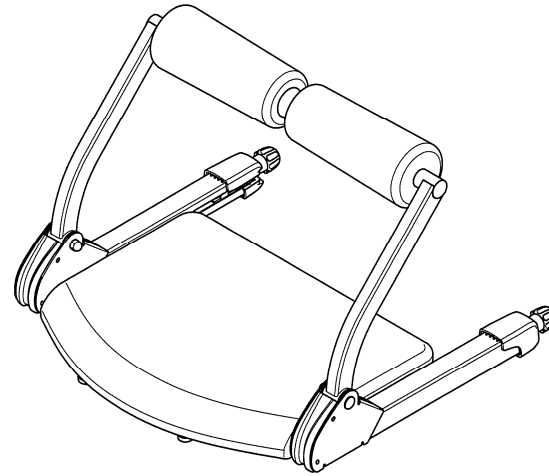
5

- Information concerning the goods provides to **enable Customs to identify** infringing goods

# Case

How are you using  
this product?

What's type of IPR  
to rely on seizure?



Reg.  
design



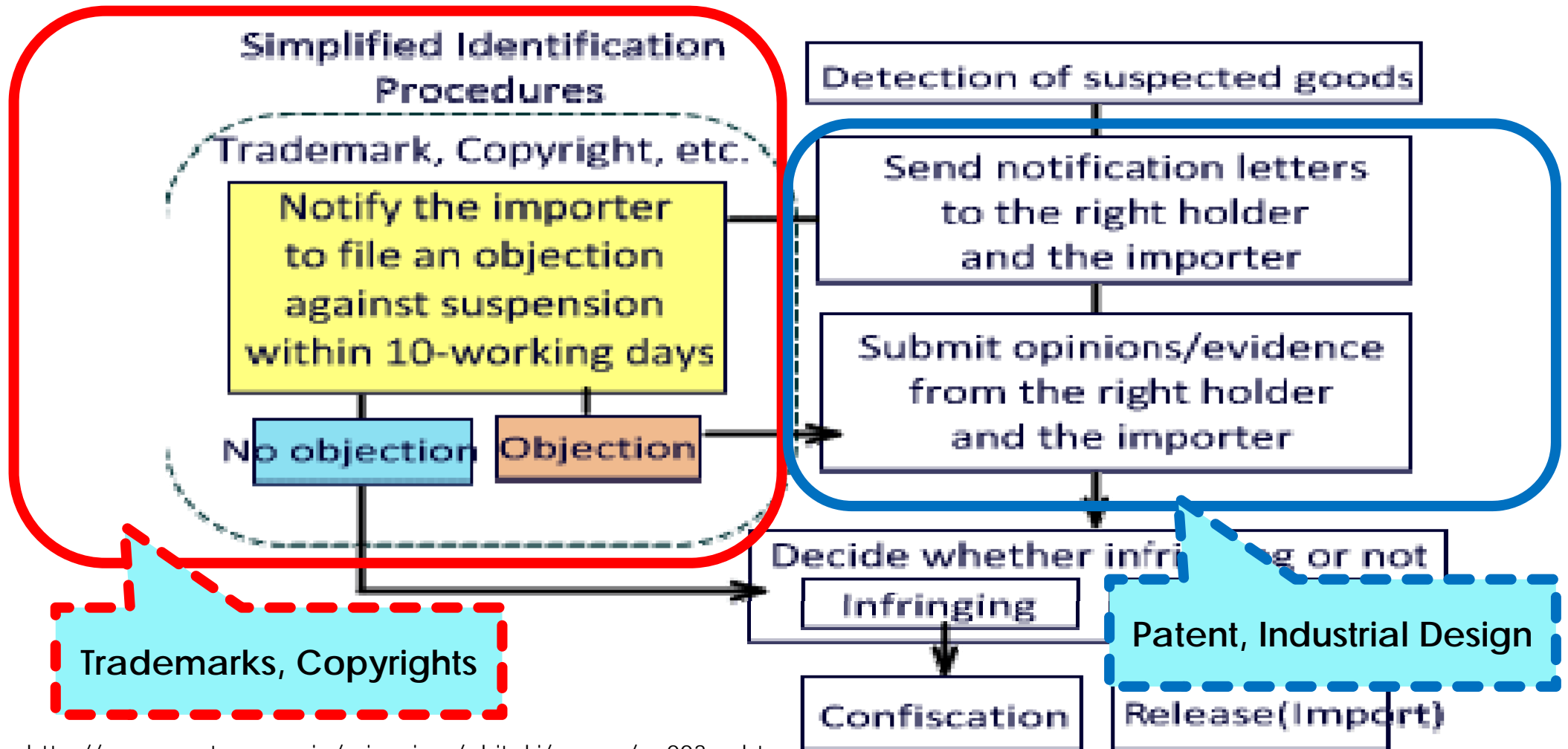
genuine



knockoff

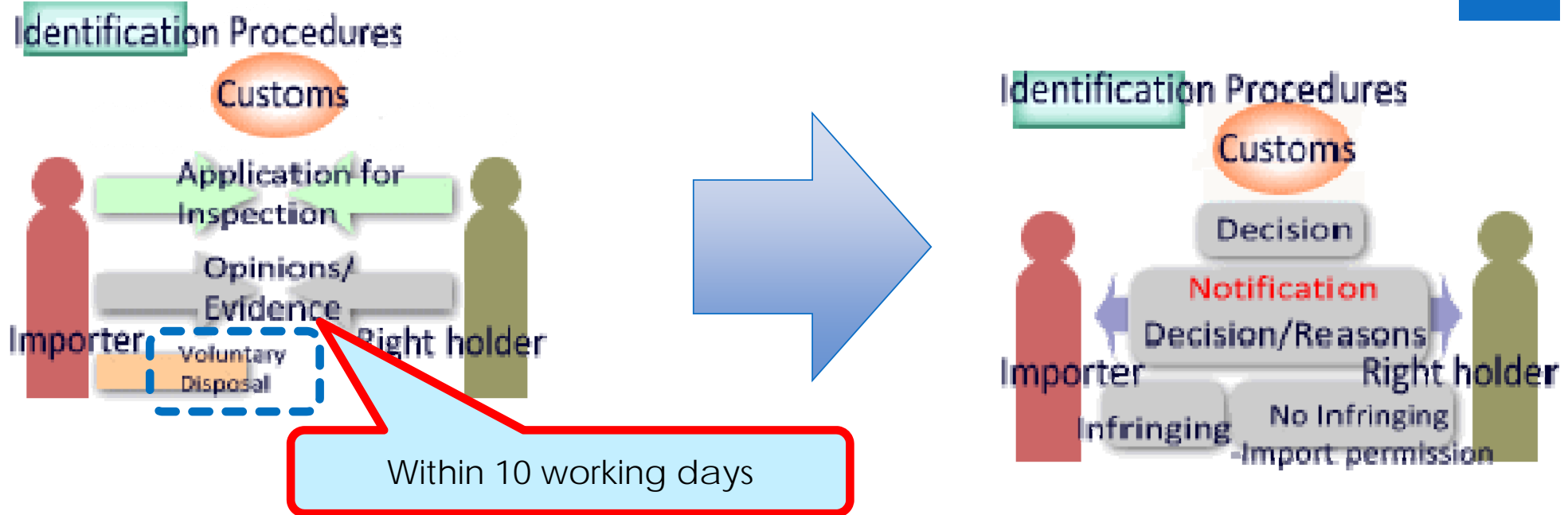


## Outline of Identification Procedures



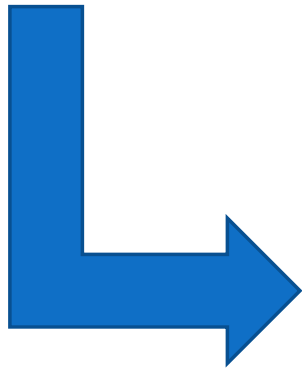
# Flow in Seizure : Regular Truck

12



**Simplified Procedures:** In trademarks and copyrights cases, if an importer does not submit any written objections to Customs about the “Notification of Initiation” during the designated period in the procedure, Customs can make an infringement decision based on information in the applications for suspension without asking any further opinions and evidence from parties concerned.

If Customs **faces difficulties** in determining whether goods subject to either procedure are infringing or not,



Organize the Committee “**IPR Export Advisors**”  
a. 3 advisors appointed.  
b. The Customs **respects a majority** in decision by the Committee.



Shredding Infringing Goods