

# ***Intellectual Property Rights(IPR) Enforcement***

***- Experiences of Japan Customs -***

**Japan Customs  
September, 2010**



## **TOPICS**

- 1. Impact of IPR Violation***
- 2. Enforcement of Japan Customs***
- 3. Enforcement Procedures***
- 4. Cooperation with Right holders***
- 5. Global Partnership for Effective Enforcement***

## 1. *Impact of IPR Violation*

### *Health and Safety Threat*

**84,672 tablets of counterfeit pharmaceuticals,**  
suspended and destroyed by Japan Customs (2009)

### *Organized Crime*

**10% of IPR related arrests involved gangsters**  
(Annual Report 2009 of Japan police)

### *Economic Damage*

Infringing goods equivalent to **140 million USD,**  
suspended by Japan Customs (2009)

# 1. Impact of IPR Violation

## Health and Safety Threat

### Pharmaceuticals infringing Trademark and/or Patent



# 1. Impact of IPR Violation

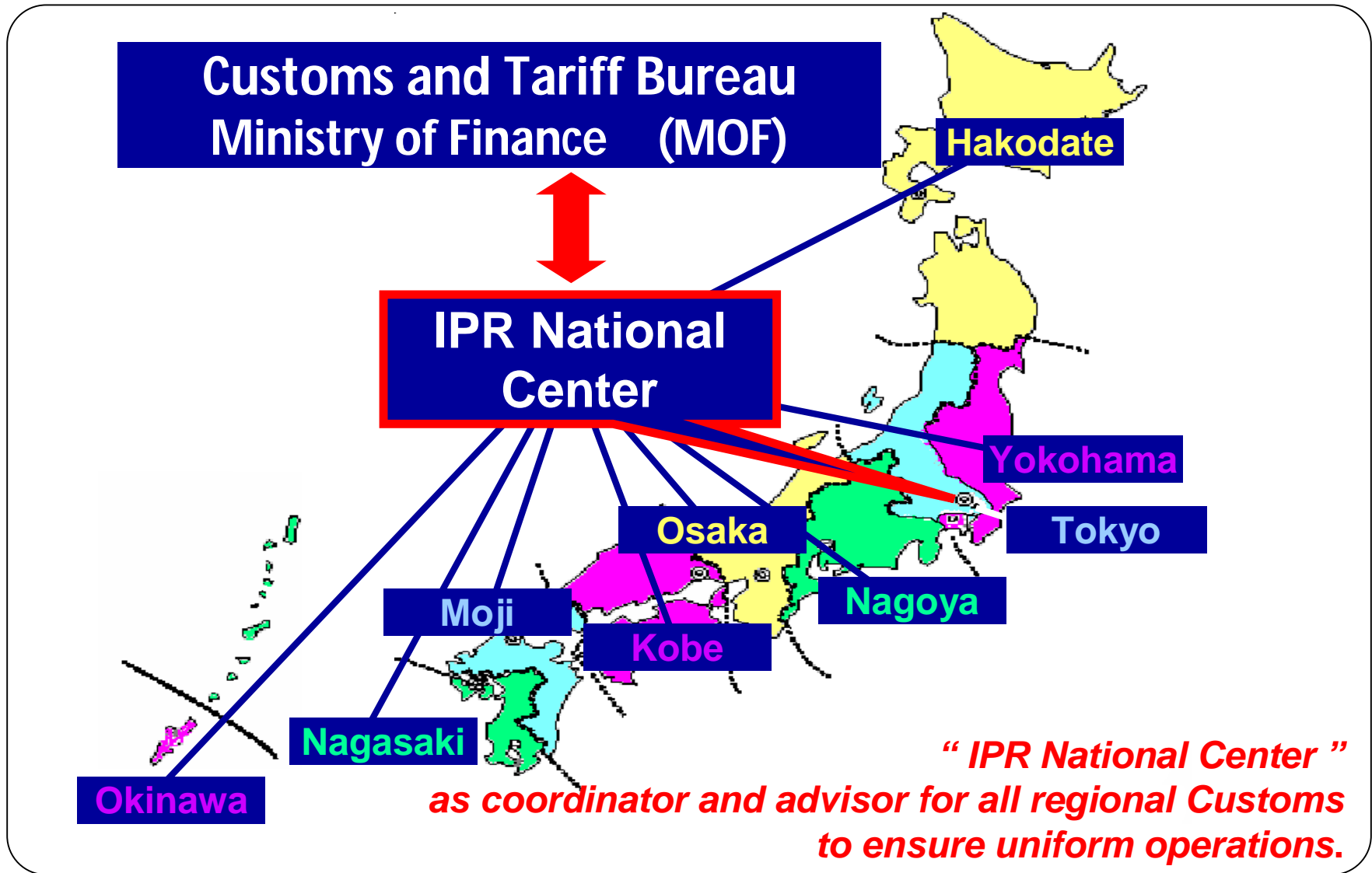
## Economic Damage



*suspended by Osaka Customs (2009)*

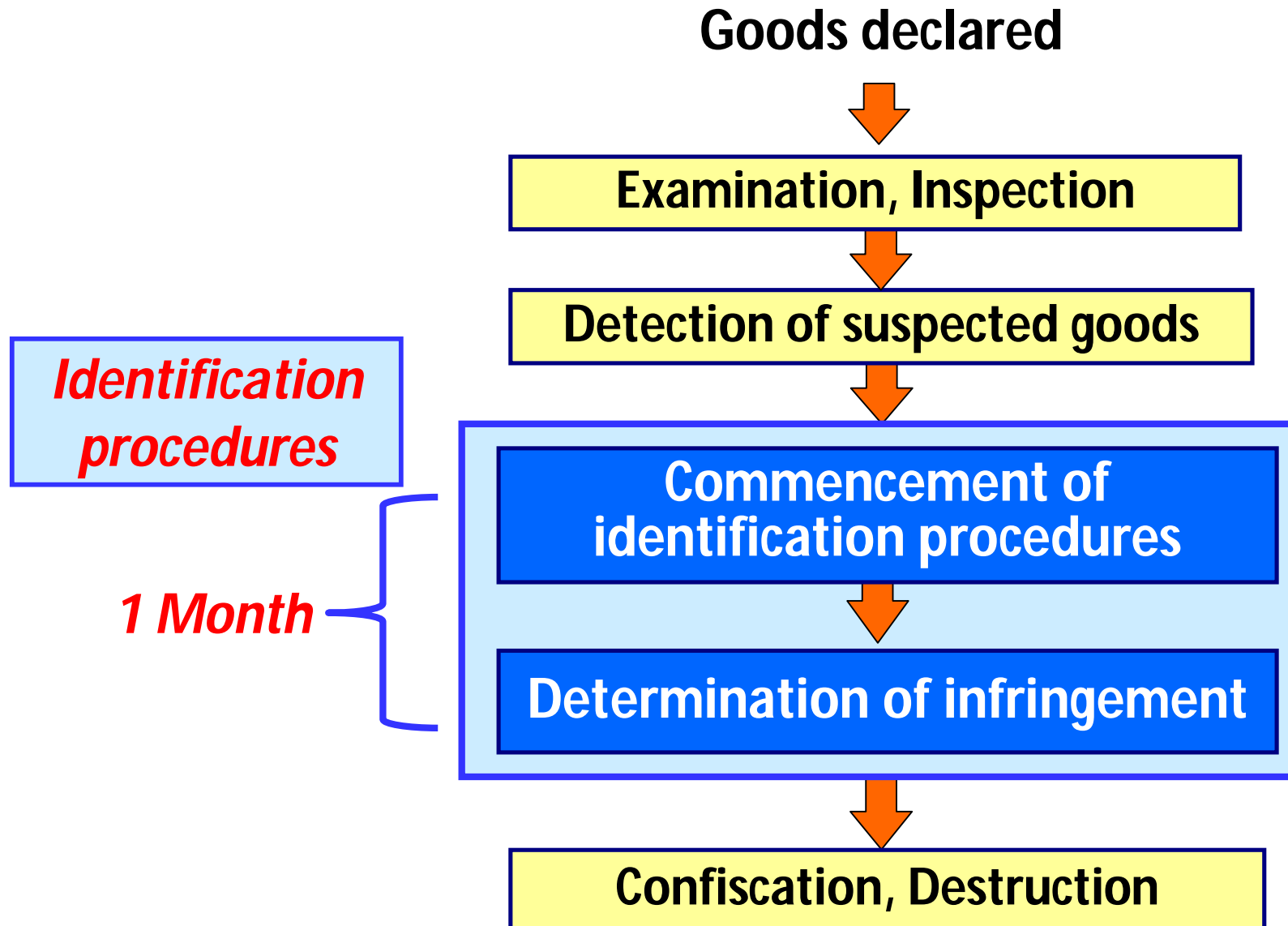
## 2. Enforcement of Japan Customs

### Structure of IPR Enforcement



## 2. Enforcement of Japan Customs

### What Customs can do



## 2. Enforcement of Japan Customs

### Scope of IPR protection by Japan Customs

- Expanded Scope
- Introduced Export (2006) and Transit (2008)

#### **Import**

- Trademarks
- Copyrights

- Patents
- Industrial designs
- Utility model rights
- Layout-designs (1995)
- Plant Breeders' rights (2003)
- Unfair Competition (2006)

#### **Export (2006)**

- Trademarks
- Copyrights(2007)
- Patents
- Industrial designs
- Utility model rights
- Plant Breeders' rights
- Unfair Competition

#### **Transit (2008)**

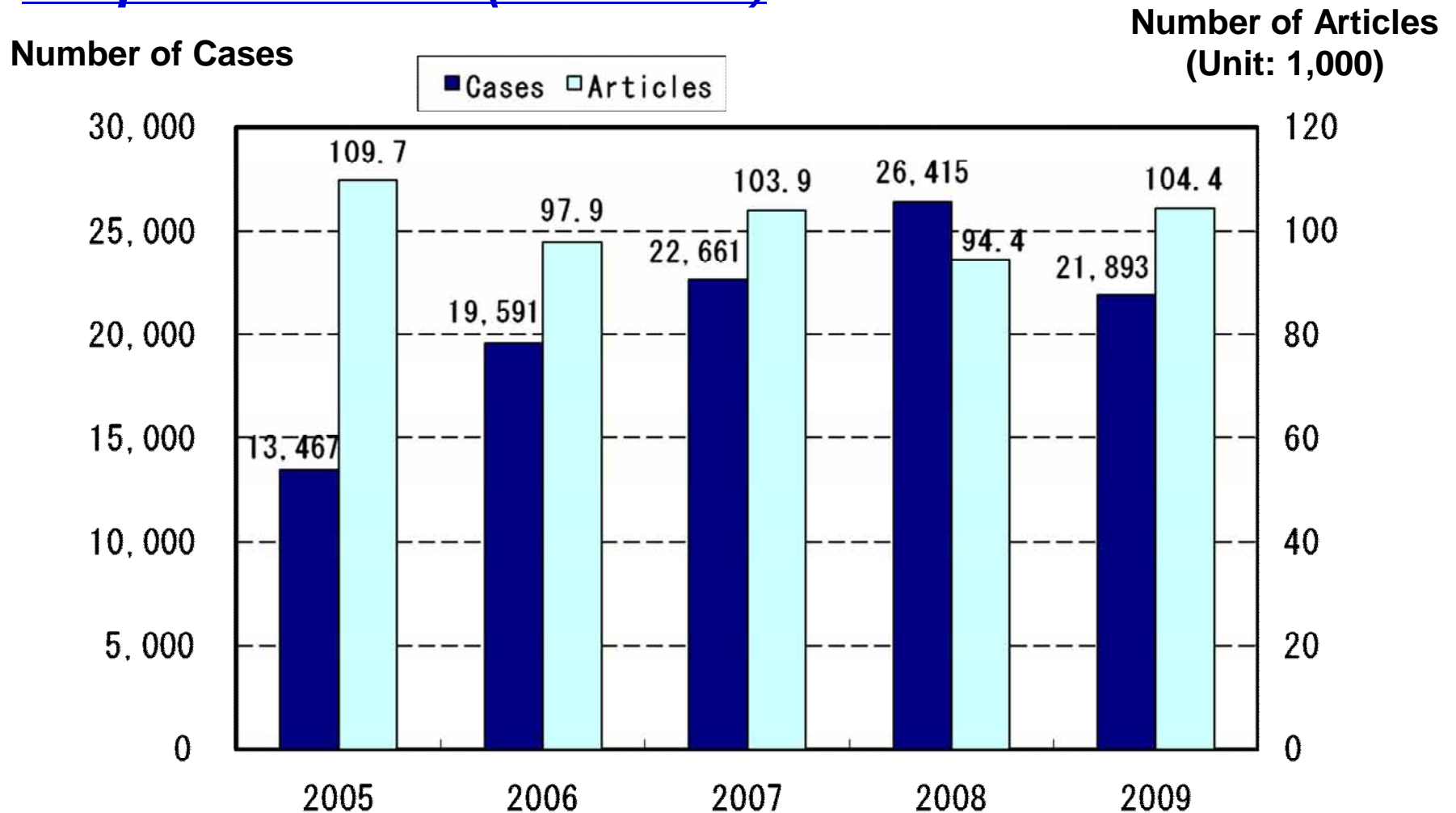
- Trademarks
- Copyrights
- Patents
- Industrial designs
- Utility model rights
- Plant Breeders' rights
- Unfair Competition

**TRIPS+**



## 2. Enforcement of Japan Customs

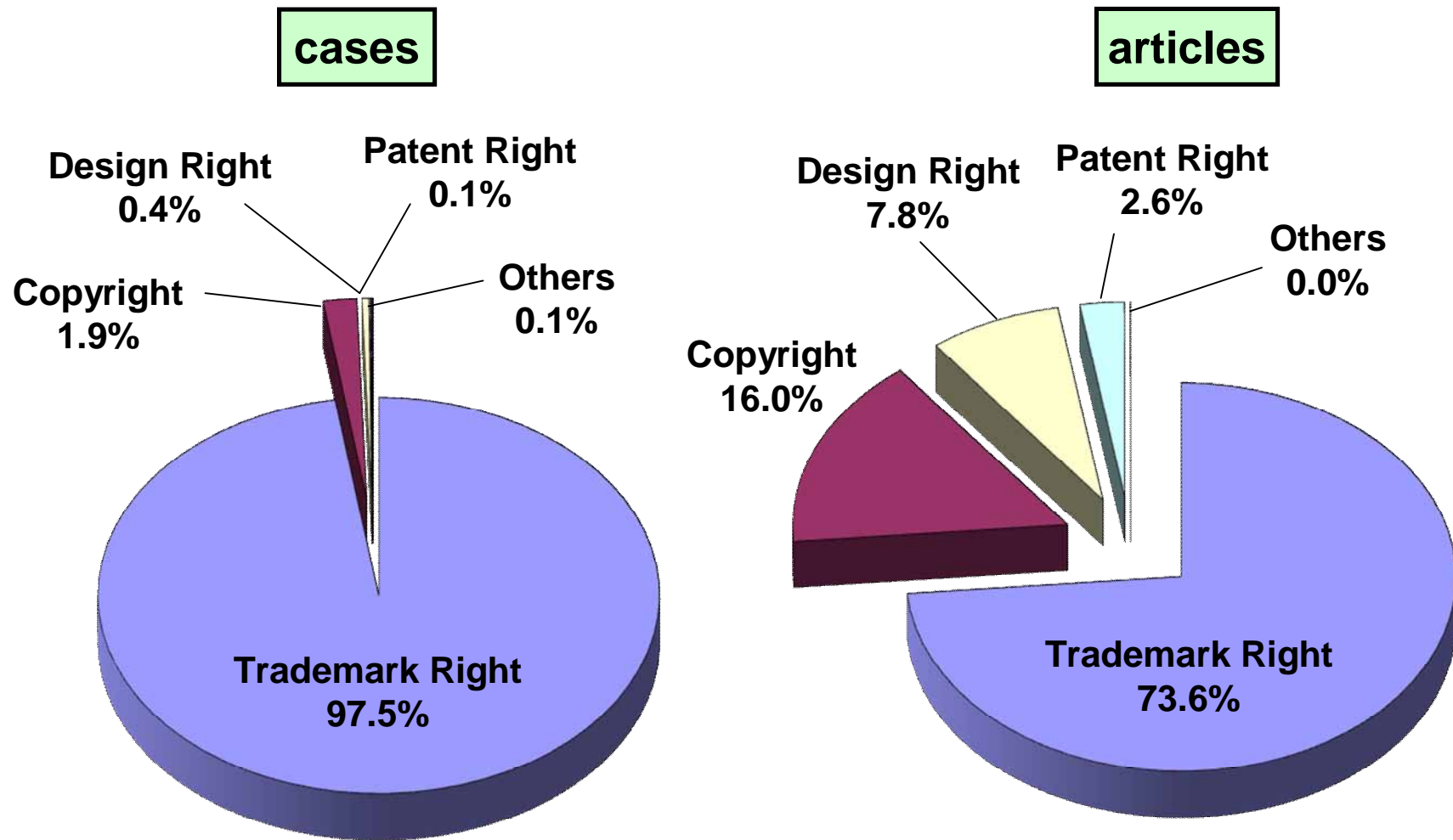
### Suspension result (2005-2009)



**Remarkable increase of number on small lot consignment**

## 2. Enforcement of Japan Customs

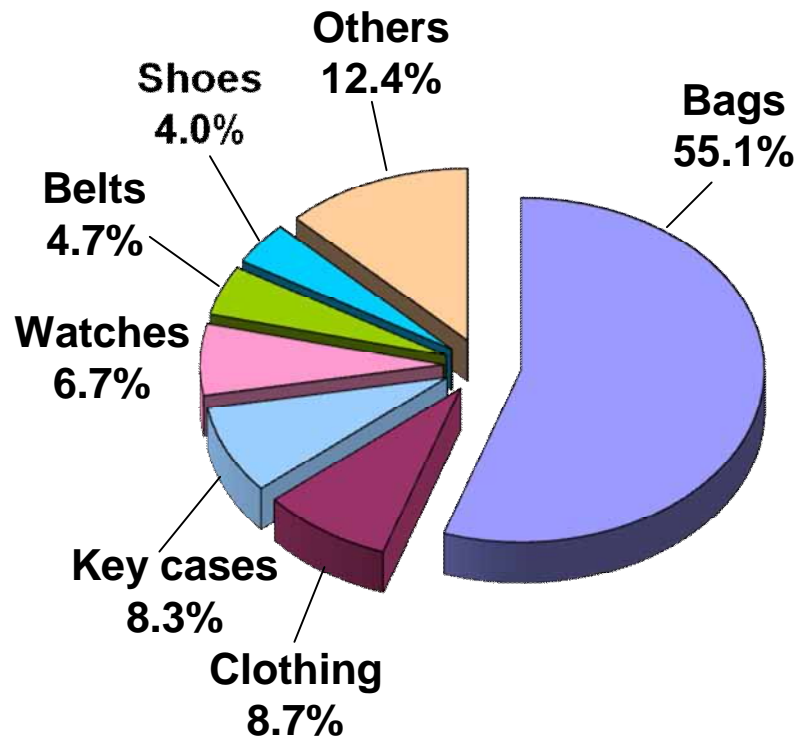
### 2009 Breakdown by Type of Right



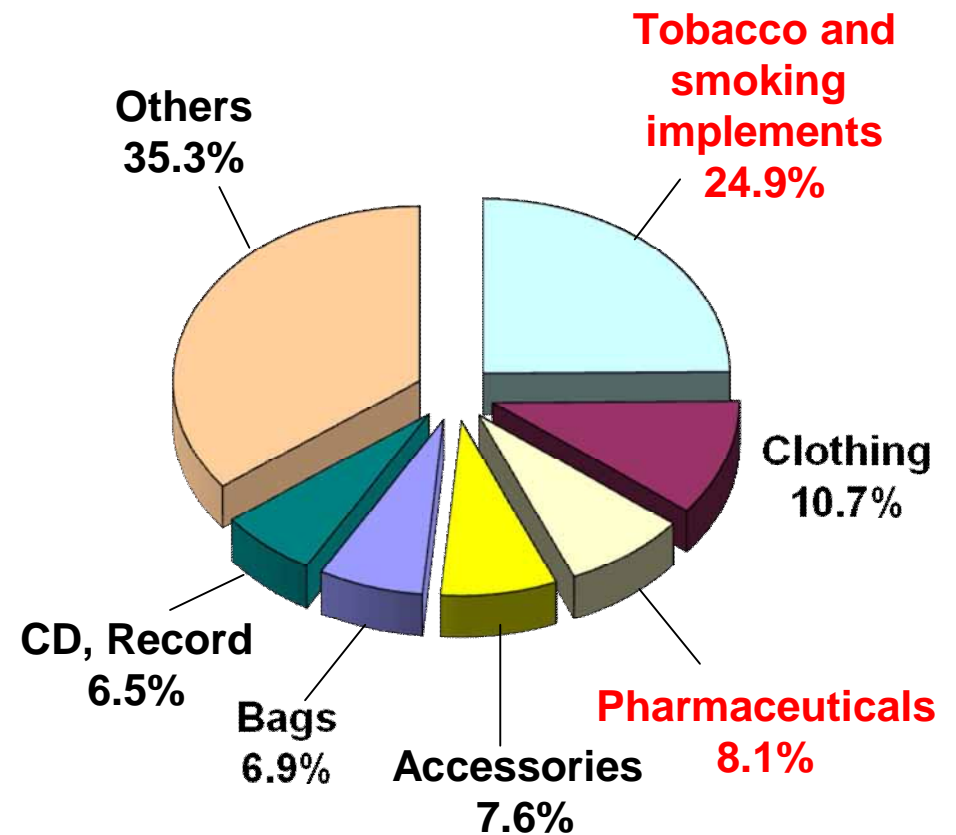
## 2. Enforcement of Japan Customs

### 2009 Breakdown by Type of Commodity

cases



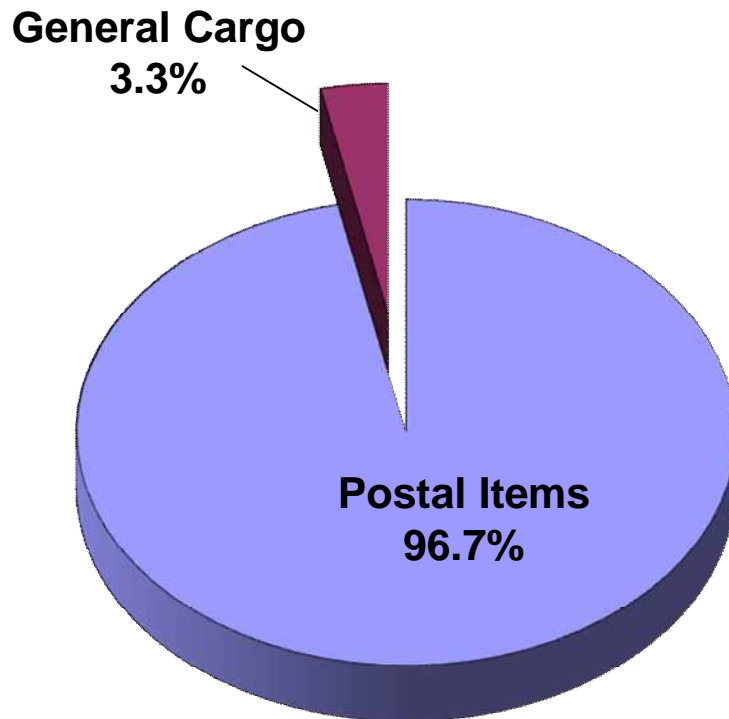
articles



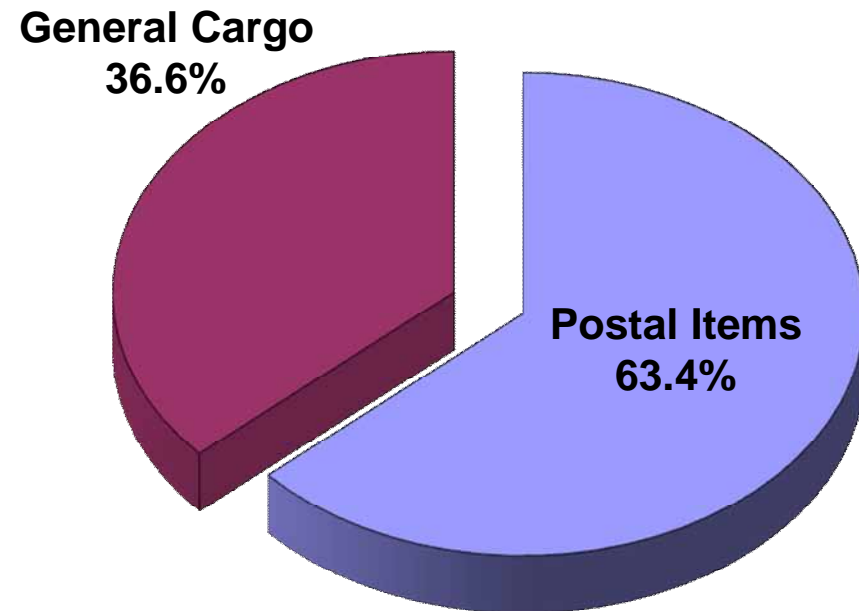
## 2. Enforcement of Japan Customs

### 2009 Breakdown by Type of Transportation

cases

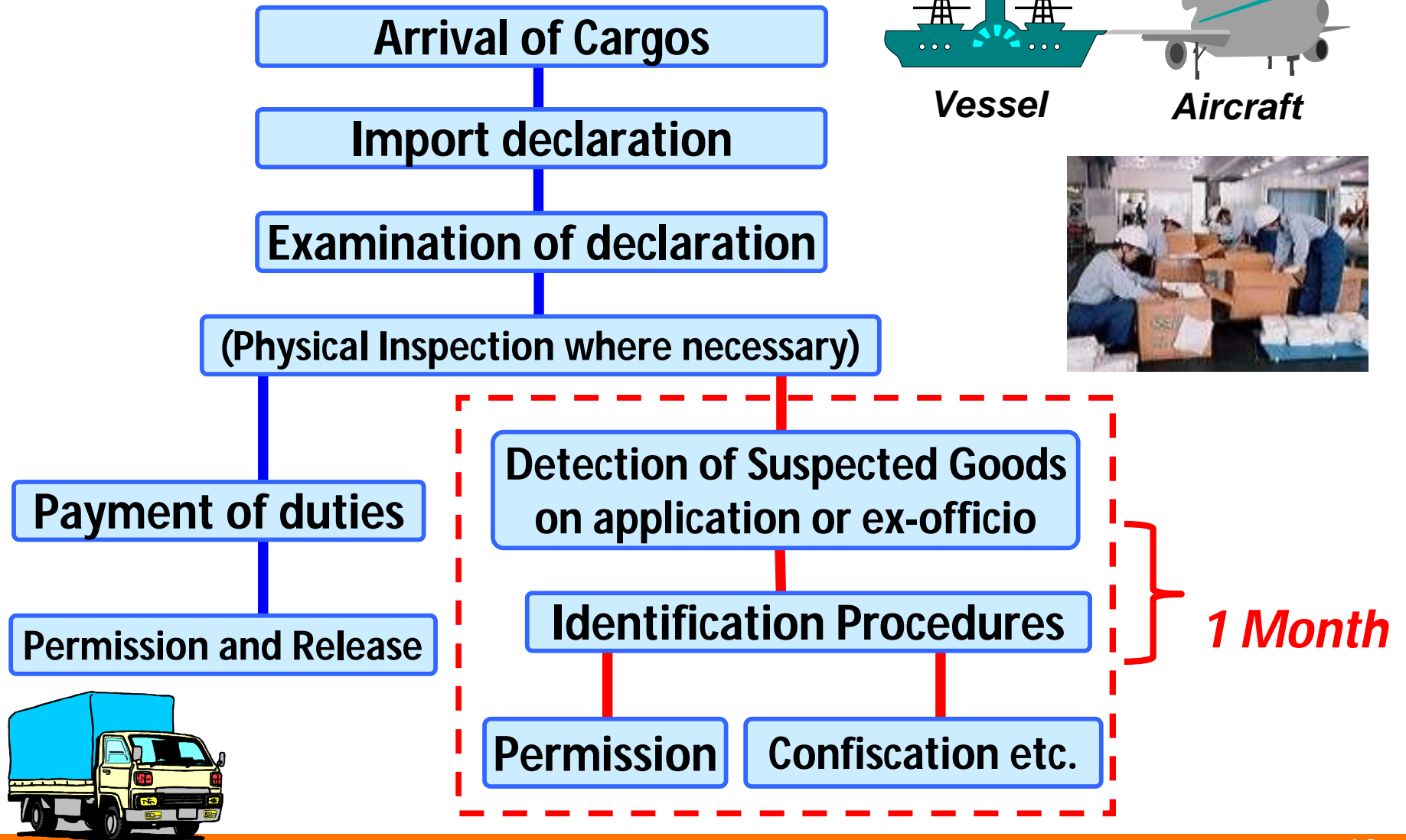


articles



## 2. Enforcement of Japan Customs

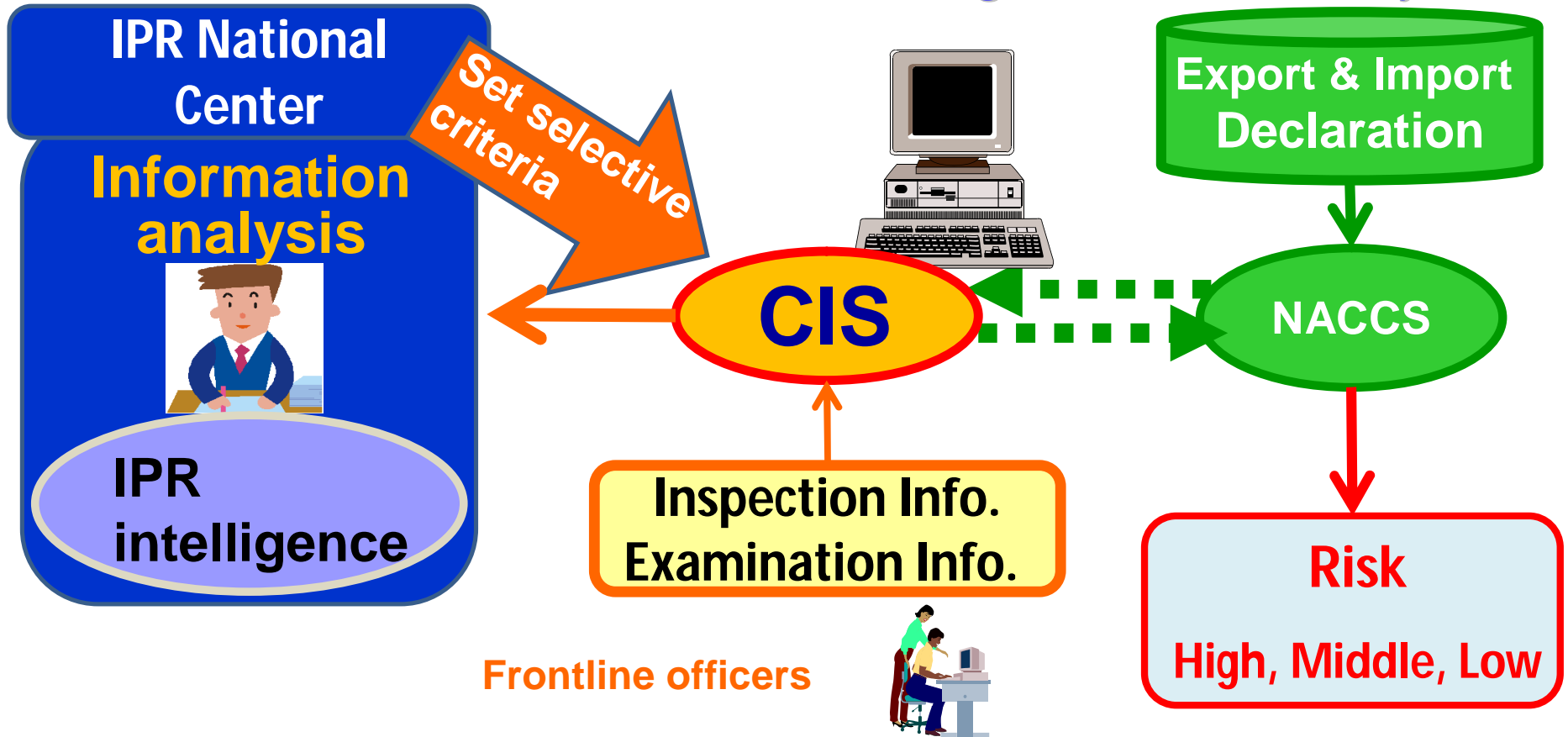
### Basic flow of Import Clearance



## 2. Enforcement of Japan Customs

### Information for Risk Management

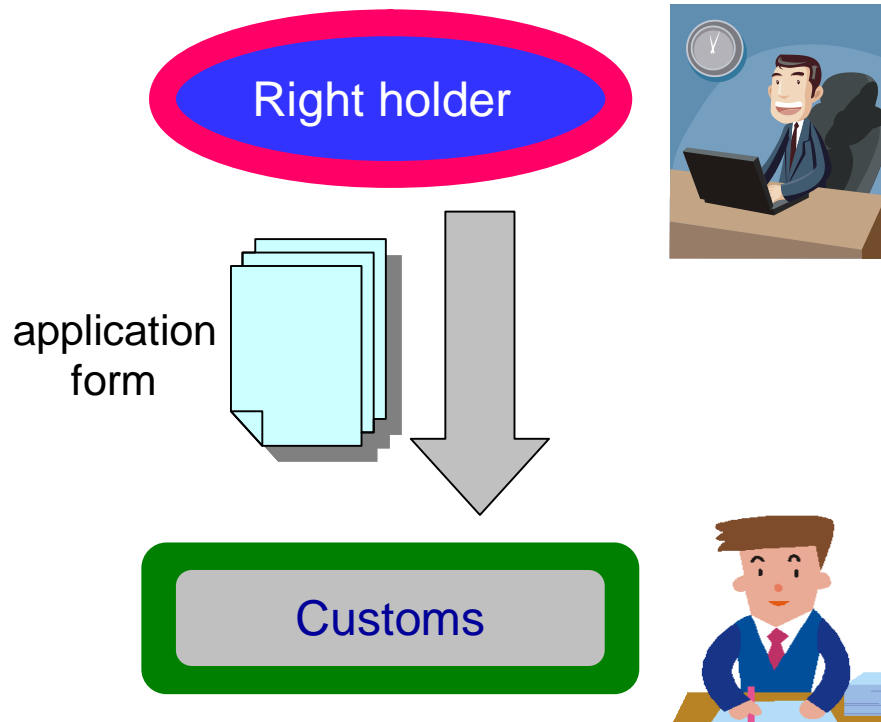
#### CIS : Customs Intelligence Database System



Information is stored in CIS. IPR specialists extract related data from CIS and utilize it for risk management.

### 3. Enforcement Procedures

#### Application for suspension



Please suspend these copy goods!!! Which look like...

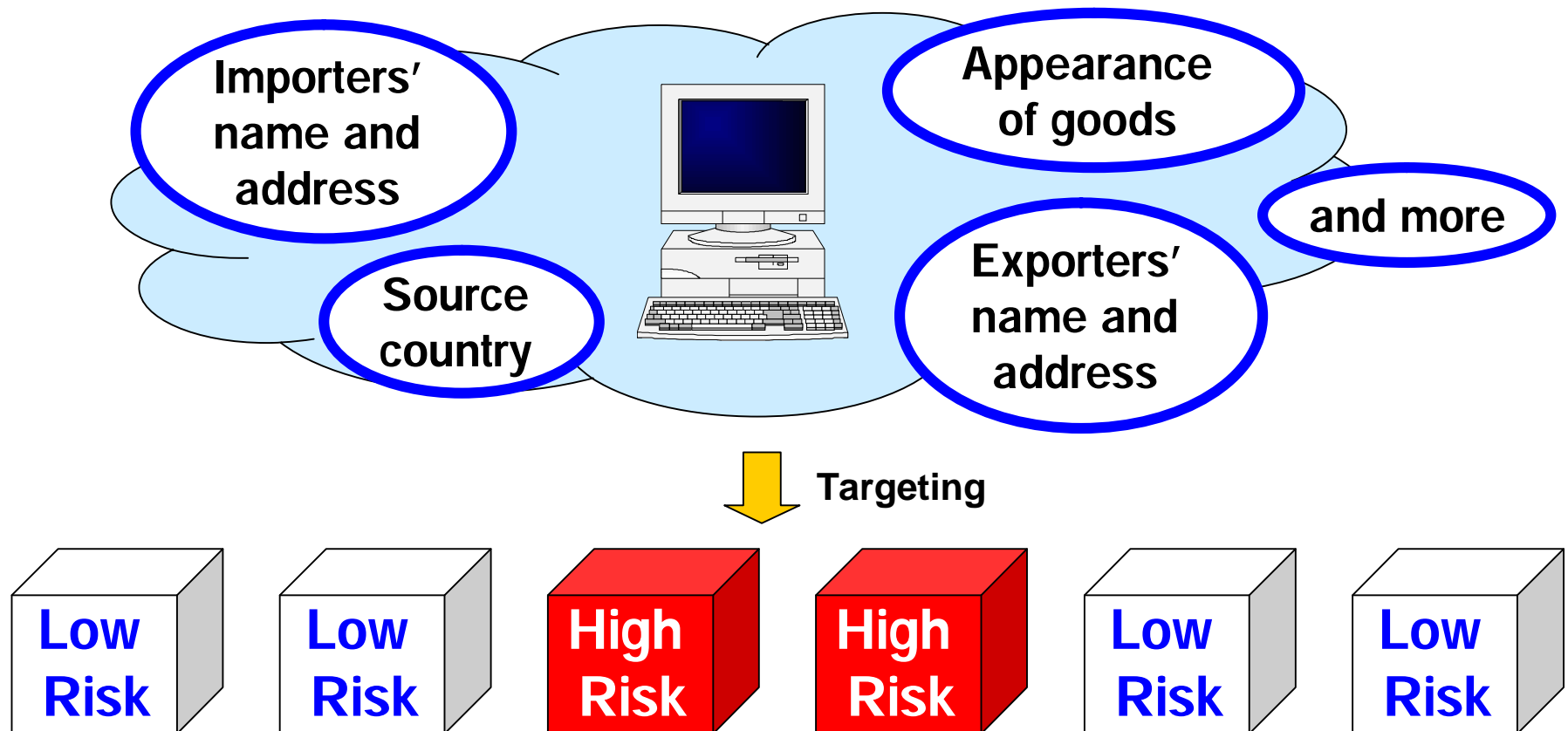
( \* ) Some information such as right holder's name, their registered rights etc. in accepted application is disclosed on the web. (Public awareness)

**Application for suspension is a provision of information from right holders to Customs on the counterfeits they want to stop. Customs examines the application and approve it.**

### 3. Enforcement Procedures

#### Risk assessment with Information from right holders

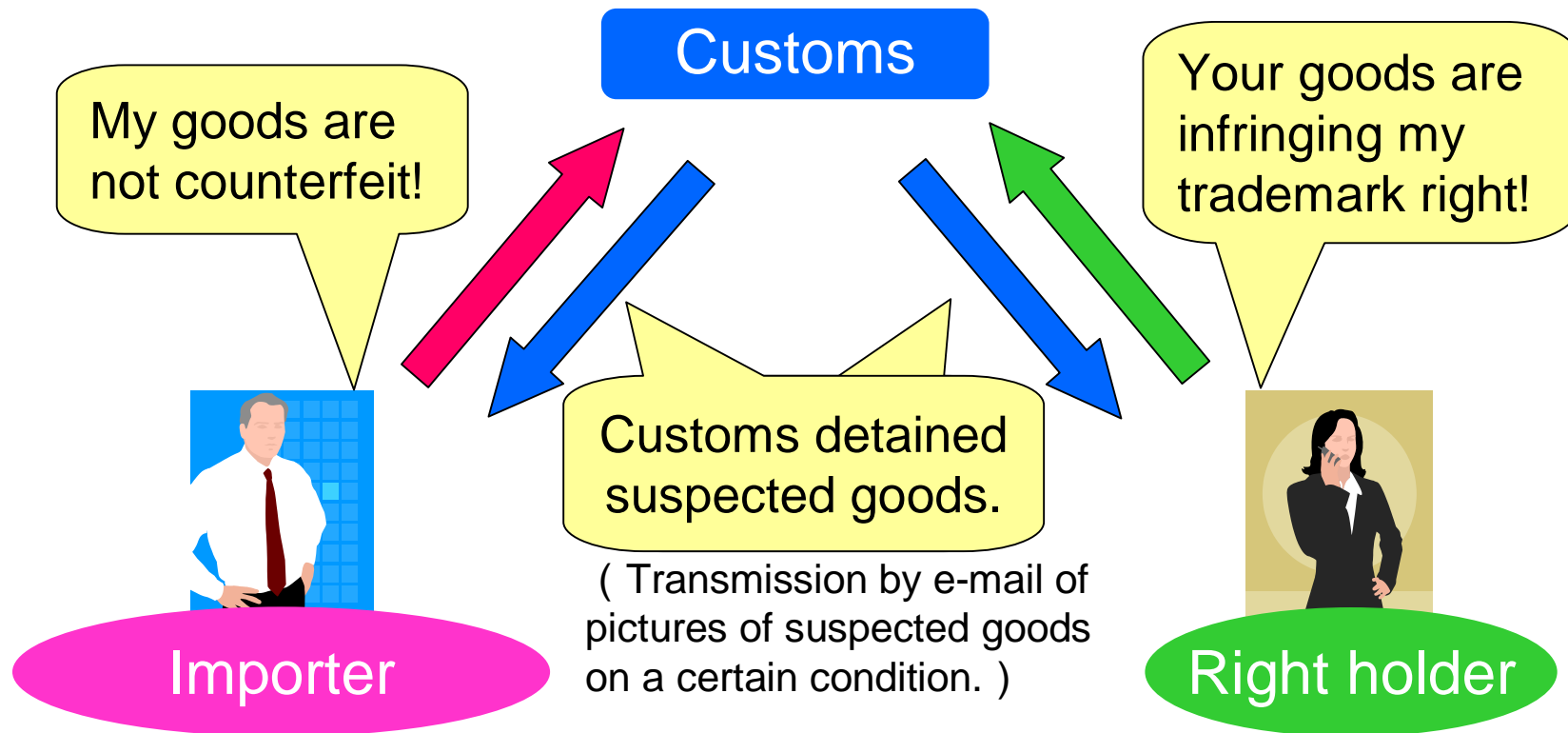
Use of information technology (Intelligence Database System)





### 3. Enforcement Procedures

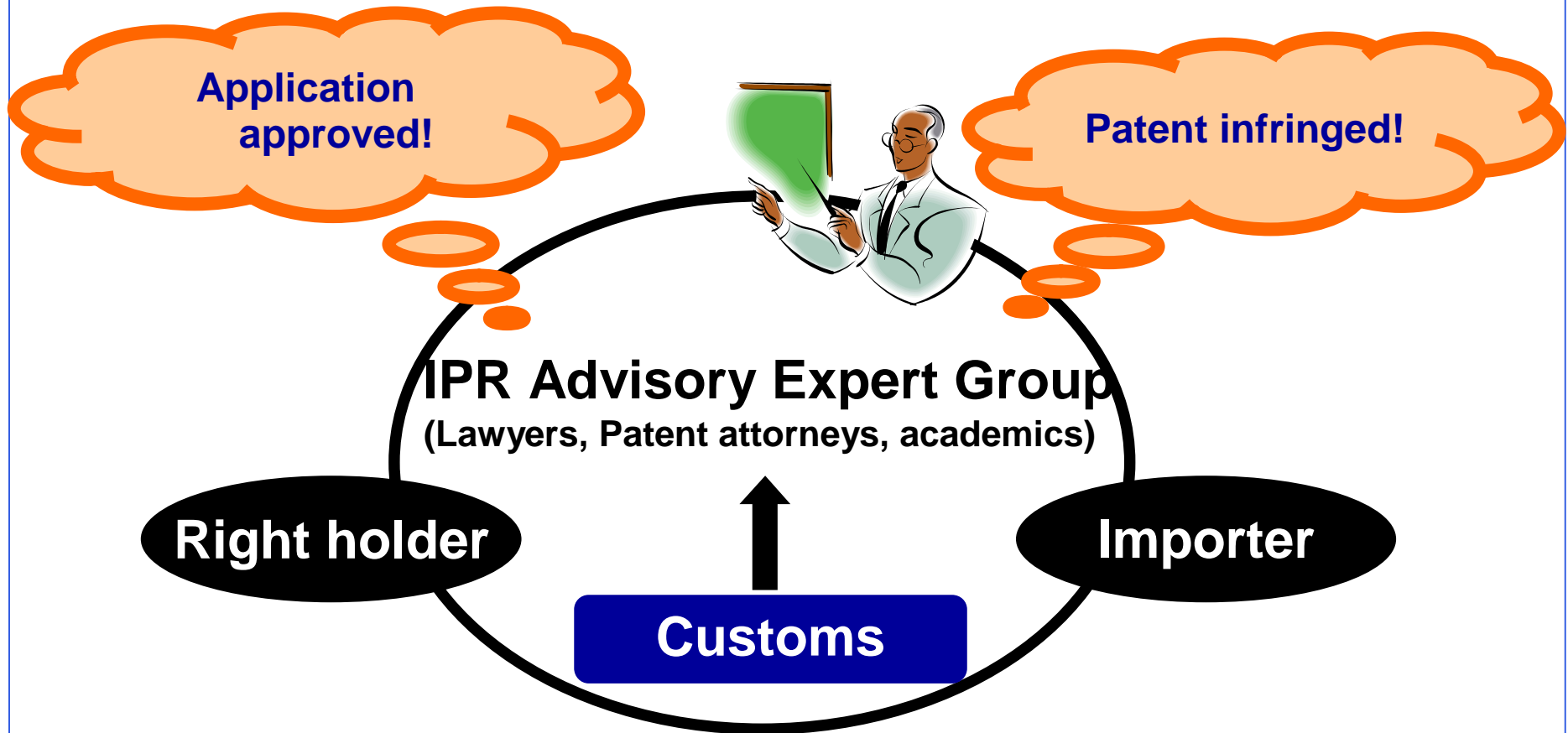
#### Identification procedures



**Identification procedures are processes for Customs to identify whether goods are infringing IPR based on opinions of the importer and the right holder.**

### 3. Enforcement Procedures

#### Consultation with IPR Advisory Expert Group



Customs may hold a hearing with IPR Advisory Expert Group.  
Right holder and Importer ask for IPR Advisory Expert Group's opinion.

### 3. Enforcement Procedures

#### Consultation with competent authorities

Unfair Competition

Minister of Economy,  
Trade and Industry

Patent, Utility Model, Design

Commissioner of  
Patent Office

Plant Breeders'

Minister of Agriculture,  
Forestry and Fisheries



Customs

Do the suspected  
goods infringe  
right holder's  
IPR?

Customs may consult with competent authorities, where necessary.

## 4. Cooperation with Right holders

### Product Identification Training Seminars



- Invite right holders to give lectures to frontline officers on practical knowledge and techniques
- In 2009,  
more than 140 seminars were held  
over 2,800 officials participated

## 4. Cooperation with Right holders

### Raising Public Awareness

Poster (March 2010 ~)



持ち帰るのは、  
高敵を思い出だけにはしませんか。

STOP

平成21年に税関が差し止めた知的財産侵害物品の数  
**1,044,022**点

高ブランド品などの知的財産侵害物品は、税関により輸入が差し止められています。海外から国内へ持ち込んだ場合は、罰せられたり、没収されることとなります。

税関は、コピー商品などの知的財産侵害物品の取締りを強化しています。

税関

Magazine Advertisement (March 2009 ~)



偽ブランド品の「だって」をゼロに。

だって みんな持ってるし…

だって 売ってるんだから、買っちゃうよね!

だって お店の人に勧められたから。

だって 安いし…

だって 言わなきゃわかんないでしょ!?

だって バシな老や関係ないじゃん!

だって ニセモノ/だって本物と変わんなくない!?

だって 誰にも迷惑かけてないよ。

だって ニセモノ/だって気がつかなかったんだもん!

だって 海外だし…

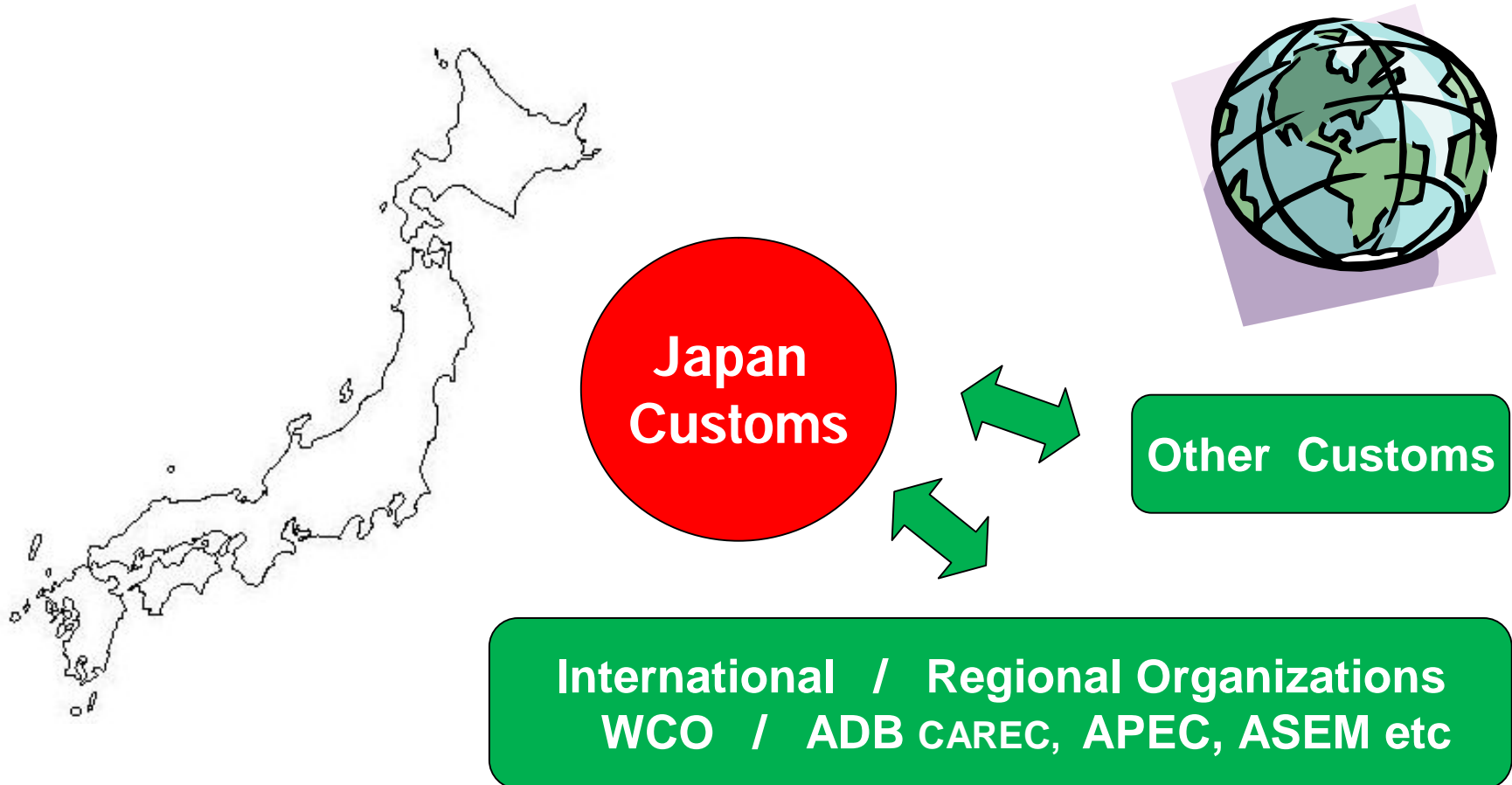
だから、私は買わない

FAKE ZERO PROJECT  
China Customs Japan Customs Korea Customs

ご存知でしたか? 日本では、偽ブランド品や海賊版など知的財産侵害物品の輸出入は禁じられています。偽ブランド品や海賊版などは、品質が保証されないばかりか、その収益は犯罪組織や安全を脅かすテロ組織などの資金源となることがあります。偽物を見極める厳しい眼とモラルを持って海外へお出かけください。

税関

## 5. Global Partnership for Effective Enforcement



**Customs cooperation such as  
Information Exchange and Technical Assistance  
is a key solution**

## 5. *Global Partnership for Effective Enforcement*

### Information Exchange

- WCO/CEN
- G8 (INFO\_IPR project)
- Tripartite(Japan, China, Korea) Customs WG on IPR  
(FAKE **ZERO** PROJECT)
- Japan and EC

## 5. *Global Partnership for Effective Enforcement*

### *Japan Customs hosted or participated in seminars on IPR*

- JICA Workshop in South Africa (Jan.)  
**(2009)**
  - IIPPF Mission in Saudi Arabia and UAE (Feb.)
  - Expert Mission to Thai Customs (Feb.)
  - JETRO Seminar in China (Apr.)
  - WCO Regional Seminar in Tokyo(May.)
  - USPTO-WIPO Workshop in Honolulu (Jul.)
  - Training for China Customs in Japan (Sep.)
  - Training for Cambodia, Laos, Myanmar and Vietnam Customs in Japan (Sep.)
  - APEC Seminar in Peru (Oct.)
  - WCO Regional Seminar in Costa Rica(Nov.)
- etc.,



**Thank you very much**



**For more information (Japan Customs Website)  
<http://www.customs.go.jp/english/index.htm>**