

2002: Import restrictions on those articles which infringe intellectual property rights

The goods infringing intellectual property rights are subject to border enforcement by the Customs authority. Article 69-11 of the Customs Law stipulates prohibited goods for importation. It includes the goods that infringe patent rights, utility model rights, design rights, trademark rights, copyrights, neighboring rights, integrated circuits layout design rights, or breeder's rights, and the goods that compose the acts set forth in any of items (i) to (iii), (x), (xvii) or (xviii) of paragraph (1) of Article 2 (Definitions) of the Unfair Competition Prevention Act.

In addition, bringing counterfeit goods into Japan via postal mail and other means by overseas businesses has been subject to border enforcement by the Customs authority since October 2022, as such goods, even for personal use, infringe design rights and trademark rights.

However, goods which are legitimately licensed for importation by the right holder, or parallel import goods which are not IPRs, are not regarded as infringing IPRs, thus may be imported.

(Article 69-11 of the Customs Law)

For further information on IPR border enforcement by Japan Customs, please refer to the website below.

https://www.customs.go.jp/mizugiwa/chiteki/index_e.htm