

2003: System of an application for suspension of the importation of those goods infringing intellectual property rights and Verification procedures

A right holder of intellectual property rights may submit an application for suspension of the goods which, it believes, infringe their intellectual property rights with the Directors General (DG) of Customs, to initiate verification procedures, if such goods are to be imported.

It is called system of an application for suspension of the importation of those goods infringing intellectual property rights. The system applies to a holder of a patent right, utility model right, design right, trademark right, copyright, neighboring right, breeder's right or a person who has the right to claim for an injunction against unfair competition.

(※) The system of application for suspension does not apply to integrated circuits layout design rights.

Verification procedure is a procedure to determine whether the suspected goods are infringing intellectual property rights or not, in case the Customs authority detect the suspected goods which infringe intellectual property rights.

If verification procedure is to be initiated, the Customs notifies both the right holder and the importer of initiation of the procedure and they will have an opportunity to express their opinions to the Customs.

Upon completion of the verification procedure, the result of determination will be notified to both the right holder and the importer. In case it is determined as infringing, the goods may be confiscated by the DG of Customs.

(Article 69-12, 69-13 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