CUSTOMS MEASURES FOR IPR ENFORCEMENT

Subregional Capacity-building Conference on the Commercialization and Enforcement of Intellectual Property

Belgrade, April 12-13, 2011
CONTENTS

- legal basis and legal framework
- procedure
- statistics
- trends
- health and safety hazards (case studies)
- interagency cooperation
- contacts
LEGAL BASIS

INTERNATIONAL LEGISLATION


EUROPEAN LEGISLATION

- EU Council Regulation 1383/2003
- EU Commission Regulation 1891/2004
- EU Commission Regulation 1172/2007
LEGAL FRAMEWORK

- **CUSTOMS ACT**, Article 70 (OG, No 78/99 – 60/08)

- **REGULATION** implementing customs measures against goods suspected of infringing certain intellectual property rights (OG, No 50/06 and 82/07)

- **INSTRUCTION** on implementing customs measures on protection of intellectual property rights (01/04/2009)

- **TRADEMARK ACT, PATENT ACT**...
PROCEDURE

EX-OFFICIO
– 3 working days

APPLICATION FOR ACTION
1) application form
2) power of attorney
3) statement pursuant to Article 9
   (we accept scanned original)
4) evidences on IP rights (from databases)
   – valid one year for all shipments
   – extension once a year
PROCEDURE

APPLICATION FOR ACTION
- 10 + 10 working days
- both parties may inspect goods
- right holder may take samples for analysis

RESULT
- release (product is original or right-holder is not interested)
- destruction (under customs surveillance)
- court
## BASIC STATISTICS

### APPLICATIONS FOR ACTION

<table>
<thead>
<tr>
<th>Category</th>
<th>Total</th>
<th>New in 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>155</td>
<td>54</td>
</tr>
</tbody>
</table>

### NUMBER OF CASES

<table>
<thead>
<tr>
<th>Type</th>
<th>Total</th>
<th>Destructions</th>
<th>Released</th>
<th>Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ex-officio</td>
<td>169</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AA</td>
<td>302</td>
<td></td>
<td></td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>471</td>
<td>254</td>
<td>204</td>
<td>13</td>
</tr>
</tbody>
</table>

### NUMBER OF ITEMS DESTROYED

<table>
<thead>
<tr>
<th></th>
<th>613.213</th>
</tr>
</thead>
</table>

### VALUE

<table>
<thead>
<tr>
<th></th>
<th>23,729,627,73€</th>
</tr>
</thead>
</table>
TRENDS

- **CHANGING ROUTES**
  (Port of Ploče – Port of Rijeka)

- increase of **MIXED SHIPMENTS**
  (up to 25 different brands)

- increase of **AIR CARGO SHIPMENTS**
  (2-5 brands)

- increase of **INTERNET PURCHASES**
  (luxury products, designer bags and shoes, watches...)

- **BACKYARD PRODUCTION**
CASE STUDY – MEDICINES

DAMASCUS – ZAGREB CHARTER FLIGHT FLIGHT
01/04/2009
– charter flight for Croatian workers in Syria
– information from Damascus Airport service to Zagreb Airport service about high cargo per passenger volume
– information forwarded to the Customs
– all 52 passengers to the “red line”
CASE STUDY – MEDICINES

Goods found:

- 43.400 cigarettes
- 23 litres of different alcoholic drinks
- 8.670 tablets of “life-style” medicines
- total “street” value of all goods – more than 100.000,00€
CASE STUDY – MEDICINES

DAMASCUS – ZAGREB CHARTER FLIGHT

01/04/2009
CASE STUDY – MEDICINES

DAMASCUS – ZAGREB CHARTER FLIGHT

01/04/2009

5 persons and 1 abandoned bag:
- Viagra 1,580 tablets
- Levitra 787 tablets
- Cialis 396 tablets
- 4 other brands 5,907 tablets

Medicines in blisters were hidden inside packaging of other products.
CASE STUDY – MEDICINES

DAMASCUS – ZAGREB CHARTER FLIGHT

01/04/2009
CASE STUDY – MEDICINES

DAMASCUS – ZAGREB CHARTER FLIGHT

01/04/2009
CASE STUDY – MEDICINES

DAMASCUS – ZAGREB CHARTER FLIGHT

01/04/2009

INTELLECTUAL PROPERTY RIGHTS PROTECTION DEPARTMENT
CASE STUDY – MEDICINES

DAMASCUS – ZAGREB CHARTER FLIGHT FLIGHT

01/04/2009

– new Applications for Action (Pfizer and Bayer)

– Pfizer, Bayer and Eli Lilly destroyed medicines that infringe their IP rights

– all other tablets were seized and will be destroyed under customs surveillance paid by the state budget
<table>
<thead>
<tr>
<th>Date</th>
<th>Passengers</th>
<th>Tablets</th>
<th>Bags with gel</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/04/2009</td>
<td>2</td>
<td>2,949</td>
<td>771</td>
</tr>
<tr>
<td>21/05/2009</td>
<td>1</td>
<td>668</td>
<td></td>
</tr>
<tr>
<td>29/09/2009</td>
<td>2</td>
<td>379</td>
<td></td>
</tr>
<tr>
<td>22/10/2009</td>
<td>1</td>
<td>440</td>
<td></td>
</tr>
<tr>
<td>18/03/2010</td>
<td>6</td>
<td>228</td>
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</tr>
<tr>
<td>30/03/2010</td>
<td>4</td>
<td>96</td>
<td></td>
</tr>
<tr>
<td>10/05/2010</td>
<td>1</td>
<td>12,076</td>
<td>52</td>
</tr>
</tbody>
</table>
CASE STUDY – PERFUMES

TURKEY – CO BAJAKOVO – FRANCE

24/10/2009 and 17/02/2010

– 21 + 22 different brands
– quantities 45,892 and 43,490
– declared as textile
– TIR convention (trucks seized also)
CASE STUDY – PENCILS

CHINA – CO PORT OF PLOČE – BOSNIA

02/01/2009, 04/02/2010 and 12/07/2010

– Societe BIC graphite pencils

– quantities 359.424, 157.248 and 57.600

– same sender from China

– analysis – lead found in green coating
CASE STUDY – CHAIN-SAWS

CHINA – CO PORT OF PLOČE – BOSNIA

21/05/2010

– orange and light-grey chain-saws marked with STIIL logo similar to STIHL logo

– quantity 2,200 chain-saws

– infringement of STIHL orange and light-grey colour trademark IR 664727 and STIHL graphic trademark IR 573715
CASE STUDY – CHAIN-SAWS

CHINA – CO PORT OF RIJEKA – HUNGARY

05/01/2011

– orange and light-grey chain-saws without any trademark or logo
– quantity 3.800 chain-saws
– infringement of STIHL orange and light grey colour trademark IR 664727
INTERAGENCY COOPERATION

- NATIONAL STRATEGY on development of the intellectual property system 2010 – 2012
- emphasis on INTERAGENCY COOPERATION
- new COORDINATION MODEL for cooperation on IPR enforcement
- THREE LEVELS strategic, coordination and operative
STEERING COMMITTEE

- implementation of the National strategy on development of the intellectual property system
- control over IPR enforcement
- counselling the Government on IPR enforcement
- strategic planning of activities of state bodies on IPR
INTERAGENCY COOPERATION

STEERING COMMITTEE

- Ministry of **Justice** (State Secretary)
- Ministry of **Interior**
  (Director of Criminal Police Directorate)
- Ministry of Finance, **Customs** Directorate
  (State Secretary – Director General)
- State **Inspectorate** (Chief Inspector)
- State **Intellectual** Property Office – SIPO
  (Director General)
INTERAGENCY COOPERATION

COORDINATION BOARD

- coordinating activities on IPR enforcement
- following and developing the legislation on IPR enforcement
- implementation of the measures set-up by Steering committee
- international cooperation
- cooperation with the right-holders
- reporting to Steering committee
INTERAGENCY COOPERATION

COORDINATION BOARD

- State Intellectual Property Office – SIPO
- Ministry of Interior
- Ministry of Finance (Customs)
- Ministry of Justice
- State Inspectorate
- State Prosecutors Office
- Ministry of Health and Social Welfare
- Ministry of Agriculture, Fisheries and Rural Development
- Agency for Medicines and Medicinal Products
- Croatian Food Agency
INTERAGENCY COOPERATION

JOINT OPERATIVE GROUP

- coordinating the operative activities on IPR enforcement at national level

- coordinating initiation of misdemeanour or criminal procedures regarding IPR infringements

- control of the activities of the regional operative groups

- reporting to Coordination Board
INTERAGENCY COOPERATION

JOINT OPERATIVE GROUP

– Ministry of Interior
– Ministry of Finance (Customs)
– State Inspectorate
– State Prosecutors Office
REGIONAL OPERATIVE GROUPS

- implementation of joint operative activities in the field
- implementation of tasks set-up by Joint Operative Group
- reporting to Joint Operative Group
INTERAGENCY COOPERATION

RAISING PUBLIC AWARENESS

– high-profiled audio-visual campaign on IPR enforcement
– Communication strategy
– Action plan
– participation at TV and radio broadcasts, public events (counterfeit samples presentations), roundtables, press releases, joint webpage, posters and leaflets, interviews...
CONTACTS

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