



# **Experiences of Japan on the disposal of IP-infringing goods**

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***Hiroyuki SHIMAGAKI***

**IPR Specialist  
IPR National Center  
Japan Customs**



# TOPICS

## ◆ IP-infringing goods

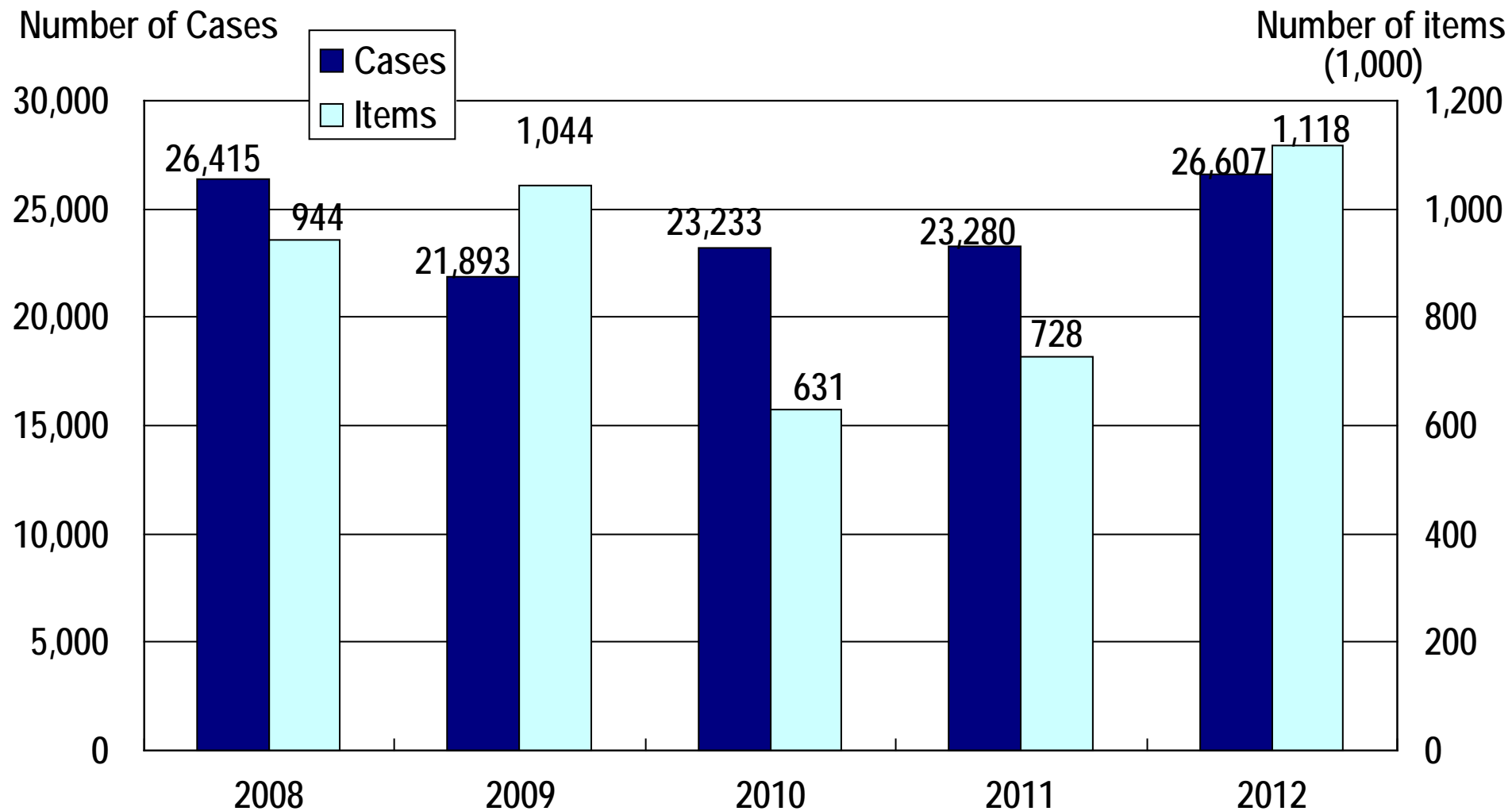
- Seizure results by Japan Customs

## ◆ Disposal of IP-infringing goods

- Cost of destruction
- Eco-friendly disposal



# Seizure results 2008-2012 (Import)





# Various types of IP-infringing goods

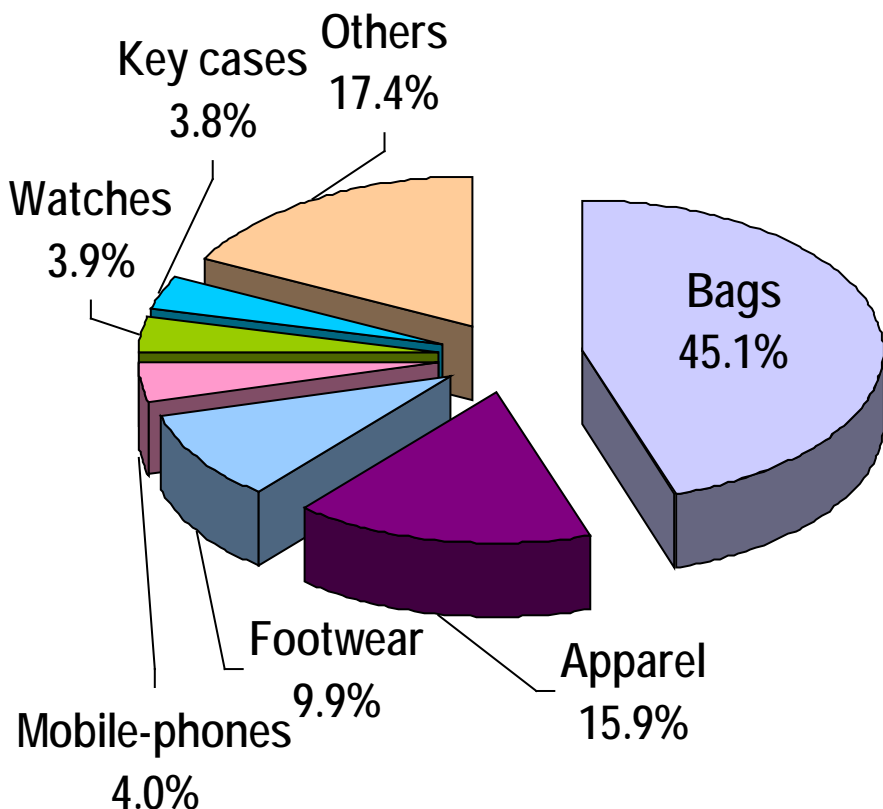




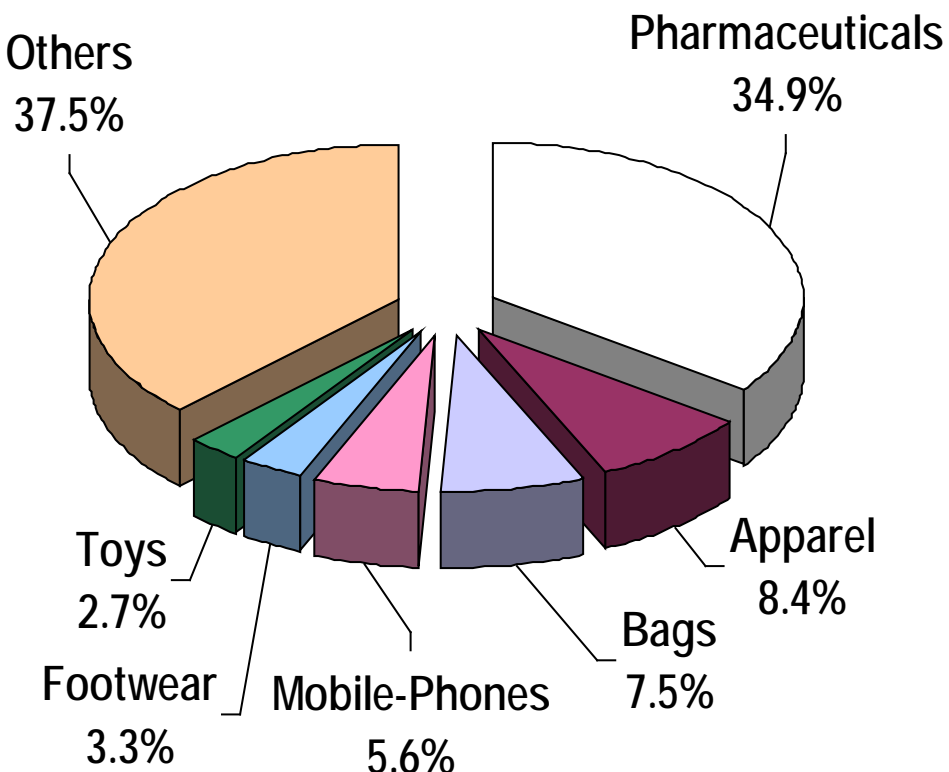
# Seizure Results 2012 (Import)

## 【 Commodity 】

Cases



Items





# Increasing number of IP-infringing goods



# Who bears the costs of destruction?





# TOPICS

## ◆ IP-infringing goods

- Seizure results by Japan Customs

## ◆ Disposal of IP-infringing goods

- Cost of destruction
- Eco-friendly disposal





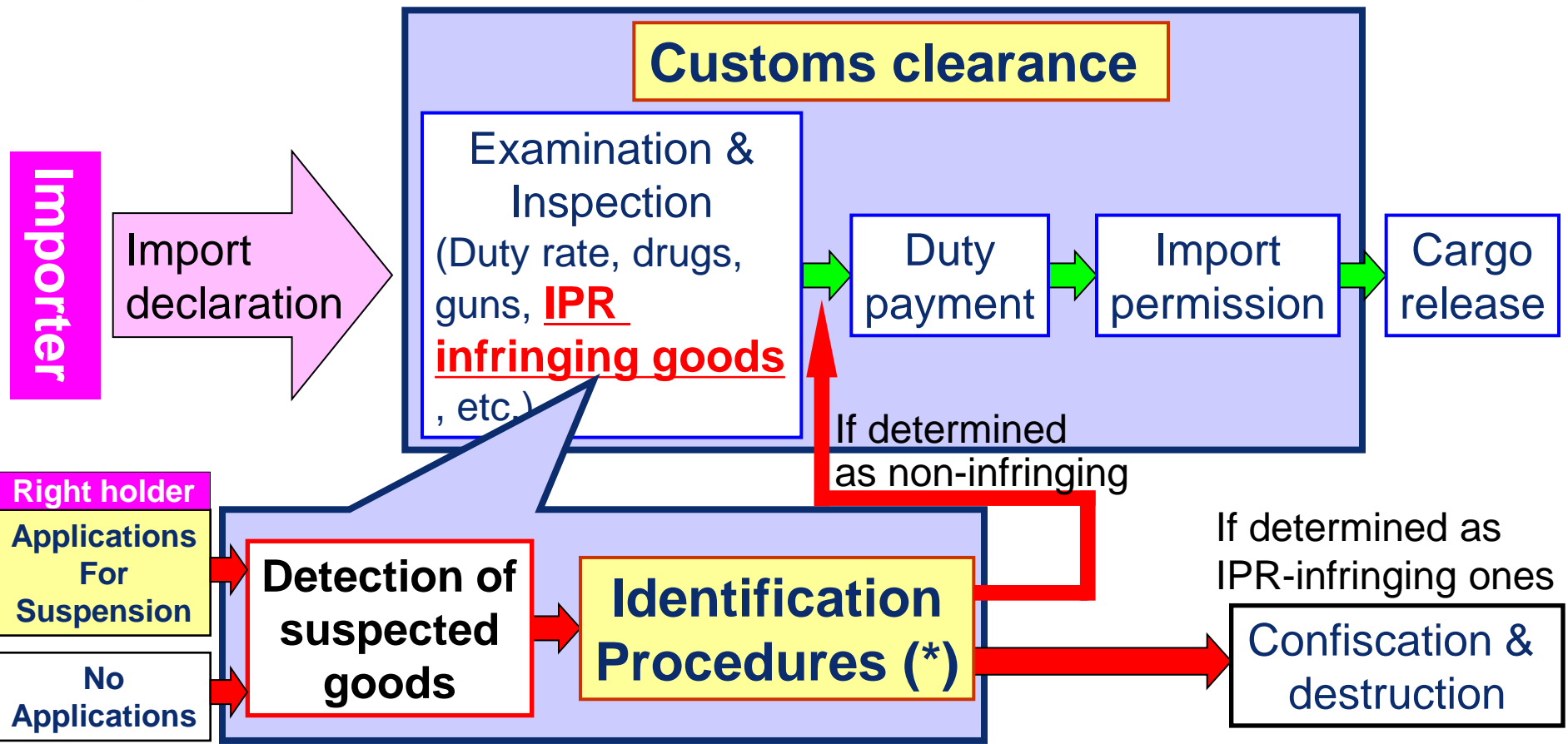
# “Authorities” appearing in the TRIPS Agreement

Actions	TRIPS Agreement	Japan	USA	EU
Accept application	Competent authorities (Art. 51)	Customs	International Trade Commission; Customs*	Customs
Suspend release of goods	Customs authorities ( Art. 51)	Customs	Customs	Customs
Make a decision on the merits of the case	(No explicit provisions, but Art.55 may be relevant)	Customs	International Trade Commission; Customs*	Court etc.

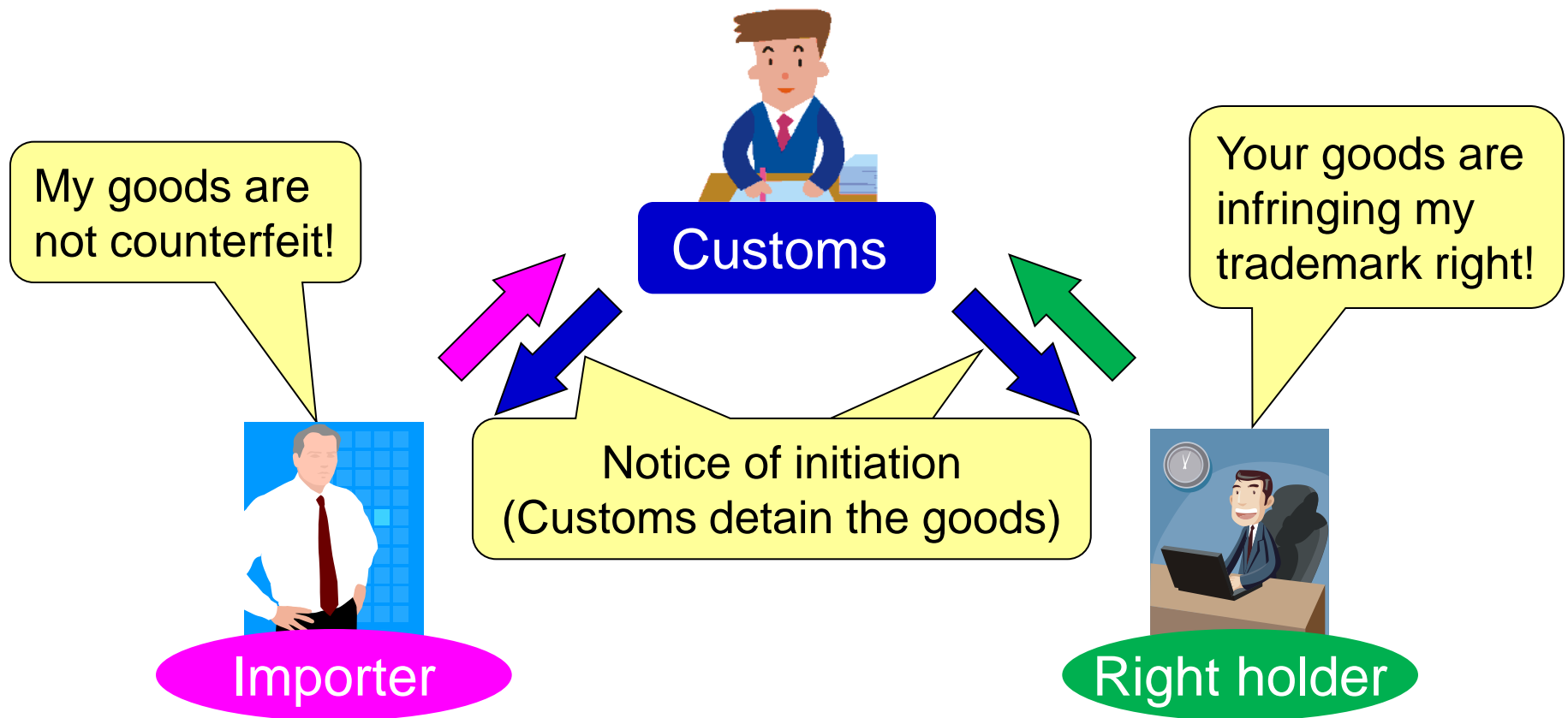
\* Trademark, Copyright



# Flow of Customs clearance procedures and those related to IPR



# Identification Procedures



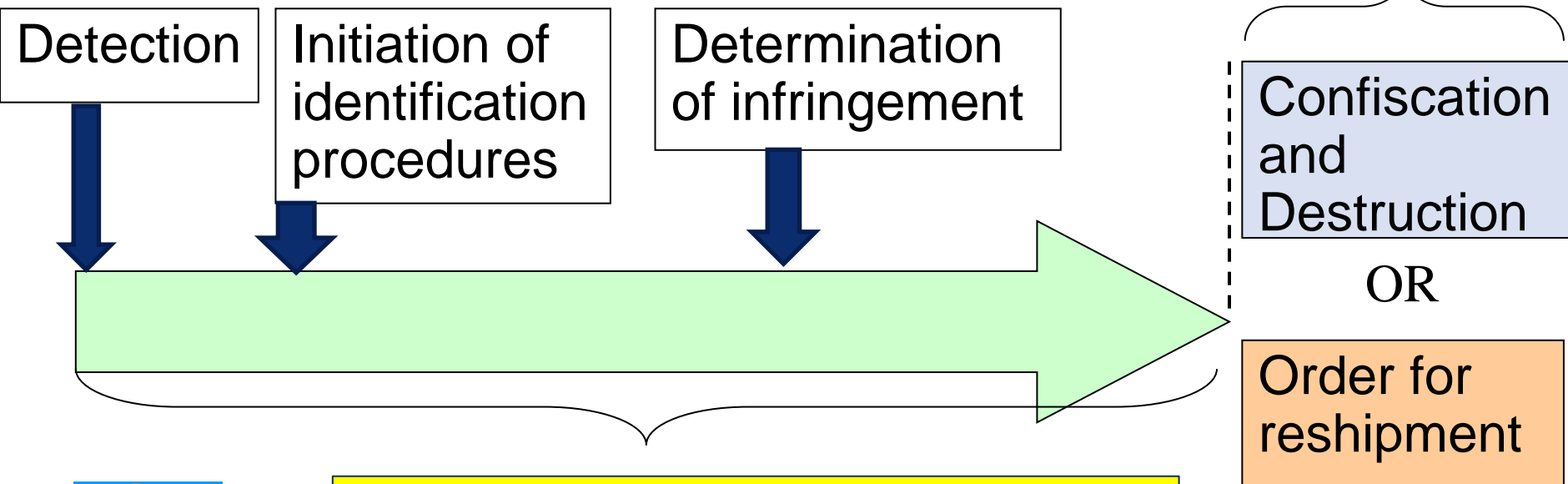
Identification Procedures are the process for Customs to decide whether the goods are infringing or not based on opinions and evidence from importers and right holders.



Customs

# Identification Procedures

2. Customs bear costs of destruction



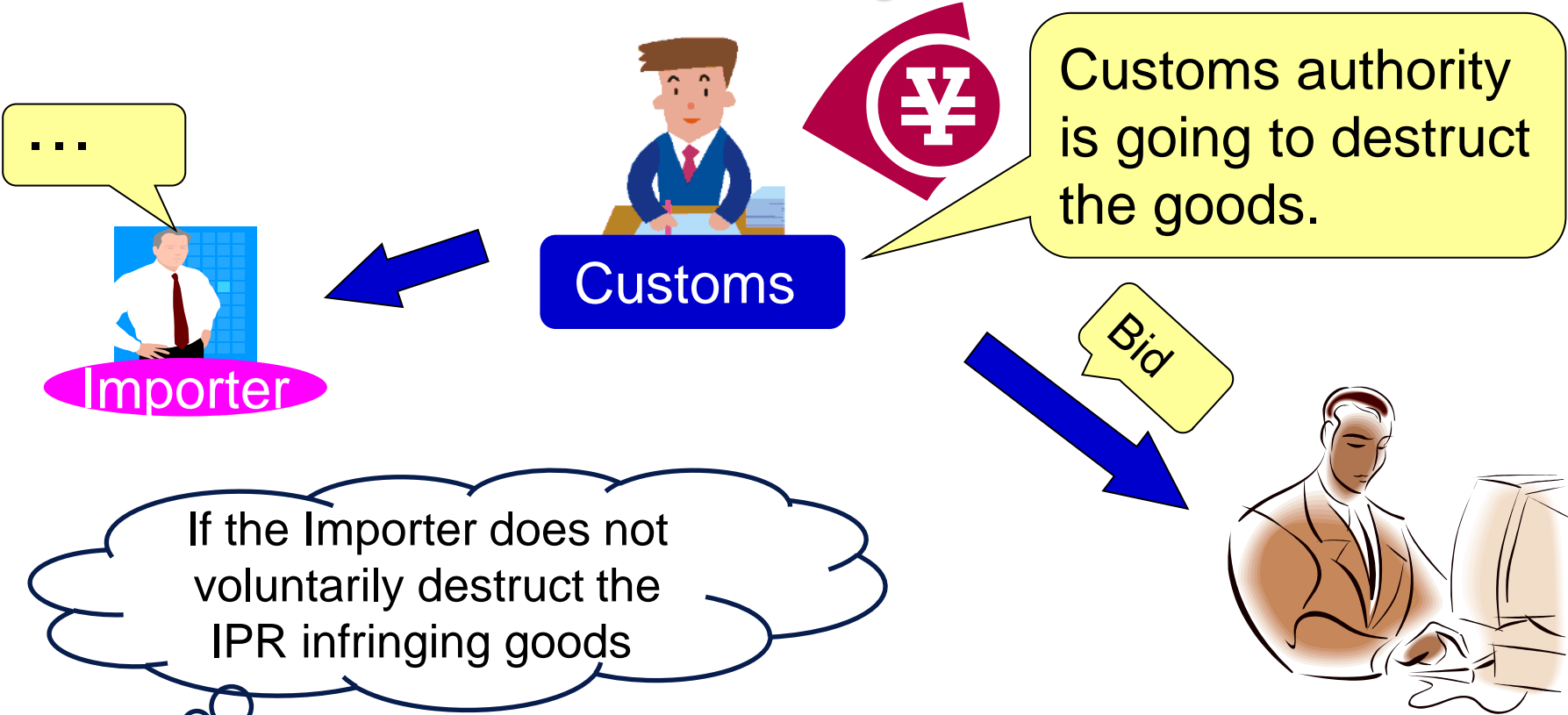
Importer

1. Importers bear

- costs of destruction
- costs of storage (except for postal items)



# Destruction by Customs



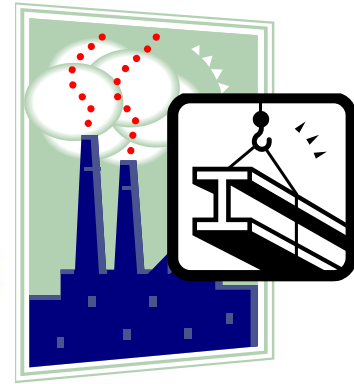
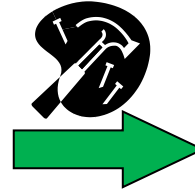
- Customs confiscate the goods.
- Japan Customs invite bids and select a private company which is suitable for environmentally friendly disposal.

# Eco-friendly disposal

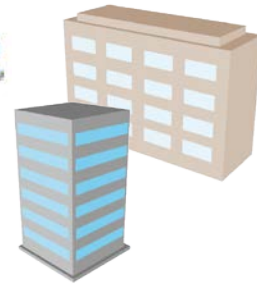
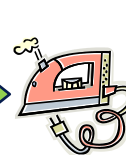
Customs



Iron



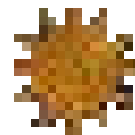
Metal (Non Iron)



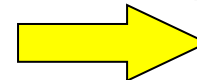
Fabrics, Plastics etc.



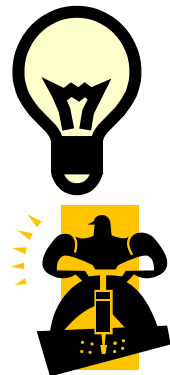
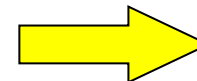
Incineration



Electric power



Material  
(Road material)





# **Destruction of the confiscated goods**



# **Destruction of the confiscated goods**







# Thank you for your attention!



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