

Anticounterfeiting Enforcement Procedures in Free Trade Zones

Introduction

This project was the result of extensive collaboration between the members of INTA's Anticounterfeiting Committee. INTA kindly thanks all those members who contributed to the project.

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NORTH AMERICA

USA	<p>Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?</p>	<p>Foreign Trade Zones (“FTZ”s) are secure areas within the United States (“U.S.”) under U.S. Customs and Border Protection (“CBP”) supervision that are considered to be outside of CBP territory for tariff purposes. Located in or near CBP ports of entry, they are the U.S.’s version of what are known internationally as free-trade zones. CBP oversees daily operations at FTZs and is responsible for the collection of duties, taxes, and fees from FTZ operators. All other U.S., state, and local laws apply. <u>119 CFR 146.10</u>: Authority to examine merchandise.</p> <p>CBP has both <i>ex-officio</i> authority (authority to suspend release) and competent authority (authority to make final determination of infringement for trademark and copyright violations). U.S. authorities are also unique in that they offer administrative remedies (seizures, forfeitures and penalties) in addition to civil and criminal remedies. The vast majority of goods seized by CBP at the border are performed through the administrative process. This is true for imports, exports and in-transit shipments.</p> <p><u>9 CFR 146</u> (“Code of Federal Regulations”) specifically provides for CBP’s regulatory authority over FTZs.</p> <p><u>19 CFR § 146.36</u>: Examination of merchandise.</p> <p>CBP’s supervision over any zone or transaction provided for in this part will be in accordance with <u>§ 101.2(c)</u> of this chapter. Supervision may be performed through a periodic audit of the <u>operator’s</u> records, quantity count of goods in a zone inventory, <u>spot check of selected transactions</u> or procedures, or review of recordkeeping, security, or conditions of storage in a zone.</p> <p><u>19 CFR 146.10</u> reads in part: “The <u>port director</u> may cause <u>any merchandise to be examined</u> before or at the time of admission to a zone, or at any time thereafter, if the examination is considered necessary to facilitate the proper administration of any law, regulation, or instruction which <u>Customs</u> is authorized to enforce.”</p> <p><u>19 CFR 146.31(a)</u> reads in part: “<u>Port directors shall not admit prohibited merchandise</u>. If there is a question as to whether the <u>merchandise</u> may be prohibited, <u>port directors</u> may permit the temporary deposit of the <u>merchandise</u> in a zone pending a final determination of its status. Any <u>prohibited</u></p>
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	<p>Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?</p>	<p>Yes. U.S. CBP possesses the authority to seize transshipped, counterfeit or infringing goods in the FTZs. CBP procedures for handling seizures are set forth in 19 U.S.C §1602 through 19 U.S.C. §1616 and 19 CFR 162.</p> <p>Any CBP personnel who have reasonable cause to believe that any law may seize merchandise or regulation enforced by CBP has been violated, because of which the merchandise has become subject to seizure or forfeiture.</p>

	<p>CBP personnel in a FTZ may seize merchandise whose importation is prohibited (*C.S.D. 82-16 <u>note</u>: C.S.D. is a CBP Legal Decision published in CBP Bulletin).</p>
<p>How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?</p>	<p>CBP is not very active in IPR enforcement in the FTZs compared with other ports of entry, absent compelling evidence or strong targets to act upon. Much of the key data to actually perform the necessary targeting of goods shipped into FTZs is not fully automated, making targeting processes very difficult.</p> <p>Again, it is important to note that the majority of FTZs in the U.S. are geographically distant to ports of entry where CBP officers could more routinely visit the FTZs. With more than enough suspect shipments coming through ports of entry that require CBP review, enforcement in the FTZs can logically fall by the wayside.</p>
<p>What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?</p>	<p>Intermediaries are as cooperative as their interests would allow, which is minimal. Many lobbyists have tried to push to have shipping lines, air carriers, freight forwarders, etc. held accountable for failing to do more to detect and deter infringing shipments from entering their supply chains. Their response has been to primarily rely on the Contract of Carriage clause, essentially making them accountable to ensure there is no security risk, but allowing them to rely on the exporter/importer information regarding the contents of the shipment.</p> <p>CBP has little incentive to champion this approach since they rely heavily on these same intermediaries for supply chain security responsibilities. Several studies have suggested that focusing on intermediaries and supply chain security protocols is an important component for IP enforcement.</p>
<p>How do Customs agents, trademark owners and experts interact?</p>	<p>CBP is most productive in this area. CBP has always been very responsive to IPR questions and eager to engage in dialogue.</p> <p>The trademark owner must first ensure sure that their marks are recorded with CBP. CBP agents will then intercept counterfeit goods, and send the IPR owner a seizure notice which provides information on the importer, exporter, the trademark that was represented, the type of good, and the quantity that was seized. Occasionally, an import specialist will reach out via email or phone with questions for the IPR owner. Typically, CBP will ask the trademark owner to review images, confirm whether the product is</p>

		genuine or counterfeit, and if it is counterfeit, provide the reasons why, along with the MSRP for a comparable genuine good. Many trademark owners have provided product authentication manuals to CBP to help in their authentication process. In addition, trademark owners or trained experts travel from port to port to provide CBP with in-person training and answer questions.
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Canada	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes, to detain. No specific legislation.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	No - not yet. However, Canada has agreed to the USMCA (United States-Mexico-Canada Agreement replacing NAFTA), and the law (Trademarks Act) will be updated to comply with the goods-in-transit requirements. The USMCA provides that each Party “shall provide that its authorities may initiate border measures” against suspected counterfeits or pirated goods that are in transit, or admitted into or exiting from a free trade zone or bonded warehouse.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	N/A – not active as it relates to IP.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	N/A
	How do Customs agents, trademark owners and experts interact?	Customs agents communicate through CBSA’s trade compliance department with brand owners when counterfeit goods are detained (note: unrelated to FTZ)

ASIA

Indonesia	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	In general, no, customs and law enforcement do not inspect goods inside FTZs. The best that they can do is to allow the goods to be shipped out of the FTZ then inspect and seize the infringing goods.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	In general in SEA difficult, and in Indonesia certainly no. However, the Customs may still pass the information to the Customs at the destination ports.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	In practice in SEA rarely. In Indonesia never. I know of several SEA examples. A case involving Batam FTZ led to a shipment exiting Batam and being Seized in Singapore. Indonesian authorities could do nothing. The case when to court in Singapore (involving Burberry and LVMH). Cigarettes are known to be branded and packed as fakes in Batam for shipment in and out of Indonesia. Another example relates to Langkawi the duty free island in Malaysia. Alcohol imports into Langkawi are regularly bottled as fakes and then shipped into Malaysia and especially Thailand. They have limited resources to control all FTZs in Indonesia, particularly to stop infringing goods in the FTZ. Many of these resources are used for more high priority illicit trade concerns.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	They are merely carriers. In practice they are the ones caught with the goods, but in practice they act for the shipper (or occasionally the recipient). In fact they often do not even know who owns the goods, where the shipped from China say is not the producer or buyer of the goods. They will only reveal so little and may not be very helpful.
	How do Customs agents, trademark owners and experts interact?	Customs agents that is brokers, freight forwarders etc., TM owners, and their identification experts rarely interact. There is no case study yet to answer this question. In Indonesia. There have only been 5 IP customs recordal filed by Indonesian companies and no seizures have been made since their

		<p>recordal requests. The Trademark owners and experts are usually invited for a hearing as a part of the recordal process to explain to the customs how to differentiate the fake ones from the real ones.</p>
Singapore	<p>Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?</p>	<p>Yes. Activities within FTZs are subject to the same laws and regulations as those outside FTZs. Therefore, the border enforcement provisions in the Trade Marks Act apply equally to FTZs. However, inspections and seizures rarely occur. Requirements to do so are very stringent, the container number, date of arrival, etc. must all be known before an intel report to SG customs would be considered.</p>
	<p>Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?</p>	<p>Goods in transit may be seized <i>ex officio</i> only if they are consigned to a person with a commercial or physical presence in Singapore.</p>
	<p>How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?</p>	<p>Customs authorities conduct regular and surprise operations and inspections in FTZs. However, information on cases relating to counterfeit or infringing goods in the FTZ is not publicly available.</p>
	<p>What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?</p>	<p>Intermediaries are generally not liable for importing or exporting counterfeit or infringing goods unless they have knowledge of the contents of the shipment. Freight forwarders, customs agents and logistics companies have little regulation. They often do not cooperate nor provide information regarding the sender. Most of the time, there is no legal requirement to check IS of sender and sender addresses are not required or filled out accurately. Usually false information, if any. Privacy laws are an impediment to the process as well. At the moment, its safe harbor for all. One of the main reasons online trade is so attractive.</p> <p>Intermediaries may not always possess, or be willing to provide, information regarding the beneficial owners of counterfeit or infringing goods. However, when goods in transit that are consigned to any</p>

		person with a commercial or physical presence in Singapore are detained, Customs authorities can acquire information from persons whom they reasonably believe have information or documents relevant for trademark owners to commence infringement proceedings. Therefore, in such situations, intermediaries are obliged to disclose any relevant information relating to counterfeit or infringing goods.
	How do Customs agents, trademark owners and experts interact?	Trademark owners or licensees who suspect any shipment of infringing goods to be entering Singapore may give written notice to Customs. When the suspected infringing goods have been seized, Customs will notify the trademark owners or licensees. Experts may be involved when the seized goods are to be inspected and authenticated. Customs agents also have regular product identification training sessions with trademark holders. During these sessions, trademark owners share information and equip Customs agents (and other enforcement authorities, such as officers from the Singapore Police Force's Intellectual Property Rights Branch) with the knowledge on distinguishing genuine products from counterfeits. This improves the capabilities of enforcement authorities to detect infringing products.

Pakistan	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	In Pakistan, the statute governing this area in the Social Economic Zones act 2012. The Act defines a special economic zone (ZEC) to include a free trade zone (FTZ), which has further been defined as an economic zone that shall be deemed to be outside the customs territory of Pakistan with respect to which the Board of Approvals shall approve special facilities for trade, transshipment and re-export operations in accordance with applicable legislation. The other statute is the Export Processing Zones Authority Ordinance 1980. Rules 225 to 236 of the Customs Rules 2001 pertain to EPZs. Under rule 226(7), admission of goods imported for a zone shall not be refused except when the goods are liable to restriction or prohibitions imposed on the grounds relating to the protection of patents, trademark or copyrights. Goods, which are to be imported into the Zone, are to be presented to the Customs authorities for assessment and clearance, at which point any prohibited goods can be confiscated as per customs procedure, which empowers customs to confiscate counterfeit goods with or without a formal complaint by the right holder.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Under the rules notified by Customs for enforcement of intellectual property rights, only goods which are imported into Pakistan and which are counterfeit in nature are subject to seizure. However, if the goods have on them a trademark which qualifies as a "counterfeit mark" or a "false trademark" within the meaning of the Pakistan Penal Code or in case of an infringing copyright, under the penal provisions of the Copyrights Ordinance, both of which require a formal complaint to be lodged with the authorities.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Transit goods are examined by customs but the 2017 SRO (IPR) does not apply to transit trade goods. However, in case of counterfeit goods, the custom authorities has the power to confiscate such goods. To initiate such an action, the right holder may write to the concerned Collector of Customs or to his / her designated officer. Please note the IPR Enforcement Directorate has no authority in this behalf.

		The statutory rule is that customs can inspect 5% of the transit goods, but on credible information, they can inspect any container.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	The intermediaries do not take an active role in this space.
	How do Customs agents, trademark owners and experts interact?	There is hardly any interaction ever between customs agents, trademark owners and experts. A reason may be that the governing SRO is relatively new law, promulgated in 2017.
Myanmar	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	<p>Under the existing law in general cases, the Myanmar Customs Department deals with counterfeit matters where goods are imported from abroad and across borders. An IP owner who wishes to protect his/her trademark and genuine goods/products from imported counterfeit goods must file a Customs Recordal application. The application will be submitted to the Dispatch Unit of the Myanmar Customs Department. The application will then be forwarded from the Director-General of the Myanmar Customs Department and then to the Director of the Import/Export Control Division and Investigation Division, who will review the application. Upon successful granting of the application, a notification of the protection granted will be issued to the applicant. The Myanmar Customs Department will notify the trademark owner/authorized agent whenever products suspected to be counterfeit arrive at various ports of entry in Myanmar, in order for the latter to examine the products. Upon confirmation of the counterfeit nature of the products, Customs officers can initiate legal action under Section 18(d) of the Sea Customs Act. NOTE: Customs will take action for counterfeit matters only when the applicant has applied for Customs Recordal. If the applicant does not file a Customs Recordal, then Customs will not take action.</p> <p>Ex officio inspections are allowed to be performed. There is no need for the IP owner to file a criminal complaint. Myanmar does not have a FTZ yet, as mentioned above. This is why we also have no</p>

		specific supportive regulations to take action within the FTZ by Customs. Myanmar postponed its commitment to comply with the ASEAN Free Trade Area (AFTA) beyond 2020, although Myanmar is a member of AFTA and the ASEAN Economic Community (AEC). This is because Myanmar is not yet in compliance with the regulations regarding AFTA implementation.
	Is it possible to seize transhipped counterfeit or infringing goods, or goods in transit in the FTZ?	Myanmar does not yet have an FTZ under its current practice. However, in general cases, an applicant who wishes to seize transhipped counterfeit or infringing goods must record his/her trademarks with the Myanmar Customs Department, whereby the authorities at various ports of entry in Myanmar will seize counterfeit products.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Myanmar does not have a FTZ yet, as mentioned above. This is why we also have no specific supportive regulations to take action within the FTZ by Customs. Myanmar postponed its commitment to comply with the ASEAN Free Trade Area (AFTA) beyond 2020, although Myanmar is a member of AFTA and the ASEAN Economic Community (AEC). This is because Myanmar is not yet in compliance with the regulations regarding AFTA implementation. Therefore, there is no active movement regarding enforcement within the FTZ, as Myanmar has no active FTZ. We have no cited cases/actions for enforcement matters regarding the FTZ.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	In practice, we have no FTZ nor specific supportive regulations to take action within the FTZ by Customs, and it is very difficult to say at present when this situation may change. In practice, we have no FTZ nor specific supportive regulations to take action within the FTZ by Customs, and it is very difficult to say at present when this situation may change. In practice, we have no FTZ nor specific supportive regulations to take action within the FTZ by Customs, and it is very difficult to say at present when this situation may change.
	How do Customs agents, trademark owners and experts interact?	In practice, we have no FTZ nor specific supportive regulations to take action within the FTZ by Customs, and it is very difficult to say at present when this situation may change.

Thailand	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	The FTZ is called as "Free Zone" in Thailand. All of the government officials have the authorities to proceed with criminal actions in the Free Zone as same as in the Thailand territories. Ex-officio action can be taken in this Free Zone. Customs Act B.E. 2560 regulates the Free Zone (A.D. 2017).
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes, after the customs officer can stop transshipped counterfeit goods though Thailand according to this new Customs Act A.D. 2017, the customs officer can now seize the transshipped goods though Free Zone.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	We have no statistics regarding this matter. However, from our experience and from discussing with the customs officer, it is quite rare that the officers would take actions in the Free Zone. One of the reasons I was told by the officer is that the goods that are coming in or going out of Free Zone would need to pass the customs Importation and Exportation procedure in any event. Therefore, the goods would be taken actions at the time of importation/exportation or transshipment anyhow.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	They do not have the obligation to provide the information of the counterfeit or infringing goods and most of time they would not get involved in this matter.

	How do Customs agents, trademark owners and experts interact?	We, as the IP representatives have the very good relationship with the Customs officers. Every time that they found any suspected counterfeit goods bearing our clients' trademarks, they would contact us to ask for our assistance to help verifying the goods. Customs officer is very active in suppressing the counterfeit goods for the brand owners and the trademark owners always give the cooperation and support to the officers.
Cambodia	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	There is no different provisions regarding the Laws / regulations governing the enforcement of the IP enforcement either in or outside the FTZ (free trade zone = special economic zone). Since the trademark infringement is the criminal offense, the criminal complaint from the trademark owner is not mandatory. Nevertheless, an inspection in the private resident (ex: house, warehouse) requires to have the court order with the presence of the prosecutor. The custom and prosecutors have power to make inspections and seize counterfeit and infringing goods at FTZ without the criminal complaint.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	There is no distinction of the IP enforcement whether the infringement happens in and outside the FTZ. While the FTZ is in Cambodia jurisdiction, under Cambodian laws it is possible to seize the transshipped counterfeit.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	There is no official database regarding the enforcement against the counterfeit / infringing goods in FTZ. Based on the press release we have followed, usually the counterfeit / infringing goods are stored at the private warehouse outside the FTZ.

	<p>What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?</p>	<p>These intermediaries are to comply with Cambodian Laws / regulations. They are obligated by law to witness in court if required. There are legal requirements on the product compliance at the time of importation.</p>
	<p>How do Customs agents, trademark owners and experts interact?</p>	<p>Custom officials are now in plan to arrange the custom recordal to employ the enforcement measure at the border. Recently, Cambodia Counter Counterfeit Committee (“CCCC”) is playing an important role to fight against the counterfeit. Please find the recent pressed news for your reference: https://www.phnompenhpost.com/national/sar-kheng-orders-crackdown-counterfeit-goods-traffickers</p>

UAE

UAE	<p>Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?</p>	<p>Customs and Police have the powers. Ex Officio is allowed. No specific legislations. Federal IPR laws apply in all FTZs. Enforcement of IPR laws are carried out in FTZ by authorities where the FTZs are located, as such, there are some practical differences in the enforcement of IPRs based on the agency enforcing the IPRs and in which emirate the FTZ is located at.</p>
	<p>Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?</p>	<p>Yes</p>
	<p>How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?</p>	

<p>What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?</p>	<p>Intermediaries can tip off authorities about potential infringing products, testify in court if required and provide evidence to aid in the investigation.</p>
<p>How do Customs agents, trademark owners and experts interact?</p>	<p>Cooperation exists but IPR holder has to lead the investigation.</p>

EUROPE

Russia	<p>Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?</p>	<p>The Treaty on the Eurasian Economic Union (the “Treaty”) concluded in 2014 has Russia, Belarus, Kazakhstan, Armenia and Kyrgyzstan as its members. The Treaty established a common market and free trade zones in the territory of the member states (“FTZ”).The Customs Code (the “Code”) is enforced on the entire territory of the Eurasian Economic Union and, inter alia, regulates procedures for suspending goods at the FTZs borders and instructions for running the national customs IP registers and the Unified Customs IP Register (“CIPR”) which has not been introduced yet. It is expected that the CIPR start operating in 2020 when the procedure of electronic interaction between the national customs authorities and the Eurasian Economic Commission is developed. For the time being, it is only possible to record the trademarks with the national customs registers of the Customs Union member states. The Code prescribes that in case the IP object is not recorded on the CIPR, the Customs Union member states authorities have the power to conduct ex officio inspections of the imported and exported goods. By virtue of clause 12.2 of Article 28.3 of the Code of Administrative Offenses of the Russian Federation, customs authorities together with police and the Federal Supervision Agency for Customers Protection and Human Welfare are authorized to draw up protocols on administrative offenses provided for in Article 14.10 of the code. However, only court has the power to recognize goods counterfeit and decide on their seizure. According to Clause 6 Part 2 of Article 351 of the Code, customs authorities ensure protection of IP rights. In Russia, goods that are imported by an unauthorized importer can be suspended for up to 10 days if the trademark is recorded on the CIPR. Otherwise, the suspension term is 7 days. The trademark owner is notified and requested to provide a release permit for the goods or file an application with customs to initiate an investigation for illegal use of IP rights. In case the goods are confirmed to be counterfeit, customs may seize them, initiate an administrative investigation and file a claim against the infringer (importer) with the court. Customs authority is not limited to border control with post-release actions also available. If the allegedly counterfeit goods have been released, customs is entitled to run a post-release investigation. In practice, customs investigate in the internal market monitoring local stores. Once the allegedly counterfeit goods are revealed, customs informs the right holders of the infringement. Police mainly perform pursuit of counterfeits in FTZ internal markets. Upon the third parties notice or by acting ex officio, police inspects locations where the allegedly counterfeit goods are stored, manufactured or sold. After the police raid, the counterfeit goods are seized and stored until the court considers the case and issues a decision. The court decides on the counterfeit nature of goods very often based on the rightholders or expert’s opinion. Following the court decision, the counterfeit goods are destructed by or at the importer’s expense.</p>
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	<p>Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?</p>	<p>According to Article 384 of the Code, customs authorities are not entitled to seize goods in transit in the FTZ. Russian courts have confirmed that there is no liability for storage or transportation of counterfeit goods that are not intended for sale in Russia. According to the court practice, goods are considered imported into Russia from the moment they are physically transported and placed under customs declaration procedure.</p>
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<p>How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?</p>	<p>Customs play active role in detecting and suspending counterfeit or infringing goods. According to the statistics of the Federal Customs Service as of September 2018, 14.4 million units of counterfeit goods were detected at the borders (https://www.retail.ru/news/171521/). By comparison, in the entire year of 2017, the number was ten million. As per the Head of the Federal Customs Service, the increase in volume is caused by more efficient interaction between customs and right holders. (http://tass.ru/pmef-2018/articles/5248880). We are not aware of the publicly available police statistics on the administrative violations of IP rights. In 2016, the number of registered criminal cases for trademark infringement was 861; for copyright and neighboring rights – 268 cases. Among available options, the most popular penalty chosen by the courts for a criminal offence of IP rights is fine, while incarceration is applied only in special cases. (http://doklad.ombudsmanbiz.ru/2017/pdf/4.pdf). In general, seizure of goods at the border is considered more effective for combatting counterfeits than police raids after the goods have entered the territory of FTZ. Customs record becomes much more efficient if the brand owners follow comprehensive brand protection strategy and are active in the internal market as well. Attending customs and police trainings is also an efficient way to increase awareness of the brand owner's IP portfolio, educate customs/police officials of the distinctive characteristics of authentic and counterfeit goods, stimulate enforcement authorities to be vigilant in respect of particular brands in the course of border control and internal market monitoring.</p>
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<p>What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?</p>	<p>Unfortunately, we do not have any information or statistics about intermediaries' willingness to support the law enforcement bodies. Liability for illegal use of trademarks/copyright applies to persons who manufacture, acquire, store, transport or sell counterfeit goods for commercial purposes. Intent is not a necessary pre-requisite of administrative liability, which implies that such offence can be committed unintentionally, where the subject knew or had to know that it uses the third party's trademark but did not confirm the legal grounds for such use. Legal entities are not subject to criminal liability under Russian criminal law. However, their directors or employees can be. Therefore, transporting intermediaries may also be held liable for importation of counterfeits. To the best of our knowledge, freight forwarders and shipping lines are usually not engaged in trademark infringement investigations and proceedings. Most frequently, administrative and criminal proceedings are initiated against importers of counterfeit goods.</p>
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	<p>How do Customs agents, trademark owners and experts interact?</p>	<p>Customs are responsible for notifying the right owners on importation of suspicious goods. Through their Russian representatives, the right holders grant consent for the release of suspended goods or notify customs of possible infringement. After the notification, investigation is initiated and expert evaluation of the suspended goods is done. If expert confirms the suspicions, customs files a claim with court. At this stage right holder may be involved as a third party.</p>
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Montenegro	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes, Customs, Prosecutor and other inspectorates (food, health, etc.) can make inspections at FTZ depending on their jurisdictions. Usually if there is an active CWA, Customs make inspections of the goods and there were few cases when they acted ex officio. We are not familiar with ex officio prosecutor inspections relating counterfeit goods, so probably the criminal complaint would be required. There is the Law on FTZ but it has only few provisions relating to this matter. Most of legislation is in the Custom Law, Customs Regulation and the Decree on IPR protection. There are also general rules on possible Prosecutor actions in the Law on criminal procedure.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	The transshipped counterfeit or infringing goods are not directly mentioned in the legislation, but goods in transit can be seized.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	The Customs has been active in previous years, acting on the CWA or ex officio. Yes, they were cases with the larger quantity of detained goods, performed by Customs.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	In civil procedure, apart from the owners, freight forwarders are also liable, in case that goods seizures by Customs are counterfeits. In case of custom detention they only provide minimal information required by law (exporter, importer, county of origin). We haven't had such experience, but generally, giving false statements to the prosecutor could constitute a criminal act. Therefore, they must give support or they could be sanctioned.
	How do Customs agents, trademark owners and experts interact?	In case of active CWA, Customs will officially contact the representatives of IP right holders when they detain the goods in FTZ. Based on the pictures and info on the shipment, the Trademark owners and their experts verify whether goods are counterfeits or not, and decide on further proceedings against the infringer.

Ukraine	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes. The ex-officio inspections can be performed by the customs, and the law-enforcement authorities in the cases of public accusation and partially under p. 2 Art. 176, 177 of the Criminal Code of Ukraine. The criminal complaint must be filed in the cases of private accusation. There are special laws on taxes, investment, but not regarding IP.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	No.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Their activity is of general type. Yes.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	In case of pre-trial settlement of the cases regarding suspended goods, the intermediaries can act as a contact person on behalf of the importer during negotiations. In case of suspension of customs clearance of counterfeit goods, the importers as well as their representatives (carriers, customs brokers) are not always willing to provide information on manufacturers, importers of counterfeit goods. At the same time, some customs specify such information in the respective notification on suspension of customs clearance. In the framework of the criminal proceedings, the infringers must provide the law-enforcement authorities and the public prosecutor's offices with necessary information and ensure comprehensive assistance.
	How do Customs agents, trademark owners and experts interact?	In case if it is necessary to conduct expertise, both the right holder/its representative and the importer's representative (customs agent, broker) can perform collection of samples of the suspended goods and to forward the same to the expert. After the expertise is conducted, the expert issues an expert's report to the person/entity who ordered such expertise.

Denmark	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries are aware of their legal obligations as well as of their liability as set forth in the Enforcement Directive and as implemented in the national laws.
	How do Customs agents, trademark owners and experts interact?	Normal interaction. All parties are aware of their legal obligations in the field of anticounterfeiting.

Finland	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries are aware of their legal obligations as well as of their liability as set forth in the Enforcement Directive and as implemented in the national laws.
	How do Customs agents, trademark owners and experts interact?	Normal interaction. All parties are aware of their legal obligations in the field of anticounterfeiting.

France	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there an specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries are aware of their legal obligations as well as of their liability as set forth in the Enforcement Directive and as implemented in the national laws.

	How do Customs agents, trademark owners and experts interact?	Normal interaction. All parties are aware of their legal obligations in the field of anti-counterfeiting.
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Germany	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	German customs exercises their powers in the FTZ the same way as it does outside the FTZ

	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries are aware of their legal obligations as well as of their liability as set forth in the Enforcement Directive and as implemented in the national laws.
	How do Customs agents, trademark owners and experts interact?	Normal interaction. All parties are aware of their legal obligations in the field of anti-counterfeiting.

Greece	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	

	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries are aware of their legal obligations as well as of their liability as set forth in the Enforcement Directive and as implemented in the national laws.
	How do Customs agents, trademark owners and experts interact?	Normal interaction. All parties are aware of their legal obligations in the field of anti-counterfeiting.

Italy	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	

	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries are aware of their legal obligations as well as of their liability as set forth in the Enforcement Directive and as implemented in the national laws.
	How do Customs agents, trademark owners and experts interact?	Normal interaction. All parties are aware of their legal obligations in the field of anticounterfeiting.

Luxemburg	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	No info.

	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	No info.
	How do Customs agents, trademark owners and experts interact?	Normal interaction. All parties are aware of their legal obligations in the field of anticounterfeiting.

Malta	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.

	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Customs are active in the FTZ. See quote from EUIPO report: "Malta, for instance, was found to frequently record seizure values far higher than the country's legitimate trade statistics would indicate probable. This is because with a low population ratio, Malta does not import a high overall proportion of any product type in the legitimate market but, as an important maritime transport hub, the MS frequently records a high percentage of overall IPR infringing seizures by value, because customs focus on container traffic and therefore, much higher volumes of products than those MS that focus more on small packages." (Europol / EUIPO report 2017)
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries are aware of their legal obligations as well as of their liability as set forth in the Enforcement Directive and as implemented in the national laws.
	How do Customs agents, trademark owners and experts interact?	Normal interaction. All parties are aware of their legal obligations in the field of anticounterfeiting.

Poland	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.

	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries are aware of their legal obligations as well as of their liability as set forth in the Enforcement Directive and as implemented in the national laws.
	How do Customs agents, trademark owners and experts interact?	Normal interaction. All parties are aware of their legal obligations in the field of anticounterfeiting

Potugal	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.

	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries are aware of their legal obligations as well as of their liability as set forth in the Enforcement Directive and as implemented in the national laws.
	How do Customs agents, trademark owners and experts interact?	Normal interaction. All parties are aware of their legal obligations in the field of anticounterfeiting.

Spain	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.

	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Spanish customs exercises their powers in the FTZ the same way as it does outside the FTZ, though the number of custom representatives is so low that an exhaustive control is difficult. Not aware of any cases.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries are aware of their legal obligations as well as of their liability as set forth in the Enforcement Directive and as implemented in the national laws.
	How do Customs agents, trademark owners and experts interact?	Normal interaction. All parties are aware of their legal obligations in the field of anticounterfeiting.

United Kingdom	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information	

	regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	
	How do Customs agents, trademark owners and experts interact?	

LATIN AMERICA AND CARIBBEAN

Argentina	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Free Trade Zones (FTZ) created in 1994. Provide customs and tax advantages to facilitate the development of storage and commercial activities; Industrial activities are only permitted to export goods. 25 FTZ created by law; 11 FTZ currently with authorization to operate and 4 FTZ subject to approval. It is possible to conduct enforcement proceedings to both goods in transit and in FTZ, although it is advisable to analyze the course of action on a case by case basis.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	The highest criminal court in Argentina held that Argentinian Customs agents have the authority to inspect and seize infringing goods, even if in-transit towards a foreign jurisdiction. (Cámara Nacional de Casación, Division III, in re: “Raul Oviedo SRL” dated June 9, 2010). The Court favored a broad definition of “import” – All goods entering Argentina amount to an import, regardless of whether these are intended for domestic consumption or bound to a foreign country. Other decisions from lower courts have relied on a narrow definition of “import” to exclude Customs agents to inspect goods in-transit
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	No decisions on Customs’ ability to inspect free-trade zones. One of the Justices of the Argentinian Supreme Court stated that “... the Customs Code defines ‘imports’ as all merchandise entering both special customs areas as well as the rest of the continental territory, thus empowering customs agents to fully exercise their control authority over said traffic.” (Corte Suprema de Justicia, dissenting opinion of Justice Vazquez in re: “Argentini, Héctor M. et al” dated February 13, 2001)

	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	In general, intermediaries comply with providing information as requested.
	How do Customs agents, trademark owners and experts interact?	On average Custom agents ex officio contact legal representatives of trademark owners to inform them on counterfeited goods found and to require their information as to the legitimate or illegitimate nature of the goods. It is to be expected that trademark owners, even in case of insignificant amount of counterfeited wares found, do timely attend to this request. Most of the times trademark owners, through their attorneys, do comply with providing legitimate samples or specifications to be observed on labels or wares, for the experts to take into account when comparing goods and determine on counterfeit nature of same.
Aruba	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Such authorities may inspect and seize counterfeit and infringing goods in the FTZ, in most cases further to a complaint, ex officio is possible for inspection and has a temporary character. There is legislation in place which regulates the FTZ in Aruba. The legislation regulates among other things the establishment of a FTZ company, access to the FTZ, management and use of the FTZ, delivery of goods and services to the FTZ, provisions with regards to taxes and penalty provisions.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Goods in the FTZ can be temporarily seized for inspection by customs. Goods in transit can be seized based on criminal or civil law (wrongful act). In the case of criminal action, (conditional) intent must be proved. Contrary to the trademark legislation of Curacao, Aruba's trademark legislation does not provide explicitly that goods in transit (in the FTZ) may not be seized.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	There are no leading cases in this space.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing	Their role is to facilitate shipments of goods and products. They will provide the information that they are allowed to provide freely, but if it concerns private or confidential (client) information a court order is required to compel them to release that information.

	goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	
	How do Customs agents, trademark owners and experts interact?	In case Customs suspects any goods to be counterfeit, they will contact the experts/brand owners or their representatives to inform them thereof and inquire if they wish to commence civil or criminal proceedings. The brand owners may also conduct their own investigation and can tip Customs about the presence of counterfeit goods. Once it is established that there are counterfeit goods, the brand owner can file a complaint with the Public Prosecutor for criminal prosecution or can proceed with a civil case or involve the health inspectorate if it regards health products.

Bahamas	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	The Grand Bahama Port Authority (GBPA) has special powers conferred by The Government and however, the powers afforded to the Custom Officers and Law Enforcement Officers of the Commonwealth of The Bahamas continue to apply, any action to inspect or seize counterfeit infringing goods at a FTZ can and should only be made after notice to the Comptroller of The Customs Department in Freeport and to The GPBA, is given. Therefore, ex officio inspection can be performed without a mandatory filing of a criminal complaint. Generally, The Competent Authority for the administration of customs activities of The Bahamas include, The Bahamas Customs Department. Under the Customs Management Act 2011 (Enacted 29th July 2011, hereinafter, 'CMA 2011'), the mission of the Customs authority as stated, is to enhance and protect the economic welfare and security of the people of The Bahamas through the provision of appropriate Customs services in accordance with best international practices. The CMA 2011 empowers The Bahamas Customs Department to, amongst other things (1). Facilitate international trade at the external borders, coast and territorial waters of The Bahamas by co-operating closely with other competent authorities of The Bahamas (including border security authorities) while achieving positive standards and results at every Customs place in the Customs territory;(2). Protect the economic interests of the nation; and (3). Act in partnership with economic operators to facilitate legitimate international trade, thereby contributing towards the ability of The Bahamas business community to compete in the global market place. Although there is no specified legislation in place for the procedure in a FTZ, there are collective pieces of legislation that have been established over the years that dictate standard procedure in the FTZ. New legislation is slated to address procedures relating to FTZ, however, to date, this has not yet been brought into force.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes, provided that all required parties have been notified, it is possible for any Customs Officer, GBPA Officer or authorized Police Officer to seize counterfeit or infringing goods that are in transit.

	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Although, the authorities in the FTZ are active in their review of counterfeit or infringing goods entering a FTZ, these authorities heavily rely on the information communicated by the registered Brand Owners, their legal representatives or agents to provide necessary information to stop counterfeit or infringing goods from entering the GBPA.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	The role of freight forwarders is to transport the goods as agreed. They will very rarely provide information regarding the transport of counterfeit or infringing goods into the territory. Under Court Order, this type information may be provided but freight forwarder typically will not divulge this type of information, very often because they themselves may not be aware that the goods are infringing on another brand.
	How do Customs agents, trademark owners and experts interact?	Provided that notice is given to the GBPA and its agent, the authorities and Customs Officers are very helpful in assisting with the seizure of goods from entering the GBPA. The most successful cases result where all stakeholders including the brand owners, act transparently and notify the authorities of any counterfeit or infringing goods that are being transporting to or from a FTZ.

Belize	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Police has the power to search and seize at the free zone. I am not aware of ex officio inspections but the criminal complaint would be necessary to initiate a criminal action for search and seizure.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Generally, it is the Customs authorities that have power to stop and seize goods at port of entry or before the goods are landed.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing	

	goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	
	How do Customs agents, trademark owners and experts interact?	Customs authorities are always willing to meet with lawyers or trademark owners. Some trademark owners conduct regular visits and some have never set foot in the country.

Brazil	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Border Measure Law (19.912): Brazilians Free Trade Zones are controlled by Federal Revenue Secretariat and Customs has the authority to make inspections and seize counterfeit and infringing goods ex officio anytime. There is specific legislation regarding tax incentives applied to FTZ only. However, in terms of illicit activities including counterfeiting, FTZ are under the same law enforcements and Customs regulations applied to regular imports and trade in the whole country.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	There is no specific rule or policy for International Transshipments involving infringed products at FTZ neither for common zones. However, since counterfeiting is crime and due to the principle of the territoriality, Customs has authority to retain shipment of counterfeit products in transit. In case of any retention the IP Owner must have to file a judicial action to prevent the release of the merchandize retained.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Customs has been acting at FTZ in the same way they are acting in common zones and there are cases of counterfeit products seized in Manaus Port and in other Free Zone Areas at borders, such as Boa Vista, Brasília, Guajará-Mirin and Macapá, regarding products coming to Brazil respectively from Guiana, Peru, Bolivia and Suriname.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	The role of the freight forwarders, shipping lines and other intermediaries in the anticounterfeiting efforts is limited. Since all data about importation are under tax secret, any information about the importers of beneficial owners of counterfeit goods must be obtained by Court decisions in civil or criminal actions filed by the IP Owner
	How do Customs agents, trademark owners and experts interact?	In case of retention ex-officio, Customs usually asks the IP Owner to provide a report of counterfeiting. Customs agents accept this report elaborated by the IP Owner representative. Even in cases where the counterfeit goods seized will be lost administratively, due to another fraud, such as false declaration of content, it is important to present a report of counterfeiting for the goods seized to be

		destroyed. Regarding on infringements cases which demand a decision on the merits, the IP Owner will be notified by Customs to file a judicial measure in 10 business days, in order to keep the products seized and prevent its release.
Chile	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Border measure law (19.912). Pursuant to the World Trade Organization Agreements on Intellectual Property Rights Issues, Chile enacted Law No. 19912 on October 24, 2003 Customs has the authority to make inspections and seize counterfeit and infringing goods ex officio in case of trademark and copyright infringements. In ex officio cases, the suspension of customs clearance is effective for 10 working days from the date of notification.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	The border measure law does not specifically regulate the control and temporary seizure of counterfeit products in free trade zones. Nevertheless, the scope of the law includes any procedure and operations that are carried out before the National Customs Service, in relation to the Customs destinations, and the procedures in a FTZ are considered Customs destinations.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Border measure law (19.912): Our law also allows ex parte actions before a civil judge, with a broader scope, including also industrial property rights (patents, utility models) and also neighboring rights. The Customs office located in Iquique are particularly proactive in FTZ. Most of the border measure procedures in Iquique are made in the context of FTZ. Last year Customs faced problems in Arica, due to a International Treaty signed between Chile and Bolivia, but in Iquique and Punta Arena the inspection in FTZ works without problem.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries normally deliver information of a shipment under Customs request.
	How do Customs agents, trademark owners and experts interact?	In case of and ex-officio retention, Customs usually send an email to the law firm that represents the IP Owner to provide a report of counterfeiting, with information about the importer, the number of goods temporary seized, and pictures. From the date of the Customs resolution, the IP owner has 10 working days to file a criminal action in order to keep the products seized and prevent its release.

Colombia	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Regulatory Regime for Free Trade Zones – Decree No. 2147 of 2016. Customs Regulations – Decree No. 390 of 2016, Decree No. 349 of 2018. Customs inspections are authorized by the customs authorities
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	In Free Trade Zones, DIAN has the power for the intervention of the customs authorities in relation to merchandise in operation of import, export or transit.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Joint operations have created a work of constant cooperation between: Customs Authority (DIAN), Operators of the Free Trade Zones and brand owners
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	The intermediaries deliver the information under a written request from the competent authority.
	How do Customs agents, trademark owners and experts interact?	In the event there is any indication of possible counterfeited product, customs authority will contact the attorney that is registered at the customs directory for the corresponding trademark.
Costa Rica	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Fiscal Police (Customs and Tax Police Force) have the authority to make said inspections and seizures. Prosecutors can do it if previously authorized by a Criminal Judge.

	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Only if they do not comply with health requirements. Otherwise, transshipped goods should be allowed to continue to their final destination. If possible counterfeited goods are detected, local authorities must send an alert to the destination country homologues.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	The Fiscal Police performs constant inspections and operations in this area.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	The intermediaries <u>must</u> deliver the information under a written request from the competent authority
	How do Customs agents, trademark owners and experts interact?	In the event there is any indication of possible counterfeited product (s), Customs authorities and/or the Fiscal Police must contact the attorney that currently represents the corresponding trademark.

Curaçao	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes, there is a clear legislation in place which regulates the economic zones (including FTZ's) present in Curaçao. The legislation regulates the establishment of an economic zone company, access to an economic zone, management and use of an economic zone, delivery of goods and services to the economic zone, special regulations with regards to access to an economic zone, provisions with regards to taxes, penalty provisions; supervision and examination, adjustments to other tax regulations and transitional & concluding provisions.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Customs has jurisdiction to examine goods in an economic zone established in Curaçao. They can temporarily seize goods to inspect them and are allowed to take samples. The Police Department has jurisdiction to examine the goods both inside and outside of an economic zone. Goods are also protected through Curaçao's Intellectual Property Law. Legal actions against counterfeit in Curaçao can be taken under criminal or civil law. Since November 2011, the Criminal Code in Curaçao provides criminal sanctions for possession, import, transshipment and sale of counterfeit goods.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	We do not have any cases in our jurisdiction relating to counterfeit in an economic zone established in Curaçao.

	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Their role is to facilitate shipments of goods and products. Supporting law enforcement and/or Prosecutors are always highly recommended, since not doing so, may end up damaging their business reputation.
	How do Customs agents, trademark owners and experts interact?	Customs starts an investigation and eventually seize and bring goods in controlled environment; Customs contact experts to further establish if the goods are counterfeited; Once its established we are presumably dealing with counterfeited goods Customs will proceed to presenting the case to the Public Prosecutor to prosecute and eventual present a criminal case in court; When expert or brands tip Customs about the presence of counterfeited goods. Customs will proceed, upon receiving the tip in the same way an indicated above. The brand can always proceed with a civil case when they detect a case of counterfeited goods.

Dominican Republic	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	In compliance to the Law 8-90 on FTZ, Customs has an office located in each FTZ, which is responsible for maintaining the necessary mechanisms and controls, so that items are verified when entering or leaving the FTZ. Exportations from the FTZ shall be verified/inspected by the customs guards and shall be transported under supervision to the point of embarkation.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	According to Law 20-00 on Industrial Property, when the Custom Authorities have sufficient grounds to consider that merchandise imported, exported or in transit, is suspected of infringing a trademark right, they shall act ex officio without requiring a formal request from a private or right holder, and retain the goods.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	In the practice, the authorities are not very active in the retention of counterfeit infringing goods in FTZ. We are not aware of any case relating infringing goods in the FTZ.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing	If it is proved that intermediaries had knowledge about the infringement, they are also responsible of the same. According to the Law 20-00 on Industrial Property, the responsibility of the infringers extends to those who knowing the wrongfulness of the act, take part in it or facilitate it. Also, the

	goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Prosecutor may request the intermediaries to provide all documents and information regarding the infringement.
	How do Customs agents, trademark owners and experts interact?	Customs agents and trademark owners interact via the agent appointed by the trademark holder in our country. Customs is being active in the retention of imported counterfeit goods through the Ports. However, with respect to seizures in FTZ, they are not very common in our country. Indeed, we have not had knowledge of cases regarding retentions in FTZ.

Ecuador	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Ecuador no longer has a true regime of FTZs, although currently exist the so-called Economic Development Zones (EDZs) that confer certain tax advantages to the businesses established therein but do not generally operate as a trade area. EDZs are not relevant in terms of trademark infringement, counterfeits and related matters. All relevant authorities have the power to make inspections and seize counterfeit and infringing goods within the EDZs. Legal actions can be <i>ex-officio</i> , but it is almost unheard of that the authorities take action without the intervention of an interested party. There is also no legislation for such procedures specific to EDZs.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Generally, there are no rules regarding the possibility of seizing products in transit in Ecuador. In practice, this is not allowed by the authorities.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	There is no distinction between activity in an EDZ and the rest of the country. There are no cases of note relating to counterfeit or infringing goods in an EDZ
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries have not participated in such cases, and their cooperation is not relevant. It shall be noted, that based on the activity of an EDZ, their participation is not relevant.
	How do Customs agents, trademark owners and experts interact?	Due to the activity in EDZs, there are no precedents of interaction among customs agents, trademark owners and experts. However, it would occur as in any other place in the territory. Customs agents may act even after the infringing goods have cleared customs.

EI Salvador	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes, they have Powers to make inspections and seize provisionally products, giving the trademark's owners a period to appear in the proceeding. Yes ex officio inspections are allowed by our legislation. Yes, there is specific legislation: administrative provisions of the Customs Office Trademarks Law and Intellectual Property Law.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes, providing to the authority all the information of the infringing party and products, even when they are in transit.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Free Trade Zones are very restrictive areas in our jurisdiction and are not too big as in another countries, where there is space to introduce counterfeiting articles. Thus, our authorities are not too active in such zones and there are no recent matters related to counterfeit goods.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	If they are required by the authorities to provide information, they are obligated to do so. Usually, they cooperate since this is a requirement of the Attorney General Office or the Court. The cooperation is also looking forward to obtain the release of containers where the merchandise was transported and is kept at the customs warehouses.
	How do Customs agents, trademark owners and experts interact?	In EI Salvador, interaction of these parties starts when the Customs agents, ex officio or by request of the trademark owner, initiates border measures when merchandise in transit is presumably infringing third party's rights. The Customs agents are in handle of the administrative coordination that permits the authorities to perform the legal actions over the merchandise (inspections, seizures, technical analysis of legal experts, among others) and they have to be very diligent and coordinated to make the proceedings expedite and efficient. The trademark owner is responsible to provide the legal support to the authorities, documentation, information of the infringed trademark and infringing party.

Guatemala	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes, they have Powers to make inspections and seize provisionally products, giving the trademark's owners a period to appear in the proceeding. Yes ex officio inspections are allowed by our legislation. Yes, there is specific legislation: Industrial Property Law, Free Trade Zone Law and other administrative regulation of the Customs Office.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes, providing to the authority all the information of the infringing party and products, even when they are in transit.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Authorities are nor very active in general and FTZs are not the exception. We are not aware of any cases relating to counterfeited or infringing goods in the FTZ. Authorities will usually not act in any case ex-officio
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	If they are required by the authorities to provide information, they are obligated to do so. Usually, they cooperate since this is a requirement of the Attorney General Office or the Court. The cooperation of the intermediaries also includes looking forward to obtain the release of containers where the merchandise was transported and is kept at the customs warehouses.
	How do Customs agents, trademark owners and experts interact?	In Guatemala, interaction of these parties starts when the Customs agents, ex officio or by request of the trademark owner, initiates border measures when merchandise in transit is presumably infringing third party's rights.

Haiti	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	The trademark law in Haiti is silent on what actions Customs can take in FTZ. However, given that Customs is present at all FTZ, referring to the general regulations on counterfeit or infringed goods and especially Article 9 of the Paris Convention, it is possible to make inspections and make seizures of goods unlawfully bearing a trademark. In fact, in one of the considerations of the preamble of the FTZ law, there is a specific reference to the Paris Convention which provides ground for action by trademark owners. There is no obligation for ex officio inspections and therefore any inspection would be triggered by a criminal complaint.
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	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Based on Article 9 (4) of the Paris Convention, there is no legal obligation to seize goods in transit.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Authorities are most active in the FTZ for the control of custom duties on raw material, equipment and finished goods coming in and out of the FTZ. Therefore, authorities are not very active, if at all, when it comes to the control of counterfeit or infringed goods. To my knowledge there are no cases relating to counterfeit or infringed goods in the FTZ.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Some shipping lines publish their shipments with the names of the exporter and of the consignee. To my knowledge, unless there is a court order, intermediaries would not be willing to provide any information about beneficial owners; they may not even have this information.
	How do Customs agents, trademark owners and experts interact?	There is very little interaction, if any, between trademark owners, experts and customs agents.

Honduras	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes, they have Powers to make inspections and seize provisionally products, at the request of the trademark owner. Yes ex officio inspections are allowed, although most actions are made at the Trademark owner request. Yes, there is specific legislation: administrative ruling of the Customs Office.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes, providing to the authority all the information of the infringing party and products, even when they are in transit.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	In the practice, our authorities are not too active in the retention of counterfeit infringing goods in FTZ. We are not aware or have reports of any case relating infringing goods in the FTZ.

	<p>What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?</p>	<p>Intermediaries do not have responsibility regarding the origin/ authenticity or quality of the freights, in Honduras Intermediaries have as main responsibility as tax collector collaborator. If they are required by the authorities to provide information, they are obligated to do so.</p>
	<p>How do Customs agents, trademark owners and experts interact?</p>	<p>In Honduras, interaction starts mainly when the Customs agents, by request of the trademark owner, initiates border measures when merchandise in transit is presumably infringing third party's rights. The Customs agents are in handle of the administrative coordination that permits the authorities to perform the legal actions over the merchandise (inspections, seizures, technical analysis of legal experts, among others) and they have to be very diligent and coordinated to make the proceedings expedite and efficient. The trademark owner is responsible to provide the legal and technical support to the authorities, documentation, information of the infringed trademark and infringing party, as well as the methods to identify original. This party is also crucial to move forward the administrative and judicial proceeding until its conclusion.</p>

Mexico	<p>Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?</p>	<p>There are no free trade zones in Mexico related to the sale of products. Although the Mexican government has given advantages seeking for greater investment in the Mexican territory, so far there are not any FTZ with any advantages or benefits to acquire products with a reduced tax or price. Nonetheless, Corozal FTZ on the border with Belize is very close and popular among Mexican Citizens. Although there is a lot of commercial activity in that area, the Mexican government has no authority to enforce or fight counterfeiting or any other criminal activities in the area. In case of other States where the government has given a benefit for companies who decide to invest or locate their factories in the zone, regulations apply as in any other part of the country but as mentioned benefits are only given to investors who are granted with reduced income if they decide to set their factories in that area.</p>
	<p>Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?</p>	<p>N/A as there are no FTZ but transshipped counterfeit goods can only be seized through the administrative action by filing a complaint before the Mexican Trademark Office. Unfortunately this results in a long and expensive process since the proceeding can last between 8 to 18 months to get a first instance ruling.</p>

	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	N/A as there are no FTZ. We suffer some impact from Corozal FTZ but as mentioned the Mexican government has no authority to enforce IP rights in said territory.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries can be found liable in the administrative process. Unfortunately, they are not in the criminal one which results only in the destruction of goods in the best case. Neither shipping lines, nor customs brokers provide any information about the importers or proprietors of the goods. We have been claiming that they should be found liable as well as they have the obligation to verify that the products they deal with are legal but so far, no precedents have been issued in that sense.
	How do Customs agents, trademark owners and experts interact?	Mexican customs officials have no power to seize counterfeit goods on their own initiative. In accordance with Mexican Legislation they need to count with an order issued by the competent authority. There are only 2 remedies to fight the entrance of unauthorized goods at the borders: Administrative which is handled by the Mexican Trademark Office. Broader conducts can be pursued in the administrative arena such as unfair competition, or the use of confusingly similar marks. However, the process is much longer and requires other requirements such as posting a bond as sometimes paying for storage for over a year.

Nicaragua	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Yes, they have Powers to make inspections and seize provisionally products, while they require more information from the importer, who, if they do not prove the validity of the products, are seized and processed; In spite of the above, there is no procedure to notify the owners of registered trademarks. Yes ex officio inspections are allowed by our legislation. Yes, there is specific legislation: administrative ruling of the Customs Office.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes, providing to the authority all the information of the infringing party and products, even when they are in transit.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	It is not common in current practice this type of cases, so far in 2018 there is no reported any case.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information	

	regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	If they are required by the authorities to provide information, they are obligated to do so. Usually, they cooperate since this is a requirement of the Attorney General Office or the Court. The cooperation is also looking forward to obtaining the release of containers where the merchandise was transported and is kept at the customs warehouses.
	How do Customs agents, trademark owners and experts interact?	In Nicaragua, interaction of these parties starts by request of the trademark owner, initiates border measures when merchandise in transit is presumably infringing third party's rights. The Customs agents by request of the national police (who act by the request of the trademark owner) are in handle of the administrative coordination that permits the authorities to perform the legal actions over the merchandise (inspections, seizures, technical analysis of legal experts, among others) and they have to be very diligent and coordinated to make the proceedings expedite and efficient. The trademark owner is responsible to provide the legal support to the authorities, documentation, information of the infringed trademark and infringing party

Panama	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Authorities that, by Law, have the power to engage in inspections in any location in the national territory Or in the duty-free zones and, in such base, authority to withhold or seize merchandise under the assumption of breach of Intellectual property Rights, are the National Customs Authority and the Office of the Specialized Attorney general Office for Crimes against Intellectual property and Informatics Security. Inspections conducted by any of these entities are an "ex-officio" proceeding although this does not imply that interested third parties may file complaints. Dispositions in Executive Decree No. 79 of August 1997 through which regulations are enacted for Articles 176 and 177 of Law N° 35 of 10 May 1996.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Pursuant to transshipment, it being understood as the transfer of merchandise from a means of transportation to another, that implies a transfer operation, it is our opinion that the Colon Duty Free Zone and all other Duty-Free Zones or Processing Zones will have the capacity to engage in pertinent actions while the goods are within their territorial scope.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	In terms of enforcement of actions against Intellectual Property crimes, the Colon Free Zone or the Processing Zones do not register much activity.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information	Auxiliaries, understood as customs brokerage agents and intermediaries of the customs public management, the latter understood as customs depositors, customs transporters, international cargo

	<p>regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?</p>	<p>operators and express delivery companies, will be responsible for all tax related consequences derived from actions or omissions that may be incurred by them or their employees, that may lead to infractions to customs dispositions, without prejudice of civil, criminal and administrative penalties to which they be legally subject.</p>
	<p>How do Customs agents, trademark owners and experts interact?</p>	<p>Interaction between these parties arises from proceedings dictated by Executive Decree No. 466 of 20 October 2015, through which it is established that the National Customs Authority will have the power, within the entire domestic territory, to inspect and/or withhold merchandise that may be in breach of outstanding legal regulations concerning Intellectual property, copy rights or rights related thereto and, upon execution of any such retention, engage in all required notices to title holders of the trademarks (owners of the protected Intellectual Property Right) who may request, through attorney, a sample or samples of merchandise withheld, for their due observance, so that having fulfilled procedures established in the aforementioned regulation, the event is made known to the Public Ministry for its continuation with the proceedings and before whom presentation will take place by an expert (a certified expert or individual knowledgeable of the trademark) who will engage in proceedings for determination of whether merchandise place at its consideration is or is not in breach of intellectual property rights. Interaction is thus, once of the closest nature and action.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Paraguay</p>	<p>Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?</p>	<p>Yes. National Customs Authorities can make inspections. Seizing of goods are done executing Judicial orders, at the request of Prosecutor's Intellectual Property Specialized Unit, which is the holder of the legal action. National Customs Authorities can perform ex officio inspections but destruction of goods can only be done with a judicial order, at the competent Prosecutor's request, once the expert's report confirm that that goods are counterfeited. The Patent and Trademark Office (DINAPI) through its General Directorate for Enforcement is also entitled to carry out controls to detect alleged infringing goods. This detection is done mainly at customs, where goods are evaluated and complaints are filed to the competent Prosecutor. There is no specific legislation that establishes the procedure in FTZ and the specific law that regulates FTZ does not contemplate exceptions to general legislation, hence FTZ are subject to the same law and regulations that apply to the general regular rules. Free zones are areas of the national territory located and authorized as such by the Executive Branch. They are subject to the fiscal, customs and administrative control established in the law and in the pertinent regulations. It is regulated by Law N° 523/95 - "Authorizing and establishing the Free Zones Regime" and its regulatory Decree N° 15.554 / 96 - "Regulating the Free Zones Law", among others, establishes the guidelines related to activities in zones.</p>
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	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Yes. Infringing goods can be seized regardless of their location and status (transship, in transit or stored). IPR infringements are considered a matter of public interest subjected to territoriality. The seizure of infringing goods in transit is not expressly contemplated in our legislation but in practice that is allowed by authorities.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	Authorities in the FTZ must be as active as any other authority. Therefore, there are cases related to counterfeit or infringing goods in the FTZ.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	Intermediaries in the FTZ areas are subject to the same obligation stipulated in our general legislation. They are forced to provide the information regarding beneficial owners of counterfeited or infringing goods. They do have an obligation to support law enforcement and/or Prosecutors in criminal actions.
	How do Customs agents, trademark owners and experts interact?	There is an acceptable degree as far as the interaction among Custom agents, trademark owners and experts.

Peru	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	Customs authorities, the Judicial Branch (Prosecutors specialized in Customs crimes and against Intellectual Property rights) and the officers of the Peruvian Trade Mark and Copyright Office have faculties to perform inspections and seize goods that may be infringing Intellectual Property rights in the Free Trade Zones (article 165 of Legislative Decree No. 1053). These measures may occur ex officio or requested by a party. Moreover, Peruvian legislation has foreseen border measures in the Legislative Decree No. 1092 (Border Measures Law) and the Supreme Decree N° 003-2009-EF (regulation of the aforementioned law).
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	According to the Legislative Decree N° 1092, when it can be presumed that the goods are destined to the regimes of importation, exportation or transit, are counterfeited or pirate goods, the border measures will be applied in order to protect Copyright and Neighboring rights and Trade Mark rights. Therefore, the Customs authorities will suspend the release of the goods, because it has been requested by the right holder (article 5) or it can be done ex officio (article 9). The seizure will proceed after the complaint has been filed because of infringement of Intellectual Property rights.

	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	The Customs authorities and the Peruvian Patent and Trade Mark Office issues daily alerts to the holders of the copyright and trade mark rights so they can file a complaint. In some cases, the rights holders have filed complaints in border measures and, in other cases, in the regular infringement procedure at the Peruvian Trade Mark or Copyright Office.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	The cargo agents or Customs agents are companies that are in charge of the logistic operations so that the importer and/or exporter enters or extracts the goods to national territory. They participate in the seizure diligences of seizure of the infringing goods. Therefore, the cargo agents or the Customs agents and the Customs terminals cooperate with the authorities so the goods are detained, to enable the precautionary measures of seizure can be executed.
	How do Customs agents, trademark owners and experts interact?	The Customs agents and the agents of the Peruvian Trade Mark and Copyright Office perform institutional reunions regarding the developments of these measures. The rights holders perform training reunions for the Customs agents and the authorities of the Peruvian Trade Mark and Copyright Office so the infringing goods may be identified.

Uruguay	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	The new Uruguayan Customs Code (September, 2014) states that the National Board of Customs can carry out selected controls of entrance, permanence and exit of merchandise, counting on their own offices within the Free Trade Zone buildings. This area is deemed a customs special surveillance area and Customs is allowed to seize allegedly counterfeit merchandise. Customs has authority to make inspections and seize counterfeit and infringing goods ex officio or after brand owner's actions.
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	Customs can seize not only stored merchandise, but also transshipped and in transit goods. Customs powers in the Free Trade Zone allows trademarks to have a second chance to intercept the infringing goods, if they could not do it at the port or airport.
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	The trademark recordation at Customs allows the entity and its employees to know the features of the original products of each trademark, so that they can retain the goods infringing such trademarks. Whenever suspicious products are found, Customs reports this to the trademark representatives, providing them details of the allegedly counterfeit products, such as the origin, destination, etc., and allowing them to attend the seizure proceeding. Then, the representatives study the authenticity of the products and report to the trademark owners, providing them all the information, with pictures of

		the merchandise, so that the trademark owners can evaluate the situation and decide whether they will file a criminal claim asking for the seizure and eventual destruction of the fake products.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	In general, the intermediaries are not willing to cooperate actively, in order to avoid being investigated. However, in many times the Prosecutor of Attorney in charge of the cause, ask them for the documents related to the shipment (invoices, BL, packing list, licensees, etc) or also interrogate them in hearing.
	How do Customs agents, trademark owners and experts interact?	The cooperation between the parties involved is good. Customs agents always are willing to inform to the trademark owners or their legal representatives in case that they find suspicious products in order to verify, take pictures and get information to file the complaint; also the Prosecutor of Attorney is informed and gives instructions on how to proceed from the inspection until the destruction with the decision of the Judge.

Trinidad and Tobago	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	The Trinidad and Tobago Free Zones Act Chap. 81:07 addresses the general framework for FTZ in T&T. The Act does not expressly provide for the inspection and seizure of counterfeit and infringing goods but it does allow for the inspection of records in certain circumstances. These include: Where a person conducting insurance business establishes a branch in a free trade zone, the Company shall permit the Inspector of Financial Institutions or any person authorized by him to enter that free zone for the purpose of carrying out the inspection of records (section 17(6)). The Act further states that the company and every approved enterprise which imports any materials, articles or manufactured goods into a free zone with any benefit in respect of Customs duty under this Act shall permit the Comptroller at all reasonable times to inspect the records relating to those materials, articles or manufactured goods (section 22(1)(d)). Generally, the act gives power to the Inspector of Financial Institutions or any person authorized by him at all reasonable times to inspect any records and any documentation relevant thereto (section 17(5)(b)).
	Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?	The Act does not expressly provide for nor does it imply that it is possible to seize transshipped counterfeit or infringing goods or goods in transit in the FTZ. However, the Act does allow for goods to be retained in a free zone where duties are unpaid. The Act states that where any goods are dutiable on entry into the Customs territory and if such goods are intended to be disposed of in the Customs territory, they shall not be removed from a free zone until the Comptroller is satisfied that all import

		restrictions have been complied with and all duties and taxes payable in connection with the importation into the customs territory have been paid or security given (section 18(7)).
	How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?	At present the authorities are not particularly active in the FTZ per say. The various arms – Police, Customs (other agencies for example Bureau of Standards) tend to operate independently of each other in relation to counterfeit goods. So we are not aware of any targeting activity in the FTZ. Not aware of any counterfeit matters to date in the FTZ.
	What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?	The Act does not explain the role of intermediaries. Notwithstanding, intermediary parties should support law enforcement and/or prosecutors in criminal actions. If they refuse to assist or if they are unwilling to provide information regarding beneficial owners of counterfeit or infringing goods, measures can be taken through legal proceedings to compel them to do same. If an Order is given, be it civil or criminal, making a request of the intermediary, they are obliged to comply with the requests of such Order. Failure to do so can result in civil or criminal penalties.
	How do Customs agents, trademark owners and experts interact?	It is unlikely that customs agents, trademark owners and experts interact on a regular basis. However, it is always in the best interest of all parties to co-operate and work with a common aim of eliminating counterfeit of infringing goods from the market. Trademark owners can benefit from customs agents since they can be a source of providing useful information pertaining to counterfeit goods or of reporting attempts to import and/or export them.

Venezuela	Do Customs, Prosecutors, law enforcement and/or any other governmental authority have powers to make inspections and seize counterfeit and infringing goods at FTZ? Are ex officio inspections allowed to be performed or it is mandatory the filing of criminal complaint? Is there specific legislation that establishes the procedure in FTZ?	The "Customs Control Division" (Gerencia General de Control Aduanero y Tributario) was established in 2009. Since then, there is a customs office in every port, and free trade zone in Venezuela. They are empowered by law to inspect any goods. To give you some additional background and color on this, note that in 2005 Venezuela updated its laws to be more in line with the TRIPS in relation to the enforcement of IP rights. That year, Venezuela reformed its "Arancel de Aduanas" and incorporated an article which establishes a prohibition to importation and circulation throughout the national territory of any goods that violate intellectual property rights. This norm allowed the development and constant increase of the inspection tasks of vessels, containers and loads in customs. In addition, this gave authorities the possibility to inspect and take actions against goods in transit and storage that have left customs.
		The "Customs Control Division" has some of the following competences: Begin any surveillance and initiate any action against possible counterfeited goods. Coordinate all the programs and activities in

<p>Is it possible to seize transshipped counterfeit or infringing goods, or goods in transit in the FTZ?</p>	<p>conjunction or combination with the law enforcement authorities. Determine and apply sanctions. Authority to order a party to desist from an infringement, prevent the entry of imported goods that infringe intellectual property rights.</p>
<p>How active are authorities in the FTZ? Are there any cases relating to counterfeit or infringing goods in the FTZ?</p>	<p>Having said all this, and as a result of many different reasons (including the widespread lack of adherence to the rule of law that our country currently faces) we unfortunately see in practice that IP right holders are the one that need to be specially proactive in taking administrative actions and making requests to the authorities for defending and protecting their rights. The border measures applied by the Venezuelan authorities are very effective in combating counterfeiting and piracy, as they are undertaken by officials who proactively ensure compliance of the law.</p>
<p>What is the role of intermediaries (freight forwarders, shipping lines)? Are they willing to provide information regarding beneficial owners of counterfeit or infringing goods? Are they supporting law enforcement and/or Prosecutors in criminal actions?</p>	<p>Normally they don't collaborate or provide information however they must cooperate with the authorities if they are obliged.</p>
<p>How do Customs agents, trademark owners and experts interact?</p>	<p>There are three different ways to interact with the authorities. By of the record lobbying, official briefs and by trademark owner seminars.</p>