FEDERIS
INTELLECTUAL PROPERTY LAW

IPR ENFORCEMENT WITH THE BUREAU OF CUSTOMS

Registration of the IPR with the Bureau of Customs

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NOTICE OF ALERT/HOLD ORDER

Bureau of Customs notifies counsel or representative about the import shipment of suspected counterfeit goods. It is also possible for the representative or counsel to inform the Bureau of Customs of a suspected shipment. Once the suspected shipment arrives, it will placed on hold for the conduct of physical examination to confirm whether or not the goods are indeed counterfeit.

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PHYSICAL EXAMINATION OF DETAINED GOODS

Within 24 hours from the issuance of the Alert/Hold Order, the suspected shipment is physically examined by the IPR owner, representative or product expert to determine whether the goods are counterfeit or not. A certification by the IPR owner, representative or product expert must be issued.

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WARRANT OF SEIZURE AND DETENTION

If the goods are counterfeit, IPU-CIIS will issue a Warrant of Seizure and Detention, a copy will be served upon the importer/consignee of the said shipment.

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CONTEST PERIOD FOR COMPLAINANT/CONSIGNEE

Upon seizure, the District Collector shall, within five (5) working days from the date of seizure, give the claimant, importer or the owner of the seized articles or his agent a written notice of seizure and shall give him opportunity to be heard. The Collector shall likewise inform the IPR owner or his duly authorized representative of the seizure. If after ten days from notification, no claimant, owner, agent appears or can be found, the District Collector shall declare the goods forfeited in favor of the Government.

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HEARING
(Administrative Proceedings)
The Bureau will invite the IPR owner/holder or his representative, the consignee of the goods in question and other witnesses who can provide information regarding the case

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FORFEITURE or RELEASE
There are only two options that exist in a decree: forfeiture or release of shipment. Forfeiture if the goods are found to be counterfeit and in violation of the IP Code and Tariff and Customs Code; and release of shipment upon lifting of the issued Alert/Hold Order.

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DESTRUCTION OF COUNTERFEIT GOODS