

# Customs Surveillance in Japan Based on TM Infringement

May 14, 2011



## Documents to be Submitted for Suspension Request (1/2)

### Required

- Application (*See Slide 4*)
- Copy of Trademark Register
- Pictures of overall counterfeit products
- Infringement Opinion, if counterfeit products and TMs are not the same as those of registered TM
- Enlarged pictures for distinguishing counterfeit products (*See Annex 1*)
- Power of attorney

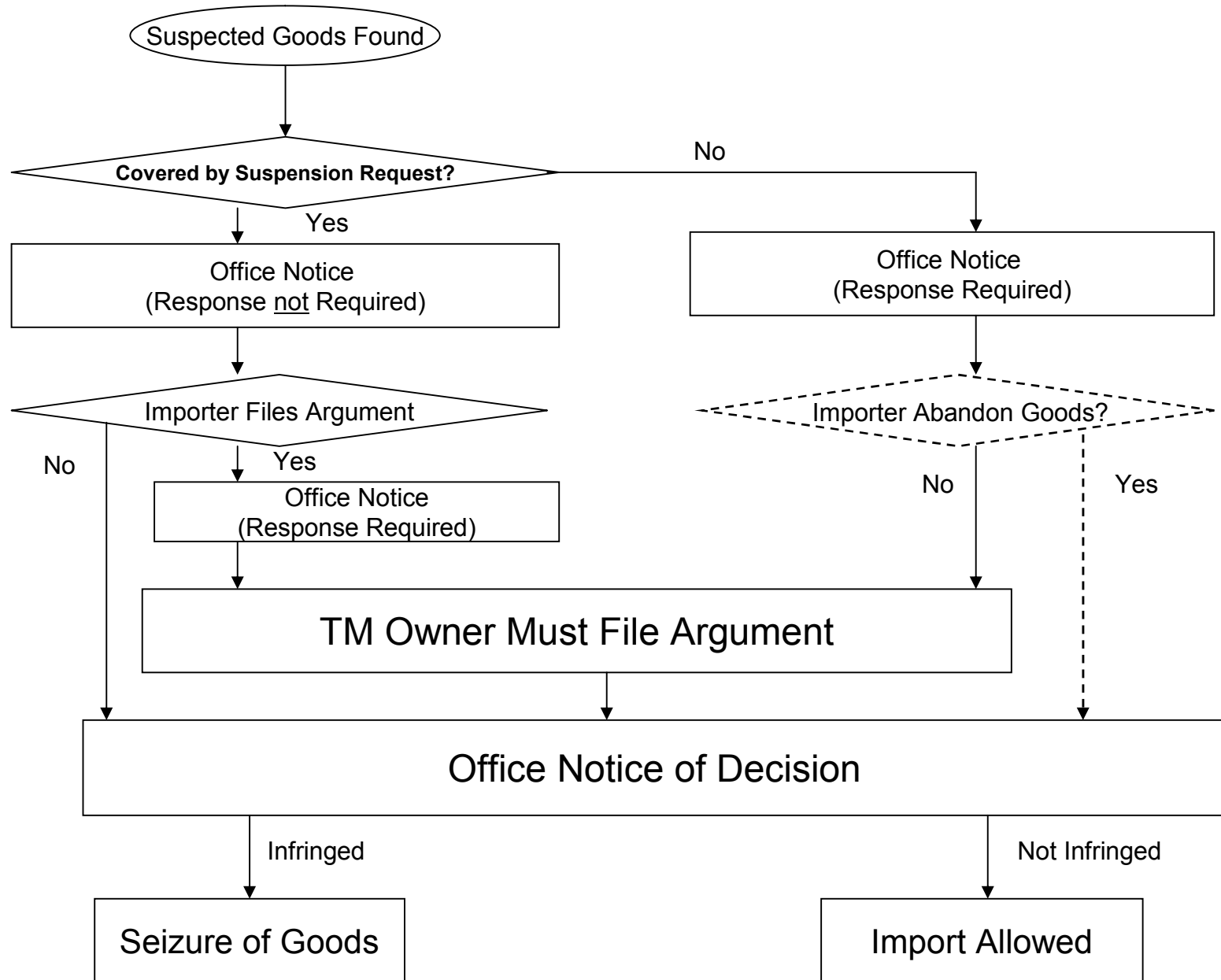
## Documents to be Submitted for Suspension Request (2/2)

### Recommended

- Information about genuine products imported into Japan
  - Countries where the same TM has been registered
  - Foreign TM owner(s)
  - Foreign TM licensee(s)
- Counterfeit product information

# For the Application, Please Provide:

- TM Registration No.
- TM Registration Date
- Name, Address, Phone No. of Any Licensee of TM
- List of products infringing TM rights
- Requested period for surveillance (up to 2 years)
- Expected importer of counterfeit products
- Litigation information, if any
- Other information relevant to infringement  
(*e.g.*, Transmittal of warning letter)



## Fee Schedule (1/4)

<b>Filing Application for Import/Export Surveillance</b>	
Basic Fee for One (1) TM against One (1) Kind of Counterfeit Product	JPY 380,000
Additional Fee for an Additional TM or an Additional Kind of Counterfeit Product	JPY 80,000 Ex. Two (2) TMs are Enforced Against Three (3) Kinds of Counterfeit Products. JPY380,000 + JPY80,000 x 3

\*When filing applications for both import and export surveillances at one time, our fee for export surveillance is discounted for 50 %.

## Fee Schedule (2/4)

<b>Suspending Counterfeit Product</b>	
Reporting Counterfeit Product to Client and Docketing the Same	JPY 20,000
Responding to Customs for Suspension and Reporting the Same	JPY 40,000 (This is required only when the importer files any argument or imported product is different from that described in the application)
Filing Infringement Opinion	JPY200,000 (This is required only when the counterfeit product bears a different but similar trademark.)

## Fee Schedule (3/4)

<b>Amendment of Import/Export Surveillance</b>	
Basic Fee for Adding or Changing One (1) TM or One (1) Counterfeit Product	JPY 190,000
Additional Fee for Adding or Changing TMs or Counterfeit Products (Per additional TM or Counterfeit Product)	JPY 80,000



## Fee Schedule (4/4)

<b>Petition of Renewal for Import/Export Surveillance</b>	
Renewing Surveillance Request	<b>JPY 100,000</b>

The surveillance request must be renewed when the TM registration is renewed or after two (2) years have past from the last request, whichever is earlier.