

Decision of the State Customs Committee of the Republic of Belarus

No. 55 of June 20, 2007

On Customs Operations Connected with Suspension of the Customs Clearance of the Goods Containing Intellectual Property Objects

With a view of ensuring realization by the customs body the functions on protection of the intellectual property rights and on the basis of article 95 of the Customs Code of the Republic of Belarus the State Customs Committee of the Republic of Belarus has decided:

1. This decision determines the order for formalizing the decisions on suspension of the customs clearance of the goods in respect of which the signs are discovered, indicating that the goods may be infringing (hereinafter - the goods), about cancellation of such decisions, as well as the order for prolongation of the period for suspension of the customs clearance and giving the notification to the applicant and declarant about making the decisions on suspension of the customs clearance of the goods and about prolongation of the period for suspension of their customs clearance.

2. The decision on suspension of the customs clearance of the goods, made by the official of the customs body authorized to take such decision on the results of the undertaken operations for the customs control, is formalized in writing by putting into the customs declaration, submitted for the purpose of placing the goods under the customs regime, the remark: "The customs clearance is suspended since ___ till ___ by the reason of revealing the following signs, being indicative of the fact that the goods may be infringing: _____" with indication of the date of the decision making about suspension of the customs clearance of the goods and the number of the decision on realization by the customs bodies of the measures on protection of the rights to intellectual property, in the purpose of which performance the customs clearance the goods is suspended, as well as the job titles, surnames and initials of the official, who made the decision about suspension of the goods customs clearance.

The record about suspension of the customs clearance is performed in the box of the customs declaration, intended for official remarks the customs, reflecting the results of the operations for the customs supervision, but in the absence of sufficient place in such box – on the back side of the customs declaration.

In the event of the sufficient place absence in the customs declaration for enumeration of revealed signs being indicative of the fact that the goods may be infringing, there is admitted to constitute in a free form the list of such signs, which is enclosed to the customs declaration, about which in it there is made the corresponding reference.

The record about suspension of the customs clearance and the list of signs, being indicative of the fact that the goods may be infringing, are notarized by the containing the number personal seal of the official of the customs body, who made the decision about suspension of the goods customs clearance.

3. The period for suspension of the goods customs clearance is calculated from the working day, following after the date of decision making about such suspension.

4. The customs body, by which officials was made the decision about suspension of the customs clearance, informs the declarant and the applicant about the made decision made by giving to him the notification on suspension of the customs clearance of the goods (hereinafter - giving the notification) per the form according to Annex 1 to this decision.

In the event of impossibility to deliver the notification, it is sent through mail by the registered letter or is sent by any other manner, allowing to inform urgently the applicant and declarant and to define the date of their reception of the given notification. In this case to the notifications copies, remaining for storage in the customs body, are enclosed the documents confirming the fact of their mailing or of another manner of delivery to the applicant and declarant.

The notification is filled in five exemplars. The first exemplar subjects to keeping together with the decision on suspension of the customs clearance for the goods. The second and third exemplars are accordingly handed (delivered) to the declarant and applicant. In the event of prolongation for the period of suspension for the customs clearance the fourth and the fifth exemplars are handed (delivered) accordingly to the declarant and applicant, but in the first exemplar there are filled the corresponding boxes. If the period for suspension of the customs clearance was not prolonged, the fourth and fifth exemplars are subjected to keeping together with the decision on suspension of the customs clearance.

The notification on suspension of the customs clearance is given a number which has the following structure:

NNNN/G/TTPPP,

where NNNN—is the number of notification on suspension of the customs clearance which has a through sequence of numbers within a year and starts with the number "0001";

G—the last digit of the current year;

TT—the code of the customs body, which the official person has made the decision about suspension of the goods customs clearance;

PPP—the code of the customs terminal into which there are represented the goods, the customs clearance of which is suspended.

5. The period of suspension of the customs clearance may be prolonged under the written application of the applicant by the head of the customs body being authorized to make the decision on suspension of the customs clearance of the goods, by making the entry into the decision on suspension of the goods customs clearance: "The period of suspension is prolonged till ____". The entry is made below the record on suspension of the goods customs clearance and is notarized by the containing number personal seal of the official person, who has prolonged the indicated period.

The customs body, which official has made the decision about prolongation of the period for suspension of the goods customs clearance, within the period not later than one working day, following after the date, when there was made the indicated decision, informs about this the declarant and the applicant by delivering to them the notification with filling the corresponding lines.

The delivery of such notification is executed in the order, established by the second part of clause 4 of the persisting Decision.

6. The registration of delivery the notification is performed in the journal for registration of delivery the notifications about suspension of the goods customs clearance per the form according to application 2 to the persisting Decision.

7. The journal for registration of delivery the notifications about suspension of the goods customs clearance is filled in the following order:

in column 1 there is indicated the serial number of the record making into the journal;

in column 2 there is indicated the date of decision making about suspension of the goods customs clearance;

in column 3 there is indicated the number of the notification;

in column 4 there are indicated the period and the date of the notification handing (delivery) to the declarant and applicant in the manner of HH.MM.DD.MM (hour, minute, day, month), as well as the manner of the notification delivery with indication of the address, the number of the fax message (electronic mail);

in column 5 there are indicated the job title, surname and initials of the official person, who sent the notification to the declarant and applicant;

in column 6 there are indicated the time and date of handing (delivery) of the notification about prolongation of the period for suspension of the goods customs clearance to the declarant and applicant in the manner of CHCH.MM.DD.MM (the hour, minute, day, month), as well as the manner handing (delivery) of the notification with indication of the address, the number of the fax message (electronic mail);

in column 7 there are indicated the job title, surname and initials of the official person, , who sent the notification about suspension of the goods customs clearance to the declarant and applicant;

in column 8 there are indicated the actions, performed with the goods, which customs clearance was suspended (the customs clearance is renewed or the decision on suspension of the goods customs clearance is cancelled, the date and the grounds for renewing the customs clearance or cancellation of the decision on suspension of the goods customs clearance.

8. Cancellation of the decision on suspension of the goods customs clearance is arranged by putting into the customs declaration, on which there is recorded the decision on suspension of the goods customs clearance, the record: "Suspension of the goods customs clearance is cancelled since __ in connection with _____" and indication of the job title, surname and initials of the official person who cancelled the decision on suspension of the goods customs clearance. The record is put below the entry about suspension of the goods customs clearance and is notarized by containing the number personal seal of the indicated person or the seal of the customs body, the official of which cancelled the decision on suspension of the goods customs clearance

9. [Not given]

10. The heads of the custom-houses shall:

accredit the official persons for making the decisions on suspension of the goods customs registration, about cancellation of such goods, and also about prolongation of the period for suspension of the goods customs registration;

bring the contents of this Decision to the personnel of the custom-houses.

11. This Decision enters into force since the day of its official publishing.

12. To entrust control over execution of this Decision to the Vice-chairman of the State Customs Committee of the Republic of Belarus V.A. Goshin.

Chairman

A.F.SHPILEVSKIY
