

Law on the Protection of Intellectual Property in the Field of Import and Export of Goods

21 December 2000 No. IX—117

Vilnius

TABLE OF CONTENTS

	<i>Article</i>
Chapter 1:	General Provisions
	Purpose of the Law 1
	Main Concepts of the Law 2
	Application of the Law to Moulds and Matrices 3
	Non-applicability in Certain Cases of Action by Customs Authorities Prescribed by Law 4
	Prohibition to Bring Goods to be Considered as Goods Infringing an Intellectual Property Right into the Customs Territory of the Republic of Lithuania and to Assign them Customs-approved Treatment or Use 5
Chapter 2:	Application for Action to be Taken by the Customs Authorities
	Lodging an Application for Action to be Taken by the Customs Authorities 6
	Contents of the Application for Action to be Taken by the Customs Authorities and Accompanying Documents and Information 7
	Fee Charged for Customs Services in Dealing with the Application 8
	Dealing with the Application for Action by the Customs Authorities 9
	Security 10
	Information on the Changes of the Holders of Intellectual Property Rights or Expiry of the Validity of the Rights 11
	Notification of the Holder of Intellectual Property Rights or his Representative of Suspected Infringement of his Rights (Detention of Goods on the Initiative of the Customs Authorities) 12
	Notification of Customs Offices of the Taken Decision 13
Chapter 3:	Action by Customs Authorities and Court Decisions
	Actions Taken by the Customs Authorities in the Implementation of Decisions of the Customs Department 14
	Applying to the Court and Court Decision 15
	Period of Detention of Goods and Measures to be Applied to the Goods in Question 16
Chapter 4:	Measures with Respect to the Goods Detained by the Customs Authorities, Recognised by the Court as Infringing an Intellectual Property Right
	Measures Applicable after the Court Recognises the Goods as Infringing an Intellectual Property Right or Dismisses the Claim 17
	Provision of Additional Information to the Applicant... 18
Chapter 5:	Final Provisions
	Liability 19
	Customs Co-operation with other State Institutions and International Co-operation 20
	International Agreements of the Republic of Lithuania 21
	Implementation of the Law 22
	Entry into Force 23

Chapter One **General Provisions**

Purpose of the Law

1. This Law shall regulate customs activities relating to the protection of intellectual property in the field of import and export of goods, the conditions of the said activities as well as actions in respect of detained goods which are recognised by the court decision as being goods infringing an intellectual property right.

Main Concepts of the Law

2.—(1) **“Intellectual property”** means the copyright, related rights and industrial property (trade marks, inventions and industrial design) rights.

(2) **“Applicant”** means the holder of intellectual property rights or his representative who submits an application for the protection of his rights by action taken by the customs authorities.

(3) **“Holder of intellectual property rights”** means:

1. the owner of a registered trade mark or mark recognised as well-known in the Republic of Lithuania according to the procedure established by law, owner of a patent for invention, owner of the registered industrial design, holder of copyright or related rights;

2. successor in title of persons specified in paragraph 3(1) of this Article ;

3. any other person possessing a licence to use a trade mark, a patented invention, an industrial design, a work or an object of related rights and copies thereof.

(4) **“Representative”** means

1. a representative of the holder of intellectual property rights—a legal or a natural person or an enterprise without the rights of a legal person, also patent attorneys of the Republic of Lithuania ;

2. a collective administration association administering copyright and/or related rights, which operates according to the procedure established by law.

(5) **“Goods”** means movable property which may be an object of foreign trade and which:

1. bears a trade mark;

2. is a work, an object of related rights or copies thereof;

3. a product registered as an industrial design or a copy of such product;

4. a product obtained by using a patented invention.

(6) **“Goods infringing an intellectual property right”** means:

1. goods bearing without authorisation a trade mark (counterfeit goods)

2. infringing copies;

3. goods infringing the rights of the owner of a patent for invention.

(7) **“Goods bearing without authorisation a trade mark (counterfeit goods)”**

means:

1. goods, including the packaging thereof, bearing a mark which is identical to the trade mark validly registered or recognised as well-known in the Republic of Lithuania according to the procedure laid down in the Law on Trade Marks or which cannot be distinguished in its essential aspects from such trade mark, and which thereby infringe the rights of the holder of the trade mark in question established by the above-mentioned Law;

2. any trade mark symbol (logos, labels, stickers, brochures, instructions for use, guarantee documents, etc.), whether presented separately or not, and bearing the same characteristic elements as those specified in paragraph 6(1) of this Article;

3. packaging materials (paper, cardboard, textile fabrics, film, etc.) presented separately and bearing characteristic elements specified in paragraph 6(1) of this Article.

(8) **“Infringing copies”** means:

1. goods which are copies of a work or of an object of related rights made without the consent of the author or the holder of related rights, their successor in title or the person duly authorised by them, as well as copies of a work or an object of related rights in which the information on the possession of the rights of the author or the holder of related rights has been removed or altered without the consent of the author or the holder of related rights;

2. goods which are copies of products registered as industrial design (including copies and products which are composite parts of other goods) made without the consent of the owner of the industrial design or his successor in title or the person duly authorised by him.

(9) **“Goods infringing the rights of the owner of the patent for invention”** means goods produced by infringing the rights of the owner of the patent for invention established in the Patent Law of the Republic of Lithuania .

(10) **“Security”** means a written undertaking by a banking institution or insurance company established and functioning in the Republic of Lithuania and possessing a licence to engage in banking or insurance activities whereby it pledges to cover any liability vis-a-vis the customs authorities if:

1. the applicant fails to satisfy the claims of the persons concerned after the customs authorities have taken action on his initiative;

2. the applicant fails to ensure payment of the costs incurred by the customs authorities in delivering the goods detained on his initiative to the place under customs control and in keeping the goods in question under customs control;

3. the owner, consignee or importer of the goods in question, having lodged an application for placing the goods detained by the customs authorities on suspicion that they are goods infringing an intellectual property right under the customs procedure or for assigning the goods any other customs-approved treatment or use, fails to meet the claims of the holder of intellectual property rights.

(11) Other terms used in this Law have been defined in the Customs Code, the Law on Copyright and Related Rights, the Law on Industrial Design, the Law on Trade Marks, and the Patent Law.

Application of the Law to Moulds and Matrices

3. Any mould or matrix which is specifically designed or adapted for the manufacture of a counterfeit trade mark or of goods bearing such a trade mark or of infringing copies or goods infringing the rights of the owner of a patent for invention shall be treated as goods infringing an intellectual property right, as appropriate, provided that the use of such moulds or matrices infringes the rights of the holder of intellectual property rights established by law.

Non-applicability in Certain Cases of Action by Customs Authorities Prescribed by Law

4.—(1) Action by the customs authorities prescribed by this Law shall not be taken if the goods which are intended for entry into the customs territory of the Republic of Lithuania (including the cases of carriage of goods in transit), release for free circulation, outright export, re-export, keeping or use, upon placement thereof under other import and export customs procedures, or entry into a free zone or free warehouse without a specific consent of the holder of intellectual property rights relating to certain goods (a licence for using an object of intellectual property rights in the Republic of Lithuania):

1. bear a trade mark licensed for use abroad or a trade mark licensed for use in the Republic of Lithuania, however, not according to the terms and conditions laid down in the trade mark license contract;

2. in relation to which remedies afforded to the owner of the patent for invention, owner of industrial design, holder of copyright or holder of related rights or their successor in title are applicable; which are produced under license to manufacture abroad or in respect of which the remedies open to the holder of intellectual property rights listed in this subparagraph are applicable; which are produced under licence authorising the production thereof in the Republic of Lithuania, however, not according to the terms and conditions laid down in the license contract concluded with the holder of the relevant rights.

(2) Action by the customs authorities prescribed by this Law shall not be taken with respect to goods (articles) of non-commercial nature or those not intended for production purposes, contained in the travellers' personal luggage, for which relief from import duty is granted or permission to make an export declaration in a simplified manner (by word or act) is given according to the procedure established by the Government.

Prohibition to Bring Goods to be Considered as Goods Infringing an Intellectual Property Right into the Customs Territory of the Republic of Lithuania and to Assign them Customs-approved Treatment or Use

5. Goods which are to be considered as goods infringing an intellectual property right shall be prohibited from being brought into the customs territory of the Republic of Lithuania (including the carriage of such goods in transit), being released for free circulation, being an object of outright export and re-export, being placed under other export and import procedures, also from entry into a free zone and free warehouse. If in the course of customs control by the customs authorities it appears evident that goods to be considered as goods infringing an intellectual property right are intended to be placed under prohibited procedures listed in this Article, action by the customs authorities prescribed by this Law shall be taken with respect to the goods.

Chapter Two
Application for Action to be
Taken by the Customs Authorities

Lodging an Application for Action to be Taken by the Customs Authorities

6.—(1) The holder of intellectual property rights or his representative shall be entitled to lodge an application in writing with the Customs Department under the Ministry of Finance (hereinafter—Customs Department) for action to be taken by the customs authorities in order to protect the rights of the person, if he knows or suspects that goods infringing an intellectual property right are intended to be brought into the customs territory of the Republic of Lithuania (including their carriage in transit), released for free circulation, outright export, re-export or are to be placed under other import or export procedures or entered into a free zone or free warehouse.

(2) The form of the application referred to in paragraph 1 of this Article shall be established by the Government or the institution authorised by it.

*Contents of the Application for Action to be Taken by the
Customs Authorities and Accompanying Documents and Information*

7.—(1) The application indicated in Article 6 of this Law shall be accompanied by:

1. a detailed description of the goods (including the code of the goods according to the Combined Tariffs and External Trade Statistical Nomenclature, elements of packaging and costs, if known to the applicant), samples, photographs, drawings of the goods and/or any other pertinent information relating to the features of goods which would help the customs authorities to distinguish the goods infringing an intellectual property right from the lawfully produced goods;

2. proof referred to in paragraph 2 of this Article that the applicant is the holder of intellectual property rights for the goods in question or a representative of the holder;

3. information about the applicant (name of the legal person or name and surname of the natural person, the official address, phone and fax numbers) and about other persons of the Republic of Lithuania entitled to import or export the goods referred to in paragraph 1(1) of this Article (if such persons are known to the applicant).

(2) The application shall be lodged with the following proof that the applicant is the holder of intellectual rights for the goods in question or his representative attached thereto:

1. certificate of registration of a trade mark or an extract from the Register of Trade Marks of the Republic of Lithuania if the person is the rights holder of a registered trade mark;

2. an effective court decision to recognise the mark as well-known in the Republic of Lithuania if the person is the rights holder of a well-known mark;

3. a patent for invention or an extract from the Register of Patents of the Republic of Lithuania if the person is the owner of a patent;

4. certificate of industrial design or an extract from the Register of Industrial Design of the Republic of Lithuania if the person is the owner of a registered industrial design;

5. any available proof of the authors' rights or related rights if the person is the holder of copyright or related rights;

6. a license contract and appropriate evidence specified in subparagraphs 1, 2, 3, 4 or 5 of this paragraph if the person possesses a licence for the use of a trade mark, well-known mark, patented invention or industrial design, a work or an object of related rights;

7. the proof referred to in the appropriate subparagraphs and the document of authorisation and/or any other documents evidencing the person's powers granted to him, if the person is a representative of any of the persons listed in subparagraphs 1 to 6 of paragraph 2 of this Article.

(3) The following shall be submitted with the application:

1. all information relevant to the lodged application and pertinent to the examination thereof, in order to enable the Customs Department to take a decision in full knowledge of the facts related to the application as well as evidence of infringement of the applicant's rights available to him, submitted in support of the application;

2. information on the place of storage of the goods or the presumed place of carrying of the goods across the state border of the Republic of Lithuania and/or the intended destination, particulars identifying the consignment or packages, the scheduled time (date) of arrival or dispatch of the goods, the means of transport which are or could be used for carrying the goods, also the identity of the producer, importer, exporter or holder of the goods.

(4) The information specified in paragraph 3 of this Article may not be a condition of admissibility of the application.

(5) The applicant must also specify in the application the length of the period during which action by the customs authorities should be taken with respect to the transported goods suspected of infringing his rights and to pledge to provide a security referred to in Article 10 of this Law after his application is granted and after the customs detains the goods suspected of infringing his rights, and to give the customs assistance needed in identifying the goods. The length of the period during which the customs authorities are requested to take action may not be longer than the period set in Article 9(2) of this Law.

Fee Charged for Customs Services in Dealing with the Application

8. Fee shall be charged according to the procedure prescribed by laws of the Republic of Lithuania for customs services related to dealing with the application. The amount of the fee shall be set by the Government in proportion to the costs of the services provided.

Dealing with the Application for Action by the Customs Authorities

9.—(1) Upon receipt of an application meeting the requirements set forth in Article 7 of this Law, the Customs Department shall deal with it within 10 working days. Where additional information is necessary for reaching a substantive decision which may be obtained only through expert examination, investigation or by addressing other authorities or through similar actions, the Director of the Customs Department may, by way of exception, extend the time limit set for dealing with the application, but for not longer than 10 working days. The applicant shall be given a written notification of the decision taken or of the extension of the time limit for dealing with the application.

(2) Where a decision is taken to grant the application, the maximum 1-year time limit of action by the customs authorities with respect to the carried goods suspected of infringing

the applicant's rights shall be indicated in the decision. The time limit may be extended upon the applicant's request, however, for not longer than 1 year. Moreover, the set or extended time limit of action taken by the customs authorities may not be longer than the period of validity of the rights of the holder of intellectual property rights or his representative. Any refusal to grant an application shall give reasons therefor in the written decision of the Customs Department which shall also state the applicant's right to appeal against the refusal according to the procedure laid down in the Customs Code and other laws.

(3) A request for the extension of the time period of action by the customs authorities with respect to the carried goods suspected of infringing the applicant's rights shall be dealt with according to the procedure applied for dealing with the initial application for action.

Security

10.—(1) The customs office taking action referred to in Article 14 of this Law may require the applicant, after his application has been granted by the Customs Department, to provide, within a 3-day period after his notification of the action having been taken, a security:

1. to cover any liability on his part vis-a-vis the customs authorities if claims are lodged against it by persons involved in the action by the customs authorities, where the procedure initiated pursuant to Article 14 is discontinued owing to an act or omission by the applicant or where it appears evident that action by the customs authorities has been taken with respect to goods which are subsequently found not to be goods infringing an intellectual property right;

2. to ensure payment of the costs incurred in accordance with Article 14 of this Law in delivering the goods detained by the customs authorities to the place under customs control and in keeping the goods in question under customs control.

(2) The procedure of assessment of the amount of security referred to the paragraph 1 of this Article shall be established by the Government or the institution authorised by it.

(3) The provision of security referred to in paragraph 1 of this Article may be considered not mandatory if:

1. the applicant undertakes in writing to pay the amount requested by the customs authorities after he has received its first written request for the covering of liability referred to in paragraph 1 hereof or for the payment of the costs, and

2. the value of the goods with respect to which action is taken by the customs authorities does not exceed the amount fixed by the Government or the institution authorised by it.

Information on the Changes of the Holders of Intellectual Property Rights or Expiry of the Validity of the Rights

11. The applicant who lodges the application referred to in Article 6 of this Law with the Customs Department shall immediately and within 3 working days notify the Department of the changes of the holders of intellectual property rights for the protection whereof the above application has been lodged or of the expiry of the validity of said rights.

*Notification of the Holder of Intellectual Property Rights or
his Representative of Suspected Infringement of his Rights
(Detention of Goods on the Initiative of the Customs Authorities)*

12.—(1) Where, in the course of checks made during the bringing of goods into the customs territory of the Republic of Lithuania (including cases of carriage of goods in transit), placement of goods under different export and import procedures, also entry of goods into a free zone or free warehouse it appears evident to the customs authorities that goods are infringing intellectual property rights, whereas the application referred to in Article 6 of this Law has not yet been lodged or the Customs Department has not yet made a decision to grant the application, the holder of intellectual property rights or his representative, if known, shall be promptly informed, according to the procedure laid down by the Government of the Republic of Lithuania or the institution authorised by it, of the possible infringement of his rights to enable the person to lodge, within 3 working days from his notification, an application for action by the customs authorities for the protection of his rights with the Customs Department.

(2) In the case referred to in paragraph 1 of this Article goods shall be detained for a period of up to 3 working days from the date of notification of the holder of intellectual property rights or his representative. Within the said 3-day period the person may lodge an application with the Customs Department, pursuant to Article 6 of this Law, for action by the customs authorities for the protection of his rights. In this case the time limit specified in Article 16 of this Law shall run from the date of receipt by the Customs Department of the application by the holder of intellectual property rights or his representative. The declarant and the law enforcement institution empowered under law to protect intellectual property rights shall also be notified of detention of the goods.

Notification of Customs Offices of the Taken Decision

13. Having taken a decision to grant the applicant's application for action by the customs authorities to protect his rights, the Customs Department shall promptly notify all customs offices to which the goods referred to in the application, known or suspected of being infringing goods, may be presented. Action by the customs authorities referred to in Article 14 of this Law shall be taken from the date of notification of customs offices of the decision taken by the Customs Department.

Chapter Three
Action by Customs Authorities and Court Decisions

*Actions Taken by the Customs Authorities in the
Implementation of Decisions of the Customs Department*

14.—(1) Where the customs office which has been notified, pursuant to Article 13 of this Law, of the decision taken by the Customs Department to grant the applicant's application for action by the customs authorities to protect his rights, establishes that goods presented to it correspond to the description of the goods in respect whereof the decision has been taken, it shall detain such goods according to the procedure established by the Government or the institution authorised by it. The customs office which detained the goods shall be entitled to demand from the applicant verification in writing that he considers the goods as infringing his intellectual property rights in respect whereof he has lodged an application specified in Article 6 of this Law.

(2) The territorial customshouse to which the customs office which detained the goods is subordinate shall promptly notify thereof the Customs Department, the declarant or, in certain cases, the person who brought the goods into the customs territory of the Republic of Lithuania and the law enforcement institution authorised by the Government, which is responsible for the protection of intellectual property rights.

(3) The territorial customshouse referred to in paragraph 2 hereof shall notify the applicant, at his request, of the name (name and surname) and address of the declarant and, if known, of those of the consignee and shall also furnish information on the detained goods and their quantity. The territorial customshouse shall provide the above information in compliance with the laws and other legal acts regulating the protection of personal data, state, official and commercial secrets.

(4) Having regard to the conditions of customs control of the goods, the customs office which detained the goods shall afford the applicant and the persons having the right to dispose of the goods the opportunity to inspect the goods and take samples thereof. The customs office shall also have the right to take samples of the goods which have been detained. The goods shall be inspected and samples thereof shall be taken according to the procedure established by the Government or the institution authorised by it.

Applying to the Court and Court Decision

15.—(1) The holder of intellectual property rights or his representative shall have the right to apply to the court, according to the procedure established by law, with a statement of claim for the protection of intellectual property rights and shall support his claim by the information received from the customs authorities, referred to in Article 14(3) of this Law.

(2) The holder of intellectual property rights or his representative shall promptly submit the document evidencing the application to the court, referred to in paragraph 1 of this Article, and the court order regarding the enforcement of remedies with the territorial customshouse to which the customs office which detained the goods is subordinate.

Period of Detention of Goods and Measures to be Applied to the Goods in Question

16.—(1) If, within a period of 10 working days after the applicant has been notified of the detention, the document evidencing the application to court by the holder of intellectual property rights or his representative has not been submitted, pursuant to Article 15(2) of this Law, with the territorial customshouse to which the customs office which detained the goods is subordinate and if no request for extension of the time limit has been received from the holder of intellectual property rights or his representative, the formalities of placement of goods under a customs procedure or assigning the goods any other customs-approved treatment or use for which the detained goods have been presented to customs shall be carried out.

(2) If the holder of intellectual property rights or his representative has been unable for valid reasons to apply to the court within the period of detention of goods specified in paragraph 1 of this Article, the territorial customshouse to which the customs office which detained the goods is subordinate, having received a written request from the holder of intellectual property rights or his representative, may extend the time limit by a maximum of 10 working days.

(3) If the holder of intellectual property rights or his representative notifies, within the period specified in paragraphs 1 and 2 of this Article, the territorial customshouse to which the customs office which detained the goods is subordinate of his consent to the release of

detained goods, the formalities of placement of goods under a customs procedure or assigning the goods any other customs-approved treatment or use for which the detained goods have been presented to customs may be carried out even before the expiry of the above-specified period.

(4) On suspicion that the detained goods are products or components thereof infringing the rights of the owner of a patent for invention or owner of registered industrial design or the successor in title of any of the above persons, the formalities of placement of goods under a customs procedure or assigning the goods any other customs-approved treatment or use for which the detained goods have been presented to customs may be carried out at the request of the owner, consignee or importer of the goods not only in cases referred to in paragraphs 1 and 3 of this Article, but also when the following conditions are met:

1. the territorial customshouse to which the customs office which detained the goods is subordinate has been submitted, within the period specified in paragraphs 1 and 2 of this Article, a document evidencing that the above-mentioned holder of intellectual property rights or his representative has applied to the court with a statement of claim;

2. the territorial customshouse to which the customs office which detained the goods is subordinate has not been submitted, within the time period specified in paragraphs 1 and 2 of this Article, the court order on the imposition of interim measures;

3. all the requirements laid down by legislation for the placement under a customs procedure or assigning any other customs-approved treatment or use have been fulfilled;

4. the owner, consignee or importer of the goods has provided a security to cover any liability for possible claims lodged by the above-mentioned holder of intellectual property rights or his representative.

(5) The amount of the security referred to in Article 4(4) of this Law, which shall be assessed in the manner prescribed by the Government or the institution authorised by it, must be sufficient to cover the claims of the holder of intellectual property rights, which might be lodged against the customs authorities if not satisfied by other remedies open under law to the holder in protection of intellectual property rights.

(6) If the territorial customshouse to which the customs office which detained the goods is subordinate is submitted, within the time period specified in paragraphs 1 and 2 of this Article, a document evidencing the institution of legal proceedings by the holder of intellectual property rights or his representative, the period of detention of the goods shall be extended (except in the case specified in paragraph 4 of this Article) pending the issuing of the court order on the imposition of interim measures or the taking of a substantive decision. The procedure of storage of the detained goods pending the making of the court order on the imposition of interim measures or the taking of a substantive decision shall be established by Government or the institution authorised by it.

(7) The costs incurred by the customs authorities in delivering the goods to the place under customs control and in keeping the goods in question under customs control shall be covered by:

1. the holder of intellectual property rights if the court dismisses the claim entered by the holder;

2. the defendant, if the court satisfies the claim entered by the holder of intellectual property rights.

(8) The provisions of paragraphs 1, 3 and 4 of this Article shall not apply if goods detained by the customs authorities may not be released due to the application, in the manner prescribed by law, of administrative or criminal procedures to persons involved in the import, export or transit operations with the goods.

(9) The territorial customhouse to which the customs office which detained the goods is subordinate shall notify the applicant and the law enforcement institution authorised by the Government, which is responsible for the protection of intellectual property rights, of the placement of the goods under a customs procedure or any other customs-approved treatment or use in the cases specified in paragraphs 1, 3 and 4 of this Article.

(10) The provisions of paragraph 7 of this Article shall not apply if, in cases specified in Article 12 of this Law, goods have been detained on the initiative of the customs authorities and the holder of intellectual property rights or his representative fails to lodge with the Customs Department, within the fixed time period, an application for action by the customs authorities.

Chapter Four **Measures with Respect to the Goods Detained by the** **Customs Authorities, Recognised by the Court as** **Infringing an Intellectual Property Right**

Measures Applicable after the Court Recognises the *Goods as Infringing an Intellectual Property Right or Dismisses the Claim*

17.—(1) The court, having recognised the goods detained by the customs authorities and seized by the court as infringing an intellectual property right and taking into consideration the requests of the holder of intellectual property rights or his representative (if filed), shall adopt a decision:

1. to dispose of the goods outside commercial channels (recycle or utilise the goods and apply other similar measures) in such a way as to preclude injury to the holder of intellectual property rights, without compensation of any sort and at no cost to the State;

2. to take, in respect of such goods, any other measures (at the request of the holder of intellectual property rights or his representative, transfer the goods to them or any persons indicated in their request and apply similar measures), which effectively deprive the persons concerned with unlawful delivery of detained goods of the economic benefits of the transaction. If the goods are transferred not to the holder of intellectual property rights or his representative, but to other persons indicated in their request, the court may obligate the persons to remove the trade marks, which have been affixed to the goods without authorisation;

3. to destroy the goods at the defendant's expense.

(2) After the court decision dismissing the claim for the protection of intellectual property rights becomes effective, the formalities of placement of goods under a customs procedure or assigning the goods any other customs-approved treatment or use for which the detained goods have been presented to customs shall be carried out in accordance with the procedure laid down by the Customs Code and legal acts regulating the implementation thereof.

Provision of Additional Information to the Applicant

18. In addition to the information given pursuant to Article 14(3) of this Law, the territorial customhouse, to which the customs office which detained the goods is subordinate, shall provide the applicant, upon his written request, the information which has not been given earlier on the goods recognised by the court decision to be infringing an intellectual property right, the quantity of the goods in question, the names (names and surnames) and addresses of the consignor, of the importer or exporter and of the manufacturer of the goods as well as information on similar goods earlier imported by the same importer (received by the consignee) or exported by the exporter (dispatched by the consignor).

Chapter Five Final Provisions

Liability

19.—(1) Damage inflicted by unlawful actions of customs officers and employees as well as damage caused by the applicant's acts or omission shall be compensated in accordance with the procedure established by the Civil Code and other laws.

(2) The acceptance or granting by the Customs Department of the application drawn up in accordance with Article 7 of this Law shall not entitle the applicant to compensation where goods infringing intellectual property rights are not detected or recognised in the course of customs control performed by customs officers according to the procedure prescribed by law and no action is taken to detain them in accordance with Article 14(1) of this Law or the formalities relating to import or export procedure or other customs-approved treatment or use are carried out with respect to the goods.

(3) Actions by customs officers or employees in applying this Law may be appealed against in accordance with the procedure established by the Customs Code and other laws.

Customs Co-operation with other State Institutions and International Co-operation

20.—(1) In applying this Law, in order to disclose and prevent infringements of intellectual property rights in the field of import and export of goods, the customs authorities shall:

1. co-operate, exchange information and prepare joint actions with law enforcement and other state institutions with powers to protect intellectual property rights vested in them;
2. acting in accordance with international agreements of the Republic of Lithuania and on its own initiative, co-operate with customs administrations of other states and international organisations responsible for the protection of intellectual property rights.

(2) Where the customs authorities establish, based on the information provided by state institutions and/or international organisations, that there are grounds to believe that the goods presented to customs are infringing intellectual property rights, the provisions of Article 12 of this Law shall apply.

International Agreements of the Republic of Lithuania

21. If international agreements of the Republic of Lithuania contain provisions other than those established in this Law, the provisions of international agreements shall apply.

Implementation of the Law

22. The Government or the institution authorised by it shall by 1 March 2001 approve legal acts necessary for the implementation of this Law.

Entry into Force

23. This Law shall enter into force on 1 January 2001.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

President of the Republic

Valdas Adamkus
