



14 December 2022

(22-9294)

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**Council for Trade-Related Aspects of  
Intellectual Property Rights**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS  
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

LATVIA: CUSTOMS LAW

<b>Notifying Member</b>	LATVIA
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**Details of the notified legal text**

<b>Title</b>	Customs Law
<b>Subject matter</b>	Other
<b>Nature of notification</b>	<input type="checkbox"/> Main dedicated intellectual property law or regulation <input checked="" type="checkbox"/> Other law or regulation
<b>Link to legal text*</b>	<a href="https://ip-documents.info/2022/IP/LVA/22_8411_00_e.pdf">https://ip-documents.info/2022/IP/LVA/22_8411_00_e.pdf</a>
<b>Notification status</b>	<input checked="" type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
<b>Previous notification(s) referred to</b>	Not applicable

**Brief description of the notified legal text**

Taking into account the initiative of the industry associations and the call to evaluate the possibility of determining in the normative regulation that disputes regarding the violation of intellectual property rights are resolved in a civil procedure, the Ministry of Finance, in cooperation with the Ministry of Justice and the Ministry of Transport, developed a Conceptual Report.

The Cabinet of Ministers supported the solution included in the above-mentioned report to provide in the normative regulation that the State Revenue Service (hereinafter - SRS) initiates an administrative proceeding with respect to goods subject to customs control, which are suspected of infringing intellectual property rights. While in other cases, the dispute regarding the violation of intellectual property rights is resolved in a civil procedure.

Taking the above-mentioned into account, amendments were made to the Customs Law, determining the competence of the SRS in the settlement of disputes on intellectual property rights in accordance with that which was mentioned in the Conceptual Report, as well as regulating customs control measures for the protection of intellectual property rights and actions of persons in cases when a statement of claim has been submitted to the court regarding the initiation of a court proceeding on counterfeit goods or an application regarding the determination of a provisional measure of protection before bringing a claim to the court for said goods.

Within the framework of the above-mentioned amendments, the Customs Law was supplemented with a new Section 14.2, which determines actions in cases where a statement of claim or an application regarding the determination of a provisional measure of protection has been submitted to the court. The above-mentioned provision of the law will apply to cases where the customs authority has suspicions that the goods subject to customs control, which are not covered by the provisions of Articles 135 to 141 and Article 144 of Regulation No. 2015/2446, are counterfeit. In such cases, the fact of whether the intellectual property rights are violated, is determined by a court.

In turn, Section 14.1 of the Customs Law established the competence of the SRS and customs control measures for the protection of intellectual property rights in relation to goods subject to customs control, which are subject to the provisions of Articles 135 to 141 and Article 144 of Regulation No. 2015/2446. According to Section 14.1 of the Customs Law, if the declarant or holder of goods subject to customs control, which are subject to the provisions of Articles 135 to 141 and Article 144 of Regulation No. 2015/2446, in accordance with Article 23(3) of the Regulation No. 608/2013 has submitted written objections to the SRS regarding destruction of the goods, the SRS, based on the confirmation provided by the recipient of the decision about the violation of intellectual property rights and other evidence in the case, evaluates the existence of the violation of intellectual property rights in relation to the above-mentioned goods. If the SRS detects a violation of intellectual property rights, the SRS, in accordance with Article 198(1)(b)(iv) of Regulation No. 952/2013, makes a decision on the transfer of goods that infringe intellectual property rights to the recipient of the decision for destruction.

A new section 14.5 determined the procedure included in the Cabinet Regulation No. 468.

<b>Language(s) of notified legal text</b>	English
<b>Entry into force</b>	5 July 2016
<b>Other date</b>	

#### Notification details

<b>Submission date of notification</b>	8 December 2022
<b>Other information</b>	See also <a href="#">IP/N/1/LVA/E/2</a> ( <i>Regulations of the Cabinet of Ministers N° 43 regarding "Customs Control Measures to Ensure Protection of Intellectual Property"</i> )  <a href="https://likumi.lv/ta/en/en/id/283024-customs-law">https://likumi.lv/ta/en/en/id/283024-customs-law</a>
<b>Agency or authority responsible</b>	Customs Ministry of Finance  Email: <a href="mailto:marika.vibane@fm.gov.lv">marika.vibane@fm.gov.lv</a> Telephone: 0037122013024

\* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.