

CUSTOMS LAW No. 4458
(Adopted on 27.10.1999, entered into force on 5.2.2000)

Article 57

1. Under the legislation concerning protection on intellectual and industrial property rights, regarding the rights of trademarks, geographical indications and industrial designs and the rights covered by the Law of Intellectual and Artistic Works, at the request of the right holder or his representative or by their own initiative, where solid evidence is available that goods in question complies with the description of the counterfeit trademark or pirated copyright goods, customs authorities shall suspend the customs procedures of the goods infringing the rights of the persons concerned. Where a suspensive decision is taken, the importer or the right holder or his representative shall be given notice.

2. In order to secure the rights of the importer or public depending on the nature of the case, and to prevent abuses, customs administration by its own initiative may order the applicant to provide a security equivalent to the value of the goods in question.

3. Where the goods in question have been released for free circulation before the acceptance of the application by customs administrations, the acceptance shall not mean that the right holder is entitled to claim indemnities on grounds that the goods in question have been released without proper examinations being performed. In case of the suspension of the customs procedures by customs administrations, within the framework of combat against counterfeit trademark or pirated copyright goods, proves to be useful or harmful to the persons concerned, the authorities of the customs administration shall not be liable against these persons.

4. If, within a period of 10 days following the notification of the suspensive decision taken by the customs administration to the right holder, the authorities of the customs administration have not been informed that legal proceedings leading to a decision on the merits of the case have been initiated or that the duly empowered authority has taken precautionary measures, the customs procedure shall be carried out in accordance with the request of the declarant.

5. The goods whose customs procedures have been suspended may be destroyed in accordance with the judicial decision of the duly empowered court and the provisions of disposal procedure, or they may be disposed of by being sold after their essential characters having been altered.

6. This Article shall not cover the personal goods and gifts brought by passengers and postal consignments of non-commercial nature.