

2. ◆◆◆◆◆◆◆◆◆◆ This module contains pages which are also meant for the general public. These pages will serve as a ready-reckoner of all relevant legal provisions enshrined in the Customs Act, 1962, the body of law governing different intellectual property rights that are required to be enforced by Customs, various notifications and circulars issued by the Ministry and Board, respectively, from time to time on this subject, formats of Bonds etc. This site also provides for filing notices through web-enabled application forms which can be logged, filled on-line and submitted to the desired Customs formation. Besides these facilities, the IPR module also has a Departmental section which will enable the authorized officers to access the database and perform duties.

3. ◆◆◆◆◆◆◆◆◆◆ The IPR database contains all notices filed on-line, as also all those notices filed off-line in respect of which the data entry has to be made by respective formations. The database includes all data elements (including documents & images of genuine goods and suspect goods) submitted / uploaded by the applicants. This data is separately arranged for all notices ◆ approved, rejected and pending at a particular location. The database will hold national data, which will be the sum total of the above details in respect of all the formations.

4. ◆◆◆◆◆◆◆◆◆◆ The IPR module is user-friendly and is operational through a very easy graphical user interface. The module functions through several classes of users with various privileges to discharge their duties. The Risk Management Division (RMD), Mumbai will act as an administrator. The database will be built and maintained by RMD, besides inserting national-level targets on the basis of data furnished by right holders in their notices. In the Custom houses there will be a class of users, mostly working in IPR Cells that are constituted in compliance to the above said Board Circular dated 29th October 2007. These Officers will be given privileges to ◆ (i) view all notices (pending, approved and rejected) filed in that Custom House; (ii) convert Unique Temporary Registration Number (UTRN) allotted by the System at the time of submission of on-line application, into Unique Permanent Registration Number (UPRN); and (iii) view the entire national database through a need-based search in the system. It is expected that these officers will also undertake the job of verifying the veracity of details furnished in any application, only after submission of hard-copy (print-out) of the system generated notice, along with bank draft, bonds and other accompanying documents. The UTRN should be converted

into UPRN, after due verification, which signifies completion of registration of IPR with Customs. User-ids and passwords will be created by RMD and the same will be communicated to Commissioners and officers, upon receipt of the request. System will automatically generate user-id and password and the same will be sent to the officer's e-mail account automatically. Officers are advised to change their system allotted password on their first log-in.

5. These officers posted in IPR Cells will be primarily responsible for verification, registration, enforcement and all further correspondence with the RMD and other Customs formations in connection with the IPRs, whether registered in that particular location or other-wise. These officers by default, being posted in SIIB, shall be responsible for implementing the said Rules and Circular, which might include informing the registered right holders about interdiction of suspect consignments, adherence to time lines specified in the said Rules and Circular, interdiction of suspect infringing consignments either on their own (suo moto) and / or on the basis of the inputs from the Appraising Groups or Sheds and then bringing the proceedings to a logical conclusion etc.

6. In addition, there will be another class of users, who will have the only privilege of accessing national database, through a need based search. The officers posted in Appraising Groups and Sheds/Docks/CFS will have this privilege. This will be operational through a common generic user id and password specific to that customs formation. This user id and password can be communicated to all the users. However, unlike the earlier category of users, the password of this user id should not be changed by any officer in the field. Considering the infrastructural bottlenecks, as of now this privilege cannot be given to all officers. To begin with, access will be given to one machine(PC) in each Sheds/Docks/CFS and one machine for the appraising groups by way of enabling internet access to their selected ip addresses (PCs). All the other officers can also avail this facility from these enabled PCs as and when required. Once this privilege is made available to all officers, the same will be communicated. The national database can be liberally accessed in the course of enforcement of the said Rules, as detailed in the said Circular.

7. The RMD has been given the mandate by the Board to consider national-level targeting of consignments, after completion of registration formalities and on the basis of information furnished by applicants. Since RMS has been implemented in this Customs House, all consignments interdicted by the system may have to be carefully scrutinized. If required, first checks may have to be ordered by Appraising Groups. Any decision on those bills of entry accompanied by RMS instructions pertaining IPR issues may be recorded in the Departmental Comments invariably. Officers posted in Appraising Groups are advised to frame appropriate and clear examination orders, which shall be adequately complied and reported suitably in the examination reports by officers associated with examination. In case, there is any prima facie case, matter may be referred to IPR Cell through the Additional/Joint Commissioner for appropriate action. These instructions do not in any way take away the judicious discretion of customs officers, to look into IPR infringements even in cases where RMS instructions are not there. [11]

Comment [t1]: This paragraph is meant for only those locations where RMS is implemented. Locations where RMS is not implemented, may have to amend this paragraph to suit their requirement. In such locations there will not be any RMS instructions and all the bills of entry are invariably assessed and examined. Therefore, it is enough these officers are simply advised to keep a strict watch. The same holds good for all the locations where EDI is not in place.

8. General intelligence and experience has been that import of counterfeits and other suspect IPR infringing goods is rampant in life style items, fast moving consumer (including electronic) goods, confectionery and other food preparations etc. These are imported through cargo mode. Pirated copyrighted products are imported through cargo mode as well as in unaccompanied baggage. Most of the times brand names are either not declared or mis-declared to mislead Customs. Therefore, it is imperative that, as and when such goods are imported, due diligence will have to be exercised by officers posted in Appraising Groups as well as Sheds/Docks/CFS to see whether correct declarations are made with reference to brand names. Appropriate queries, examination orders etc may be framed to elicit desired information. While examining goods, proper attention may be bestowed on the markings, packages etc for brand name of the goods imported. In case of any discrepancy, IPR Cell may be alerted.

9. In case any doubts and clarifications on EDI related matter, Sri Satyabrata Kumar, Asst. Commissioner of Customs (EDI) may be contacted on phone no. 27243241.

