**Ainars Lagons**, Head of Intellectual Property Rights Subdivision, National Customs Board of Latvia.

**Main responsibilities**:

- planing of the strategic activities of IPR ptotection in Latvian Customs,

- impementation of duties of the IPR Subdivision,

- cooperation with state institutions and NGOs,

- education of Customs officials on IPR matters,

*-* collection of information about seized counterfeits,

- preparation of reports for European Commission

** Powers of the organization:**

The following duties are within the competence of State Revenue Service customs authorities pursuant to the law "On State Revenue Service":

* to implement customs control of goods and other items and charge Customs Tax and Customs Duties on these goods (collection of Customs Tax and Customs Duties and processing of customs control as well as protection of economic borders are solely within the competence of customs);
* to supervise compliance fulfillment with the laws and regulations adopted on customs;
* to apply customs tariffs, supervise the compliance fulfillment with the system of permissions for import and export of goods and other items, collect the taxes imposed by the state, Customs Tax and Customs Duties as well as other statutory duties imposed by the state to be paid at the customs border pursuant to the laws and regulations;
* to collaborate with foreign customs authorities by detaining consignments of illegal goods as well as the import and export of conventionally restricted goods;
* to submit reports on activities of customs authorities and statistical data in the procedure provided in the legislation;
* to provide information on customs issues to public institutions, enterprises (business companies), organizations and physical persons;
* to train specialists and raise qualification of specialists on customs related issues;
* to collaborate with the law enforcement, state control and state administrative authorities as well as with other institutions on issues of compliance with the laws and regulations adopted in the area of customs;
* to fulfill international obligations undertaken by the state in respect of customs;
* to ensure management and construction of new border checkpoints;
* to investigate cases of smuggling.

**Legislation on IPR protection:**

* Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights
* Regulation No. 749 of Cabinet of Ministers of the Republic of Latvia „Procedures for Customs Control Measures for Protection of Intellectual Property Rights”:

Regulation describes:

* ex-officio activities
* sample withdrawal procedures
* communication system between Customs and right holders
* storage arrangements of detained goods
* destruction and simplified destruction procedures
* information exchange system

Liability in cases of IPR infringement is prescribed by Latvian Administrative Offences Code, Article 201.10 – individuals can be fined from Ls 50 to Ls 250, companies from LVL 500 to LVL 5000, with confiscation of the goods.

Klausīties

Lasīt latīņu burtiem

Vārdnīca - [Skatiet detalizētu vārdnīcas ierakstu](http://www.google.com/dictionary?source=translation&hl=lv&q=&langpair=lv|en)

*In cases where the customs detain counterfeit goods, usually there are three possible scenarios - 1) the administrative penalty and confiscation of goods, 2) simplified destruction of goods, 3) civil case when Customs does not release the goods till final court decision.*

In most cases (approx. 85%) administrative procedures are applied.

**Cooperation with other law enforcement agencies**

* Experience of conclusion of Memorandum of understanding between Customs and European Anti-Counterfeiting network SNB-REACT;
* Cooperation with Police, State Pharmaceutical Inspection, Post, joint activities;
* Latvian customs representatives and experts participated in several European Union projects for protection of intellectual property - in Russia, Moldova, Uzbekistan and Kyrgyzstan – technical assistance and training delivered.

**National IPR Council and Expert Group:**

National institutions with competence in intellectual property area are:

- **Ministry of Justice** ( Patent Office: trademarks, industrial designs, inventions, topographies of semiconductor products, geographical indications (general regulation));  
- **Ministry of Culture** (copyrights and related rights);  
- **Ministry of Agriculture** (plant varieties , geographical indications of food and agricultural products);  
- **Ministry of Interior Affairs** (infringements of intellectual property (in domestic market) );  
- **Ministry of Economics** ( the issues of unfair competition, innovation policy development, relations with third countries on trade-related aspects of intellectual property);

- **Ministry of Finance** (National Customs Board border enforcement of intellectual property protection, processing of applications, training, etc., Customs Criminal Board - intelligence, risk assesment, etc.).  
- **Ministry of Education** (educating of society about the scope of intellectual property);  
- **Ministry of Foreign Affairs** (cooperation with foreign countries on intellectual property issues);  
- **Ministry of Transport** (the issues related to domains, servers and downloads);  
- **Prosecutor's Office**;  
- **Court** .  
The issues of intellectual property rights are business of several non-governmental organizations.

Intellectual Property Council was established in Year 2006.   
The Council is a consultative body aiming to coordinate and promote Latvian governmental institutions in the field of intellectual property rights.

Council is chaired by the Minister of Justice. It is composed of the State Secretaries of involved ministries, Prosecutor General, Chief of Supreme Court.  
Council meetings are held at least once a year.

Expert Group on Intellectual Property Rights  
Expert Group on Intellectual Property Rights was set on August 3, 2006. Its mission is to provide the discussions in the field of intellectual property rights and to make proposals to Intellectual Property Council. Expert Group is lead by Director of Patent Office.

**Conditions of IPR enforcement**

* - Latvian customs authorities accordingly to the laws are setting the periods of detention of suspected goods and are acting as quickly as possible to get in touch with the right holders to prevent the delays (especially in transit).  
    
  - In ex officio cases in-depth examination is conducted whether there are sufficient grounds to detain such goods. Customs authorities must contact the specialists of IPR Protection Subdivision of National Customs Board and receive their opinion. Only in those cases where there is practically no doubt that products are counterfeit, the goods are detained.

- The extension of detention period (10 working days) for the next 10 working days will never happen automatically, but only upon receiving objective application from right holder.

- In cases of simplified destruction Latvian Customs requires a written agreement between the owner or possessor of the goods and right holder.

**Customs statistics (within 3 years)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **2007** | **2008** | **2009** | **2010 (Jan-Oct)** |
| **Applications received** | **350** | **488** | **498** | **377** |
| **Number of cases** | **81** | **183** | **144** | **112** |
| **Articles seized** | **782 109** | **80 297** | **951 610** | **60 379** |
| **Value of original goods (Eur)** | **3 M** | **3,7 M** | **3,7 M** | **10,6 M** |
| **Number of Customs officials trained** | **234** | **344** | **244** | **227** |

**Database information**

1. At present Latvian Customs use Intranet based electronic database which contains information on received applications for action and detailed information how to distinguish counterfeit goods. This database is not linked to electronic declaration system. Separate risk profiles are placed on declaration system.
2. The list of received applications for action is made available for public on the website of the State Revenue Service of the Republic of Latvia.
3. Red Alert and New Trends forms are placed on the same website as well.

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