



Overview

While the customs law in India empowers border authorities to suspend import of suspected infringing goods, active involvement of the right holders is important for a favourable closure of proceedings.

Customs law in India disallows articles infringing intellectual property from crossing national borders through importation of goods. With over 600 sea ports and inland ports, border measures are an important aspect of intellectual property policing and enforcement for right owners facing counterfeiting or large-scale infringement issues in India.

The Indian government notified the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007 under the Customs Act, 1962 enabling intellectual property right holders to actively enforce their rights at Indian borders.

Positive customs enforcement action requires a right holder be vigilant of trade in counterfeit or infringing goods and participate actively in customs training, procedure and hearings. Otherwise infringing goods remain at risk of being released for non-action and. In appropriate scenarios it is more cost-effective for right holders to effect pre-emptive action at customs than pursue multiple actions further downstream.

Our dedicated customs team has expertise in managing the full lifecycle of customs actions beginning with e-recording of IP rights (available currently for around 44 ports) up to the ultimate closure of an action after a show cause hearing before the customs authorities and extends to handling appellate proceedings. The firm organises exclusive training sessions and workshops for customs officials with representatives of brand owners and organisations like REACT. The firm pursues actions at the major ports in India and our team represents a large number of clients in customs proceedings at these ports.



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