

NEW VENEZUELAN CUSTOMS TARIFFS LAW PROTECTS INTELLECTUAL PROPERTY RIGHTS AND FIGHTS DIRECTLY AGAINST PIRACY AND COUNTERFEITING.

Last August 3rd, 2005 came into force the new Customs Tariffs Law, which establishes in its article 15 an absolute prohibition that benefits the exercise of observance actions in the frame of Intellectual Property:

“Article 15: The importation and transit of merchandise that violates Intellectual Property Rights is prohibited in all the territory.”

This absolute limitation contemplates, not only the impossibility of taking out from the Customs premises, the merchandise that violates IP rights (immediate control), but allows further control measures, meaning the faculty of the tax and custom officers for making inspections which will allow to verify the observance of this disposition. This faculty even extends, by an express disposition of the Customs Law, to the Duty Free Zones, Tax Free Zones and Customs Warehouses.

It is obvious that this disposition can not be applied immediately (even more in case of trademarks) since it will cause a severe delay in the free circulation of goods, which is a general principle taken by the World Customs Association (WCA). For this reason a Special Commission of the National Tax Office is working on an ADMINISTRATIVE PROVIDENCE.

By this disposition the IP rights owners will be able, after implementing the procedure for the observance of this prohibition, to access in a more efficient way to the ultimate purpose of the Frontier Measures: to impede the taking out from the Customs the merchandise, or in case this happens, to be able to retain such merchandise in a further control action.

This loyal initiative is corresponding with the National Tax Office new slogan: “No to evasion, counterfeiting and piracy”, and it is expected that the private sector, deeply affected by piracy, will firmly support this disposition.

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