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[For departmental use]
[Exercise-04]

E-exercise

On

Intellectual Property Rights
(I.P.R.)

Note:

In this E-exercise, attempts have been made to understand the concept of Intellectual Property Rights in the Customs and Excise Department. It is expected that it will help the new entrants into the service. Though all efforts have been made to make this exercise error free, but it is possible that some errors might have crept into the same. If you notice any errors or if you have any suggestion to improve this exercise, the same may be brought to the notice to the NACEN, RTI, Kanpur on the Email addresses: rtinacenkanpur@yahoo.co.in or goyalcp@hotmail.com (Email address of ADG, RTI, NACEN, Kanpur). This may not be a perfect E-exercise and all are requested to assist us to make it better.

Intellectual Property Rights

Take the following Quiz & Test your knowledge

Participant is requested to undertake this test as to check his knowledge of Intellectual Property Rights and role of Customs authority in enforcement of these rights at Border.

Q. No.1: State whether the following are **TRUE** or **FALSE**:-

Sl.	Description	TRUE	FALSE
a.	<i>Anyone [other than right holder] can give notice in writing to the Commissioner of Customs requesting for suspension of clearance of goods suspected to be infringing Intellectual Property Right.</i>		
b.	<i>Application for registration of IPR for enforcement to the Customs Authorities is to be given along with application fee of Rs.2000/-</i>		
c.	<i>The right holder is not required to inform Customs Authorities when his Intellectual Property ceases to be valid or he ceases to be owner of such Intellectual Property Right.</i>		
d.	<i>The Commissioner of Customs is required to notify the applicant whether the notice has been registered or rejected with in 30 days from the date of receipt of notice.</i>		
e.	<i>The minimum validity period of the registration, during which assistance by the Customs should be rendered, is one year</i>		
f.	<i>The Commissioner of Customs after grant of the registration is required to inform immediately other Customs Offices covered of the application by the right holder.</i>		
g.	<i>Right holder is required to execute bond to protect competent authorities against all liabilities and bear cost towards destruction, demurrage and detention charges involved in enforcing his IPR.</i>		
h.	<i>Import of infringing goods into India is deemed to be prohibited within meaning of Section-11 of the Customs Act just on filing of application for grant of registration.</i>		
i.	<i>The right holder is allowed by the Customs Authorities to examine goods the clearance of which has been suspended but representative samples may not be provided due to protection of confidential information.</i>		
j.	<i>The name and address of the importer of infringing goods cannot be given to the right holder by the Customs Authorities due to protection of confidential information.</i>		
k.	<i>At the request of importer, name and address of the right holder can be given by the Customs Authorities.</i>		

Intellectual Property Rights

Q. No.2: In how many days from the date of suspension of clearance within which goods shall be released where clearance of goods was suspended by the Customs authorities on their own initiation and right holder does not give notice as required under the rule.

- a. Within 5 days
- b. Within 3 days
- c. Within 10 days
- d. Within 15 days

Q. No.3: In how many days within which right holder should give his concurrence for the mode of disposal of infringing goods proposed by the Customs Authorities.

- a. Within 10 days
- b. Within 20 days
- c. Within 15 days
- d. Within 5 days

Q. No.4: Right holder has option to execute bond with Customs authorities. Please identify correct options.

- a. General bond without security and Consignment specific bond along with securities
- b. Centralized bond with security equal to half the value of bond.
- c. Centralized bond without security.
- d. Centralized bond along with security.

Q. No.5: In case of consignment specific bond, the value of bond is _____ and the amount of securities is _____ of the bond value.

- a. 110 % of the value of goods, 25%
- b. 100 % of the value of goods, 50%
- c. 200 % of the value of goods, 25%
- d. 150 % of the value of goods, 25%

Q. No.6: In case of execution of centralized bond at the port of registration, the amount of security should be _____ of the value of bond.

- a. 10%
- b. 25%
- c. 50%
- d. None of the above

Intellectual Property Rights

- Q. No. 7: In how many days within the notice by the Department, the IPR owner has to join the proceedings.
- Within 3 working days
 - Within 10 working days
 - Within 7 working days
 - Within 5 working days
- Q. No. 8: What is the time limit to join the proceedings if the goods are perishable goods?
- Within 3 working days
 - Within 5 working days
 - Within 7 working days
 - Within 10 working days
- Q. No.9 What information about the imported consignment can be provided to the right holder under IPR rules, 2007.
- Name of the importer
 - Address of the importer
 - Name and address of the supplier of the goods
 - Any other information which is relevant to the imported consignment
 - All the above
- Q. No.10 Protection to which of the following intellectual property is available to import of goods as per IPR Rules, 2007
- Copyright
 - Industrial Designs
 - Trademark
 - All the above

ANSWERS OF MULTI CHOICE QUESTIONS (MCQs)

Q.No.		Answer
1.	a	F
	b	T
	c	F
	d	T
	e	T
	f	T
	g	T
	h	F
	i	F
	j	F
	k	T
2.		a
3.		b
4.		a & d
5.		a
6.		b
7.		b
8.		a
9.		e
10.		d