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## Order for Enforcement of the Customs Act

Order for Enforcement of the Customs Act

(Cabinet Order No. 150 of June 19, 1954)

Latest Revision: Cabinet Order No. 135 of March 31, 2022

### **Section 4 Goods the Exportation or Importation of which is Prohibited**

#### **Subsection 1 Goods the Exportation of which is Prohibited**

##### **(Verification procedures pertaining to goods the exportation of which is prohibited)**

**Article 62-2.** In the verification procedures provided for in paragraph (1) of Article 69-3 (Verification procedures pertaining to goods the exportation of which is prohibited) of the Act (hereinafter in this Article referred to as “verification procedures”), the Director General of Customs shall provide a patentholder or other right holder relating to goods subject to verification procedures (hereinafter in this Article, paragraph (1) of Article 62-12 and Article 62-13 referred to as “suspect goods”) and a person who seeks to export these suspect goods (hereinafter in this Article referred to as “exporter”) with an opportunity to produce evidence and state their opinions as to whether these suspect goods fall under those goods set forth in item (iii) or (iv) of paragraph (1) of Article 69-2 (Goods the exportation of which is prohibited) of the Act (a “patentholder or other right holder” as used in this paragraph means a holder of a patent right, utility model right, design right, trademark right, copyright, copyright neighboring right or breeder’s right or a person who has the right to seek an injunction against unfair competition (i.e., a person referred to in paragraph (1) of Article 69-3 of the Act; the same applies in the next paragraph, item (iv) of paragraph (3) of this Article and paragraph (2) of Article 62-12)).

(2) If the evidence produced pursuant to the provisions of the preceding paragraph and any other evidence employed in the verification procedures are to be taken as a basis for

the verification referred to in paragraph (5) of Article 69-3 of the Act, the Director General of Customs shall provide a patentholder or other right holder relating to the verification procedures (i.e., a holder of a patent right, utility model right, design right, trademark right, copyright, copyright neighboring right or breeder's right or a person who has the right to seek an injunction against unfair competition (in the next paragraph and in item (ii) of paragraph (4) collectively referred to as "right holder")) or an exporter relating to the verification procedures with an opportunity to state their opinions with respect to the evidence.

(3) A notification to a right holder, as prescribed in paragraphs (1) and (2) of Article 69-3 of the Act shall be issued in writing, stating the matters as set forth in the following:

(i) the description of suspect goods;

(ii) the names and addresses of the exporter and consignee of suspect goods;

(iii) the details of the patent right, utility model right, design right, trademark right, copyright, copyright neighboring right or breeder's right (in the next Article collectively referred to as "right") relating to suspect goods (limited to those suspect goods subject to the verification procedures pertaining to goods set forth in item (iii) of paragraph (1) of Article 69-2 of the Act);

(iv) the details of indication of goods, etc., the details of configuration of goods or the details of technological restriction measures (i.e., the indication of goods, etc., configuration of goods or technological restriction measures as provided for in item (i), (ii), (iii), (xvii) or (xviii) of paragraph (1) of Article 2 (Definitions) of the Unfair Competition Prevention Act (Act No. 47 of 1993) relating to a person who has the right to seek an injunction against unfair competition; the same applies in item (ii) of the next Article) relating to suspect goods (limited to those pertaining to the verification procedures for goods set forth in item (iv) of paragraph (1) of Article 69-2 of the Act);

(v) the reason for initiating verification procedures;

(vi) when an application prescribed in paragraph (1) of Article 69-4 (Procedures for application relating to goods the exportation of which is prohibited, etc.) of the Act has been accepted, if the verification procedures pertaining to the application have been initiated, that fact;

(vii) the fact that the right holder may produce evidence and state the opinion to demonstrate that suspect goods fall under those set forth in item (iii) or (iv) of paragraph (1) of Article 69-2 of the Act, and the time limit therefor;

(viii) when an application prescribed in paragraph (1) of Article 69-4 of the Act has been accepted, if the verification procedures pertaining to the application have been initiated, the fact that the right holder may inspect suspect goods by making an application

within the time limit referred to in the preceding item;

(ix) any other relevant matters.

(4) A notification to an exporter as prescribed in paragraphs (1) and (2) of Article 69-3 of the Act shall be issued in writing, stating the matters as set forth in the following:

(i) the description and quantity of suspect goods, and the date of export declaration of these goods (if the suspect goods are postal items provided for in paragraph (1) of Article 76 (Simplified export or import procedures for postal items) of the Act, the date of presentation prescribed in paragraph (3) of that Article);

(ii) the name and address of a right holder;

(iii) the fact that an exporter may produce evidence and state the opinion to demonstrate that suspect goods do not fall under those set forth in item (iii) or (iv) of paragraph (1) of Article 69-2 of the Act, and the time limit therefor;

(iv) the fact that suspect goods, if verified to fall under those set forth in item (iii) or (iv) of paragraph (1) of that Article, may be confiscated and subject to disposal pursuant to the provisions of paragraph (2) of Article 69-2 of the Act;

(v) when an application prescribed in paragraph (1) of Article 69-4 of the Act has been accepted, if the verification procedures pertaining to the application are initiated, the fact that a person who has filed the application or an exporter (excluding an exporter who may inspect suspect goods pursuant to the provisions of paragraph (1) of Article 40 of the Act (including where applied mutatis mutandis pursuant to Article 49 of the Act)) may inspect suspect goods upon application to be made within the time limit referred to in item (iii);

(vi) the matters as set forth in items (iii) to (vi) and (ix) of the preceding paragraph.

(5) A notification prescribed in paragraph (3) of Article 69-3 of the Act shall be issued in writing.

**(Procedures for filing an application pertaining to goods the exportation of which is prohibited)**

**Article 62-3.** A person who files an application prescribed in paragraph (1) of Article 69-4 (Procedures, etc. for filing an application pertaining to goods the exportation of which is prohibited) of the Act shall file with the Director General of Customs a written application stating the matters as set forth in the following, accompanied by the evidence provided for in that paragraph:

(i) the details of the right (only when the person seeks to file an application relating to goods set forth in item (iii) of paragraph (1) of Article 69-2 (Goods the exportation of which is prohibited) of the Act);

- (ii) the details of indication of goods, etc., the details of configuration of goods or the details of technological restriction measures (only when the person seeks to file an application relating to goods set forth in item (iv) of paragraph (1) of Article 69-2 of the Act);
- (iii) the descriptions of goods found to infringe the right or business interests (i.e., business interests relating to goods set forth in item (iv) of paragraph (1) of Article 69-2 of the Act, infringed by the acts provided for in that item; the same applies in the next item);
- (iv) the reason why the goods referred to in the preceding item are found to infringe the right or business interests;
- (v) the desired period for which the application provided for in paragraph (3) of Article 69-4 of the Act is effective (limited to a period not exceeding four years);
- (vi) any other relevant matters.

**(Provision of opportunity for inspection pertaining to goods the exportation of which is prohibited)**

**Article 62-4.** A person who seeks to conduct inspection prescribed in paragraph (4) of Article 69-4 (Procedures, etc. for filing an application pertaining to goods the exportation of which is prohibited) of the Act shall, within the time limit referred to in item (vii) of paragraph (3) or item (iii) of paragraph (4), of Article 62-2, file a written application for inspection with the Director General of Customs, accompanied by a copy of a written notification referred to in paragraph (3) or (4) of that Article.

**(Procedures for seeking opinions of technical advisers where application for export suspension is filed)**

**Article 62-5.** When the Director General of Customs seeks opinions of technical advisers pursuant to the provisions of Article 69-5 (Seeking opinions of technical advisers when application for export suspension is filed) of the Act, the Director General of Customs sends to the technical advisers a document stating that fact and the reason therefor, accompanied by materials concerning goods relating to the application and any other materials that may serve as a reference for the technical advisers.

**(Procedures for providing, pursuant to order of the Director General of Customs, deposit pertaining to goods the exportation of which is prohibited)**

**Article 62-6.** A person who has filed an application prescribed in paragraph (1) of

Article 69-4 (Procedures, etc. for filing application pertaining to goods the exportation of which is prohibited) of the Act and has been ordered to provide monetary deposit pursuant to the provisions of paragraph (1) or (2) of Article 69-6 (Deposit, etc. relating to application for export suspension) of the Act (in the next Article referred to as “applicant ordered to deposit”) shall, if the person has provided the deposit (including deposit of securities prescribed in paragraph (3) of Article 69-6 of the Act), submit an authenticated copy of certificate of deposit to the Director General of Customs without delay.

(2) When an authenticated copy of certificate of deposit prescribed in the preceding paragraph has been submitted, the Director General of Customs shall deliver without delay a document stating that fact and a copy of the authenticated copy of certificate of deposit to a person who seeks to export goods which have caused the deposit to be provided.

**(Details of contract, etc. provided in lieu of deposit pertaining to goods the exportation of which is prohibited)**

**Article 62-7.** If an applicant ordered to deposit enters into a contract referred to in paragraph (5) of Article 69-6 (Deposit, etc. relating to application for export suspension) of the Act, the contract shall be entered into, as its counterparty, with a bank, credit association (Shinkin bank), insurance company or other financial institution established in Japan and approved by the Director General of Customs (simply referred to as “financial institution” in item (i) and paragraph (3)) and meet the requirements as set forth in the following:

(i) that the financial institution pays, for the applicant ordered to deposit, within the amount ordered to deposit by the Director General of Customs, the exporter in an amount indicated in the document delivered at the request of the exporter, that is, a document which confirms that the exporter who has the right to claim compensation for damages provided for in paragraph (1) of Article 69-6 of the Act against the applicant has the right to claim payment of money against the financial institution;

(ii) that the contract ceases to be effective when the contract is rescinded with the approval of the Director General of Customs;

(iii) that rescission of the contract or any modification thereto may not be made without the approval of the Director General of Customs.

(2) If an applicant ordered to deposit has entered into a contract referred to in paragraph (5) of Article 69-6 of the Act (including the case where the contract has been modified with the approval of the Director General of Customs), the applicant shall

submit to the Director General of Customs a document stating that fact, together with a copy of the contract.

(3) When the document and a copy of the contract prescribed in the preceding paragraph have been submitted, the Director General of Customs shall deliver without delay to a person who seeks to export goods which have caused the contract to be entered into, a document stating that fact, the name and address of a financial institution (i.e., a counterparty of the contract) and the amount specified in the contract.

(4) When the document and a copy of the contract prescribed in paragraph (2) have been submitted, if the Director General of Customs is sought from an exporter who has the right to claim compensation for damages provided for in paragraph (1) of Article 69-6 of the Act against an applicant ordered to deposit and entered into a contract referred to in that paragraph, confirmation of the exporter's right to claim compensation for damages and the amount covered by that right and if it is found, based on a certified copy of court's decision, a document evidencing settlement or the like, that there are reasonable grounds for the exporter's request, the Director General of Customs shall deliver to that exporter a document confirming the exporter's right to claim compensation for damages and the amount covered by the right.

**(Procedures for exercise of right pertaining to goods the exportation of which is prohibited)**

**Article 62-8.** An exporter who has the right provided for in paragraph (6) of Article 69-6 (Deposit, etc. pertaining to application for export suspension) of the Act (hereinafter in this Article simply referred to as "right") may file an application for the exercise of right with the Director General of Customs.

(2) When an application referred to in the preceding paragraph has been filed, if it is found, based on a certified copy of court's decision, a document evidencing settlement or the like, that there are reasonable grounds for that application, the Director General of Customs shall deliver to the exporter who has filed the application a document confirming the exporter's right.

(3) When deposit has been provided by means of securities, if it is necessary for the exercise of right, the Director General of Customs may convert the securities to cash. In that event, the charges necessary for conversion are deducted from the amount so converted.

(4) In addition to the matters provided for in the preceding three paragraphs, any other necessary matters concerning the exercise of right are prescribed by the Ministry of Justice Order and the Ministry of Finance Order.

**(Procedures for application for approval of recovery of deposit, etc. pertaining to goods the exportation of which is prohibited)**

**Article 62-9.** A person who seeks the approval referred to in item (iv) of paragraph (8) of Article 69-6 (Deposit, etc. pertaining to application for export suspension) of the Act shall submit to the Director General of Customs a document stating the request for the approval referred to in that item, accompanied by a copy of a written contract relating to the contract referred to in paragraph (5) of that Article.

(2) A person who seeks the approval referred to in item (v) of paragraph (8) of Article 69-6 of the Act, after having provided another deposit in lieu of the deposit actually provided, shall submit to the Director General of Customs a document stating the request for the approval referred to in that item and the reason therefor, together with an authenticated copy of a certificate of deposit relating to another deposit.

**(Procedures for seeking opinion pertaining to goods the exportation of which is prohibited)**

**Article 62-10.** A person who seeks the opinion prescribed in paragraph (1) of Article 69-7 (Seeking opinion pertaining to goods the exportation of which is prohibited, etc.) of the Act (hereinafter in this Article and the items of paragraph (1) of the next Article referred to as “request for seeking opinion”) shall submit to the Director General of Customs a document stating matters as set forth in the following, accompanied by, where a person who seeks to make the request for seeking opinion is a patentholder or other right holder provided for in paragraph (1) of Article 69-7 of the Act, materials which may clarify the specific conditions of goods or processes deemed to compose the acts of infringing the patent right, utility model right or design right of the goods relating to the request or the specific conditions of goods deemed to compose the acts set forth in item (x) of paragraph (1) of Article 2 (Definitions) of the Unfair Competition Prevention Act (excluding those acts specified in item (vii) of paragraph (1) of Article 19 (Exclusion from application, etc.) of that Act), or where a person who seeks to make the request for seeking opinion is an exporter provided for in paragraph (1) of Article 69-7 of the Act, materials which may clarify the specific conditions of goods or processes deemed not to compose the acts of infringing the patent right, utility model right or design right of the patentholder or other right holder provided for in that paragraph with respect to goods relating to the request or the specific conditions of goods deemed not to compose the acts set forth in item (x) of paragraph (1) of Article 2 of the Unfair Competition Prevention Act:

- (i) the date of notification provided for in paragraph (1) of Article 69-7 of the Act;
- (ii) if the person has been notified that the period until the day on which ten working days elapse, as provided for in paragraph (1) of Article 69-7 of the Act has been extended pursuant to the provisions of that paragraph, that fact;
- (iii) the fact that the person makes a request for seeking opinion and the reason therefor;
- (iv) any other relevant matters.

**(Procedures for seeking opinion of the Minister of Economy, Trade and Industry, etc. pertaining to goods the exportation of which is prohibited)**

**Article 62-11.** If the Director General of Customs seeks the opinion of the Minister of Economy, Trade and Industry or the Commissioner of the Patent Office pursuant to the provisions of paragraph (2) of Article 69-7 (Seeking the opinion pertaining to goods the exportation of which is prohibited, etc.) of the Act, the Director General of Customs shall submit to the Minister or the Commissioner a document stating that fact and a document as specified in each of the following items for the category of the cases as set forth respectively therein, accompanied by a copy of a document submitted pursuant to the provisions of the preceding Article, materials provided for in that Article and other materials that may serve as a reference for the Minister or the Commissioner:

- (i) if a person who makes the request for seeking opinion is a patentholder or other right holder provided for in paragraph (1) of Article 69-7 of the Act: a document stating the specific conditions of goods or processes found to compose the acts of infringing the person's patent right, utility model right or design right of goods relating to the request and identified by the Director General of Customs or the specific conditions of goods found to compose the acts set forth in item (x) of paragraph (1) of Article 2 (Definitions) of the Unfair Competition Prevention Act and identified by the Director General of Customs;
- (ii) if a person who makes the request for seeking opinion is an exporter provided for in paragraph (1) of Article 69-7 of the Act: a document stating the specific conditions of goods or processes found not to compose the acts of infringing the patent right, utility model right or design right of the patentholder or other right holder with respect to goods relating to the request and identified by the Director General of Customs or the specific conditions of goods found not to compose the acts set forth in item (x) of paragraph (1) of Article 2 of the Unfair Competition Prevention Act and identified by the Director General of Customs.

(2) If the Director General of Customs seeks the opinion of the Minister of Economy,



Trade and Industry or the Commissioner of the Patent Office pursuant to the provisions of paragraph (9) of Article 69-7 of the Act, the Director General of Customs shall submit to the Minister or the Commissioner a document stating that fact, the reason therefor and the specific conditions of goods or processes deemed to compose the acts of infringing the patent right, utility model right or design right of the patentholder or other right holder involved in the opinion to be sought, as provided for in paragraph (1) of Article 69-7 of the Act and identified by the Director General of Customs or the specific conditions of goods deemed to compose the acts set forth in item (x) of paragraph (1) of Article 2 of the Unfair Competition Prevention Act and identified by the Director General of Customs, accompanied by materials that may clarify the specific conditions and other materials that may serve as a reference for the Minister or the Commissioner.

(3) The Director General of Customs, before seeking the opinion of the Minister of Economy, Trade and Industry or the Commissioner of the Patent Office pursuant to the provisions of paragraph (2) or (9) of Article 69-7 of the Act, shall provide the patentholder or other right holder and the exporter, as provided for in paragraph (1) of that Article, with an opportunity to state their opinions with respect to the materials provided for in the preceding two paragraphs.

**(Procedures, etc. for seeking opinion of the Minister of Agriculture, Forestry and Fisheries, etc. in verification procedures pertaining to goods the exportation of which is prohibited)**

**Article 62-12.** If the Director General of Customs seeks the opinion of the Minister of Agriculture, Forestry and Fisheries or the Minister of Economy, Trade and Industry pursuant to the provisions of paragraph (1) of Article 69-8 (Seeking opinion of the Minister of Agriculture, Forestry and Fisheries, etc. in verification procedures pertaining to goods the exportation of which is prohibited) of the Act, the Director General of Customs shall submit to the Minister concerned a document stating that fact and the reason therefor, accompanied by materials concerning the suspect goods concerned and other materials that may serve as a reference for the Minister concerned.

(2) The Minister of Agriculture, Forestry and Fisheries or the Minister of Economy, Trade and Industry, if it is necessary for providing the opinion pursuant to the provisions of paragraph (2) of Article 69-8 of the Act, may hear the opinions of a holder of a breeder's right, of a person who has the right to seek an injunction against unfair competition or of a person who seeks to export goods relating to the verification procedures, as provided for in paragraph (3) of that Article, of other person concerned or of a person having academic background and experience. In this case, necessary

procedures and other relevant matters are prescribed by the Ministry of Agriculture, Forestry and Fisheries Order or by the Ministry of Economy, Trade and Industry Order.

**(Procedures for seeking opinions of technical advisers in verification procedures pertaining to goods the exportation of which is prohibited)**

**Article 62-13.** If the Director General of Customs seeks opinions of technical advisers pursuant to the provisions of Article 69-9 (Seeking opinions of technical advisers in verification procedures pertaining to goods the exportation of which is prohibited) of the Act, the Director General of Customs shall send to the technical advisers a document stating that fact and the reason therefor, accompanied by materials relating to the suspect goods concerned and other materials that may serve as a reference for the technical advisers.

**(Procedures for seeking discontinuance of verification procedures pertaining to goods the exportation of which is prohibited)**

**Article 62-14.** A person who seeks discontinuance of verification procedures as prescribed in paragraph (1) of Article 69-10 (Seeking discontinuance of verification procedures pertaining to goods the exportation of which is prohibited, etc.) of the Act (referred to as “request for discontinuance of verification procedures” in item (iv)) shall submit to the Director General of Customs a document stating the matters as set forth in the following:

- (i) the date of notification provided for in paragraph (1) of Article 69-7 (Seeking opinion pertaining to goods the exportation of which is prohibited, etc.) of the Act, that is, the date on which a notification was received pursuant to the provisions of paragraph (2) of Article 69-10 of the Act;
- (ii) if the person has been notified that the period until the day on which ten working days elapse as provided for in paragraph (1) of Article 69-7 of the Act has been extended pursuant to the provisions of that paragraph, that fact;
- (iii) if the person has received a notification prescribed in paragraph (6) of Article 69-7 of the Act, the date of receipt of the notification;
- (iv) the fact that the person requests discontinuance of verification procedures;
- (v) any other relevant matters.

**(Mutatis mutandis application of procedures, etc. for cases where deposit has been provided pursuant to the order of the Director General of Customs)**

**Article 62-15.** Articles 62-6 and 62-7 apply mutatis mutandis to a person who seeks

the opinion as prescribed in paragraph (1) of Article 69-10 (Seeking discontinuance of verification procedures pertaining to goods the exportation of which is prohibited, etc.) of the Act and has been ordered to provide deposit pursuant to the provisions of paragraph (3) of that Article; Article 62-8 applies mutatis mutandis to the procedures for the exercise of right as provided for in paragraph (7) of Article 69-10 of the Act; paragraph (1) of Article 62-9 applies mutatis mutandis to a person who seeks the approval referred to in item (ii) of paragraph (9) of Article 69-10 of the Act; paragraph (2) of Article 62-9 applies mutatis mutandis to a person who seeks the approval referred to in item (iii) of paragraph (9) of Article 69-10 of the Act. In this case, the terms or phrases set forth in the middle columns of the following table, which are used in the paragraphs of the left columns, are deemed to be replaced respectively with the terms or phrases set forth in the right columns:

provisions	terms to be replaced	terms to replace
paragraph (1) of Article 62-6, and paragraphs (1), (2) and (4) of Article 62-7	applicant	applicant
paragraph (1) of Article 62-6	paragraph (3) of Article 69-6 of the Act	paragraph (4) of Article 69-10 of the Act
paragraph (2) of Article 62-6	a person who exports	a patentholder or other right holder (i.e., a patentholder or other right holder provided for in paragraph (1) of Article 69-7 (Seeking the opinion pertaining to goods the exportation of which is prohibited, etc.) of the Act; the same applies in the next Article and Article 62-8) who has filed an application prescribed in paragraph (1) of Article 69-4 (Procedures, etc. for application pertaining to goods the exportation of which is prohibited) of the Act, pertaining to
paragraphs (1) and (2) of Article 62-7	paragraph (5) of Article 69-6 of the Act	paragraph (6) of Article 69-10 of the Act
item (i) of paragraph (1) and paragraph (4) of Article 62-7	paragraph (1) of Article 69-6 of the Act	paragraph (3) of Article 69-10 of the Act
item (i) of paragraph (1) and paragraph (4) of Article 62-7 and paragraphs (1) and (2) of Article 62-8	exporter	patentholder or other right holder
paragraph (3) of Article 62-7	the person who exports	a patentholder or other right holder who has filed an application prescribed in paragraph (1) of Article 69-4 (Procedures for application pertaining to goods the exportation of which is prohibited, etc.) of the Act, pertaining to
paragraph (1) of Article 62-9	paragraph (5) of the said Article	paragraph (6) of Article 69-10 of the Act

## **Subsection 2 Goods the Importation of which is Prohibited**

### **(Verification procedures pertaining to goods the importation of which is prohibited)**

**Article 62-16.** In the verification procedures provided for in paragraph (1) of Article 69-12 (Verification procedures pertaining to goods the importation of which is prohibited) of the Act (hereinafter in this Article referred to as “verification procedures”), the Director General of Customs shall provide a patentholder or other right holder (i.e., a holder of patent right, utility model right, design right, trademark right, copyright, copyright neighboring right, layout-design exploitation right or breeder’s right, or a person who has the right to seek an injunction against unfair competition (i.e., a person provided for in paragraph (1) of Article 69-12 of the Act; the same applies in items (iv) and (vii) of paragraph (4) of this Article and paragraph (2) of Article 62-29); hereinafter the same applies in this Article), pertaining to goods subject to verification procedures (hereinafter in this Article, item (i) of paragraph (1) and paragraph (2) of Article 62-24, paragraph (1) of Article 62-29 and Article 62-30 referred to as “suspect goods”) and a person who seeks to import these suspect goods (hereinafter in this Article referred to as “importer”) with an opportunity to produce evidence and state their opinions as to whether the suspect goods fall under those set forth in items (ix) to (x) of paragraph (1) of Article 69-11 (Goods the importation of which is prohibited) of the Act; provided, however, that this does not apply to the case where a document provided for in item (v) of paragraph (5) has not been submitted within the time limit specified in that item by an importer who has received a notification referred to in paragraph (5).

(2) documents to be prescribed by Cabinet Order, as provided for in paragraph (4) of Article 69-12 of the Act are those as set forth in the following:

(i) documents stating that an importer has sought to purchase or obtain the suspect goods, that a consignor has shipped the suspect goods and any other details and purposes of importer’s intention to import the suspect goods;

(ii) documents which certify the names, addresses and occupations or businesses, of the importer and the consignor of the suspect goods;

(iii) documents stating the nature, shape, function, quality, intended use and other features of the suspect goods;

(iv) documents stating whether the importer has obtained from a patentholder or other right holder relating to the suspect goods the authorization to import the suspect goods;

(v) in addition to the documents set forth in the preceding items, documents which certify that the suspect goods do not fall under those set forth in items (ix) to (x) of paragraph (1) of Article 69-11 of the Act and other documents which may serve as a

reference when the Director General of Customs verifies whether the suspect goods fall under those set forth in items (ix) to (x) of that paragraph.

(3) When the evidence produced pursuant to the provisions of paragraph (1), the documents submitted pursuant to the provisions of paragraph (4) of Article 69-12 of the Act and any other evidence employed in verification procedures are to be taken as a basis for the verification referred to in paragraph (6) of that Article, the Director General of Customs shall provide a patentholder or other right holder or an importer, relating to the verification procedures, with an opportunity to state their opinions with respect to the evidence or documents.

(4) A notification to a patentholder or other right holder as prescribed in paragraphs (1) and (2) of Article 69-12 of the Act shall be issued in writing, stating the matters as set forth in the following:

(i) the description of suspect goods;

(ii) the names and addresses of an importer and consignor of suspect goods;

(iii) the details of patent right, utility model right, design right, trademark right, copyright, copyright neighboring right, layout-design exploitation right or breeder's right, relating to suspect goods (limited to suspect goods subject to verification procedures relating to those set forth in item (ix) or (ix)-2 of paragraph (1) of Article 69-11 of the Act);

(iv) the details of indication of goods, etc., the details of configuration of goods or the details of technological restriction measures (i.e., indication of goods, etc., configuration of goods or technological restriction measures as provided for in item (i), (ii), (iii), (xvii) or (xviii) of paragraph (1) of Article 2 (Definitions) of the Unfair Competition Prevention Act, relating to a person who has the right to seek an injunction against unfair competition; the same applies in item (ii) of the next Article) relating to suspect goods (limited to suspect goods subject to verification procedures relating to those set forth in item (x) of paragraph (1) of Article 69-11 of the Act);

(v) the reason for initiating verification procedures;

(vi) when an application prescribed in paragraph (1) of Article 69-13 (Procedures for filing an application pertaining to goods the importation of which is prohibited, etc.) of the Act has been accepted, if verification procedures relating to the application are initiated, that fact;

(vii) the fact that a right holder may produce evidence and state the opinion to demonstrate that the suspect goods fall under those as set forth in items (ix) to (x) of paragraph (1) of Article 69-11 of the Act (in the case where an application prescribed in paragraph (1) of Article 69-13 of the Act (excluding an application pertaining to a holder

of patent right, utility model right, design right or a person who has the right to seek an injunction against unfair competition relating to goods which compose the acts (excluding the acts specified in item (vii) of paragraph (1) of Article 19 (Exclusion from application, etc.) of the Unfair Competition Prevention Act) set forth in item (x) of paragraph (1) of Article 2 of that Act; the same applies in Article 62-27 and the items of paragraph (1) and paragraph (2) of Article 62-28) has been accepted, if verification procedures relating to the application have been initiated, the fact that the right holder may produce evidence and state the opinion only when the document provided for in item (v) of the next paragraph has been submitted within the time limit specified in that item by an importer who has received a notification referred to in the next paragraph) and the time limit therefor;

(viii) when an application prescribed in paragraph (1) of Article 69-13 of the Act has been accepted, if verification procedures relating to the application are initiated, the fact that the right holder may inspect suspect goods upon application to be made within the time limit referred to in the preceding item;

(ix) any other relevant matters.

(5) A notification to an importer as prescribed in paragraphs (1) and (2) of Article 69-12 of the Act shall be issued in writing, stating the matters as set forth in the following:

(i) the description and quantity of suspect goods, and the date of import declaration of these goods (or, if the suspect goods are postal items provided for in paragraph (1) of Article 76 (Simplified export or import procedures for postal items) of the Act, the date of presentation prescribed in paragraph (3) of that Article);

(ii) the name and address of a patentholder or other right holder;

(iii) the fact that an importer may produce evidence and state the opinion to demonstrate that suspect goods do not fall under those set forth in items (ix) to (x) of paragraph (1) of Article 69-11 of the Act (when an application prescribed in paragraph (1) of Article 69-13 of the Act has been accepted, if verification procedures relating to the application are initiated, the fact that the importer may produce evidence and state the opinion only when the document provided for in item (v) has been submitted within the time limit specified in that item) and the time limit therefor;

(iv) the fact that suspect goods, if verified to fall under those set forth in items (ix) to (x) of paragraph (1) of that Article, may be confiscated and subject to disposal pursuant to the provisions of paragraph (2) of Article 69-11 of the Act;

(v) when the application prescribed in paragraph (1) of Article 69-13 of the Act has been accepted, if verification procedures relating to that application are initiated, the fact that, if an importer disputes over whether suspect goods fall under those set forth in

items (ix) to (x) of paragraph (1) of Article 69-11 of the Act, the importer shall submit a document stating that fact to the Director General of Customs on or before the day on which ten days elapse (the holidays of administrative organs set forth in the items of paragraph (1) of Article 1 (Holidays of administrative organs) of the Act on the Holidays of Administrative Organs (Act No. 91 of 1988) are not included) from the date of receipt of the notification;

(vi) when an application prescribed in paragraph (1) of Article 69-13 of the Act has been accepted, if verification procedures relating to the application are initiated, the fact that a person who has filed the application or an importer (excluding an importer who may inspect the suspect goods pursuant to the provisions of paragraph (2) of Article 36 (Mutatis mutandis application, etc. of the provisions concerning customs areas) of the Act, paragraph (1) of Article 40 (Handling of goods) of the Act (including the case where applied mutatis mutandis pursuant to Article 49 (Mutatis mutandis application of the provisions concerning designated customs areas) of the Act), paragraph (3) of Article 62-2 (Permission of customs exhibition sites) and paragraph (1) of Article 62-8 (Permission of integrated customs areas)) may inspect suspect goods upon application to be made within the time limit referred to in item (iii);

(vii) the matters set forth in items (iii) to (vi) and (ix) of the preceding paragraph.

(6) A notification prescribed in paragraph (3) of Article 69-12 of the Act shall be issued in writing.

(7) If a document provided for in item (v) of paragraph (5) has been submitted, within the time limit provided for in that item, by an importer who has received a notification referred to in that paragraph, the Director General of Customs shall notify a patentholder or other right holder of that fact.

**(Procedures for filing application pertaining to goods the importation of which is prohibited)**

**Article 62-17.** A person who seeks to file an application prescribed in paragraph (1) of Article 69-13 (Procedures, etc. for filing application pertaining to goods the importation of which is prohibited) of the Act shall file with the Director General of Customs a written application stating matters as set forth in the following, accompanied by evidence provided for in that paragraph:

(i) the details of patent right, utility model right, design right, trademark right, copyright, copyright neighboring right or breeder's right (collectively referred to as "right" in items (iii) and (iv)) (only when the person seeks to file an application relating to goods set forth in item (ix) or (ix)-2 of paragraph (1) of Article 69-11 (Goods the

importation of which is prohibited) of the Act);

(ii) the details of indication of goods, etc., the details of configuration of goods or the details of technological restriction measures (only when the person seeks to file an application relating to goods set forth in item (x) of paragraph (1) of Article 69-11 of the Act);

(iii) the description of goods found to infringe the right or business interests (i.e., business interests relating to goods set forth in item (x) of paragraph (1) of Article 69-11 of the Act, infringed by the acts provided for in that item; the same applies in the next item);

(iv) the reason why the goods referred to in the preceding item are found to infringe the right or business interests;

(v) the desired period for which the application provided for in paragraph (3) of Article 69-13 of the Act is effective (limited to a period not exceeding four years);

(vi) any other relevant matters.

**(Provision of opportunity for inspection pertaining to goods the importation of which is prohibited)**

**Article 62-18.** A person who seeks to conduct the inspection prescribed in paragraph (4) of Article 69-13 (Procedures, etc. for filing an application pertaining to goods the importation of which is prohibited) of the Act shall, within the time limit referred to in item (vii) of paragraph (4) of Article 62-16 or item (iii) of paragraph (5) of that Article, file a written application for inspection with the Director General of Customs, accompanied by a copy of the written notification referred to in paragraph (4) or (5) of that Article.

**(Procedures for seeking opinions of technical advisers where application for import suspension is filed)**

**Article 62-19.** When the Director General of Customs seeks opinions of technical advisers pursuant to the provisions of Article 69-14 (Seeking opinions of technical advisers when application for import suspension is filed) of the Act, the Director General of Customs shall send to the technical advisers a document stating that fact and the reason therefor, accompanied by materials concerning goods relating to the application and other materials that may serve as a reference for the technical advisers.

**(Procedures for providing, pursuant to the order of the Director General of Customs,**



**deposit pertaining to goods the importation of which is prohibited)**

**Article 62-20.** A person who has filed an application prescribed in paragraph (1) of Article 69-13 (Procedures, etc. for filing an application pertaining to goods the importation of which is prohibited) of the Act and has been ordered to provide monetary deposit pursuant to the provisions of paragraph (1) or (2) of Article 69-15 (Deposit, etc. pertaining to application for import suspension) of the Act (in the next Article referred to as “applicant ordered to deposit”) shall, if the person has provided the deposit (including deposit of securities prescribed in paragraph (3) of Article 69-15 of the Act), submit an authenticated copy of a certificate of deposit to the Director General of Customs without delay.

(2) When an authenticated copy of a certificate of deposit prescribed in the preceding paragraph has been submitted, the Director General of Customs shall deliver a document stating that fact and a copy of the authenticated copy of the certificate of deposit to a person who seeks to import goods which have caused the deposit to be provided, without delay.

**(Details of contract, etc. provided in lieu of deposit, pertaining to goods the importation of which is prohibited)**

**Article 62-21.** When an applicant ordered to deposit enters into a contract referred to in paragraph (5) of Article 69-15 (Deposit, etc. pertaining to application for import suspension) of the Act, the contract shall be entered into, as its counterparty, with a bank, credit association (Shinkin bank), insurance company or other financial institution established in Japan and approved by the Director General of Customs (in item (i) and paragraph (3) simply referred to as “financial institution”), and shall meet the requirements as set forth in the following:

(i) that the financial institution pays, for the applicant ordered to deposit, within the amount ordered to deposit by the Director General of Customs, the importer in an amount indicated in a document delivered at the request of the importer, that is, a document which confirms that the importer who has the right to claim compensation for damages provided for in paragraph (1) of Article 69-15 of the Act against that applicant has the right to claim payment of money against the financial institution;

(ii) that the contract ceases to be effective when the contract is rescinded with the approval of the Director General of Customs;

(iii) that rescission of the contract or any modification thereto may not be made without the approval of the Director General of Customs.

(2) If the applicant ordered to deposit has entered into a contract referred to in

paragraph (5) of Article 69-15 of the Act (including the case where the contract has been modified with the approval of the Director General of Customs), the applicant shall submit to the Director General of Customs a document stating that fact, accompanied by a copy of the contract.

(3) If a document and a copy of contract, prescribed in the preceding paragraph have been submitted, the Director General of Customs shall deliver to a person who seeks to import goods which have caused the contract to be entered into, a document stating that fact, the name and address of a financial institution (i.e., a counterparty of the contract) and the amount stated in the contract, without delay.

(4) When a document and a copy of contract prescribed in paragraph (2) have been submitted, if the Director General of Customs is sought, from an importer who has the right to claim compensation for damages provided for in paragraph (1) of Article 69-15 of the Act against an applicant who has been ordered to deposit and has entered into a contract referred to in that paragraph, confirmation of the importer's right to claim compensation for damages and the amount covered by that right, and if it is found, based on a certified copy of court's decision, a document evidencing settlement or the like, that there are reasonable grounds for the importer's request, the Director General of Customs shall deliver to that importer a document confirming the importer's right to claim compensation for damages and the amount covered by that right.

**(Procedures for exercise of right pertaining to goods the importation of which is prohibited)**

**Article 62-22.** An importer who has the right provided for in paragraph (6) of Article 69-15 (Deposit, etc. pertaining to application for import suspension) of the Act (hereinafter in this Article simply referred to as "right") may file an application for exercise of right with Director General of Customs.

(2) When an application referred to in the preceding paragraph has been filed, if it is found, based on a certified copy of court's decision, a document evidencing settlement or the like, that there are reasonable grounds for the application, the Director General of Customs shall deliver to the importer who has filed the application a document confirming the right of the importer.

(3) When deposit has been provided by means of securities, if it is necessary for the exercise of right, the Director General of Customs may convert the securities to cash. In that event, the charges necessary for conversion are deducted from the amount so converted.

(4) In addition to the matters provided for in the preceding three paragraphs, other

necessary matters concerning the exercise of right are prescribed by the Ministry of Justice Order and the Ministry of Finance Order.

**(Procedures for seeking approval of recovery of deposit, etc. pertaining to goods the importation of which is prohibited)**

**Article 62-23.** A person who seeks the approval referred to in item (iv) of paragraph (8) of Article 69-15 (Deposit, etc. relating to application for import suspension) of the Act shall submit to the Director General of Customs a document stating the request for the approval referred to in that item, accompanied by a copy of a written contract relating to the contract referred to in paragraph (5) of that Article.

(2) A person who seeks the approval referred to in item (v) of paragraph (8) of Article 69-15 of the Act shall, after having provided another deposit in lieu of the deposit actually provided, submit to the Director General of Customs a document stating the request for the approval referred to in that item and the reason therefor, accompanied by the authenticated copy of a certificate of deposit relating to another deposit.

**(Procedures for seeking approval of inspection of a sample)**

**Article 62-24.** A person who seeks the approval referred to in paragraph (1) of Article 69-16 (Inspection of a sample of suspect goods by an applicant) of the Act shall submit to the Director General of Customs a document stating the matters set forth in the following, accompanied by a copy of the written notification referred to in paragraph (4) of Article 62-16:

(i) the reason why inspection of the sample is necessary for producing evidence and stating the opinion, with respect to suspect goods relating to the sample, pursuant to the provisions of paragraph (1) of Article 62-16;

(ii) the quantity of the sample;

(iii) the place, and the date and time of conducting inspection of the sample and the means thereof;

(iv) if the sample is to be stored, either before or after inspection, at a place other than a place provided for in the preceding item, the place of storage and the means of storage;

(v) the means of transport if the sample is to be transported;

(vi) any other relevant matters.

(2) When an application referred to in paragraph (1) of Article 69-16 of the Act has been filed, if the Director General of Customs, pursuant to the provisions of the second sentence of paragraph (1) of Article 69-16 of the Act, notifies a person who seeks to import suspect goods relating to the sample (hereinafter in this Article referred to as

“importer”) of the fact that the application has been filed, the Director General of Customs shall also notify the importer of the fact that the importer may state the opinion to the Director General of Customs with respect to the application.

(3) When the application referred to in paragraph (1) of Article 69-16 of the Act has been filed, if the Director General of Customs has elected not to approve the application, the Director General of Customs shall notify in writing an applicant and importer of that fact and the reason therefor.

(4) When a notification prescribed in paragraph (3) of Article 69-16 of the Act is issued to an importer, the Director General of Customs shall notify the importer of approval of inspection of the sample and of the place, date and time of the inspection in writing.

(5) The expenses to be borne by an applicant referred to in paragraph (4) of Article 69-16 of the Act pursuant to the provisions of that paragraph are those necessary for the transport, storage or inspection of the sample and other expenses incurred from handling of the sample (including the expenses necessary for returning the sample).

**(Mutatis mutandis application of procedures, etc. for cases where deposit has been provided pursuant to the order of the Director General of Customs)**

**Article 62-25.** Articles 62-20 and 62-21 apply mutatis mutandis to a person who seeks to file an application prescribed in paragraph (1) of Article 69-16 (Inspection of a sample of suspect goods by applicant) of the Act and has been ordered to provide monetary deposit pursuant to the provisions of paragraph (1) of Article 69-15 (Deposit, etc. pertaining to application for import suspension) of the Act, as applied mutatis mutandis pursuant to paragraph (5) of Article 69-16 of the Act; Article 62-22 applies mutatis mutandis to the procedures for exercise of right provided for in paragraph (6) of Article 69-15 of the Act, as applied mutatis mutandis pursuant to paragraph (5) of Article 69-16 of the Act; paragraph (1) of Article 62-23 applies mutatis mutandis to a person who seeks the approval referred to in item (iv) of paragraph (8) of Article 69-15 of the Act, as applied mutatis mutandis pursuant to paragraph (5) of Article 69-16 of the Act; paragraph (2) of Article 62-23 applies mutatis mutandis to a person who seeks the approval referred to in item (v) of paragraph (8) of Article 69-15 of the Act, as applied mutatis mutandis pursuant to paragraph (5) of Article 69-16 of the Act. In this case, the terms or phrases set forth in the middle columns of the following table, which are used in the paragraphs in the left columns are deemed to be replaced respectively with the terms or phrases set forth in the right columns:

provisions	terms to be replaced	terms to replace
paragraph (1) of Article 62-20, and paragraphs (1), (2) and (4) of	applicant	applicant

Article 62-21		
paragraph (1) of Article 62-20	paragraph (3) of Article 69-15 of the Act	paragraph (3) of Article 69-15 of the Act, as applied <i>mutatis mutandis</i> pursuant to paragraph (5) of Article 69-16 of the Act
paragraphs (1) and (2) of Article 62-21	paragraph (5) of Article 69-15 of the Act	paragraph (5) of Article 69-15 of the Act, as applied <i>mutatis mutandis</i> pursuant to paragraph (5) of Article 69-16 of the Act
item (i) of paragraph (1) and paragraph (4) of Article 62-21	paragraph (1) of Article 69-15 of the Act	paragraph (1) of Article 69-15 of the Act, as applied <i>mutatis mutandis</i> pursuant to paragraph (5) of Article 69-16 of the Act
paragraph (1) of Article 62-23	paragraph (5) of the said Article	paragraph (5) of Article 69-15 of the Act, as applied <i>mutatis mutandis</i> pursuant to paragraph (5) of Article 69-16 of the Act

**(Procedures for request for attendance during inspection of a sample)**

**Article 62-26.** A person who seeks to file an application prescribed in paragraph (6) of Article 69-16 (Inspection of sample of suspect goods by applicant) of the Act shall submit, prior to the day on which inspection of a sample as notified pursuant to the provisions of paragraph (4) of Article 62-24 is conducted, to the Director General of Customs a document stating that fact, the name and address of a person who is to attend the inspection and other relevant matters. In this case, the Director General of Customs who has received the document shall notify a person who has filed an application referred to in paragraph (1) of Article 69-16 of the Act of the name of a person who is to attend and other relevant matters.

**(Procedures for seeking opinion pertaining to goods the importation of which is prohibited)**

**Article 62-27.** A person who seeks the opinion as prescribed in paragraph (1) of Article 69-17 (Seeking opinion pertaining to goods the importation of which is prohibited) of the Act (hereinafter in this Article and the items of paragraph (1) of the next Article referred to as “request for seeking opinion”) shall submit to the Director General of Customs a document stating matters set forth in the following, accompanied by, where a person who seeks to make the request for seeking opinion is a patentholder or other right holder provided for in paragraph (1) of Article 69-17 of the Act, materials which may clarify the specific conditions of goods or processes deemed to compose the acts of infringing the patent right, utility model right or design right of goods relating to the request or the specific conditions of goods deemed to compose the acts set forth in item

(x) of paragraph (1) of Article 2 (Definitions) of the Unfair Competition Prevention Act, or where a person who seeks to make a request for seeking opinion is an importer provided for in paragraph (1) of Article 69-17 of the Act, materials which may clarify the specific conditions of goods or processes deemed not to compose the acts of infringing the patent right, utility model right or design right of the patentholder or other right holder provided for in that paragraph with respect to the goods relating to the request or the specific conditions of goods deemed not to compose the acts set forth in that item:

(i) the date of notification provided for in paragraph (1) of Article 69-17 of the Act;

(ii) if the person has been notified that the period until the day on which ten days elapse as provided for in paragraph (1) of Article 69-17 of the Act has been extended pursuant to the provisions of that paragraph, that fact;

(iii) the fact that the person makes a request for seeking the opinion and the reason therefor;

(iv) any other relevant matters.

**(Procedures for seeking opinions of the Minister of Economy, Trade and Industry, etc. pertaining to goods the importation of which is prohibited)**

**Article 62-28.** When the Director General of Customs seeks the opinion of the Minister of Economy, Trade and Industry or the Commissioner of the Patent Office pursuant to the provisions of paragraph (2) of Article 69-17 (Seeking opinions pertaining to goods the importation of which is prohibited, etc.) of the Act, the Director General of Customs shall submit to the Minister or the Commissioner a document stating that fact and a document as specified in each of the following items for the category of the cases as set forth respectively therein, accompanied by a copy of a document submitted pursuant to the provisions of the preceding Article, materials provided for in that Article and other materials that may serve as a reference for the Minister or the Commissioner:

(i) if a person who seeks to make a request for seeking opinion is a patentholder or other right holder provided for in paragraph (1) of Article 69-17 of the Act: a document stating the specific conditions of goods or processes found to compose the acts of infringing the patent right, utility model right or design right of goods relating to the request and identified by the Director General of Customs or the specific conditions of goods found to compose the acts set forth in item (x) of paragraph (1) of Article 2 (Definitions) of the Unfair Competition Prevention Act and identified by the Director General of Customs;

(ii) if a person who seeks to make a request for seeking opinion is an importer provided for in paragraph (1) of Article 69-17 of the Act: a document stating the specific conditions of goods or processes found not to compose the acts of infringing the patent

right, utility model right or design right of the patentholder or other right holder with respect to goods relating to the request and identified by the Director General of Customs or the specific conditions of goods found not to compose the acts set forth in item (x) of paragraph (1) of Article 2 of the Unfair Competition Prevention Act and identified by the Director General of Customs.

(2) When the Director General of Customs seeks the opinion of the Minister of Economy, Trade and Industry or the Commissioner of the Patent Office pursuant to the provisions of paragraph (9) of Article 69-17 of the Act, the Director General of Customs shall submit to the Minister or the Commissioner a document stating that fact, the reason therefor and the specific conditions of goods or processes found to compose the acts of infringing the patent right, utility model right or design right of the patentholder or other right holder provided for in paragraph (1) of Article 69-17 of the Act, relating to the request for the opinion and identified by the Director General of Customs or the specific conditions of goods found to compose the acts set forth in item (x) of paragraph (1) of Article 2 of the Unfair Competition Prevention Act and identified by the Director General of Customs, accompanied by materials which may clarify the specific conditions and other materials that may serve as a reference for the Minister or the Commissioner.

(3) The Director General of Customs, before seeking the opinion of the Minister of Economy, Trade and Industry or the Commissioner of the Patent Office pursuant to the provisions of paragraph (2) or (9) of Article 69-17 of the Act, shall provide the patentholder or other right holder and importer concerned, as provided for in paragraph (1) of that Article with an opportunity to state their opinions with respect to the materials provided for in the preceding two paragraphs.

**(Procedures, etc. for seeking opinions of the Minister of Agriculture, Forestry and Fisheries, etc. in verification procedures pertaining to goods the importation of which is prohibited)**

**Article 62-29.** When the Director General of Customs seeks the opinion of the Minister of Agriculture, Forestry and Fisheries or the Minister of Economy, Trade and Industry pursuant to the provisions of paragraph (1) of Article 69-18 (Seeking opinions of the Minister of Agriculture, Forestry and Fisheries, etc. in verification procedures pertaining to goods the importation of which is prohibited) of the Act, the Director General of Customs shall submit to the Minister concerned a document stating that fact and the reason therefor, accompanied by materials relating to the suspect goods concerned and other materials that may serve as a reference for the Minister concerned.

(2) The Minister of Agriculture, Forestry and Fisheries or the Minister of Economy,

Trade and Industry, if it is found necessary for providing the opinion pursuant to the provisions of paragraph (2) of Article 69-18 of the Act, may hear the opinions of a holder of breeder's right, of a person who has the right to seek an injunction against unfair competition, of a person who seeks to import goods relating to the verification procedures, as provided for in paragraph (3) of that Article, of other person concerned or of a person having academic background and experience. In this case, the necessary procedures and other relevant matters are prescribed by the Ministry of Agriculture, Forestry and Fisheries Order or by the Ministry of Economy, Trade and Industry Order.

**(Procedures for seeking opinions of technical advisers in verification procedures pertaining to goods the importation of which is prohibited)**

**Article 62-30.** When the Director General of Customs seeks opinions of technical advisers pursuant to the provisions of Article 69-19 (Seeking opinions of technical advisers in verification procedures pertaining to goods the importation of which is prohibited) of the Act, the Director General of Customs shall send to the technical advisers a document stating that fact and the reason therefor, accompanied by materials relating to the suspect goods concerned and other materials that may serve as a reference for the technical advisers.

**(Procedures for seeking discontinuance of verification procedures pertaining to goods the importation of which is prohibited)**

**Article 62-31.** A person who seeks discontinuance of verification procedures as prescribed in paragraph (1) of Article 69-20 (Seeking discontinuance of verification procedures pertaining to goods the importation of which is prohibited, etc.) of the Act (referred to as "request for discontinuance of verification procedures" in item (iv)) shall submit to the Director General of Customs a document stating the matters as set forth in the following:

- (i) the date of notification provided for in paragraph (1) of Article 69-17 (Seeking opinions pertaining to goods the importation of which is prohibited, etc.) of the Act, that is, the date on which a notification was received pursuant to the provisions of paragraph (2) of Article 69-20 of the Act;
- (ii) if the person has been notified that the period until the day on which ten days elapse as provided for in paragraph (1) of Article 69-17 of the Act has been extended pursuant to the provisions of that paragraph, that fact;
- (iii) if the person has received a notification prescribed in paragraph (6) of Article 69-17



of the Act, the date of receipt of the notification;

(iv) the fact that the person makes a request for discontinuance of verification procedures;

(v) any other relevant matters.

**(Mutatis mutandis application of procedures, etc. for cases where deposit has been provided pursuant to the order of the Director General of Customs)**

**Article 62-32.** Articles 62-20 and 62-21 apply mutatis mutandis to a person who seeks to make a request prescribed in paragraph (1) of Article 69-20 (Seeking discontinuance of verification procedures pertaining to goods the importation of which is prohibited, etc.) of the Act and has been ordered to offer monetary deposit pursuant to the provisions of paragraph (3) of that Article; Article 62-22 applies mutatis mutandis to the procedures for exercise of right as provided for in paragraph (7) of Article 69-20 of the Act; paragraph (1) of Article 62-23 applies mutatis mutandis to a person who seeks the approval referred to in item (ii) of paragraph (9) of Article 69-20 of the Act; paragraph (2) of Article 62-23 applies mutatis mutandis to a person who seeks the approval referred to in item (iii) of paragraph (9) of Article 69-20 of the Act. In this case, the terms or phrases set forth in the middle columns of the following table, which are used in the paragraphs of the left columns, are deemed to be replaced respectively with the terms or phrases set forth in the right columns:

provisions	terms to be replaced	terms to replace
paragraph (1) of Article 62-20, and paragraphs (1), (2) and (4) of Article 62-21	applicant	applicant
paragraph (1) of Article 62-20	paragraph (3) of Article 69-15 of the Act	paragraph (4) of Article 69-20 of the Act
paragraph (2) of Article 62-20	a person who imports	a patentholder or other right holder who has filed an application prescribed in paragraph (1) of Article 69-13 (Procedures, etc. for filing an application pertaining to goods the importation of which is prohibited) of the Act (i.e., a patentholder or other right holder provided for in paragraph (1) of Article 69-17 (Seeking the opinion of the Commissioner of the Patent Office pertaining to goods the importation of which is prohibited, etc.) of the Act; the same applies in the next Article and Article 62-22), with respect to
paragraphs (1) and (2) of Article 62-21	paragraph (5) of Article 69-15 of the Act	paragraph (6) of Article 69-20 of the Act
item (i) of paragraph (1) and paragraph (4) of Article 62-21	paragraph (1) of Article 69-15 of the Act	paragraph (3) of Article 69-20 of the Act

item (i) of paragraph (1) and paragraph (4) of Article 62-21 and paragraphs (1) and (2) of Article 62-22	importer	patentholder or other right holder
paragraph (3) of Article 62-21	a person who imports	a patentholder or other right holder who has filed an application prescribed in paragraph (1) of Article 69-13 (Procedures, etc. for filing an application pertaining to goods the importation of which is prohibited) of the Act, with respect to
paragraph (1) of Article 62-23	paragraph (5) of the said Article	paragraph (6) of Article 69-20 of the Act

### **Subsection 3    Technical Advisers**

**Article 62-33.** When the Director General of Customs designates persons to serve as technical advisers pursuant to the provisions of Article 69-5 (Seeking opinions of technical advisers when application for export suspension is filed), Article 69-9 (Seeking opinions of technical advisers in verification procedures pertaining to goods the exportation of which is prohibited), Article 69-14 (Seeking opinions of technical advisers when application for import suspension is filed) or Article 69-19 (Seeking opinions of technical advisers in verification procedures pertaining to goods the importation of which is prohibited), of the Act, the Director General of Customs is to specify the period of designation as technical experts.