

New Border Measures in Dominican Republic Customs

SANTO DOMINGO, DN, DOMINICAN REPUBLIC, August 5, 2022 /EINPresswire.com/ -- [WDALAW](#) strongly advises all clients to have their trademarks registered both at the Trademark Office and at the Intellectual Property Section of Dominican Customs. This way, Customs send a notice every time a suspicious cargo is received and send pictures to representatives to verify or confirm any instance of counterfeit.

As for the border's measures before customs authorities in the Dominican Republic, it is necessary to have an order from a judge; while filing a request for such an order, we should present to the court strong and sufficient evidence of infringement to prove that there is imminent harm to be caused to the trademark's lawful owner/licensee. In such cases, a deposit in money is to be provided by the plaintiff to the court (calculated three times the value of the goods to be seized) as bail for guaranteeing the defendant's rights or damages claim.

This order for customs to refrain from allowing the entrance of counterfeit products can be started before, at the same time, or after the legal claim is filed with the court but if started before, the action should take place within the next 10 days.

Penalties provided by the law to counterfeiters/importers/retailers/warehouse owners/sales person include:

Article 166 of our [Trademark act 20-00](#) provides imprisonment from three months to two years and a fine of ten to fifty minimum monthly wages (currently around US\$160.00);

Article 168 of our Trademark act 20-00 provides a damage claim to the plaintiff/owner of a trademark counterfeited.

Furthermore, article 175 of our Trademark Act 20-00 gives the formula to be used to calculate the damages as follows:

- As for the benefits that the rightful owner could have received if there was no unfair competition by the counterfeiter/infractor;

As for the number of benefits obtained by the counterfeiter as a result of the infraction;

- As for the number of money, the infractor/counterfeiter would have had to pay to the rightful

owner for a license of use, having into account the commercial value of the goods and any license the rightful owner might already have agreed to.

These types of cases involve intense legal expertise, personal actions of our attorneys going to the places of counterfeit, visiting ports, and retailers, and most importantly, taking full responsibility on the cease of counterfeit actions by parties involved and sometimes even risking personal safety. Additional details about [trademark registration](#) are provided by our partner, Wendy Diaz at the article repository.

Judicial actions are detailed as follows in time-wise stages:

- 1) TARGETING RESPONSIBLE FOR COUNTERFEITING; INVESTIGATION ON THE SPOT, REMITTANCE OF CEASE AND DESIST LETTERS; INITIAL PROSECUTOR´S OFFICE ACTIONS AND CUSTOMS INJUNCTION
- 2) FIRST INSTANCE COURT CRIMINAL AND CIVIL ACTIONS PER INFRINGER
- 3) COURT OF APPEALS ACTIONS (if necessary) PER INFRINGER
- 4) SUPREME COURT ACTIONS (if necessary) PER INFRINGER

Public Relations

WDALAW

+1 305-428-2034

[email us here](#)

Visit us on social media:

[Facebook](#)

[Twitter](#)

[LinkedIn](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/584627358>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2022 Newsmatics Inc. All Right Reserved.