EGYPT
Smooth Sailing: New Customs Procedure

KUWAIT
Fraudsters Beware: Implementing Regulations of Anti-Commercial Fraud Law Issued

TURKEY
Online Anti-Counterfeiting Measures
EGYPT | SMOOTH SAILING: NEW CUSTOMS PROCEDURE

The Egyptian Customs Authority launched a new electronic system for the pre-registration of all shipment information, aptly named the Advanced Cargo Information (ACI). Registration on the ACI will be mandatory for all shipments arriving at Egyptian seaports from July 1, 2021. Air and land ports will follow suite in the next phase of implementation and will require registration for all inbound cargo on the ACI.

Exporters who plan to deliver goods to Egypt by sea must register in advance once with CargoX, the blockchain service provider for immutably registering and transferring the shipping documents. Consequently, importers must enter all relevant data using a proforma invoice via Nafeza, the National Single Window for Egyptian Trade electronic platform. The system will then issue an Advanced Cargo Information Declaration (ACID) number within 48 hours. All documents such as invoices, certificates of origin, and shipping documents must list the aforementioned ACID number. Any and all deliveries arriving with shipping documents that have no ACID number will be rejected.

It is worth noting that the regulations stipulated by the General Organization for Export and Import Control (GOEIC) to authorize the import of certain goods are still enacted despite the updated Customs procedure. By way of background, trademark owners are required to record the name of the manufacturer, as well as the corresponding trademark registration of the imported products at the GOEIC. For more information on the requirements for the recordal and a comprehensive list of products that require registration with the GOEIC, click here.

We expect this update to streamline and speed up Customs procedures for exports to Egypt through the online system.
In light of its revived efforts to crackdown on intellectual property infringement and malicious business practices, Kuwait published the Implementing Regulations of the unified GCC Anti-Commercial Fraud Law No. 20 of 2019.

The new regulations were published on May 31, 2021 in order to assist the authorities concerned in their ongoing efforts to enforce the Law and eliminate shady business practices in the country.

By way of background, the Law states that the definition of a commercial fraud crime has been expanded to include the act of selling and/or producing infringing or fraudulent products, or raw materials used to produce said products, that are harmful to health and safety.

Such developments in Kuwait showcase that the country is nurturing the right environment for the protection and enforcement of intellectual property rights.
Located at the crossroads of Asia and Europe, Turkey occupies a transcontinental position of significant importance, which bestows upon the country a considerable influence across the region and beyond. Turkey’s strategic geographic position makes it an important energy and logistics corridor, linking Europe with the Middle East, the Caucasus, and Central Asia.

With the rise of ecommerce sites, many infringers and counterfeiters are resorting to online platforms to pawn their illicit goods to unsuspecting consumers. Nonetheless, this does not mean that such criminals are beyond the long arm of the Law in Turkey. Court actions are available as a remedy for online infringement if the brand owner can associate the infringer with a local entity or individual in Turkey.

In fact, Turkey maintains strict control when it comes to registering domain names under the “.tr” country code. The Information Technologies Authority, which acts as the competent registrar, applies strict rules and requires precise and detailed documentation for proof of genuine rights ownership before granting the designation. This process makes it extremely challenging and near impossible for infringers to register fraudulent domain names under the “.tr” country code.

In addition, it is worth noting that an internet service provider in Turkey may be held accountable for aiding an infringer, or is unaware of the ongoing infringement activities and is able to block or suspend the infringing website. As aforementioned in the section titled “Laying down the Law,” Turkey maintains Law No. 5651 in order to set down the guiding principles as related to the liability of content, hosting, and internet service providers. The Law also applies to acts of online counterfeiting and piracy.
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