

**CHECKLIST OF ISSUES ON ENFORCEMENT<sup>1</sup>**

Responses from Suriname

**Civil and Administrative Procedures and Remedies**

(a) *Civil judicial procedures and remedies*

**1. Specify the courts which have jurisdiction over IPR infringement cases.**

All intellectual property rights infringement cases are brought before the High Court.

**2. Which persons have standing to assert IPRs? How may they be represented? Are there requirements for mandatory personal appearances before the court by the right holder?**

Any stakeholder has standing to assert intellectual property rights. They may be represented by an attorney.

**3. What authority do the judicial authorities have to order, at the request of an opposing party, a party to a proceeding to produce evidence that lies within its control?**

There are no special provisions on enforcement for intellectual property rights.

**4. What means exist to identify and protect confidential information brought forward as evidence?**

There are no means to protect confidential information brought forward as evidence.

**5. Describe the remedies that may be ordered by the judicial authorities and criteria, legislative or jurisprudential, for their use;**

- **injunctions;**
- **damages, including recovery of profits, and expenses, including attorney's fees;**
- **destruction or other disposal of infringing goods and materials/implements for their production;**
- **any other remedies.**

The judge may order that the defendant seize all actions causing the infringement of a copyright or a trademark right.

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<sup>1</sup> Document IP/C/5.

6. **In what circumstances, if any, do judicial authorities have the authority to order the infringer to inform the right holder of the identity of third persons involved in the production and distribution of the goods of services found to be infringing and of their channels of distribution?**

Our legislation does not provide for the above mentioned.

7. **Describe provisions relating to the indemnification of defendants wrongfully enjoined. To what extent are public authorities and/or officials liable in such a situation and what "remedial measures" are applicable to them?**

Our legislation does not provide for the above mentioned.

8. **Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost.**

Every case before court has to be decided in a "reasonable" period of time.

(b) *Administrative procedures and remedies*

9. **Reply to the above questions in relation to any administrative procedures on the merits and remedies that may result from these procedures.**

Please refer to the answer to question 3 above.

### **Provisional Measures**

(a) *Judicial measures*

10. **Describe the types of provisional measures that judicial authorities may order, and the legal basis for such authority.**

The above mentioned is not particularly provided for, for intellectual property matters.

11. **In what circumstances may such measures be ordered *inaudita altera parte*?**

The above mentioned is not particularly provided for, for intellectual property matters.

12. **Describe the main procedures for the initiation, ordering and maintenance in force of provisional measures, in particular relevant time-limits and safeguards to protect the legitimate interests of the defendant.**

The above mentioned is not particularly provided for, for intellectual property matters.

13. **Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost.**

Please refer to the answer to question 8 above.

(b) *Administrative procedures*

**14. Reply to the above questions in relation to any administrative provisional measures.**

Please refer to the answer to question 3 above.

**Special Requirements Related to Border Measures**

**15. Indicate for which goods it is possible to apply for the suspension by the customs authorities of the release into free circulation, in particular whether these procedures are available also in respect of goods which involve infringements of intellectual property rights other than counterfeit trademark or pirated copyright goods as defined in the TRIPS Agreement (footnote to Article 51). Specify, together with relevant criteria, any imports excluded from the application of such procedures (such as goods from another member of a customs union, goods in transit or *de minimis imports*). Do the procedures apply to imports of goods put on the market in another country by or with the consent of the right holder and to goods destined for exportation?**

Our legislation does not provide for the above mentioned.

**16. Provide a description of the main elements of the procedures relating to the suspension of the release of goods by customs authorities, in particular the competent authorities (Article 51), the requirements for an application (Article 52) and various requirements related to the duration of suspension (Article 55). How have Articles 53 (security or equivalent assurance), 56 (indemnification of the importer and of the owner of the goods) and 57 (right of inspection and information) been implemented?**

The Agreement on Trade-Related Aspects of Intellectual Property Rights has not yet been implemented in our legislation.

**17. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost. How long is the validity of decisions by the competent authorities for the suspension of the release of goods into free circulation?**

Please refer to the answer to question 3 above.

**18. Are competent authorities required to act upon their own initiative and, if so, in what circumstances? Are there any special provisions applicable to *ex officio* action?**

Articles 9, 10 and 11 of our Trademark Law provide for an application of the Attorney General Office for the invalidity of any trademark opposed to public order or morality.

**19. Describe the remedies that the competent authorities have the authority to order and any criteria regulating their use.**

Please refer to the answer to question 18 above.

**Criminal Procedures**

**20. Specify the courts which have jurisdiction over criminal acts of infringement of IPRs.**

Please refer to the answer to question 1 above.

**21. In respect of which infringements of which intellectual property rights are criminal procedures and penalties available?**

In respect of copyright.

**22. Which public authorities are responsible for initiating criminal proceedings? Are they required to do this on their own initiative and/or in response to complaints?**

Please refer to the answer to question 18 above.

**23. Do private persons have standing to initiate criminal proceedings and, if so, who?**

Please refer to our answer to question 2.

**24. Specify, by category of IPR and type of infringement where necessary, the penalties and other remedies that may be imposed:**

- **imprisonment;**
- **monetary fines;**
- **seizure, forfeiture and destruction of infringing goods and materials and implements for their production;**
- **other.**

Articles 26 to 37 of our Copyright Law provide for effective action against infringement of copyright materials, such as compensation of the right holder, seizure and/or destruction of the materials and imprisonment of the offender.

**25. Describe provisions governing the length and any cost of proceedings. Provide any available data on the actual duration of proceedings and their cost, if any.**

Please refer to the answer to question 8 above.

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