

channels. Perhaps the dual channel system is easier to operate, but as the experience of foreign countries shows, the use of a multi-channel system gives a much better result.

Therefore, due to the growing burden on the customs authorities due to the growth of passenger traffic, there is the introduction of at least a "blue" channel for the citizens of the EAEU.

Based on the experience of the European Union, where there is already a "blue" channel, which means the opportunity provided to citizens of the European Union, without subjecting their goods to physical and documentary verification in the course of customs operations, to release goods in an accelerated mode.

Since citizens of the EAEU member states not only carry out tourist activities within the territory of the EAEU, but also have family relations, the introduction of such a channel will simplify and speed up the passage of customs control and crossing the customs border in general.

In the Republic of Belarus, electronic advance notification is actively used, which can play a significant role in the development of a system of channels for customs control. As mentioned earlier, many countries have long used a four-channel system. This system has received its development, directly thanks to electronic preliminary information. Based on the experience of other countries, the customs authorities of the Republic of Belarus should also introduce at least two more channels. This would significantly speed up the time required to cross the customs border. As in other countries, the system would consist of new "yellow", "blue" and old "green" and "red" channels. And the whole system would be based on an analysis of the risks obtained from the information on preliminary information.

It should be noted that based on the experience of other countries, the introduction of new channels, such as "blue" and "yellow", will be effective in the Republic of Belarus. Thanks to the introduction of new channels at the customs border, the channel system will be able to be used for international cargo transportation, significantly accelerate the passage of the border for citizens of the CIS or the EAEU, and generally further simplify the implementation of customs control.

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**«The principle «ex-officio» in the fight against the illegal movement of IP  
objects in the Republic of Belarus»**

*Research Field:*  
*Intellectual property as an object of international trade*

Today an effective and balanced system of protection of intellectual property rights is one of the key elements and a guarantee of economic growth and prosperity of states around the world. Creation of such system in today's reality requires coordinated actions from the government and entrepreneurs.

In accordance with the legislation of the EAEU, the protection of goods containing intellectual property objects is carried out only in relation to goods that are included in the Unified Register of Intellectual Property Objects of the EAEU, since the Republic of Belarus is a member state of the Union, or in the national Customs register of intellectual property objects. Consequently, goods that are not included in such registers remain “defenseless”, since the customs authorities are not empowered to take protective measures in respect of such goods on their own initiative in the presence of suspicions of infringement of intellectual property rights<sup>1</sup>.

One of the problems of creating an effective system in order to protect intellectual property rights is the passivity and inconsequence of actions of rightholders, whose intellectual property objects are included in customs registers. In particular, there are frequent cases of lack of reaction of rightholders to notifications from customs authorities, in case of suspension of the release of goods by customs authorities at the stage of customs control over the movement of goods across the customs border containing objects of intellectual property and having signs of counterfeit. The consequence of this is the forced release of goods for free circulation on the territory of the member states. However, this problem is caused not only by the passivity of rightholders, but also by the fact that the principle «ex – officio» is not applied in the Republic of Belarus.

This principle allows the customs authorities to stop the release of goods on suspicion of violation of the rights to the IPO on their own initiative, without a claim from the rightholder or without waiting for a response to the notification of the customs authority<sup>2</sup>.

Within the EAEU, the principle «ex – officio» is applied by the member states of the Union: Russia, Kazakhstan and Armenia. Its application not in all member states is determined by the fact that the existence of such right at the customs authorities is defined by the national legislation of the country. Therefore, the introduction of this principle into the work of the customs authorities of the Republic of Belarus can help reduce the penetration of counterfeit

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<sup>1</sup> Eurasian Economic Commission // Official website [Electronic resource]. - Access mode: <http://www.eurasiancommission.org> -Access date: 05.05.2021.

<sup>2</sup> Agreement on trade-related aspects of intellectual property rights [Electronic resource]. - Access mode: <https://fips.ru> -Access date: 06.05.2021.

goods into the country, as a result the customs authorities will be able to make a decision on the protection of intellectual property rights without the need to submit an application by the rightholder, which will reduce the time taken to carry out control operations.

However, the principle «ex – officio» has not yet been implemented in the Republic of Belarus, the reasons may be the following:

The need to create special departments in the customs authorities, where employees would be specialists in working with intellectual property, since the application of the principle «ex – officio» requires a high level of knowledge. The suspension of the release of goods in respect of which the customs authorities suspect violation of IP rights may cause delays at customs clearance points, since not all goods will be ultimately accused of violation of IP rights;

Lack of regulation for such departments, which would determine the authorities of specialists;

The need to define a basic list of situations this principle can be applied. Application of this principle in accordance with this list in different situations;

The need for coordinated action with other government agencies to exchange information on possible violations and receive it on time;

The need to establish effective interaction with government authorities of other member states of the Union on the protection of intellectual property objects.

The principle «ex – officio» is quite effectively applied in other countries. For example, in the European Union, within the framework of the principle «ex – officio», the customs authorities have the right to destroy small consignments of counterfeit products that arrive in mail as a result of Internet trade, which greatly simplifies the work of customs authorities with counterfeit IPOs. Consequently, its introduction into the work of the customs authorities of the Republic of Belarus will have a positive effect.

Amendments to the legislation with the aim of mandatory application of this principle by the customs authorities of the Republic of Belarus will increase the protection of IPO rightholders within the EAEU, as a result, in the Republic of Belarus. This is conditioned by the fact that in the EAEU member states, in which the principle «ex – officio» is applied, the threat of movement of counterfeit goods is less. They ensure not only their security, but the use of «ex – officio» by other member states also protects them.

In the figure, we can see the number of revealed violations of intellectual property rights in the Republic of Belarus for 2017 - 2019.

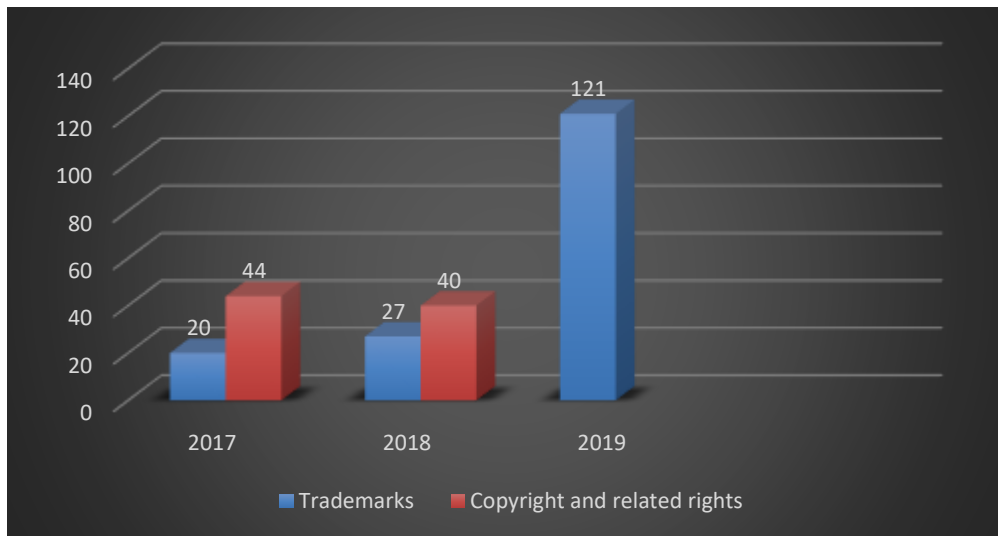


Figure - The number of revealed violations of intellectual property rights in the Republic of Belarus in the context of IP categories in 2017 - 2019 (units)

Analysis of the data in the figure allowed us to conclude that there is an increase in violations of intellectual property rights, in particular in respect of trademarks. Accordingly, the application of the principle «ex – officio» can help to reduce the number of such offences.

Thus, the application of the principle «ex – officio» in the Republic of Belarus can significantly increase the efficiency of the customs authorities, which will allow more rational use of resources through their correct distribution. This is especially important in the current conditions of the occurrences of new sophisticated ways of smuggling goods.

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### **«Information technologies in Customs: problems of their use and solutions»**

*Research Field:*

*Modern technologies in international trade*

Currently, the use of modern equipment, software, as well as new information systems and technologies is becoming increasingly important. The changing conditions of international trade development require the customs authorities to rapidly implement solutions that would allow simplified customs clearance and customs control for all participants in foreign economic activity. One of these solutions is the use of information systems and technologies, which