

PARALLEL IMPORT PROBLEM IN THE WORLD ПРОБЛЕМА ПАРАЛЛЕЛЬНОГО ИМПОРТА В МИРЕ

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Imagine the situation. A German producer of high-class medicine sells his production in the EU and has distributors in Belarus. Nevertheless, other Belarusian importers buy these goods in Poland and then sell them in Belarus without the producer's permission. Is it a counterfeiting and the violation of intellectual property rights? Should customs bodies and other law-enforcement agencies prohibit the import of these goods? For many years, this problem has been the subject of discussions. It is called *parallel or "grey" import*.

A **parallel import** is a non-counterfeit product imported from another country without the permission of the intellectual property owner. Parallel imports are often referred to as grey product and are implicated in issues of international trade, and intellectual property. [1]

The exhaustion of intellectual property rights plays the most important role in the parallel import legalization. There are three principles:

1. International. If the product has been sold in any country of the world, the buyer can resell it without permission anywhere where this concept is used. This principle is significant since it is used in Japan, China and the USA. But the Republic of Belarus uses two other methods: regional and national.

2. Regional principle means that if a producer starts selling a commodity in a union, then everyone can use a parallel import for these goods within the boundaries of the union. However, if this person wants to export the production he should ask for permission. For example, you bought software in Belarus. It is permitted for you to distribute it in Kazakhstan or Russia (EEU), but you are not allowed to sell it in Belgium, Mexico and so on.

3. National. Everyone can resell goods only in the country where they bought these goods. [2]

There are several advantages and disadvantages of parallel import.

Plusses of legalization:

1. Famous producers can't inflate the price on the markets of separate countries and unions because they would lose out to the prices of independent importers.

2. Neither the State nor the producers can set up delivery limits or use other non-tariff methods.

3. The assortment and the quality of a commodity will increase; the discrimination of our buyers will disappear.

4. Many companies will start working in this sphere professionally and it will lead to the creation of new working places.

5. Well-known brands will enter the market quickly and in a large assortment.

Disadvantages of “grey” import:

1. Foreign investments in the national manufacture of brands (for example, Stadler or Coca-Cola in Belarus) will decrease. Companies will spend more money on marketing and service. The quantity of working places will also reduce.

2. The EEU Economy will depend on the import.

3. Warranty terms and service will lose their quality, and customers will not be satisfied.

4. Unfair competition will grow and the quality of goods will fall, because every company (even one-day companies) might be involved in this process.

5. The Customs bodies will also receive other tasks and problems.

Customs authorities are not interested in the legalization of parallel import because they will be entrusted with more functions.

First of all, without this defensive struggle against “grey” import, many flows of foreign goods will head to the market of EEU. As a result, it will lead to the staff increases and weak customs control.

Moreover, now the supply of well-known brands is implemented by certain companies. Customs knows about them and trusts them. For this reason, there is a National Customs Register of Intellectual Property Objects. This system is an open, regularly updated database that serves to protect the interests of copyright holders who have entered their trademark in the register. The diversity of delivery companies is the reason for the distrust of customs officers.

Furthermore, weak customs control leads to counterfeiting. Counterfeit consumer goods are the goods, often of bad quality, made or sold under another's brand name without the brand owner's authorization.[4] The low investment potential means not only a decrease of money to the industry but also the fact that duties and taxes will be insignificant.

Of course, we have problems now. Customs authorities seriously restrict an import to avoid parallel import. Even two pairs of sneakers can be identified as the subject of a future deal. It makes the transportation of personal use items harder and gives excessive power to the government.[5]

“Grey import” is now a big problem for producers and consumers, lawyers and judges, states and unions. Many experts want to make this practice legal, while others want to set up strict limits. I think parallel importers will always have more expensive goods because the price set by the manufacturer is lower than in the store. But they can help to control the overstatement of prices and give the assortment to the market of EEU.

Currently, the legalization of parallel import in a Commodity Nomenclature of Foreign Economic Activity is not adopted for all goods but for the rarest and

most important groups. Everyone can estimate the effectiveness of these measures and specialists will continue their work on the right form of “grey” import.

Customs authorities could also improve their work if necessary. It can be additional checkpoints for this kind of production, improvement of the quality of customs control, a special system of permissions for companies that want to work in the field of parallel import. But the most important thing is to do everything gradually and not be in a hurry when making such important decisions.

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CANINE SERVICE OF CUSTOMS AUTHORITIES OF THE REPUBLIC OF BELARUS КИНОЛОГИЧЕСКАЯ СЛУЖБА ТАМОЖЕННЫХ ОРГАНОВ РЕСПУБЛИКИ БЕЛАРУСЬ

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