Index

AGREEMENT ON TRADE FACILITATION (TFA), 1-6

advance rulings, 2

appeals, 2

customs cooperation, 6

enhanced controls/inspection, 3

fees and charges, 3

formalities, 4

freedom of transit, 5

publication, 2

release and clearance of goods, 3

ALTERNATIVE DISPUTE RESOLUTION

Customs Act, 144

safeguard measures, 266

Settlement Commission, 6, 68, 81

subsidies and countervailing measures, 324

WTO Dispute Settlement Body, 262, 324

ANTI-DUMPING, 261-262

Canada

administrative procedures, 301-302
determination by CBSA, 303-304
final determination of injury, 305
finding of Tribunal, 305
notice of investigation, 302
notification and publication of order, 306
preliminary determination of injury, 305
preliminary injury inquiry, 305
product exclusions, 306
public interest inquiries, 307-310
factors to be considered, 307-308
recommencement following judicial review, 306

```
reconsideration, 304
    termination of inquiry, 310
         CBSA action on final determination, 310
         determination by designated officer, 311
         effect of re-determination, 312
         further re-determination by CBSA, 312
         goods subsequently imported, 311
         permissive re-determination, 312
         re-determination, 311-312
    termination of investigation, 303
anti-dumping duty, 292-293
    duration and review, 314
    termination of order, 315
    Tribunal's review of orders, 314
appeals
    Federal Court of Appeal, 314
    Tribunal, 312-314
application of provisions to subsidized goods, 293
definitions, 293
duties
    imposition of, 296
    injury, 296
    liability, 296-297
    payment during court proceedings, 297
    refund of, 298
         duty paid, 298
         provisional duty, 298
      request for review, 298
         expedited, 298
      rules relating to payment, 297-298
      undertakings, 299
         acceptance of, 299
         definition of, 299
         expiry and renewal, 300-301
         further undertakings, 300
         rejection of, 299
         termination of investigation, 299
         termination of undertaking, 299-300
export price, 295-296
    constructed, 295
judicial review, 315
regional markets, 293
valuation, 294
     alternative methods, 294-295
```

```
primary method, 294
India
   amount of duty, 289-290
   appeal
         against orders, 290
         WTO settlement body, 290-291
   Central Government Rules, 290
   constructed export price, 289
   definition of dumping, 289
   legislative authority, 288-289
   material injury or retardation 289
   normal value, 289
   rules, 336-344
   standing, 289
   trends, 291-292
WTO agreement, see WORLD TRADE ORGANIZATION (WTO)
ANTIQUITIES, see TRADE-RELATED INTERNATIONAL CONVENTIONS,
  ANTIQUITIES, antiquities
CODEX ALIMENTARIUS, 385
COPYRIGHT
Canada
   books, parallel importation of, 521-522
   civil remedies, 523
        construction of building, 523-524
       infringement by internet service provider, 524
       injunction, 523-524
        statutory damages, 525
   enforcement, request for assistance, 523
   import or export prohibition, 523
   infringement, 521
        non-infringement, 521
        moral rights, 521
   jurisdiction of court, 525
   legal framework, 516-517
   offences and penalties, 525-526
        limitation period, 526
   rights of holder, 517-518
        communication signal, 519
        moral rights, 518
        performance, 518-519
        sound recording, 519
```

```
term of protection, 519-520
   compulsory licences, 511-512
        translations, 511-512
   enforcement
        request for assistance, 514
        rules, 562-565
   infringement, 513
   international registration, 511
   legal framework, 508
   non-infringement, 513-514
   protected categories, 508-509
        literary works, 509
   remedies, 515
        civil, 515-516
        criminal, 515
        recovery, 515
        predicate offences, 516
   rights conferred, 509-510
        designs, 510
        moral rights, 510
   term of protection, 510-511
CUSTOMS CONTROL, CANADA
accounting and payment of duties
   documentation, 105
        certificate of origin, 105
        low value shipment, 105-106
   final accounting package, 106
   Release on Minimum Document (RMD), 105
advance rulings, 106-107
appeals
   audit, re-determination following, 119
   determination by designated officer, 119
   extension of time limit, 119-120
   monetary penalties, 136-137
   payment of duties and taxes, 118
   powers of the President, 121
   provincial courts, to, 124
   request for re-determination, 119
   right of appeal, 122
        Federal Court of Appeal, 122-123
             disposition, 123
```

```
further appeal, 123
   tribunal, to
        filing, 121-122
        hearing and decision, 122
        references to, 123
basic obligations, 98
   abandoned and unclaimed goods, 101
   prohibited goods, 101-103
        aircraft, 102
        base or counterfeit coins, 102
        copyrighted works, 102
        firearms, 102
        mattresses, 102
        motor vehicles, 102
        obscene material, 102-103
        prison labour, 102
        smoke screens, 102
        white phosphorous matches, 102
        wild life, 102
   release of goods, 100-101
   reporting, 98-99
        failure to declare, 99
        movement of goods after, 100
        persons required to report, 99
defence of due diligence, 136
duties
   abatement, 124
   deemed re-determination, 127
   deferral, 124-125
   exemptions, 125
   refunds, 125-126
   relief, 125
   remission, 127
enforcement, 127-129
forfeiture, 131
   appeals against, 133
        Minister's decision, 134-135
        provincial superior court's decision, 135
   ascertained forfeiture, 132
   effecting, 132
   in rem action, 132
   limitation period, 132
```

```
surrender to applicant, 135
    third party claims, 133
         conditions, 134
        late applications, 133
goods, definition of, 97
import, definition of, 98
legislation, 97
licences
    broker's, 104
    requirement for, 103
    warehouse, 104
        highway frontier, 104
         Queen's, 105
        sufferance and bonded, 104
marking of origin
    regulations, 117-118
    requirement, 117
officers
    immunity, 140
    powers of, 127-128
         administrative, 128
         enforcement, 129
         examination of goods, 130
         forfeiture, 131
        investigative, 128
         search of person, 129-130
         seizure of prohibited goods, 130-131
penalties
    criminal
         offences, 137-139
             corporation, by, 139
             smuggling, 139
         punishment
             general offences, 139
             limitation period, 140
             obstructing an officer, 139
             other offences, 139
    monetary
         absolute liability, 137
         appeals, 137
         violation of designated provisions, 135-136
```

```
searches, 129-130
seizure of prohibited goods, 130-131
self-assessment program, 106
valuation
   ad valorem, 107-108
   administrative determination, 107, 118
   methods of, 108
        computed value, 114
        correction of errors, 115-117
        identical goods, 114
        residual method, 115
        transaction value, 108-112
            buying and selling commissions, 112
            deductions, 113-114
             royalties and licence fees, 113
        two or more transaction values, 114
CUSTOMS CONTROL, INDIA
adjudication
   burden of proof, 65
   procedure, 65
   redemption of confiscated goods, 65-68
   show cause notice, 64
Alternative Dispute Resolution, see Settlement Commission
animals, 39
appeals, 70
   bona fide purchaser, refund of deposit, 77-79
   Commissioner of Customs, to, 71
   Customs, Excise and Service Tax Appellate Tribunal, to, 72
        deemed judicial, 74-75
        jurisdiction, 72-73
        majority decision, 73-74
        orders of, 74
        other powers, 74
        power to amend, 74
        power to refuse to admit appeal, 73
        proceedings, 73
   deposit pending, 70-71
   High Court, to, 75
        hearing, 75
        majority decision, 76
        powers, 75
```

```
writ jurisdiction, 76
    procedure, 71-72
    rules, 93-94
    sums due, 77
    Supreme Court, 77
        hearing,77
        procedure, 77
clearance of goods
    exported, 47
    disposal of uncleared goods, 46-47
    home consumption, 46
    imported, 45
    storage, 46
confiscation of goods, 53
    adjudication of, 64
    conveyances, 60
    goods liable, 53
        improperly exported, 58-60
        improperly imported, 53-58
    packages, 61
    penalties, 58, 60-61
    smuggled goods, 61
        sale proceeds of, 61
conveyances, 44-45
    confiscation of, 60
courier, 41
    exports, 42
    import exclusions, 42
currency, 38-39
customs officers, powers of, 11-12
definitions, 7-8
    goods, 9-10
    import, 8
    imported goods, 9
    importer, 8-9
    proper officer, 10-11
duties
    assessment of, 31
        provisional, 34, 92-93
        re-assessment, 32-34
        release of goods form customs, 31-32
```

```
self-assessment, 31
    legislative authority to levy, 13-14
    payment of, 35
        deferral, 36
        drawbacks, 37
        refunds, 36-37
        requirement to indicate on sale price, 35-36
firearms, 39
illegal importation/exportation, 12-13
legal framework, 6-7
officers
   offences by, 85
   powers of, 51
        enter place, 52
        examine persons, 52
        inspection of goods, 52
        produce order permitting clearance, 52
        searches, 51-52
        seizure of goods, 52
        stop and search conveyances, 51
        summon persons, 52
organizational machinery, 11
penalties, 43, 58, 60
    adjudication of, 64
    criminal, 79-80
        companies, 85
        compounding, 80-82, 94-96
        consent to prosecute, 80
        customs officers, offences, by, 85
        double jeopardy, 84
        due diligence, 85
        mental state, presumption of, 82
        offences and punishment, 82-83
        preparation, 84-85
        publication of names of offenders, 86
        second and subsequent offences, 84
        summary trial, 82
    monetary, 61-62
        contraventions not expressly mentioned, 64
        failure to account, 63-64
        improper exportation, 63
```

```
improper importation, 62-63
        short levy or non-levy of duty, 63
        using false or incorrect material, 63
personal baggage, 37-38, 43
pets, 39
postal imports, 39-40
   currency, 41
   dutiable goods, 40
   export, 41
   gifts, 40-41
searches, 44, 51-52
Settlement Commission, 68
   immunity from prosecution, 69
   jurisdiction, 68-69
   order of settlement, 70
   procedure, 69
   proceedings deemed judicial, 70
   revocation of immunity, 69
ships/aircraft stores, 42
   export of, 42-43
special provisions, 37
travellers
   departing, 39, 43-44
   obligations on arrival, 43
   powers of officers, 44
transit, 47
   liability to duty, 48
   outside India, 47
   transport by land, 48
   within India, 47-48
valuation of goods, 14
   appeals, 31
   date for determination, 30-31
   exports, 30-31
   imports, 29-30
   methods of valuation
        landing charges, 21-22
        post-import depreciation, 28
        primary and subsidiary methods, 14-15
        related persons, 24-28
```

```
royalties and license fees, 22-24
        transaction value, 15-21
   subsidiary methods, 28
   summary of rules, 87-92
   tariff values, 14
warehousing, 48
   clearance of warehoused goods, 50
        export, 50
        goods improperly removed, 50-51
        home consumption, 50
   control over warehoused goods, 49
   maximum period of deposit, 49
   owner's privileges, 49-50
   public and private warehouses, 48
   warehousing bond, 48
CUSTOMS TARIFF, CANADA
classification of goods, 178, 180, 189
   application of General Rules, 181-189
   base metal, 201-203
   bedding, 211-212
   car kits, 188
   ceramics, 200-201
   cocoa and cocoa preparations, 191-192
   competing classifications, 189
   deference to tribunal, 181
   determination of, 178-179
   dolls, 215-216
   gloves, 199-200
   lamps and lighting, 208-209
   leather, 197-198
   live animals, animal products, 189-191
   machinery, 203-208
   miscellaneous manufactured articles, 230
   novelty packaging, 192
   other festive articles, 221-225
   other metal furniture, 220-221
   other plastic containers, 212-214
   other upholstered seats with metal frames for domestic purposes, 218-220
   pacifiers, 216-218
   pharmaceutical products, 194-195
   plastic, 195-197
   preparation of vegetables, fruit, nuts, 192-194
   prepared foodstuffs, 191
```

```
sports equipment, 225-229
    statuettes of plastics and other materials, 214-215
    sugar confectionary, 212-214
    textiles, 198-199
    toys and games, 209-211
customs tariffs and trade agreements
    Australia Tariff (AUT) and New Zealand Tariff (NZT), 259
    claiming duty-free or preferential tariff, 256-257
    Commonwealth Caribbean Countries Tariff (CCCT), 258-259
        Tariff Rate Quota (TRQ), 259
    free trade agreements, 255-256
    General Preferential Tariff (GPT), 257
        expiry date, 258
        extension and withdrawal of, 257
    General Tariff, 259
    grant of more preferred status, 257
    Least-Developed Country Tariff (LDCT), 258
        expiry date, 258
        Tariff Rate Quota (TRQ), 258
    Most-Favoured-Nation (MFN) tariff treatment, 255
    tariffs and tariff treatment, 255
duty free entitlement, 241-242
    assists for persons with disabilities, 246-249
    data processing machines, 245-246
    religious items, 249-250
    "use in," 242
    utility vehicles for use in mining, 244-245
    "wrought into, attached to or incorporated," 242-244
interpretation of tariff items, 181
legal framework, 177
origin of goods, 252
    change to tariff in transit, 254
    direct shipment and transhipment, 253-254
    marking of goods, 254-255
    rules determining, 252
    substantially manufactured or processed, 253
    wholly produced in country of origin, 252-253
parts and accessories
    definition, 230-231
    tribunal decisions, 231
        base metals, 233-236
```

```
machinery, 236-239
        miscellaneous manufactured articles, 240-241
        plastics and rubber, 232
        textiles, 232-233
        vehicles, 239-240
schedule to customs tariff, 178
special tariff classification, 250
        returning travellers' exemption, 251
tribunal rulings, limitations on, 180-181
CUSTOMS TARIFF, INDIA
customs tariffs and trade agreements
   customs duty, additional duties and cess, 172
   discontinuance, increase or decrease of preferential rate, 172
   duty-free, tariff preference scheme, 176-177
   other duties, 174
        additional duty, 174-175
        education and higher education cess, 176
        special additional duty, 175
   rates of duty, 171-172
   tariff preferences, 172-173
        claiming preferential rate, 173
        rules of origin, 173
             rules determining origin, 173-174
legal framework, 141-142
tariff classification
   classification of goods, 142
        commodity classification scheme, 142-143
        exported, 142
        General Rules of Interpretation (GIR), 143
        imported, 142
        judicial decisions on, 144-147
             competing tariff items, 152-162
             ingredients vs. complete product, 150-151
             laptops, 162-163
             programmable automation controllers (PACs), 167-169
             Rules 3(a) and (b), 147-150
             signal decoder, 163-167
   parts and accessories
             definition of, 169-170
             jurisprudence, 170-171
```

DAIRY PRODUCTS

```
Canada
```

export of dairy products, 446-447 grades and grade names, 443-444 health and safety standards, 444 import of dairy products, 445-446 legal framework, 442 packing, making and labelling, 444-445 standardized dairy products, 444

India

additives, 441
contaminants, toxins and residues, 439-441
economic reforms, 436-437
exports, 442
imports, 437
labelling, 439
legal framework, 438
packaging, 438-439
Sanitary Import Permit (SIP), 442
tariff lines, 437-438

DIAMONDS *see* **TRADE-RELATED INTERNATIONAL CONVENTIONS**, rough diamonds

DRUGS see TRADE-RELATED INTERNATIONAL CONVENTIONS, narcotic drugs and psychotropic substances

EGGS

India, legal framework, 447

Canada

exports, 451-452 imports, 450-451 inspection and certification, 449-450 legal framework, 447 marking, 449 packing, 448 processed eggs, 452-455 requirements and standards, 447-448

ENDANGERED SPECIES *see* TRADE-RELATED INTERNATIONAL CON-VENTIONS, endangered species

FARMERS' RIGHTS, CANADA

appeals, 543

```
breeders rights, 540-541
    designation of suitable denominations, 541
    effective date, 541-542
    farmers' privilege, 542
    maintenance of propagating material, 542
    non-application, 542
infringement, 543-544
    defences, 544
    holder required to take proceedings, 544
legal framework, 538
non-exclusive compulsory licences, 543
    concurrent licences, 543
    request for exemption, 543
    right to be heard, 543
offences and penalties, 544-545
registration
    application, 538-539
    international applications, 539
    priority, 539
    statutory criteria, 539-540
term of rights, 540
FARMERS' RIGHTS, INDIA
appeals, 537
benefit sharing, 536
compulsory licences, 537
infringement and remedies, 537
    innocent infringement, 537
legal framework, 532-533
offences and penalties, 537-538
    predicate offences, 538
registration
    application, 533
    compulsory variety denomination, 534-535
    essentially derived varieties, 535
    international applications, 535
```

```
opposition to registration, 535
   prohibited registration, 535
   registrable plant variety, 533-534
rights conferred
   breeders, 536
   farmers, 536
   researchers, 536
term of protection, 536
FISH
Canada
   fish, definition of, 433
   export, 432-433
        prohibitions, 435
   import prohibitions, 434-435
   inspection of imported fish, 435
   legal framework, 433-434
   non-application of Regulations, 436
   offence and punishment, 436
India
   contaminants, 425-427
   export restrictions, 430-432
   genetically modified fish, 425
   import prohibitions, 424-425
   institutional framework, 423
   irradiation, 428, 430
   legislative framework, 421-423
   marine and freshwater resources, 420-421
   marine tariff lines, 421
   packaging and labelling, 428-430
   regulation of imports and exports, 423
   standards and additives, 427-428
FOOD SAFETY, CANADA see also DAIRY PRODUCTS; EGGS; FISH
food additives, 410-411
genetically engineered foods, 411-412
   labelling, 412
   pre-market notification, 412
irradiation, 413-414
legal framework, 408-409
   Food and Drugs Act prohibitions, 408-410
   Safe Food for Canadians Act prohibitions, 414
```

```
livestock
    animal by-products, 417
    aquatic animals, 417-418
    export, 418
        rendering plant products, 419
        semen and embryos, 418-419
    identification of animals upon import, 416
    import restrictions, 415-416
    meat products, 420
        grading of meat, 417
    offences and punishment, 420
    packing material, used beehives, used beeswax and bee feeding products, and
      veterinary biologics, 417
    regulated animals, 416
offences and punishment, 414-415
    due diligence defence, 414
    first offence, 414-415
    limitation period, 415
FOOD SAFETY see also DAIRY PRODUCTS; EGGS; FISH
disposal of unsafe food, 397
food additives, 392
food contaminants, 392
genetically modified foods, 388-389, 392
    import policy, 393
    labelling, 393-394
infection control, 406-407
irradiation, 394
    licensing of radiation facility, 394-395
legal framework, 386, 398, 406-407
livestock
    contaminants, 402-404
    exports, 404-406
    imports, 398-401
        procedure, 401-402
    licensing, 399
    packaging and labelling, 404-405
    Sanitary Import Permit, 399-400
offences and penalties, 395-396
    compensation for injury of consumer, 397
```

```
defence of due diligence, 396-397
    other penalties, 397
    power of court to implead manufacturer, 397-398
    publication of name, 396
    special court and public prosecutors, 398
    time limit for prosecution, 398
packaging and labelling, 390-391
pesticides, 388
power to make regulations, 386-388
unsafe food, prohibition of, 389-390
FOREIGN TRADE, CANADA
control lists, 366-367
    area control list (ACL), 368
    automatic firearms country control list, 368-369
    export control list, 367-368
    import control list, 369-371
legislative framework, 365, 374
    objectives, 365-366
    rules, 374-384
offences and penalties, 373-374
permits and certificates
    amendment, suspension, cancellation and reinstatement, 373
    certificates, 372-373
    countries on the ACL, 372
    export, 371-372
    general, 371-372
    import, 371-372
    International Import Certificate (IIC), 373
    prohibited firearms and weapons, 372
FOREIGN TRADE, INDIA
appeal and review
    accidental slips or omissions, 351
    administrative appeal, 350-351
    order final, 351
    powers of appellate authority, 351
    powers of civil court, 352
    review, 351
application of other laws, 346-347
```

```
Central Government Rules
   scope, 352
   tabling of rules, 352
development and regulation, 345-346
export quality control
   adjudication and appeal, 362-363
   Central Government rules, 364
        amendment, suspension or cancellation of certificate, 364
        procedures, 364
        re-examination of goods, 365
   continuance of proceedings, 363
   criminal penalties, 363
        offences of officers, 363-364
        prosecution, 364
   Export Inspection Council, 360
        Director, 361
   legislative framework, 360
   mark or seal, 361
   payment of fine, 362
   penalty for knowing contraventions, 362
   powers of Central Government, 361-362
   quality control and inspection agencies, 361
   revision, 363
foreign trade policy, 347, 352-353
   compliance with domestic laws, 359
   contravention, 360
   highlights, 354-355
   importer-exporter code number
        application, 355
        compliance with licence conditions, 357
        conditions of licence, 356-357
        issue, amendment, suspension, cancellation, 357
        special licence, 356
        "specified goods or services or technology," 356
        suspension and cancellation, 356
   judicial deference, 353-354
   principles of restriction
        canalisation, 358-359
        export/import of restricted goods/services, 359
        DGFT notifications, 358
   prohibition from certain countries, 357
        Democratic People's Republic of Korea, 375
        Iran, 357-358
```

```
Iraq, 357
         Somalia, 358
    realization of export proceeds, 359
general rules, 347
importer-exporter code, 347-348
legislative framework, 345
license to import, 348
penalty for contravention, 349-350
powers of Central Government, 347
procedure, 349
quantitative restrictions developing countries exemption, 349
    identifying imported goods, 348
    power to impose, 348
settlement commission, 349-350
settlement of penalty, 349
specified goods, 350
    penalty for contravention, 350
    prohibition of export, 350
    weapons of mass destruction, 350
```

GEOGRAPHICAL INDICATION OF GOODS

Canada

exclusive rights, 506 infringement, 506 legal framework, 505 non-infringement, 506-507 passing off, 508 registration, 505-506 wine and spirits, 508

India

infringement and penalties, 504 legal framework, 503 meaning of geographical indication, 503-504 parallel imports, 504 registration, 504 term of protection, 504

INDUSTRIAL DESIGNS

```
Canada
action for infringement, 531
criminal penalties, 532
defences, 532
duration of right, 531
exclusive right, 531
restriction on protection, 531
fifty copy rule, 531-532
legal framework, 529
limitation of action, 532
registration, 530
date and priority, 530-531

India
criminal penalties, 529
```

criminal penalties, 529
groundless threats, 529
international reciprocity, 527-528
legal framework, 526-527
parallel imports, 528
piracy, 528-529
defences, 529
registration and term, 527
cancellation, 528
controller's power to erase, 528

INTELLECTUAL PROPERTY, see COPYRIGHT; GEOGRAPHICAL INDICATION OF GOODS; INDUSTRIAL DESIGNS; PATENTS; SEMI-CONDUCTOR INTEGRATED CIRCUITS; TRADEMARKS

MONEY LAUNDERING, see TRADE-RELATED INTERNATIONAL CON-VENTIONS, money-laundering prevention

PATENTS

Canada

```
application for patent, 471-472
filing date and claim date, 472
improvement to patented invention, 473
international applications, 473
opposition, 473-474
subject-matter previously disclosed, 472-473
infringement, 477
acts not constituting, 477-478
defences, 478
legal framework, 470
```

```
offences, 479-480
    owner's rights, 474
        Commissioner's powers, 475
        not absolute, 474-475
    re-examination of patent, 478-479
    right to patent, 471
    term of patent, 474
    use by government, 476
        humanitarian purposes, 476-477
        national emergency, 476
India
   acquisition by Central Government, 464
    applications, 459-460
        convention applications, 462
        examination of, 460
        international, 461-461
        post-grant opposition, 461
        pre-grant opposition, 460-461
    biological material, 460
    compensation for acquisition, 464
    compulsory licences, 465
        appeals, 468
        national emergency, 467-468
        related patents, 466-467
        revocation for non-working, 468
        termination, 467
        terms, 466
    conditions, 463-464
    infringement, 469
        groundless threats, 470
        plaintiffs in infringement action, 469
        relief available, 469-470
    inventions of government employees, 464-465
    legal framework, 457-458
    offences, 470
    owner's rights, 463
    parallel imports, 469
    right to patent, 458-459
    term of patent, 462
patent of addition, 462-463
```

```
SAFEGUARD MEASURES, 261-262
   bilateral emergency measures, 274
   injury investigations, 271-272
   global emergency measures, 272-273
   government obligations and powers, 271
   measures in respect of the People's Republic of China, 274-275
   surtaxes, 274
   tribunal inquiries, 273
India
   application of the Customs Act, 269
   Central Government Rules, 269-270
   emergency power, 267
   exemptions, 269
   investigations, 268
   non-discriminatory application, 269
   product specific safeguard duty, 269
        definitions, 270
        provisional and final determination, 269-270
        rules of application, 270
   protective duty, 266-267
   safeguard duty, 267
        duration, 267
        limitation, 268-269
SEMICONDUCTOR INTEGRATED CIRCUITS
Canada
   action for infringement, 552-553
        defences, 553
```

```
limitation period, 553-554
   interim detention of infringing product, 554
   legal framework, 550
   registration, 551
        duration, 552
        exclusive rights, 551-552
   topography
        eligibility for registration, 550-551
        originality, 550
India
   infringement
        lay-out design, 547
        non-infringement, 547-548
        unregistered design, 548
```

```
legal framework, 545-546
   offences
        cognizance of, 549
        forfeiture on conviction, 549
        penalties, 549
   registration
        challenge to validity, 549
        convention country, registration in, 547
        duration, 547
        rights conferred by, 547
   topography, 546
        commercial exploitation, 546
        originality of lay-out design, 546
        registration of lay-out design, 546-547
SUBSIDIES, 261-262
Canada
   countervailing duty, 327
   imposition of duties, 329
   investigations and inquiries, 328
   legal framework, 325
   liability to pay, 328
   undertaking, 328
   deemed financial contribution, 325-326
   non-actionable subsidy, 326
        insignificant subsidy, 326
        non-specific and specific subsidy, 326-327
        prohibited subsidy, 327
   obligations to developing countries, 329
   subsidy and financial contribution, 325
   termination of proceedings, 329
   Tribunal's review of orders, 329
India
   countervailing duties on bounty-fed (subsidized) goods, 324
   legislative authority, 324-325
   rules, 329-336
WTO agreement, see WORLD TRADE ORGANIZATION (WTO)
TRADE-RELATED INTERNATIONAL CONVENTIONS
antiquities
   Canada
        action for recovery, 585-586
        legal framework, 585
```

```
mischief in relation to cultural property, 587
        offence of knowing export, 586-587
        protection of foreign cultural property, 585
   India
        application of other laws, 579-580
        implementation of international conventions, 581-585
        legal framework, 578
        offences, 580
        penalty for contravention, 579
        recovery of cultural property, 581
   international conventions, 581-582, 586
domestic implementation of, 567
endangered species
   Canada
        legal framework, 576
        limitations and restrictions, 577
        offences
             knowing possession, 576
        permits
            exemptions, 577
             issue of, 577-578
        regulation of import and export, 576
   India
        legal framework, 572
        listed species, 571-572
        operation of other laws, 576
        penalties, 575
            cognizance and compounding of offences, 575
        prohibition
             hunting, 572-573
             trophies, 575
        specified plants, 573-574
        trophies, 574
   international obligations, 570-571
money-laundering prevention
   Canada
        designated offences, 570
        legislative framework, 569
        money-laundering offence, definition of, 569
        reciprocal agreements and arrangements, 569-570
   India
        legislative framework, 567-568
        money-laundering offence, definition of, 568
```

```
reciprocal agreements and arrangements, 568-569
        schedule of offences, 569
narcotic drugs and psychotropic substances
   Canada
        agreements with foreign states, 603-604
        import, export and possession, 596
             seed, grain or hemp, 597
        industrial hemp, 596
            export of, 597
        legal framework, 595-597
             import and export regulations, 597-598
            Narcotics Schedule, 598
            permit required, 598
             prohibitions, 598
        offence-related property, 603
        offences, 601
            criminal, 603
             designated substance offence, 602
             possession and trafficking, 602
        permit, 598, 601
        precursor control, 598
             authorization, 599, 601
            certificate, issuance of, 600-601
             Class A, 598
             Class B, 601
             dealer licensing, 599
             dealer registration, 601
             declaration, 600
             forfeiture, 602
             import and export, 598-599
            in-transit and transhipment permits, 600-601
            limitation on activities and exemption, 601
        punishment, 602-603
   India
        Central Government powers, 589
             power to prohibit, 589-590
        legal framework, 588-589
             absconding, 593
            cross-border offences, 594
             illicit traffic, definition of, 593
             power to detain, 593
             prevention of money laundering, 593-594
             reciprocal arrangements for assistance, 595
             reference to advisory board, 593
```

```
offences and penalties, 590
            culpable mental state, presumption of, 591-592
            death penalty, 590-591
            external dealings, 590
            financing, 590
            forfeiture, 592
            illegal import, export or transhipment, 590
            non punishment provided, 591
             repeat offenders, 590
        prohibition of illegal activity, 589
        prohibition of import and export, 589
        publication of names of offenders, 592
        special courts, 592
   international regime, 587-588
rough diamonds
   Canada
        export control, 606
        import control, 606
        legal framework, 605
        offences, 606-607
            by non-resident, 607
            designated offence, 607
             summary conviction, 607
        punishment, 607
   India
        legal framework, 604-605
        enforcement, 605
   international certification scheme, 604
TRADEMARKS
   Canada
        claim of distinctiveness, 489
        destruction and disposal of goods, 502
        import of goods bearing infringing trademark, 498-499
            interim custody of goods, 499
            release of goods, 499-500
        infringement, 497
            concurrent use of confusing mark, 497-498
            personal names, 497
            remedies, 498
        international trademarks, 492
        legal framework, 488-489
        offences, 501
            Criminal Code Part X, 502-503
```

```
limitation period, 502
              under Trade-marks Act, 502
         punishment, 501-503
              under Trade-marks Act, 502
    registration, 489-490
         acceptance of application, 495
         application procedure, 492-493
         based on use, 494
         certificate of registration, 495
         disclaimer of right to exclusive use, 494
         duration and renewal, 496
         excepted cases, 490
         expunction from registry, 500
         non-use, 500-501
         opposing the application, 494-495
         priority date of application, 493
         prohibited marks, 490-491
         registration abroad, 493
         rejection of application, 494
         rights conferred by, 496
         unregistrable marks, 491
India
    classification of goods and services, 554-562
    importation of goods bearing false trademarks, 484-485
    international trademarks, 483
    legal framework, 480-481
    offences, 485-486
         by companies, 487
         cognizance, 486
         forfeiture, 487
         limitation period, 487
         pleading invalidity, 486-487
         predicate offences, 487
    parallel importation, 484
    registration, 481-482
         appeals, 483
         application procedure, 482
         certificate of registration, 483
         expunction from register, 485
         duration and renewal, 483
         rights conferred by registration, 483-484
         registration procedure, 482
```

WORLD TRADE ORGANIZATION (WTO), 1

Agreement on Rules of Origin, 173

Agreement on Safeguards application of safeguard measures, 264 Committee on Safeguards, 266 concessions, 265 developing countries, 265-266 dispute settlement, 266 notification and consultation, 266 provisional measures, 264-265 requirements for application, 263 serious injury, 263-264

Agreement on Subsidies and Countervailing Measures, 316

actionable subsidy, 318-319

adverse effects, 319

Committee on Subsidies and Countervailing Measures, 324

countervailing measures, 320-321

dispute resolution, 324

duration of countervailing duties, 323

imposition and collection of countervailing duty, 322

injury to domestic industry, 318-319

judicial review, 323

non-actionable subsidy, 319-320

prohibited subsidy, 317-318

provisional measures, 321

retroactivity and limitation on recovery, 322-323

review of countervailing duties and undertakings, 323

serious prejudice, 319

subsidy, definition, 316-317

undertakings, 321-322

anti-dumping measures, 261, 275-288

Dispute Settlement Body, 262

food safety standards, 385-386

Most-Favoured-Nation status, 255, 257

special trade measures, 261-262, 292-293