



CONFERENCE ON IP ENFORCEMENT

Athens, 4 April 2014

**The approach of EU Customs and the implications of a
revised legal framework**

European Commission, Taxation and Customs Union Directorate General

Overview

- *The EU Customs Action Plan to combat IPR infringements*
- *The new legal framework*
- *Results of customs interventions in the EU*

The EU Customs Action Plan to combat IPR infringements

19.3.2013

EN

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C 80/1

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(Resolutions, recommendations and opinions)

RESOLUTIONS

COUNCIL

**Council Resolution on the EU Customs Action Plan to combat IPR infringements for the years 2013
to 2017**

(2013/C 80/01)

Strategic objectives for the Action Plan 2013 to 2017

- a) *Effectively implement and monitor the new EU legislation on customs enforcement of IPR;*
- b) *Tackle trade of IPR-infringing goods throughout the international supply chain;*
- c) *Tackle major trends in trade of IPR-infringing goods;*
- d) *Strengthen cooperation with the European Observatory on infringements of IPRs and law enforcement authorities.*

The new legal framework

- **REGULATION (EU) No 608/2013** of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights (OJ L 181, 29.06.2013, p. 15)
- Commission Implementing **Regulation (EU) No 1352/2013** of 4 December 2013 establishing the forms provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights

The new regulation – what changed ?

- *Clarification of the procedural nature of the Regulation*
- *More infringements, more rights covered*
- *Obligation for right holders to provide customs with high quality information*
- *Simplified destruction of goods applicable when holder of the goods and right holder agree*
- *Specific procedure for small consignments*
- *Union database to register applications and infringements (COPIS)*
- *Further focus on international co-operation*

Rights covered

- *Trademarks*
- *Designs*
- *Copyrights or related rights*
- *Geographical indications*
- *Patents*
- *Plant variety rights*
- ***Topographies of semiconductors - new***
- ***Utility models - new***
- ***Trade names - new***

Applications for action (1)

■ *Basic system remains untouched:*

- *Submission of an application – national or Union*
- *Customs decision grant/extend application – period of action*
- *Enforcement by Customs of all IPs based on a unique procedure*
- *Ex-officio procedure remains possible*
- *No administrative cost for processing of applications.*

■ *Clarification of certain conditions:*

- *Who is entitled to submit an application - condition to initiate proceedings*
- *Customs decisions within time limits*
- *Ex-officio (only national, simplified application)*

Applications for action (2)

Relevant changes:

- *New forms including undertaking to bear costs, assume liability, update of information, request for small consignment procedure*
- *Possibility to add new IPR to existing applications*
- *Only one national and one Union application per IPR per MS*
- *Possibility to suspend or revoke applications*

Action by customs

New elements

- *Notification to both parties*
- *Compulsory destruction where parties agree*
- *Destruction possible in other places in the Union*
- *New procedure for destruction of small consignments (conditions, right to be heard, notification). Only under specified conditions for courier and postal consignments of non perishable counterfeit and pirated goods*
- *Union database: COPIS*

COPIS

- **Management of validated AFAs submitted to national Customs services in central database**

EUROPEAN UNION – APPLICATION FOR ACTION

1 NT CUSTOMS DEPARTMENT	1. Applicant	For official use	
	Name (*):	Date of receipt	
	Address (*):	Registration number of application	
	Town (*):		
	Postal Code:		
	Country (*):	INTELLECTUAL PROPERTY RIGHTS	
	EORI-No:	APPLICATION FOR ACTION BY CUSTOMS AUTHORITIES	
	TIN No:	under Article 6 of Regulation (EU) No 608/2013	
	National registration No:	2 (*). Union application <input type="checkbox"/>	
	Telephone: (+)	National application <input type="checkbox"/>	
	Mobile: (+)		
	Fax: (+)		
	Email:		
	Website:		
	3 (*). Status of applicant		

- **Management of infringement records**

Union database for applications / COPIS

- Database accessible to all customs administrations of the EU MSs



anti-COunterfeit and anti-Piracy Information System
European Commission, Taxation and Customs Union

AFA Management	Infringement Management
Register AFA Find AFA List AFA Drafts AFA Notifications Latest Events	Register Infringement Find Infringements List Draft Infringements Infringement Notifications Latest Events Infringement Bulk Upload

COPIS and links with other databases

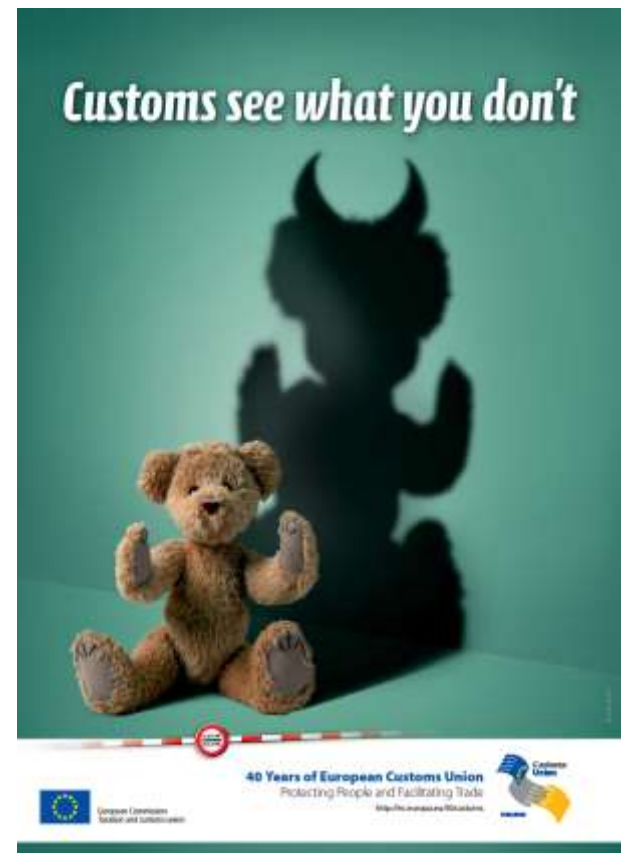
- *EU Customs access to the OHIM enforcement database that includes all trademark and designs registered in the EU by means of a secured interface*
- *Interface with the European Anti-Fraud Information System (AFIS) allows for a possibility of direct transfer of infringements registered in COPIS*

Results of customs interventions in the EU



Latest figures

- *Number of AFAs reached 23154*
- *Cases doubled since 2008*
- *Domestic retail value nearly 1 billion €*
- *Internet sales boost detention in postal traffic: 61 % of the cases*
- *Sea transports remain main transport method: 58 % of the articles*



More info on our website



The screenshot shows the 'TAXATION AND CUSTOMS UNION' section of the European Commission website. The left sidebar contains a navigation menu with categories like 'Taxation', 'Customs', 'Customs controls', and 'Counterfeit and piracy'. The main content area is titled 'Counterfeit, piracy and other IPR violations' and features six articles, each with a photo and a brief description.

TAXATION AND CUSTOMS UNION

European Commission > Taxation and Customs Union > Customs > Customs controls > Counterfeit and piracy

HOME | About this site | Online Databases | Tenders & Grants | FAQ | Subscribe to newsletter | Sitemap

Counterfeit, piracy and other IPR violations

- A serious problem for everyone**
Infringements of intellectual property rights are a widespread and worrying phenomenon calling for engagement from all sides.
- The role of customs**
As the supervisor of trade flows of goods entering the EU market, customs play a key role in enforcing intellectual property rights.
- Legislation**
The EU has put in place a strong legal framework for the enforcement of intellectual property rights at the external border.
- EU Customs Action Plan**
The customs authorities of the EU Member States are in the front line in preventing IPR infringing goods from entering the EU market.
- International cooperation**
International cooperation is an essential component of the EU's strategy for the effective enforcement of intellectual
- Defend your rights**
Customs action on IPR infringement depends on right-holders lodging an application for action.



Thank you for your attention!

André Berends

"Protection of citizens and Enforcement of IPR"

European Commission, DG TAXUD

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