

**NOTES ON COMPLETION**

**I. OBLIGATORY INFORMATION ON RIGHTS AND ABILITY TO ACT**

- a) Where the holder of the right makes the application himself:
- in the case of a right that is registered or for which an application has been lodged, proof of registration with the relevant office or lodging of the application,
  - in the case of a copyright, related right or design right which is not registered or for which an application has not been lodged, any evidence of authorship or of his status as original holder;
- b) Where the application is made by any other person referred to in Article 2 (2) (a,) authorised to use one of the rights referred to in Article 2 (1) (a,b,c) of the basic Regulation, in addition to the proof required under point (a) of this Article, the document by virtue of which the person is authorised to use the right in question;
- c) Where a representative of the holder or of any other person referred to in Article 2 (2) (a,b) authorised to use one of the rights referred to in Article 2 (1) (a,b,c) of the basic Regulation applies, in addition to the proof required under points (a) and (b) of this Article, proof of authorisation to act.

**The person, physical or moral, who fills in box 1 of the Application for action must, in all cases, be the one who will provide the documents foreseen in box 10 of the Application for action.**

- d) Box 5 contains all geographical indications. Protected designation of origin (PDO) and protected geographical indication (PGI) means the official indications following the regulations (EEC) No 2081/92,(EC) No 1107/96 and (EEC) No 2400/96. Geographical designations for spirit drinks means the official designations following the regulation (EEC) No 1576/89. Individual producers as well as groups and their representatives are entitled to make an application.
- e) Registration and specifications are required when an application is made: for protected designation of origin and protected geographical indication.

## II. WHAT DOES THE APPLICATION FOR ACTION HAVE TO CONTAIN?

*(Art. 5(4): “Where the applicant is the holder of a Community trademark, a Community design, a Community plant variety right or a designation of origin or geographical indication protected by the Community, an application may, in addition to requesting action by the customs authorities of the Member State in which it is lodged, request action by the customs authorities of one or more other Member States.”).*

An application for action can be used by the right holder, free of charge, either as a preventive measure or where he has reason to think that his intellectual property right or rights have been or are likely to be infringed. The application must contain all the information needed to make the goods in question readily recognisable by the customs authorities, and in particular:

- an accurate and detailed technical description of the goods,
- any specific information the right holder may have concerning the type or pattern of fraud,
- the name and address of the contact person appointed by the right holder,
- the undertaking required of the applicant by Article 6 of the basic Regulation and proof that the applicant holds the right for the goods in question.

The application for action can be submitted electronically if an electronic data exchange system is available. In all other cases, the form is to be completed by mechanical means or in legible handwriting and must not contain erasures or overwriting.

- **The right holders must imperatively return the proof of receipt of the notification which was addressed to them by the Customs service, according to Articles 4 (ex-officio) and 9. It must be done immediately after having received this notification. The legal deadlines (3 working days – 10 working days) start from the moment of receipt of the notification. It is imperative that the right holder, as soon as he is contacted by the Customs authorities, confirms immediately the receipt of the notification.**
- **Within the meaning of the basic regulation “working day” (ref. to regulation 1182/71) is considered every day other than public holidays, Saturdays and Sundays. Moreover, the calculation of working days as included in Articles 4 and 13, has to be carried out taking into account the fact that the day of receipt of the notification is not included. The deadlines to be taken into account within the meaning of the basic regulation commence therefore as from the day after the receipt of the notification.**

## III. HOW TO FILE AN APPLICATION FOR ACTION

The right holder must submit his application for action to the relevant office referred to in Box 3 of the form. On receipt of the application, the competent customs office

will process it and notify the applicant in writing of its decision within 30 working days. If the office refuses the application by reasoned decision, the applicant has the right of appeal. The period during which the customs authorities will take action is set at one year, renewable annually.

#### IV. EXPLANATIONS OF THE MAIN BOXES TO BE FILLED IN BY THE APPLICANT

**Box 1:** Name, address and capacity of the applicant. Within the meaning of Article 2(2), the applicant may be the right holder himself, a person authorised to use the intellectual property right or a designated representative.

**The person, physical or moral, who fills in box 1 of the Application for action must, in all cases, be the one who will provide the documents foreseen in box 10 of the Application for action.**

**Box 4:** Status of the applicant. Tick the appropriate box.

**Box 5:** Type of right concerned by the application for action. Tick the appropriate box.

**Box 6:** Tick the box for the Member States in which action by the customs authorities is requested. You are strongly advised to file an application for action in every MS.

**Boxes 7-8-9:** These boxes are very important. Accurate, practical details must be provided to enable the customs authorities to quickly identify the goods detained (photos, documents, etc.).

Specific information relating to the type or pattern of fraud will facilitate risk analysis. The information should be as detailed as possible to allow the customs authorities to identify suspect consignments simply and effectively using risk analysis. These boxes should be used to provide customs with more accurate intelligence in relation to products and so improve its understanding of trafficking. Additional supporting details can be provided such as: the pre-tax value of the legal goods, the location of the goods or their intended destination, particulars identifying the consignment or packages, the scheduled arrival or departure date of the goods, the means of transport used, the identity of the importer, exporter or holder.

**Boxes 11 and 12:** Contact details for the applicant's contact persons dealing with administrative matters and questions of technical expertise should be entered in Boxes 11 and 12. Box 12 is for the contact details of the person who would be responsible for meeting the customs authorities to discuss technical details of the goods detained. The person concerned must be easily reachable at short notice.

**Box 14:** By signing this box, the right holder certifies that he accepts the terms of the regulation and his obligations.

**Box 15:** The duly completed and signed form, together with as many extracts as the number of Member States indicated in Box 6, must be submitted to the customs office

specified in Article 5(2) of the basic regulation. The application for action may have to be translated into the language of the Member States where it is to be filed. The customs offices listed in Annex II-C are at your disposal for any further information.

**DECLARATION UNDER ARTICLE 6 OF  
COUNCIL REGULATION (EC) 1383/2003**

I, the undersigned .....

right holder, within the meaning of Article 2(2) of Council Regulation (EC) No1383/2003 (hereinafter “the basic Regulation”, of the intellectual property rights certified by the attached documents, hereby undertake in accordance with Article 6 of the Regulation to assume liability towards the persons involved in a situation referred to in Article 1(1) in the event that a procedure initiated pursuant to present Regulation is discontinued owing to an act or omission on my part or in the event that the goods in question are subsequently found not to infringe an intellectual property right.

- I hereby undertake to pay all costs incurred under the basic Regulation by keeping goods under customs control pursuant to Article 9, and where applicable Article 11, including costs occasioned by the destruction of goods infringing an intellectual property right pursuant Article 17.
- I hereby certify that the undertaken is given in every Member State in which the decision granting the application applies. I further agree to bear any translation costs required.
- I confirm that I have taken note of Article 12 of the basic Regulation and undertake to notify the department indicated in Article 5(2) of any alteration to or loss of my intellectual property rights.

Done at.....  
on, ...../...../20..

.....  
(Signature)

## ANNEX II-C

### NAMES AND ADDRESSES FOR THE SUBMISSION OF AA

#### BELGIUM

Monsieur le Directeur général des douanes et accises  
Service Gestion des Groupes cibles - Direction 1(Contrefaçon-Piraterie)  
Boîte 37 Boulevard du Jardin Botanique 50 B - 1010 Bruxelles  
Tel.: (32-2)210.31.38 / Fax: (32-2) 210 32 13

\* \* \*

De heer Directeur-generaal van de Administratie der Douane en Accijnzen Dienst  
Diverse regelingen  
Directie 1 "Namaak en Piraterij"  
Rijksadministratief Centrum  
Financietoren  
bus 37 Kruidtuinlaan 50 B - 1010 Brussel  
Tel.: (32-2) 210 31 38 Fax: (32-2) 210 32 13  
e-mail: org.contr.reg.div@minfin.fed.be

#### DENMARK

Central Customs and Tax Administration  
Customs Control  
Østbanegade 123  
DK-2100 Copenhagen  
Tel. +45 72379000  
Fax: + 45 72372917  
e-mail: [toldskat@toldskat.dk](mailto:toldskat@toldskat.dk)  
Internet: [www.erhverv.toldskat.dk](http://www.erhverv.toldskat.dk)

#### GERMANY

Oberfinanzdirektion Nürnberg Zentralstelle Gewerblicher Rechtsschutz  
Sophienstraße 6 D - 80333 München  
Tel.: (49-89) 59 95 23 49  
Fax: (49-89) 59 95 23 17  
e-mail: [zgr@ofdm.bfinv.de](mailto:zgr@ofdm.bfinv.de)  
Internet: [www.zoll.de/e0\\_downloads/b0\\_vordrucke/e0\\_vub/index.html](http://www.zoll.de/e0_downloads/b0_vordrucke/e0_vub/index.html)

#### SPAIN

Departamento de Aduanas e impuestos Especiales  
Subdirección General de Gestión Aduanera  
Avenida del Llano Castellano 17  
E - 28071 Madrid  
Tel.: (34-1) 728 98 54  
Fax: (34-1) 729 12 00

## FRANCE

Direction générale des douanes  
Bureau E4 – Section de la propriété intellectuelle  
8 rue de la tour des dames  
F - 75436 Paris Cedex 09  
Tel.: (33) 1 55074860  
Fax: (33) 1 55074866

## IRELAND

Office of the Revenue Commissioners  
Customs Branch  
Unit 2  
Government Offices  
Nenagh  
Co Tipperary  
Tel.: ( 353 67 63238 )  
Fax: ( 353 67 32381 )  
e-mail: [tariff@revenue.ie](mailto:tariff@revenue.ie)  
Internet: [www.revenue.ie](http://www.revenue.ie)

## ITALY

Agenzia Delle Dogane  
Ufficio Antifrode  
Via Mario Carucci, 71  
I - 00144 Roma  
Tel.: (39-6) 50 24 20 81 - 50246596  
Fax: (39-6) 50 95 73 00 – 50242021  
e-mail: [dogane.antifrode@agenziadogane.it](mailto:dogane.antifrode@agenziadogane.it)

## LUXEMBOURG

Direction des douanes et accises  
Division “Attributions Securitaires”  
Boîte postale 1605  
L - 1016 Luxembourg  
Tel.: (352) 29 01 91  
Fax: (352) 49 87 90

## NETHERLANDS

Douane-Noord / kantoor Groningen, afdeling IER  
P.O. Box 380  
9700 AJ Groningen  
Tel. +31 50 5232175  
Fax: + 31 50 5232176  
e-mail: [Douane.hier@tiscalimail.nl](mailto:Douane.hier@tiscalimail.nl)  
Internet: [www.douane.nl](http://www.douane.nl)

## AUSTRIA

Zollamt Villach  
Competence Center Gewerblicher Rechtsschutz  
Ackerweg 19  
A-9500 Villach  
Austria  
Tel.: +43 4242 3028-(39, 41 or 52)  
Fax: + 43 4242 3028 - 71 or 73  
e-mail: [post.425-pdp.zaktn@bmf.gv.at](mailto:post.425-pdp.zaktn@bmf.gv.at)

## PORTUGAL

Ministério das Finanças  
Direcção-Geral das Alfândegas e dos Impostos  
Especiais sobre o Consumo  
Direcção de Serviços de Regulação Aduaneira  
Rua da Alfândega, n° 5 R/C  
1149-006 Lisboa  
Tel.: + 351 21 881 3890  
Fax: + 351 21 881 3984  
e-mail: [dsra@dgaiec.min-financas.pt](mailto:dsra@dgaiec.min-financas.pt)  
Internet: [www.dgaiec.min-financas.pt](http://www.dgaiec.min-financas.pt)

## FINLAND

Tullihallitus  
Valvontaosasto  
PL 512  
FI - 00101 Helsinki  
Téléphone: +358 20-492 2748  
Télécopieur: +358 20 492 2669  
  
Enforcement Department  
National Board of Customs  
Box 512  
FI - 00101 Helsinki

## SWEDEN

Tullverkets Huvudkontor  
Handelsenheten  
Box 12854  
SE-112 98 Stockholm  
Tel.: + 46 771 520 520  
Fax: + 46 8 405 05 50

From July 2004 the address will be:

Tullverket  
Kc Ombud  
Specialistenheten  
Box 850  
SE-201 80 Malmö  
  
Tel: +46 771 520520  
Fax: +46 40 6613013  
Internet: [www.tullverket.se](http://www.tullverket.se)

## UNITED KINGDOM

HM Customs & Excise  
CITOPS1<sup>st</sup> Floor West  
Alexander House  
21 Victoria Avenue  
Southend-on-Sea  
Essex SS99 IAA  
Tel. +44 1702 367221  
Fax: + 44 1702 366825  
Internet: [www.hmce.gov.uk](http://www.hmce.gov.uk)

## GREECE

ATTIKA CUSTOMS DISTRICT Pl. Ag. Nikoleou - 18510 Pireas  
Tel. (+30 210) 4282461, 4515587  
Fax: (30 210) 451 10 09  
Internet: [www.e-oikonomia.gr](http://www.e-oikonomia.gr)

SLOVAK REPUBLIC

Customs Directorate of the Slovak Republic

Mierova 23

815 11 Bratislava

Slovakia

Tel.: + 421 2 48273101

Fax: + 421 2 43336448

Internet: [www.colnasprava.sk](http://www.colnasprava.sk)

ESTONIA

Maksu- ja Tolliamet

Narva mnt 9j

15176 Tallinn

Tel: +372 683 5700

Fax: +372 683 5709

E-mail: [toll@customs.ee](mailto:toll@customs.ee)

LITHUANIA

Customs Department under the Ministry of Finance of the Republic of Lithuania

A. Jaksto 1/25

LT- 2600 Vilnius

Tel. +370 5 2666111

Fax. +370 5 2666005

CZECH REPUBLIC

CUSTOMS DIRECTORATE HRADEC KRALOVE

ul. Bohuslava Martinu 1672/8a

P.O.BOX 88

501 01 HRADEC KRALOVE

Tel: 00420 49 5756 111, 00420 495756214, 00420 495756267

Fax: 00420 49 5756 200

e-mail: [posta0601@cs.mfcr.cz](mailto:posta0601@cs.mfcr.cz)

Internet: [www.cs.mfcr.cz](http://www.cs.mfcr.cz)

## MALTA

Director general of Customs Customs House  
Lascaris Wharf Valletta,  
Tel. + 356 25685101  
Fax + 356 25685243  
e-mail [carmel.v.portelli@gov.mt](mailto:carmel.v.portelli@gov.mt)  
Internet: [www.customs.business-line.com/](http://www.customs.business-line.com/)

## SLOVENIA

Customs Administration of Republic of Slovenia  
General Customs directorate  
Šmartinska 55  
SI-1523 Ljubljana  
Slovenija  
Tel.: + 386 1 478 38 00  
Fax: + 386 1 478 39 04  
e-mail: [ipr.curs@gov.si](mailto:ipr.curs@gov.si)

## CYPRUS

Customs Headquarters  
Address: M. Karaoli, 1096 Nicosia, Cyprus  
Postal address: Customs Headquarters, 1440 Nicosia, Cyprus  
Tel. 00357-22-601652, 00357-22-601858  
Fax . 00357-22-602769  
e-mail address: [headquarters@customs.mof.gov.cy](mailto:headquarters@customs.mof.gov.cy)

REPUBLIC OF LATVIA

Intellectual Property Rights Subdivision  
Enforcement Division  
National Customs Board  
State Revenue Service  
Republic of Latvia  
Kr. Valdemara Street 1a, Riga, Latvia, LV 1841  
Tel. : +371 7047450, +371 7047411  
Fax : +371 7047423  
e-mail: [customs@dep.vid.gov.lv](mailto:customs@dep.vid.gov.lv)  
Internet: [www.vid.gov.lv](http://www.vid.gov.lv)

HUNGARY

17. sz. Vámhivatal (Customs Office no.17)

Address: 1143, Budapest, Hungária krt. 112-114.

Postal address: 1591 Budapest, Pf. 310.

Tel.: + 361 470-42-60

+ 361 470-42-61

Fax: + 361 470-42-78

+ 361 470-42-79

E-mail: [vh17000@mail.vpop.hu](mailto:vh17000@mail.vpop.hu)

POLAND

The Customs Chamber in Warsaw

Str. Modlińska 4

03 216 Warsaw

Poland

Tel.: + 48 22 5104611

Fax: + 48 22 8115745