Commission Implementing Regulation (EU) 2018/582 of 12 April 2018 amending Implementing Regulation (EU) No 1352/2013 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

COMMISSION IMPLEMENTING REGULATION (EU) 2018/582

of 12 April 2018

amending Implementing Regulation (EU) No 1352/2013 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 EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003[(1)], and in particular Article 6(1) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 1352/2013[(2)] established the application form provided for in Regulation (EU) No 608/2013 to be used for requesting that customs authorities take action with respect to goods suspected of infringing an intellectual property right (‘application form’).

(2) The application form needs to be adapted to take account of the practical experience made in using that form as well as to ensure a trouble free transmission and exchange of information via the central database referred to in Article 31 of Regulation (EU) No 608/2013.

(3) Where an application is submitted after the customs authorities have suspended the release of or detained the goods at their own initiative, this should be indicated on the application form by the applicant.

(4) By Regulation (EU) 2015/2424 of the European Parliament and of the Council[(3)], the term ‘Community trade mark’ was replaced in the Union legal order by the term ‘European Union trade mark’. The application form needs to be updated accordingly.

(5) Where the applicant requests the use of the procedure for the destruction of goods in small consignments in accordance with Article 26 of Regulation (EU) No 608/2013, he should be able to specify whether he wishes that procedure to be used in all the Member States or in one or several specific Member States.

(6) An applicant should be required to provide in the application form the names and addresses of involved companies and traders as that information is relevant to the customs authorities' analysis and assessment of the risk of infringement.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/582. (See end of Document for details)*

(7) Taking into account that, in accordance with Article 31 of Regulation (EU) No 608/2013, all exchanges of data on decisions relating to applications and detentions between the Member States and the Commission are to be made via the central database of the Commission and that that database needs to be adjusted to the new application form, the amendments to Annexes I and III to Implementing Regulation (EU) No 1352/2013 should apply from 15 May 2018.

(8) Implementing Regulation (EU) No 1352/2013 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 1352/2013 is amended as follows:

(1) Annex I is replaced by the text set out in Annex I to this Regulation;

(2) Annex III is amended in accordance with Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 15 May 2018.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 April 2018.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/582. (See end of Document for details)*

ANNEX I

ANNEX

EUROPEAN UNION — APPLICATION FOR ACTION

1

COPY FOR THE COMPETENT CUSTOMS DEPARTMENT

1

1. Applicant
Name (*):
Address (*):
Town (*):
Postal Code:
Country (*):
EORI-No: (+)
TIN No: (+)
National registration No: (+)
Telephone: (+)
Mobile: (+)
Fax: (+)
Email (*):
Website:

For official use
Date of receipt

Registration number of application

INTELLECTUAL PROPERTY RIGHTS
APPLICATION FOR ACTION BY CUSTOMS AUTHORITIES
under Article 6 of Regulation (EU) No 608/2013

2 (*). Union application ☐
National application ☐
National application (cf. Article 5(3)) ☐

3 (*). Status of applicant
☐ Right-holder
☐ Person or entity authorised to use the IP right
☐ IP collective rights management body
☐ Professional defence body
☐ Group of producers of products with a Geographical Indication or representative of such group
☐ Operator entitled to use a Geographical Indication
☐ Inspection body or authority competent for a Geographical Indication
☐ Exclusive license holder covering two or more Member States

4. Representative submitting the application in the name of the applicant
Company:
Name (*):
Address (*):
Town (*):
Postal Code:
Country (*):
Telephone: (+)
Mobile: (+)
Fax: (+)
☐ Evidence of the representatives power to act is enclosed

5 (*). Type of right to which the application refers
☐ National trademark (NTM)
☐ European Union trademark (EUTM)
☐ International registered trademark (ITM)
☐ Registered national design (ND)
☐ Registered Community design (CDR)
☐ International registered design (ICD)
☐ Unregistered Community design (CDU)
☐ Copyright and related right (NCPR)
☐ Trade name (NTN)
☐ Topography of semiconductor product (NTSP)
☐ Patent as provided for by national law (NPT)
☐ Patent as provided for by Union law (UPT)
☐ Utility model (NUM)

Geographical Indication/Designation of origin:
☐ for agricultural products and foodstuff (CGIP)
☐ for wine (CGIW)
☐ for aromatised drinks based on wine products (CGIA)
☐ for spirit drinks (CGIS)
☐ for other products (NGI)
☐ as listed in Agreements between the Union and third countries (CGIL)

Plant variety right:
☐ national (NPVR)
☐ Community (CPVR)

Supplementary protection certificate:
☐ for medicinal products (SPCM)
☐ for plant protection products (SPCP)

6 (*). Member State or, in the case of a Union application, Member States in which customs action is requested

☐ ALL MEMBER STATES ☐ BE ☐ BG ☐ CZ ☐ DK ☐ DE ☐ EE ☐ IE ☐ EL ☐ ES ☐ FR ☐ HR ☐ IT ☐ CY ☐ LV ☐ LT ☐ LU ☐ HU ☐ MT ☐ NL ☐ AT ☐ PL ☐ PT ☐ RO ☐ SI ☐ SK ☐ FI ☐ SE ☐ UK

7. Representative for legal matters
Company:
Name (*):
Address (*):
Town (*):
Postal Code:
Country (*):
Telephone: (+)
Mobile: (+)
Fax: (+)
Email (*):
Website:

8. Representative for technical matters
Company:
Name (*):
Address (*):
Town (*):
Postal Code:
Country (*):
Telephone: (+)
Mobile: (+)
Fax: (+)
Email (*):
Website:

9. In case of a Union application, the details of the designated representatives for legal and technical matters are included in annex no .....

10. I request the use of the procedure of Article 26 of Regulation (EU) No 608/2013 (small consignments) in the following Member State(s) and, where requested by the customs authorities, agree to cover the costs related to the destruction of goods under this procedure.

☐ ALL MEMBER STATES ☐ BE ☐ BG ☐ CZ ☐ DK ☐ DE ☐ EE ☐ IE ☐ EL ☐ ES ☐ FR ☐ HR ☐ IT ☐ CY ☐ LV ☐ LT ☐ LU ☐ HU ☐ MT ☐ NL ☐ AT ☐ PL ☐ PT ☐ RO ☐ SI ☐ SK ☐ FI ☐ SE ☐ UK

(*) these are mandatory fields and shall be filled in

(+) at least one of these fields shall be filled in

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/582. (See end of Document for details)*

11 (*). List of rights to which the application refers

No	Type of right	Registration number	Date of registration	Expiry date	List of goods to which the right refers

For further rights see annex no ..... ☐ Restricted handling

Authentic goods

12 (*). Goods details ☐ Restricted handling
IP right no:
Goods description:

CN tariff number:
Customs value:
European average market value:
National market value: ☐ See enclosed annex no .....

13 (*). Goods distinctive features ☐ Restricted handling
Position on the goods:
Description:

☐ See enclosed annex no .....

14 (*). Place of production ☐ Restricted handling
Country:
Company:
Address:
Town: ☐ See enclosed annex no .....

15 (*). Involved companies ☐ Restricted handling
Role:
Name:
Address:
Town:
Postal Code:
Country: ☐ See enclosed annex no .....

16 (*). Traders ☐ Restricted handling
Name:
Address:
Town:
Postal Code:
Country: ☐ See enclosed annex no .....

17. Goods clearance details and distribution information ☐ Restricted handling

☐ See enclosed annex no .....

18. Packages ☐ Restricted handling
Kind of packages:
Number of items per package:
Description (incl. distinctive features):

☐ See enclosed annex no .....

19. Accompanying documents ☐ Restricted handling
Type of document:
Description:

☐ See enclosed annex no .....

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/582. (See end of Document for details)*

Infringing goods	
20. Goods details IP right no: Goods description: CN tariff number: Minimum value:	☐ Restricted handling ☐ See enclosed annex no .....
21. Goods distinctive features Position on the goods: Description:	☐ Restricted handling ☐ See enclosed annex no .....
22. Place of production Country: Company: Address: Town: Postal Code:	☐ Restricted handling ☐ See enclosed annex no .....
23. Involved companies Role: Name: Address: Town: Postal Code: Country:	☐ Restricted handling ☐ See enclosed annex no .....
24. Traders Name: Address: Town: Postal Code: Country:	☐ Restricted handling ☐ See enclosed annex no .....
25. Goods distribution information	☐ Restricted handling ☐ See enclosed annex no .....
26. Packages Kind of packages: Number of items per package: Description (incl. distinctive features):	☐ Restricted handling ☐ See enclosed annex no .....
27. Accompanying documents Type of document: Description:	☐ Restricted handling ☐ See enclosed annex no .....