



EU Customs Enforcement of intellectual property rights at EU border

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Protection of citizens
and enforcement of IPR*



WHO WE ARE



The European Union

The European Commission

Directorate-General Taxation and
Customs Union (DG TAXUD)

TAXUD Unit A4 –
Protection of citizens
and enforcement of IPR

EU Customs Enforcement of intellectual property rights at EU border

Legal framework

Border enforcement in the EU vs. TRIPS



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)

In force since 1 January 2014.

Evaluation study of the implementation of the regulation currently underway.

Commission Implementing Regulation (EU) No 1352/2013 of 4 December 2013 establishing the forms provided for in Regulation (EU) No 608/2013, as amended by:

- ☐ No 2018/582 of 12 April 2018
- ☐ No 2020/1209 of 13 August 2020
- ☐ No 2020/2035 of 7 December 2020
- ☐ No 2024/2399 of 12 September 2024

Regulation No. 608/2013

- **Empowers customs to detain goods** subject to customs supervision suspected of infringing an IPR conferred by EU or national law.
- **Provides only procedural powers for customs**
(i.e. sets out the conditions and procedures for administrative customs enforcement of IPR) but does not set out any criteria for ascertaining the existence of an infringement of the substantive intellectual property law. This is left to competent national courts and the Court of Justice of the European Union.

Regulation No. 608/2013

Which intellectual property rights are covered?

- Trade marks
- Designs
- Copyrights or related rights
- Geographical indications
- Patents
- Supplementary protection certificates for medicinal products and for plant protection products
- Plant variety rights
- Topographies of semiconductors
- Utility models
- Trade names

Scope of EU customs IPR enforcement in Regulation 608/2013

All goods under customs supervision



= all goods brought into the customs territory of the Union

Scope of EU customs IPR enforcement in Regulation 608/2013



How customs act?

upon an existing application for action (AFA) filed and granted by Customs to the right holder of the IPR involved.

EUROPEAN UNION – APPLICATION FOR ACTION	
1	1. Applicant Name*: EORI-No*: Address*: Town*: Postal Code: Country*: 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))
COPY FOR THE COMPETENT CUSTOMS DEPARTMENT	3*. Status of applicant <input type="checkbox"/> Right-holder <input type="checkbox"/> Person or entity authorised to use the IP right <input type="checkbox"/> IP collective rights management body <input type="checkbox"/> Professional defence body
	<input type="checkbox"/> Group of producers of products with a Geographical Indication or representative of such group <input type="checkbox"/> Operator entitled to use a Geographical Indication <input type="checkbox"/> Inspection body or authority competent for a Geographical Indication <input type="checkbox"/> Exclusive license holder covering two or more Member States
	4. Representative submitting the application in the name of the applicant Company: Name*: EORI-No*: Address*: Town*: Postal Code: Country*: Telephone: (+): Mobile: (+):
	<input type="checkbox"/> Evidence of the representative's power to act is enclosed Fax: (+): Email*: Website:
1	5*. Type of right to which the application refers <input type="checkbox"/> National trademark (NTM) <input type="checkbox"/> European Union trademark (EUTM) <input type="checkbox"/> International registered trademark (ITM) <input type="checkbox"/> Registered national design (ND) <input type="checkbox"/> Registered Community design (CDR) <input type="checkbox"/> International registered design (ICD) <input type="checkbox"/> Unregistered Community design (CDU) <input type="checkbox"/> Copyright and related right (NCPR) <input type="checkbox"/> Trade name (NTN) <input type="checkbox"/> Topography of semiconductor product (NTSP) <input type="checkbox"/> Patent as provided for by national law (NPT) <input type="checkbox"/> Patent as provided for by Union law (UPT) <input type="checkbox"/> Utility model (NUM)
	Geographical Indication/Designation of origin: <input type="checkbox"/> for agricultural products and foodstuffs (CGIP) <input type="checkbox"/> for wine (CGIW) <input type="checkbox"/> for aromatised drinks based on wine products (CGIA) <input type="checkbox"/> for spirit drinks (CGIS) <input type="checkbox"/> for other products (NGI) <input type="checkbox"/> as listed in Agreements between the Union and third countries (CGL)
	Plant variety right: <input type="checkbox"/> national (NPVR) <input type="checkbox"/> Community (CPVR) Supplementary protection certificate: <input type="checkbox"/> for medicinal products (SPCM) <input type="checkbox"/> for plant protection products (SPCP)
	6*. Member State or, in the case of a Union application, Member States in which customs action is requested <input type="checkbox"/> ALL MEMBER STATES <input type="checkbox"/> BE <input type="checkbox"/> BG <input type="checkbox"/> CZ <input type="checkbox"/> DK <input type="checkbox"/> DE <input type="checkbox"/> EE <input type="checkbox"/> EL <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> HR <input type="checkbox"/> IT <input type="checkbox"/> CY <input type="checkbox"/> LV <input type="checkbox"/> LT <input type="checkbox"/> LU <input type="checkbox"/> HU <input type="checkbox"/> MT <input type="checkbox"/> NL <input type="checkbox"/> AT <input type="checkbox"/> PL <input type="checkbox"/> PT <input type="checkbox"/> RO <input type="checkbox"/> SI <input type="checkbox"/> SK <input type="checkbox"/> FI <input type="checkbox"/> SE <input type="checkbox"/> XI
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) in which, where requested by the customs authorities, agree to cover the costs related to the destruction of goods under this procedure. <input type="checkbox"/> ALL MEMBER STATES <input type="checkbox"/> BE <input type="checkbox"/> BG <input type="checkbox"/> CZ <input type="checkbox"/> DK <input type="checkbox"/> DE <input type="checkbox"/> EE <input type="checkbox"/> EL <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> HR <input type="checkbox"/> IT <input type="checkbox"/> CY <input type="checkbox"/> LV <input type="checkbox"/> LT <input type="checkbox"/> LU <input type="checkbox"/> HU <input type="checkbox"/> MT <input type="checkbox"/> NL <input type="checkbox"/> AT <input type="checkbox"/> PL <input type="checkbox"/> PT <input type="checkbox"/> RO <input type="checkbox"/> SI <input type="checkbox"/> SK <input type="checkbox"/> FI <input type="checkbox"/> SE <input type="checkbox"/> XI	
* these are mandatory fields and shall be filled in 1 (+) at least one of these fields shall be filled in	

How customs act?



No fees for the applicant to cover administrative costs of application for customs action

How customs act?

ex officio: i.e. on their own initiative when there is the suspicion, on the basis of reasonable indications, that goods under their supervision infringe IPRs.

Application for action (AFA)

Latest News



Mandatory use of electronic Applications for Action (eAFAs)

As of 3 October 2024, right holders and their representatives must submit electronic applications for action (eAFAs) to customs through the IP Enforcement Portal (IPEP) or national portals in Germany and Spain.

EUROPEAN UNION – APPLICATION FOR ACTION	
1 COPY FOR THE COMPETENT CUSTOMS DEPARTMENT	1. Applicant Name*: EORI-No*: Address*: Town*: Postal Code: Country*: 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 <input type="checkbox"/> Right-holder <input type="checkbox"/> Person or entity authorised to use the IP right <input type="checkbox"/> IP collective rights management body <input type="checkbox"/> Professional defence body <input type="checkbox"/> Group of producers of products with a Geographical Indication or representative of such group <input type="checkbox"/> Operator entitled to use a Geographical Indication <input type="checkbox"/> Inspection body or authority competent for a Geographical Indication <input type="checkbox"/> Exclusive license holder covering two or more Member States
	4. Representative submitting the application in the name of the applicant Company: Name*: EORI-No*: Address*: Town*: Postal Code: Country*: Telephone: (+): Mobile: (+): <input type="checkbox"/> Evidence of the representatives power to act is enclosed Fax (+): Email*: Website:
	5*. Type of right to which the application refers <input type="checkbox"/> National trademark (NTM) <input type="checkbox"/> European Union trademark (EUTM) <input type="checkbox"/> International registered trademark (ITM) <input type="checkbox"/> Registered national design (ND) <input type="checkbox"/> Registered Community design (CDR) <input type="checkbox"/> International registered design (ICD) <input type="checkbox"/> Unregistered Community design (CDU) <input type="checkbox"/> Copyright and related right (NCPR) <input type="checkbox"/> Trade name (NTN) <input type="checkbox"/> Topography of semiconductor product (NTSP) <input type="checkbox"/> Patent as provided for by national law (NPT) <input type="checkbox"/> Patent as provided for by Union law (UPT) <input type="checkbox"/> Utility model (NUM) Geographical Indication/Designation of origin: <input type="checkbox"/> for agricultural products and foodstuffs (CGIP) <input type="checkbox"/> for wine (CGIW) <input type="checkbox"/> for aromatised drinks based on wine products (CGIA) <input type="checkbox"/> for spirit drinks (CGIS) <input type="checkbox"/> for other products (NGI) <input type="checkbox"/> as listed in Agreements between the Union and third countries (CGL) Plant variety right: <input type="checkbox"/> national (NPVR) <input type="checkbox"/> Community (CPVR) Supplementary protection certificate: <input type="checkbox"/> for medicinal products (SPCM) <input type="checkbox"/> for plant protection products (SPCP)
	6*. Member State or, in the case of a Union application, Member States in which customs action is requested <input type="checkbox"/> ALL MEMBER STATES <input type="checkbox"/> BE <input type="checkbox"/> BG <input type="checkbox"/> CZ <input type="checkbox"/> DK <input type="checkbox"/> DE <input type="checkbox"/> EE <input type="checkbox"/> EL <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> HR <input type="checkbox"/> IT <input type="checkbox"/> CY <input type="checkbox"/> LV <input type="checkbox"/> LT <input type="checkbox"/> LU <input type="checkbox"/> HU <input type="checkbox"/> MT <input type="checkbox"/> NL <input type="checkbox"/> AT <input type="checkbox"/> PL <input type="checkbox"/> PT <input type="checkbox"/> RO <input type="checkbox"/> SI <input type="checkbox"/> SK <input type="checkbox"/> FI <input type="checkbox"/> SE <input type="checkbox"/> XI
	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	
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* these are mandatory fields and shall be filled in 1 (+) at least one of these fields shall be filled in	

Action by customs

- Basis: detention / suspension of release of goods upon an AFA or ex-officio
- Notification to (both) parties by customs, so right holder (RH) and declarant or holder of the goods
- Upon request, details on consignor and consignee, for example, can be given to the right holder
- Customs shall give parties the opportunity to inspect the goods
- In certain cases samples can be sent to right holders for analysis

Action by customs – destruction of the goods

- In the following situations:
 - RH confirmed within 10 working days of notification that an IPR has been infringed, and
 - RH confirmed within 10 working days his agreement to the destruction of the goods;
 - The declarant or holder of the goods confirmed within 10 working days his agreement to the destruction of the goods (in the absence of an opposition, customs may deem agreement).
- If not the case, the goods will be released unless the RH initiates a (judicial) procedure to determine whether an IPR has been infringed
- Destruction under Customs control and under responsibility of the RH.

Small consignment procedure

Conditions:

- only counterfeit trade mark and pirated goods;
- non perishable goods;
- requested by the applicant (RH) in the granted AFA;
- postal/courier consignment (≤ 3 units or ≤ 2 kg gross weight).



Small consignment procedure

- Procedure: notification only to the declarant or the holder of the goods of the detention and the intention to destroy the goods.
- Destruction of the goods if the declarant or holder of the goods agrees within 10 working days of the notification, or deemed agreement if he didn't notify opposition to the destruction within that period.

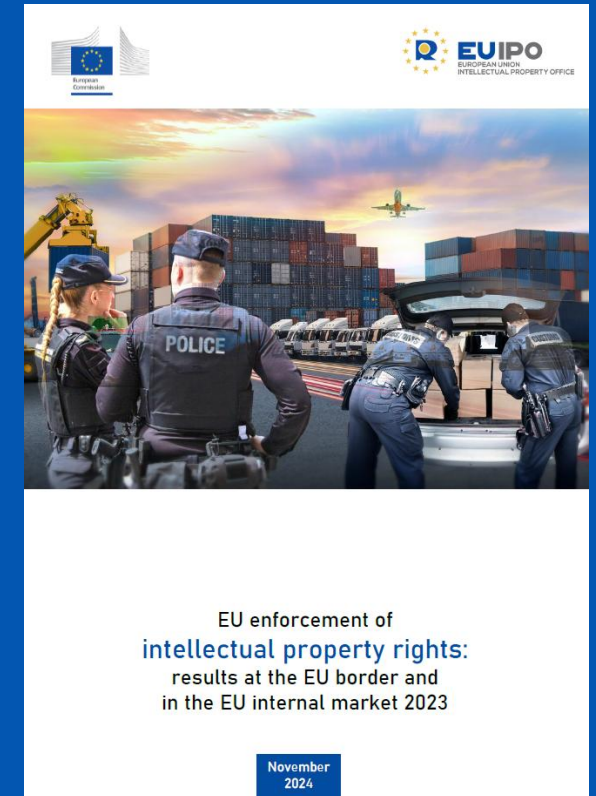
Anti-Counterfeiting and anti-Piracy Information System (COPIS)

a central EU-wide database



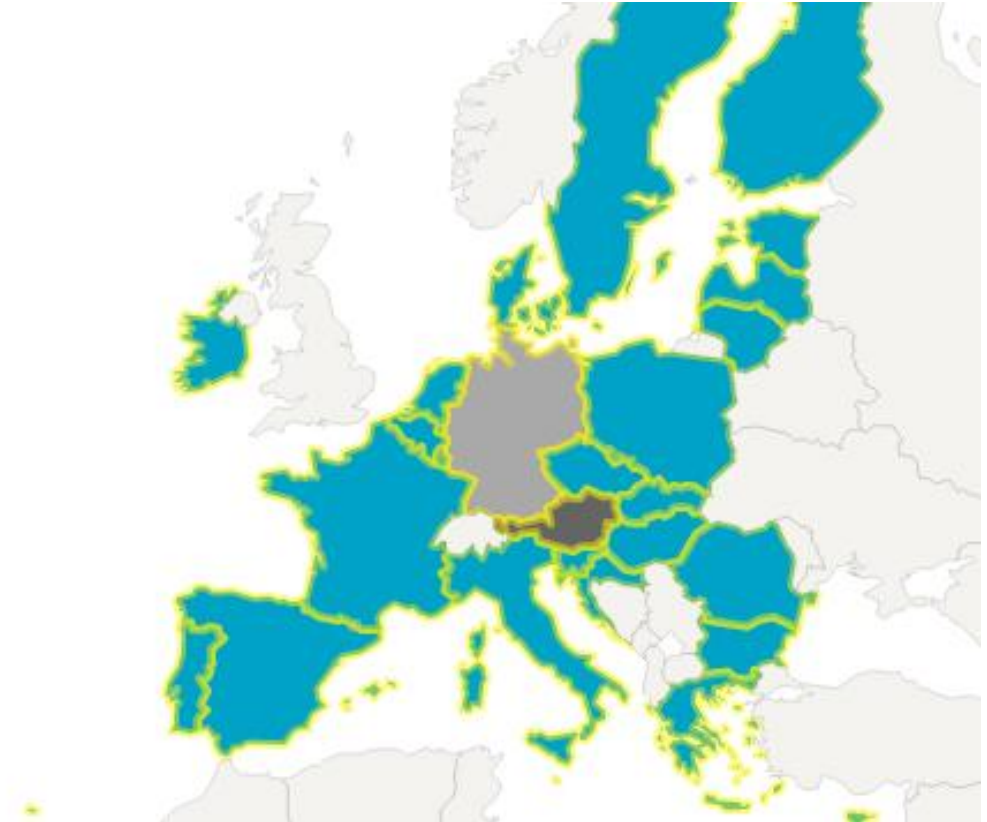
Border enforcement of Intellectual Property Rights

results at the EU border and in the EU internal market



Annual publication on customs action at EU external border and in the EU internal market

● ●	Austria	AT	
● ●	Belgium	BE	
● ●	Bulgaria	BG	
● ●	Croatia	HR	
● ●	Cyprus	CY	
● ●	Czech Republic	CZ	
● ●	Denmark	DK	
● ●	Estonia	EE	
● ●	Finland	FI	
● ●	France	FR	
● ●	Germany	DE	
● ●	Greece	GR	
● ●	Hungary	HU	
● ●	Ireland	IE	
● ●	Italy	IT	
● ●	Latvia	LV	
● ●	Lithuania	LT	
● ●	Luxembourg	LU	
● ●	Malta	MT	
● ●	Netherlands	NL	
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● ●	Slovenia	SI	
● ●	Spain	ES	
● ●	Sweden	SE	



Annual publication on customs action at EU external border and in the EU internal market

CONTENT:

- data on the detentions at the **EU external border** reported by the customs authorities of **27** Member States, collected through the EU-wide anti-counterfeit and anti-piracy information system (COPIS),
- data on detentions within the internal market reported by the enforcement authorities of 23 out of 27 EU Members States, through the IP Enforcement Portal (IPEP). (reporting on a voluntary basis).

OBJECTIVE:

- provide useful information to support the analysis of IPR infringements in the EU and the development of appropriate countermeasures.
- provide EU policymakers with data to develop an evidence base for priorities and policies.

Resources

Taxation and Customs Union

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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 property rights.

[EU-China Cooperation in IPR](#)

Right holders can receive protection of their rights by Customs in China and the EU

[Defend your rights](#)

Customs action on IPR infringement depends on right-holders lodging an application for action.

[Facts and figures](#)

Every year, the European Commission publishes a report on the detentions by customs of articles suspected of infringing intellectual property rights.

[How to recognise fake goods](#)

These tips and tricks will help you to recognise fakes and other IPR infringing goods.

https://ec.europa.eu/taxation_customs/customs-4/intellectual-property-rights-facts-and-figures_en

Thank you



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Sources: ec.europa.eu, www.euipo.europa.eu, <https://www.ipenforcementportal.eu>, www.canva.com.

