


Step-by-Step Procedure and Remedies Related to Border Enforcement Measures – Hungary

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Roles of HU customs administration in IPR enforcement

Border detentions

- Goods under customs control or customs supervision
- EU level legislation
- Customs

Inland controls

- Goods in free circulation in the EU market
- National legislation
- Customs, police, market surveillance

Criminal investigations

- Following a border detention or an inland control
- National legislation
- Customs, police

Customs enforcement



Regulation No 608/2013

- In force since 2014
 - Fast, simple and effective procedure
 - All customs procedures covered
 - All IP rights covered
 - On request or ex officio
 - Normal or small consignment procedure
 - Infringing goods are destroyed as a general rule
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- ❖ Shorter procedures
 - ❖ Reduced administrative burden and costs
 - ❖ Increased efficiency



Customs enforcement

On request (AFA) OR ex-officio

Goods suspected of infringing an IPR
(Art. 2. point 1)

Goods subject to customs
supervision or customs control
(not only import)

Exceptions:

- Overrun
- Parallel importation
- Goods contained in travellers' personal luggage (of a non-commercial nature)

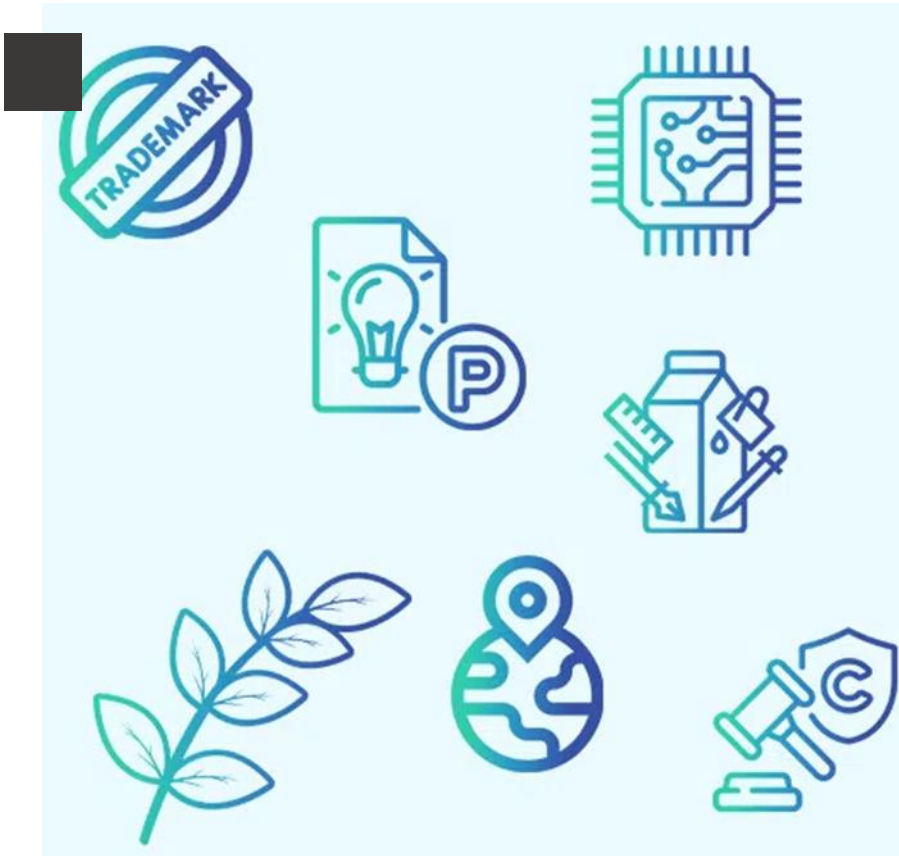
Which IP rights to enforce?

General understanding of IP rights

Intellectual Property Rights:

- ❖ Trade mark
- ❖ Design
- ❖ Copyright and related right
- ❖ Geographical indication
- ❖ Patents
- ❖ Supplementary protection rights (medicinal products, plant protection products)
- ❖ Plant variety
- ❖ Topography of semiconductors
- ❖ Utility models
- ❖ Trade names

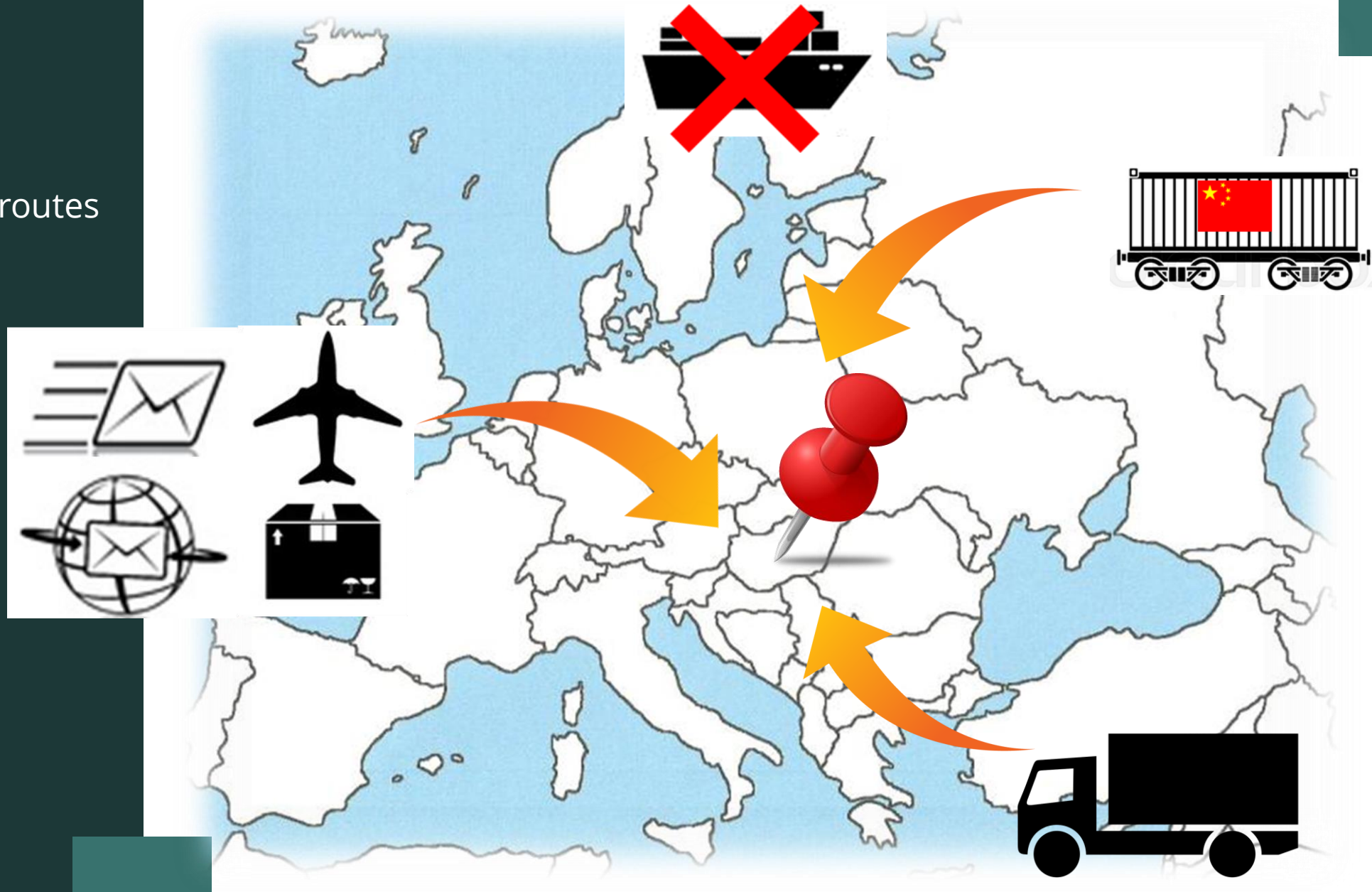
IP Rights



- All IP rights covered by Regulation No 608/2013
- Same procedure for all IP rights
- In practice: **mostly trademarks (~85%)**

Trends

- Changing transport routes
- e-Commerce



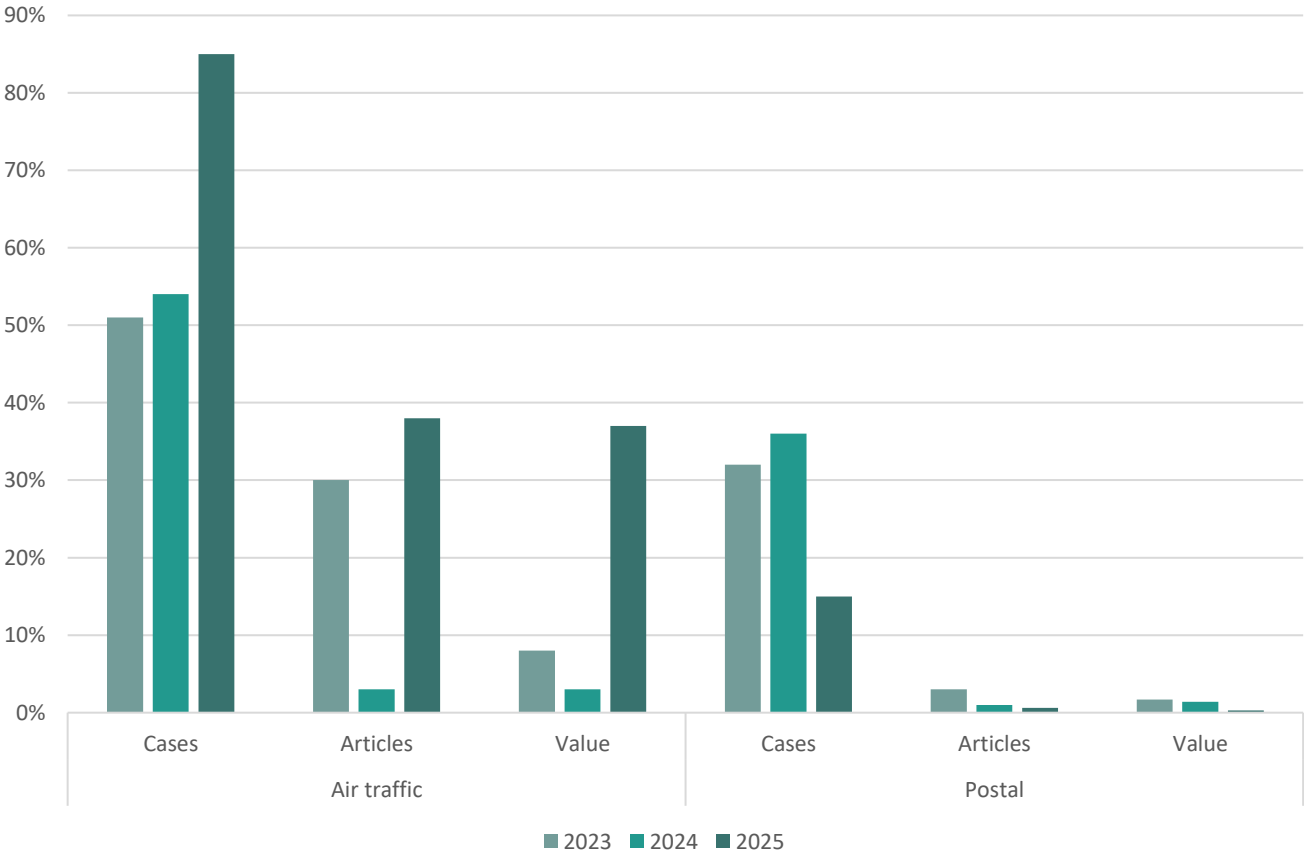
Statistics

- Growing figures
 - Depending on products
 - Depending on transport mode
 - Depending on quantity

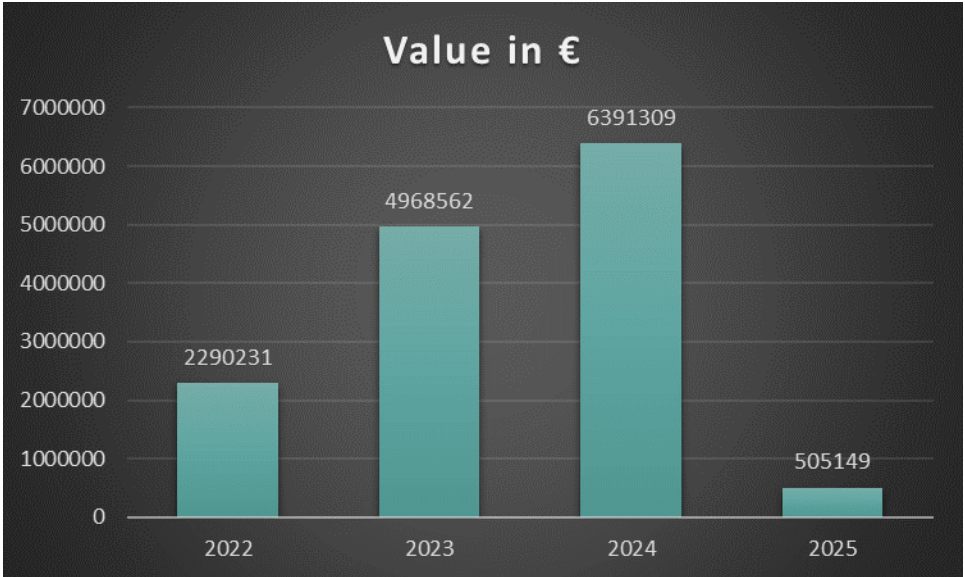
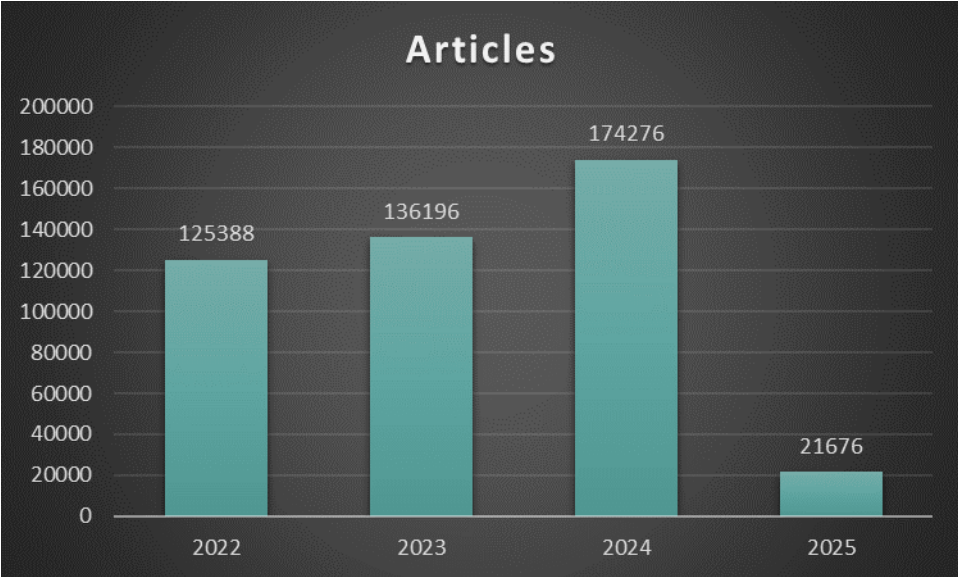
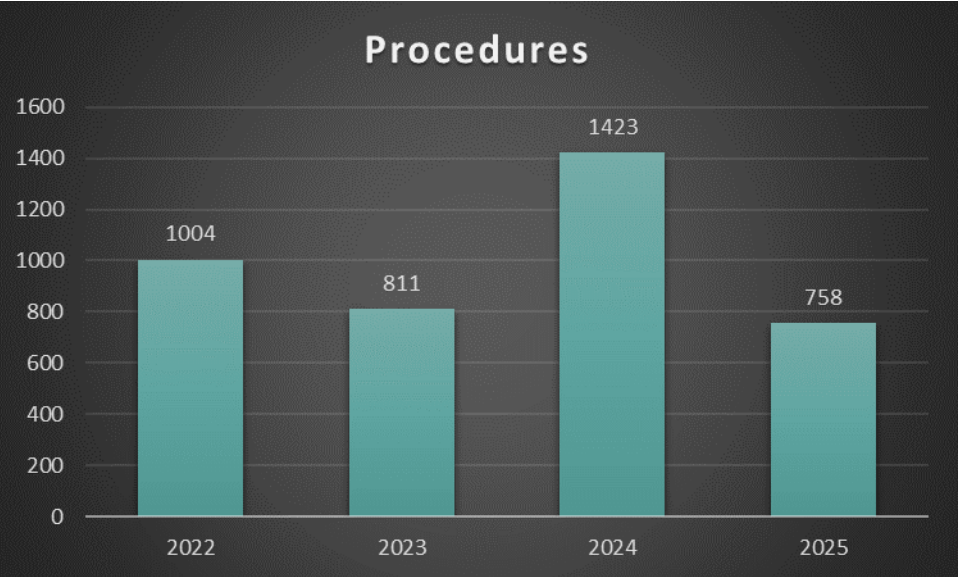


Statistics

- ~85-90% of all HU cases at the Airport Directorate of NTCA
 - Air cargo
 - Postal consignments



Statistics



Top categories in 2024-25

Number of procedures

- Toys
- Clothing
- Sports shoes

Number of articles

- Perfumes and cosmetics
- Clothing accessories
- Toys

Detained value

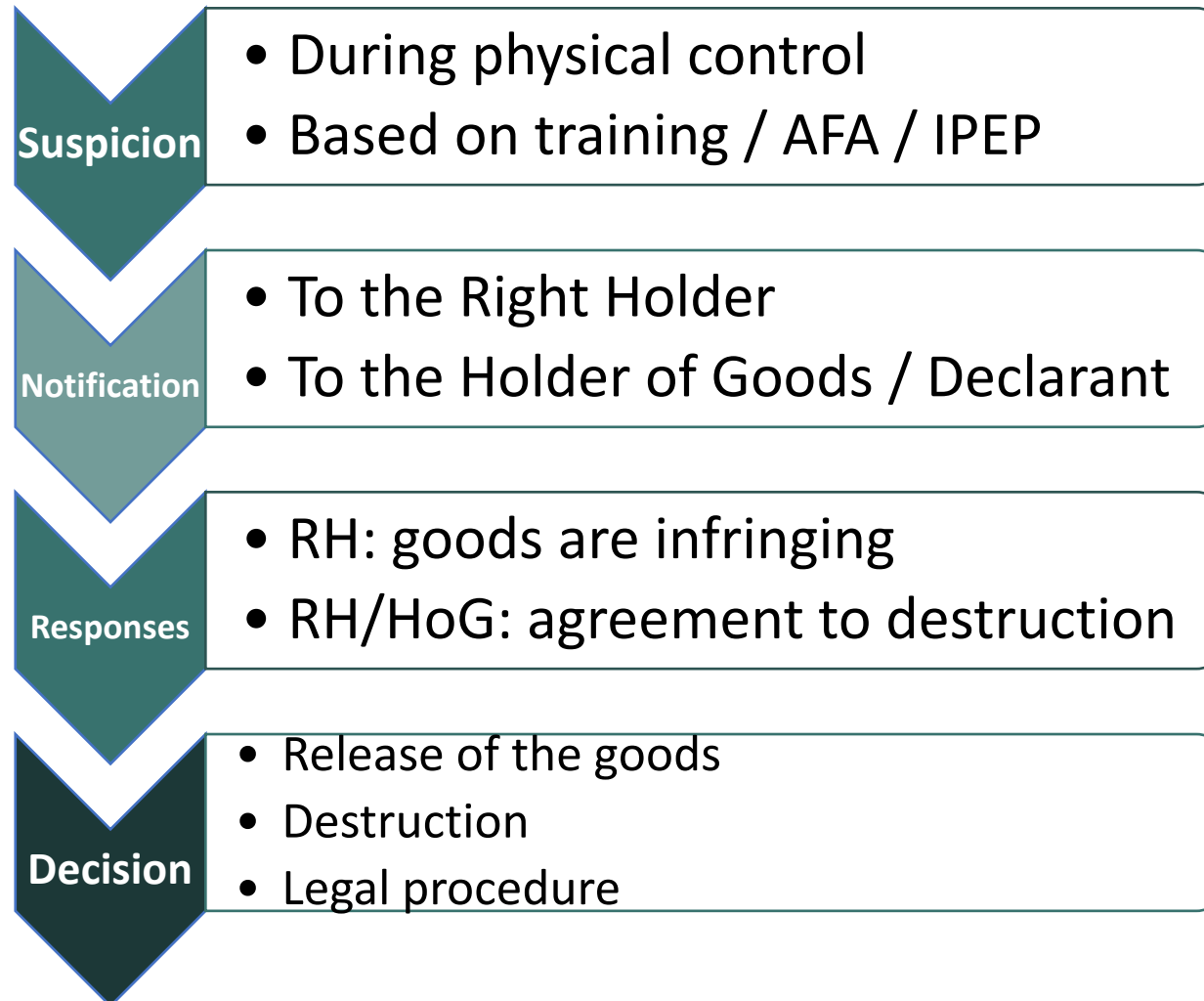
- Watches
- Toys
- Bags, wallets, purses
- Clothing

Provenance

- CN
- KZ
- TR
- HK

How to enforce?

The procedure – the basics



How to enforce?

Basics + details (EU, national provisions)



- Flow of information
- Deadlines
- Forms of communication
- Roles and responsibilities
- AFA & ex-officio
- Small consignments
- Destruction
- Costs
- Databases
- Information sources
- ...

Destruction

Article 25 of Regulation 608/2013

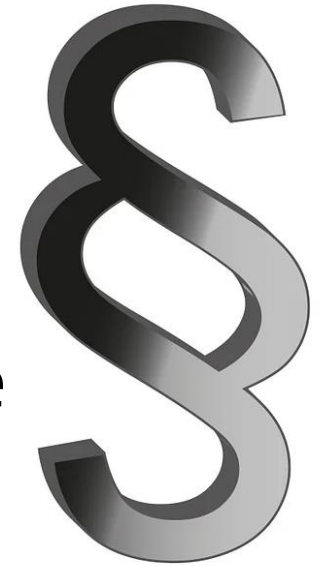
**Incineration, shredding, cutting,
breaking, ...**

Under customs supervision

General rules apply

- Responsibility of the Right Holder
 - Costs on Right Holder
- Recycling depending on the material
 - No charity

Destruction - challenges



Destruction of goods was against HU national legal (criminal) framework => Amendment of Criminal Code

Section 388/A

In the cases provided for in Article 1(1) of 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, the criminal offenses defined in Section 385 and in Section 388* may only be prosecuted upon **private motion**, except for the case if any crime that is punishable not on private motion is also committed in connection therewith.

*Section 385 – piracy, Section 388 – counterfeiting

Similar amendment of Code of Misdemeanour Procedure

Destruction



Small consignments

Definition:
Art. 2. (19) of Regulation 608/2013

Conditions:
Art. 26 of Regulation 608/2013

Simplification:
**No need to notify RH,
customs officer decides**

- Difficulties:**
- Not all RH ask for it
 - Thresholds used by RH
 - Costs
 - Destruction

Training



- Customs School
 - Part of general training curricula
- Quarterly seminars
 - 4 times a year
 - For designated customs officers
 - Presentations from RH and discussion
 - Mixed topics, actualities
- Thematic seminars
 - Once a year
 - For a wider range of customs officers
 - Presentations from RH
 - Eg.: medicines, foodstuff, cosmetics, car industry, IT, sports
- International trainings
 - Observatory (EUIPO)
 - DG TAXUD e-learning tool

Training



Information sources



EUR-Lex







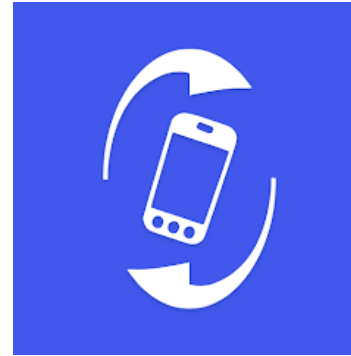
EUIPO

EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE



Information & awareness raising

- Website: <http://nav.gov.hu>
- Media
 - Daily media
 - Social media    
 - Application for mobile phones (NAV-Mobil)
- Information desk (KIOSK) at the Airport
- Events
- Festivals
- Expositions
- Destructions with press conference



Challenges

International:

- e-Commerce
- Intra-EU trade

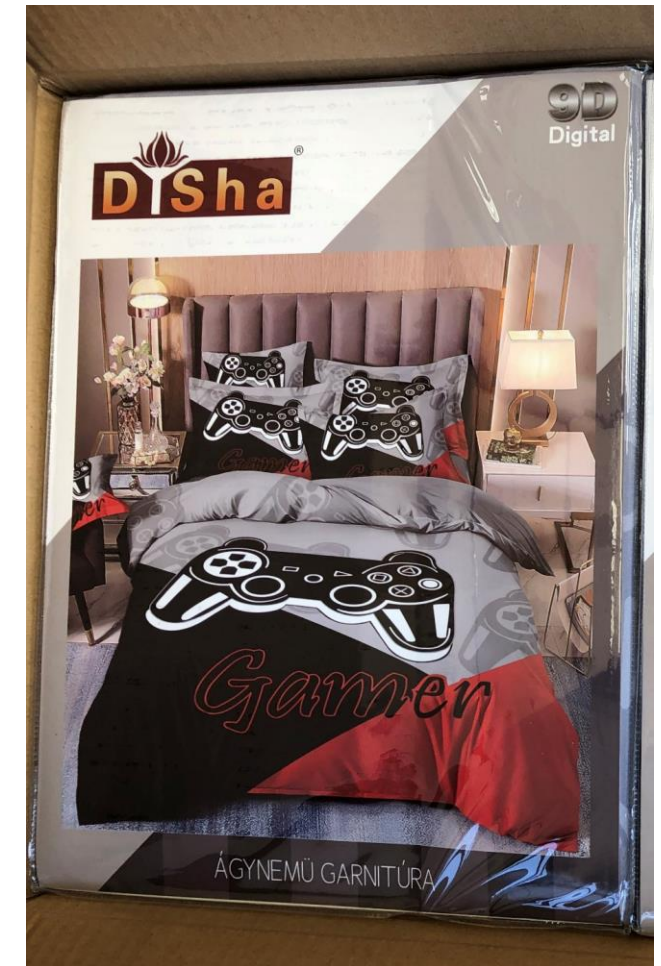
International/National:
Active involvement of RH

Internal:

- Priorities and allocated resources
- Enhanced communication and cooperation
- Use of available tools and information sources
- Effective control measures & risk analysis

Physical control
Small consignments
Destruction
Resources
Right Holders
Information

Some examples



Some examples



Some examples



Some examples



Some examples



Thank you for your attention





National Tax and
Customs Administration