

# Council of the European Union: Regulation on Customs Action against Counterfeiting and Piracy Adopted

**IRIS 2003-8:1/5**

*Annemarie Jansen  
Institute for Information Law (IViR), University of Amsterdam*

The Council adopted a new Regulation on 22 July 2003 that concerns "customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights". It aims at improving the existing system of Regulation 3295/94/EC concerning the entry into the Community and the export and re-export from the Community of goods infringing intellectual property rights. The new Regulation is part of a series of measures intended to strengthen the fight against counterfeiting and piracy in the European Union (see IRIS 2003-3: 8).

The scope of the new Regulation has been extended. It covers "goods infringing an intellectual property right" meaning counterfeit goods, pirated goods, goods that infringe a patent, and (newly added) a plant variety right, geographical indications or designations of origin. A rightsholder can apply to the customs department for action by the customs authorities when goods are found to be infringing. This application has been made simpler and no costs are required.

Customs authorities may now also suspend the release of goods or detain them when they have sufficient grounds for suspecting that goods infringe an intellectual property right. This enables the rightsholder to actually submit an application for action. The procedure for destruction of infringing goods has been made faster and simpler than in the existing Regulation and the destruction itself is facilitated in some cases.

With this new enforcement instrument customs authorities should be able to improve inspections at external Community borders and protect consumers and the EU economic area more effectively.

***Council Regulation of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights, Official Journal L 196, 2 August 2003 P. 0007 - 0014***

[http://europa.eu.int/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=en&numdoc=32003R1383&model=guichett](http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=en&numdoc=32003R1383&model=guichett)

