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►**B**

COMMISSION IMPLEMENTING REGULATION (EU) No 1352/2013

of 4 December 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

(OJ L 341, 18.12.2013, p. 10)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Implementing Regulation (EU) 2018/582 of 12 April 2018	L 98	4	18.4.2018

▼B

COMMISSION IMPLEMENTING REGULATION (EU) No 1352/2013

of 4 December 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

Article 1

1. The application requesting that customs authorities take action with respect to goods suspected of infringing an intellectual property right (application) referred to in Article 6 of Regulation (EU) No 608/2013 shall be made by using the form set out in Annex I to this Regulation.

2. The request for extension of the period during which the customs authorities are to take action (extension request) referred to in Article 12 of Regulation (EU) No 608/2013 shall be made by using the form set out in Annex II to this Regulation.

3. The forms set out in Annexes I and II shall be completed in accordance with the notes on completion set out in Annex III.

Article 2

Without prejudice to Article 5(6) of Regulation (EU) No 608/2013, the forms set out in Annexes I and II to this Regulation may, where necessary, be completed legibly by hand.

Those forms shall contain no erasures, overwritten words or other alterations and shall be made up of two copies.

The handwritten forms shall be completed in ink and block capitals.

Article 3

Regulation (EC) No 1891/2004 is repealed.

Article 4

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 1 January 2014.

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

▼**M1**

ANNEX I

EUROPEAN UNION — APPLICATION FOR ACTION

1

COPY FOR THE COMPETENT CUSTOMS DEPARTMENT

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

1

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

▼**M1**

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 .....

▼M1

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 .....

▼M1

28. Additional information ☐ Restricted handling

☐

☐ See enclosed annex no .....

29. Undertakings

By signing I undertake to:

— notify immediately the competent customs department that granted this application of any change in the information provided by me within this application or attachments in accordance with Article 15 of Regulation (EU) No 608/2013.

— forward to the competent customs department that granted this application any update on the information as referred to in point (g), (h) or (i) of Article 6(3) of Regulation (EU) No 608/2013 that are relevant to customs authorities' analysis and assessment of the risk of infringement of the intellectual property right(s) included in this application.

— assume liability under the conditions laid down in Article 28 of Regulation (EU) No 608/2013 and bear the costs as referred to in Article 29 of Regulation (EU) No 608/2013.

I agree that all the data submitted with this application may be processed by the European Commission and by the Member States.

30 (*). Signature

Date (DD/MM/YYYY) Applicant's signature

Place Name (Block capitals)

For official use

Decision by customs authorities (within the meaning of Section 2 of Regulation (EU) No 608/2013)

☐ The application is completely granted.

☐ The application has been partially granted (for the granted rights see attached list).

Date of adoption (DD/MM/YYYY) Signature and stamp Competent customs department

Expiry date of the application:

Any request for extension of the period that customs authorities are to take action should be received by the competent customs department at the latest 30 working days before the expiry date.

☐ The application has been rejected.

A reasoned decision stating the grounds for partial or complete rejection and information concerning the appeal procedure are attached.

Date (DD/MM/YYYY) Signature and stamp Competent customs department

▼M1

Personal data protection and the central database for the processing of applications for action.

Where the European Commission processes personal data contained in this application for action Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community Institutions and bodies and on the free movement of such data will apply. Where the competent customs authority of a Member State processes personal data contained in this application for action the national provisions implementing Directive 95/46/EC will apply.

The purpose of the processing of personal data of the application for action is the enforcement of intellectual property rights by customs authorities in the Union in accordance with Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

The controller with respect to the processing of the data in the central database is the national competent customs department where the application has been submitted. The list of competent customs departments is published on the website of the Commission:

http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm.

The access to all personal data of this application is granted through UserID/Password to customs authorities in the Member States and the Commission.

Personal data forming part of the information that falls under restricted handling will only be accessible by customs authorities of the Member States as indicated in box 6 of the application through UserID/Password.

In accordance with Article 22 of Regulation (EU) No 608/2013, without prejudice to applicable provisions on data protection in the Union and for the purpose of contributing to eliminating international trade in goods infringing intellectual property rights, the Commission and the customs authorities of the Member States may share personal data and information contained in the application with the relevant authorities in third countries.

Replies to data fields marked with an * and to at least one of the fields marked "+" are obligatory to be filled in. In case of failure to fill in these obligatory data, the application shall be rejected.

The data subject has a right of access to the personal data relating to him or her that will be processed through the central database and, where appropriate, the right to rectify, erase or block personal data in accordance with Regulation (EC) No 45/2001 or the national laws implementing Directive 95/46/EC.

All requests for the exercise of the right of access, rectification, erasure or blocking shall be submitted to and processed by the competent customs department where the application was submitted.

The legal basis for processing the personal data for the enforcement of intellectual property rights is Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

Personal data shall not be stored longer than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. That period shall be specified by the competent customs department when granting the application and shall not exceed one year from the day following the date of adoption of the decision granting the application. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, personal data shall be kept for six months after the proceedings have been concluded.

Complaints, in case of conflict, can be addressed to the relevant national data protection authority. The contact details of the national data protection authorities are available on the web-site of the European Commission, Directorate General for Justice (http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index_en.htm#h2-1). Where the complaint concerns processing of personal data by the European Commission, it should be addressed to the European Data Protection Supervisor (http://www.edps.europa.eu/EDPSWEB/).

▼**M1**

EUROPEAN UNION — APPLICATION FOR ACTION

2 COPY FOR THE APPLICANT 2

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

▼M1

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 .....

▼M1

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 .....

▼M1

28. Additional information ☐ Restricted handling

☐

☐ See enclosed annex no .....

29. Undertakings

By signing I undertake to:

— notify immediately the competent customs department that granted this application of any change in the information provided by me within this application or attachments in accordance with Article 15 of Regulation (EU) No 608/2013.

— forward to the competent customs department that granted this application any update on the information as referred to in point (g), (h) or (i) of Article 6(3) of Regulation (EU) No 608/2013 that are relevant to customs authorities' analysis and assessment of the risk of infringement of the intellectual property right(s) included in this application.

— assume liability under the conditions laid down in Article 28 of Regulation (EU) No 608/2013 and bear the costs as referred to in Article 29 of Regulation (EU) No 608/2013.

I agree that all the data submitted with this application may be processed by the European Commission and by the Member States.

30 (*). Signature

Date (DD/MM/YYYY) Applicant's signature

Place Name (Block capitals)

For official use

Decision by customs authorities (within the meaning of Section 2 of Regulation (EU) No 608/2013)

☐ The application is completely granted.

☐ The application has been partially granted (for the granted rights see attached list).

Date of adoption (DD/MM/YYYY) Signature and stamp Competent customs department

Expiry date of the application:

Any request for extension of the period that customs authorities are to take action should be received by the competent customs department at the latest 30 working days before the expiry date.

☐ The application has been rejected.

A reasoned decision stating the grounds for partial or complete rejection and information concerning the appeal procedure are attached.

Date (DD/MM/YYYY) Signature and stamp Competent customs department

▼M1

Personal data protection and the central database for the processing of applications for action.

Where the European Commission processes personal data contained in this application for action Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community Institutions and bodies and on the free movement of such data will apply. Where the competent customs authority of a Member State processes personal data contained in this application for action the national provisions implementing Directive 95/46/EC will apply.

The purpose of the processing of personal data of the application for action is the enforcement of intellectual property rights by customs authorities in the Union in accordance with Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

The controller with respect to the processing of the data in the central database is the national competent customs department where the application has been submitted. The list of competent customs departments is published on the website of the Commission:

http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm.

The access to all personal data of this application is granted through UserID/Password to customs authorities in the Member States and the Commission.

Personal data forming part of the information that falls under restricted handling will only be accessible by customs authorities of the Member States as indicated in box 6 of the application through UserID/Password.

In accordance with Article 22 of Regulation (EU) No 608/2013, without prejudice to applicable provisions on data protection in the Union and for the purpose of contributing to eliminating international trade in goods infringing intellectual property rights, the Commission and the customs authorities of the Member States may share personal data and information contained in the application with the relevant authorities in third countries.

Replies to data fields marked with an * and to at least one of the fields marked "+" are obligatory to be filled in. In case of failure to fill in these obligatory data, the application shall be rejected.

The data subject has a right of access to the personal data relating to him or her that will be processed through the central database and, where appropriate, the right to rectify, erase or block personal data in accordance with Regulation (EC) No 45/2001 or the national laws implementing Directive 95/46/EC.

All requests for the exercise of the right of access, rectification, erasure or blocking shall be submitted to and processed by the competent customs department where the application was submitted.

The legal basis for processing the personal data for the enforcement of intellectual property rights is Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

Personal data shall not be stored longer than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. That period shall be specified by the competent customs department when granting the application and shall not exceed one year from the day following the date of adoption of the decision granting the application. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, personal data shall be kept for six months after the proceedings have been concluded.

Complaints, in case of conflict, can be addressed to the relevant national data protection authority. The contact details of the national data protection authorities are available on the web-site of the European Commission, Directorate General for Justice (http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index_en.htm#h2-1). Where the complaint concerns processing of personal data by the European Commission, it should be addressed to the European Data Protection Supervisor (http://www.edps.europa.eu/EDPSWEB/).

▼B

ANNEX II

▼B

EUROPEAN UNION – REQUEST FOR EXTENSION

1	1. Holder of the decision Name (*): Address (*): Town (*): Postal Code: Country (*): Telephone: (+) Mobile: (+) Fax: (+) Email:	**For official use** Date of receipt INTELLECTUAL PROPERTY RIGHTS REQUEST FOR EXTENSION OF THE PERIOD FOR ACTION under Article 12 of Regulation (EU) No 608/2013
COPY FOR THE COMPETENT CUSTOMS DEPARTMENT	2 (*). I request the extension of the period during which the customs authorities are to take action in respect of the following application Registration number of application: / ☐ I confirm, that there are no changes in the information concerning the application for action and its annexes. ☐ I provide the following information concerning the application for action. See enclosed annex no …	
1	Any request for extension of the period that customs authorities are to take action should be received by the competent customs department at the latest 30 working days before the expiry date.	
	3. Signature (*) Date (DD/MM/YYYY) — Signature of the holder of the decision Place — Name (Block capitals)	
	For official use Decision by customs authorities (within the meaning of Section 2 of Regulation (EU) No 608/2013) ☐ The request for extension is completely granted. ☐ The request for extension has been partially granted (for the granted rights see attached list). Date (DD/MM/YYYY) — Signature and stamp — Competent customs department Expiry date of the application: ☐ The request for extension has been rejected. A reasoned decision stating the grounds for partial or complete rejection and information concerning the appeal procedure are attached. Date (DD/MM/YYYY) — Signature and stamp — Competent customs department	

(*) these are mandatory fields and shall be filled in (+) at least one of these fields shall be filled in

▼B

Personal data protection and the central database for the processing of applications for action.

Where the European Commission processes personal data contained in this extension request Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community Institutions and bodies and on the free movement of such data will apply. Where the competent customs authority of a Member State processes personal data contained in this extension request the national provisions implementing Directive 95/46/EC will apply.

The purpose of the processing of personal data of the application for action is the enforcement of intellectual property rights by customs authorities in the Union in accordance with Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

The controller with respect to the processing of the data in the central database is the national competent customs department where the application has been submitted. The list of competent customs departments is published on the website of the Commission: http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm.

The access to all personal data of the application is granted through UserID/Password to customs authorities in the Member States and the Commission.

Personal data forming part of the information that falls under restricted handling will only be accessible by customs authorities of the Member States as indicated in box 6 of the application through UserID/Password. In accordance with Article 22 of Regulation (EU) No 608/2013, without prejudice to applicable provisions on data protection in the Union and for the purpose of contributing to eliminating international trade in goods infringing intellectual property rights, the Commission and the customs authorities of the Member States may share personal data and information contained in the application with the relevant authorities in third countries. Replies to data fields marked with an * are obligatory to be filled in. In case of failure to fill in these obligatory data, the extension request shall be rejected.

The data subject has a right of access to the personal data relating to him or her that will be processed through the central database and, where appropriate, the right to rectify, erase or block personal data in accordance with Regulation (EC) No 45/2001 or the national laws implementing Directive 95/46/EC.

All requests for the exercise of the right of access, rectification, erasure or blocking shall be submitted to and processed by the competent customs department where the application was submitted.

The legal basis for processing the personal data for the enforcement of intellectual property rights is Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

Personal data shall not be stored longer than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. That period shall be specified by the competent customs department when granting the extension request and shall not exceed one year from the day following the date of adoption of the decision granting the extension request. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, personal data shall be kept for six months after the proceedings have been concluded.

Complaints, in case of conflict, can be addressed to the relevant national data protection authority. The contact details of the national data protection authorities are available on the web-site of the European Commission, Directorate General for Justice (http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index_en.htm#h2-1). Where the complaint concerns processing of personal data by the European Commission, it should be addressed to the European Data Protection Supervisor (http://www.edps.europa.eu/EDPSWEB/).

▼B

EUROPEAN UNION – REQUEST FOR EXTENSION

COPY FOR THE APPLICANT

2

1. Holder of the decision

Name (*):

Address (*):

Town (*):

Postal Code:

Country (*):

Telephone: (+)

Mobile: (+)

Fax: (+)

Email:

For official use

Date of receipt

INTELLECTUAL PROPERTY RIGHTS

REQUEST FOR EXTENSION OF THE PERIOD FOR ACTION

under Article 12 of Regulation (EU) No 608/2013

2 (*). I request the extension of the period during which the customs authorities are to take action in respect of the following application

Registration number of application: /

☐ I confirm, that there are no changes in the information concerning the application for action and its annexes.

☐ I provide the following information concerning the application for action.

See enclosed annex no …

2

Any request for extension of the period that customs authorities are to take action should be received by the competent customs department at the latest 30 working days before the expiry date.

3. Signature (*)

Date (DD/MM/YYYY) Signature of the holder of the decision

Place Name (Block capitals)

For official use

Decision by customs authorities (within the meaning of Section 2 of Regulation (EU) No 608/2013)

☐ The request for extension is completely granted.

☐ The request for extension has been partially granted (for the granted rights see attached list).

Date (DD/MM/YYYY) Signature and stamp Competent customs department

Expiry date of the application:

☐ The request for extension has been rejected.

A reasoned decision stating the grounds for partial or complete rejection and information concerning the appeal procedure are attached.

Date (DD/MM/YYYY) Signature and stamp Competent customs department

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

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

▼B

Personal data protection and the central database for the processing of applications for action.

Where the European Commission processes personal data contained in this extension request Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community Institutions and bodies and on the free movement of such data will apply. Where the competent customs authority of a Member State processes personal data contained in this extension request the national provisions implementing Directive 95/46/EC will apply.

The purpose of the processing of personal data of the application for action is the enforcement of intellectual property rights by customs authorities in the Union in accordance with Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

The controller with respect to the processing of the data in the central database is the national competent customs department where the application has been submitted. The list of competent customs departments is published on the website of the Commission: http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm.

The access to all personal data of the application is granted through UserID/Password to customs authorities in the Member States and the Commission.

Personal data forming part of the information that falls under restricted handling will only be accessible by customs authorities of the Member States as indicated in box 6 of the application through UserID/Password. In accordance with Article 22 of Regulation (EU) No 608/2013, without prejudice to applicable provisions on data protection in the Union and for the purpose of contributing to eliminating international trade in goods infringing intellectual property rights, the Commission and the customs authorities of the Member States may share personal data and information contained in the application with the relevant authorities in third countries. Replies to data fields marked with an * are obligatory to be filled in. In case of failure to fill in these obligatory data, the extension request shall be rejected.

The data subject has a right of access to the personal data relating to him or her that will be processed through the central database and, where appropriate, the right to rectify, erase or block personal data in accordance with Regulation (EC) No 45/2001 or the national laws implementing Directive 95/46/EC.

All requests for the exercise of the right of access, rectification, erasure or blocking shall be submitted to and processed by the competent customs department where the application was submitted.

The legal basis for processing the personal data for the enforcement of intellectual property rights is Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

Personal data shall not be stored longer than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. That period shall be specified by the competent customs department when granting the extension request and shall not exceed one year from the day following the date of adoption of the decision granting the extension request. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, personal data shall be kept for six months after the proceedings have been concluded.

Complaints, in case of conflict, can be addressed to the relevant national data protection authority. The contact details of the national data protection authorities are available on the web-site of the European Commission, Directorate General for Justice (http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index_en.htm#h2-1). Where the complaint concerns processing of personal data by the European Commission, it should be addressed to the European Data Protection Supervisor (http://www.edps.europa.eu/EDPSWEB/).

▼B

ANNEX III

NOTES ON COMPLETION

I. SPECIFICATIONS OF THE BOXES OF THE APPLICATION FOR ACTION FORM SET OUT IN ANNEX I TO BE FILLED IN BY THE APPLICANT

Fields in the form marked with an asterisk (*) are mandatory fields and shall be filled in.

Where in a box one or more fields are marked with a plus sign (+) at least one of those fields shall be filled in.

No data shall be entered in the boxes marked 'for official use'.

Box 1: Applicant

▼M1

Details concerning the applicant shall be entered in this box. It shall contain information on the name and complete address of the applicant, his Taxpayer Identification Number, any other national registration number or his Economic Operator Registration and Identification Number (EORI-No), which is a number, unique throughout the Union, assigned by a customs authority in a Member State to economic operators involved in customs activities, his telephone, mobile telephone or fax number and his email address. The applicant may also enter, where appropriate, his website address.

▼B

Box 2: Union/National application

The appropriate box shall be ticked to indicate whether the application is a National or a Union application, as referred to in points (10) and (11) of Article 2 of Regulation (EU) No 608/2013.

▼M1

Where the application is submitted after the release of the goods was suspended or the goods were detained in accordance with Article 18 of Regulation (EU) No 608/2013, the box 'National application (cf. Article 5(3))' shall be ticked.

▼B

Box 3: Status of the applicant

The appropriate box shall be ticked to indicate the status of the applicant within the meaning of Article 3 of Regulation (EU) No 608/2013. The application shall include documents providing evidence to satisfy the competent customs department that the applicant is entitled to submit an application.

Box 4: Representative submitting the application in the name of the applicant

Where the application is submitted by the applicant by means of a representative, details concerning that representative shall be entered in this box. The application shall include evidence of his powers to act as a representative in accordance with the legislation of the Member State in which the application is submitted and the corresponding box shall be ticked.

Box 5: Type of right to which the application refers

The type(s) of the intellectual property rights (IPR) to be enforced shall be indicated by ticking the appropriate box.

▼B

Box 6: Member State or, in the case of a Union application, Member States in which customs action is requested

The Member State or, in the case of a Union application, Member States in which customs action is requested shall be indicated by ticking the appropriate box.

Box 7: Representative for legal matters

The details of the representative designated by the applicant to take charge of legal matters shall be indicated in this box.

Box 8: Representative for technical matters

In case the representative for technical matters is different from the representative indicated in box 7, the details of the representative for technical matters shall be indicated in this box.

Box 9: Details of the designated representatives for legal and technical matters in case of a Union application

In case of a Union application, the details of the representative or representatives designated by the applicant to take charge of technical and legal matters in the Member States indicated in box 6 shall be provided in a separate annex which shall contain the elements of information requested in boxes 7 and 8. In case a representative has been designated for more than one Member State, it shall be clearly indicated for which Member States he has been designated.

Box 10: Small consignment procedure

▼M1

Where the applicant wishes to request the use of the procedure for destruction of goods in the small consignment set out in Article 26 of Regulation (EU) No 608/2013, he shall tick the appropriate box of the Member State, or Member States in case of a Union application, in which he wishes to have the procedure applied.

▼B

Box 11: List of rights to which the application refers

Information on the right or rights to be enforced shall be entered in this box.

In the column ‘No’, sequential numbers shall be entered for each of the intellectual property rights to which the application refers.

In the column ‘Type of right’, the type of IPR shall be indicated by using the appropriate abbreviations which appear in box 5 in brackets.

In the column ‘list of goods to which the right refers’, the type of goods which are covered by the relevant IPR and with regard to which the applicant wishes to request customs enforcement shall be entered.

Sub-box ‘Restricted handling’ in boxes 12-28

Where the applicant wishes to request that information provided by him in boxes 12-28 be the subject of restricted handling within the meaning of Article 31(5) of Regulation (EU) No 608/2013, this sub-box shall be ticked.

▼B

Page 2: Information on authentic goods in boxes 12-19

The applicant shall enter in boxes 12-19, as appropriate, specific and technical data on the authentic goods, information needed to enable the customs authorities to readily identify goods suspected of infringing IPR and information relevant to the customs authorities' analysis and assessment of the risk of infringement of the IPR(s) concerned.

Box 12: Goods details

Box 12 shall contain a description of the authentic goods, including get-up and graphic symbols, their Combined Nomenclature code and their value in the EU internal market. The applicant, where appropriate, shall provide images of those goods. The information shall be arranged per different type of goods or different assortment of goods.

Box 13: Goods distinctive features

Box 13 shall contain information on the typical features of the authentic goods, such as markings, labels, security threads, holograms, buttons, hangtags and bar-coding, indicating the exact position of the features on the goods and their appearance.

Box 14: Place of production

Box 14 shall contain information on the place of production of the authentic goods.

Box 15: Involved companies

Box 15 shall contain information on authorised importers, suppliers, manufacturers, carriers, consignees or exporters. The information shall be arranged per different type of goods.

Box 16: Traders

Box 16 shall contain information on persons or entities authorised to trade in products involving the use of the IPR(s) for which enforcement is sought. The information shall refer to name, address and registration numbers, such as EORI number, of those persons or entities. Likewise, the information shall comprise information on how licensees may demonstrate their authorisation to use the IPR(s) in question.

Box 17: Goods clearance details and distribution information

Box 17 shall contain information on channels of distribution of the authentic goods, such as information related to central warehouses, dispatch departments, means of transport, transport routes and delivery, and on customs procedures and offices where the clearance of the authentic goods is carried out.

Box 18: Packages

This box shall contain information on the packaging of the authentic goods, such as information on the following:

▼B

(a) the kind of packages, indicated by using the relevant codes as given in Annex 38 to Commission Regulation (EEC) No 2454/93 ([1]);

(b) typical features of the packages (for instance, markings, labels, security threads, holograms, buttons, hangtags and bar-coding), including the exact position of the features in the package;

(c) special package designs (colour, shape);

(d) where appropriate, images of those goods.

Box 19: Accompanying documents

Box 19 shall contain information on documents accompanying the authentic goods, such as brochures, operating instructions, warranty documents or other similar items.

Page 3: Information on infringing goods in boxes 20-27

The applicant shall enter in boxes 20-27, as appropriate, information relevant to the customs authorities' analysis and assessment of the risk of infringement of the IPR(s) concerned.

Box 20: Goods details

Box 20 shall contain a description of goods suspected of infringing an intellectual property right (infringing goods), including get-up and graphic symbols. The applicant, where appropriate, shall provide images of those goods. The information shall be arranged per different type of goods or different assortment of goods.

Box 21: Goods distinctive features

Box 21 shall contain information on the typical features of the suspected infringing goods, such as markings, labels, security threads, holograms, buttons, hangtags and bar-coding, indicating the exact position of the features on the goods and their appearance.

Box 22: Place of production

Box 22 shall contain information on the known or suspected place of origin, provenance and delivery of the infringing goods.

Box 23: Involved companies

Box 23 shall contain information on importers, suppliers, manufacturers, carriers, consignees or exporters who are suspected of being involved in infringements of the relevant intellectual property rights.

([1]) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

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Box 24: Traders

Box 24 shall contain information on persons or entities not authorised to trade in products involving the use of the IPR(s) for which enforcement is sought and who have been trading the products in the Union in the past.

Box 25: Goods distribution information

Box 25 shall contain information on channels of distribution of the infringing goods, such as information related to warehouses, dispatch departments, means of transport, transport routes and places of delivery, and on customs procedures and offices where the clearance of the infringing goods is carried out.

Box 26: Packages

This box shall contain information on the packaging of the suspected infringing goods, such as information on the following:

(a) the kind of packages, indicated by using the relevant codes as given in Annex 38 to Regulation (EEC) No 2454/93;

(b) typical features of the packages (for instance, markings, labels, holograms, buttons, hangtags and bar-coding), including the exact position of the features in the package;

(c) special package designs (colour, shape);

(d) where appropriate, images of those goods.

Box 27: Accompanying documents

Box 27 shall contain information on documents accompanying the suspected infringing goods, such as brochures, operating instructions, warranty documents or other similar items.

Box 28: Additional information

The applicant may provide in box 28 any additional information relevant to the customs authorities' analysis and assessment of the risk of infringement of the IPR(s) concerned such as specific information concerning planned deliveries of suspected infringing goods, including specific and detailed information on means of transport, containers and persons involved.

Box 29: Undertakings

Do not amend the wording, or enter data in this box.

Box 30: Signature

In box 30, the applicant or the representative of the applicant indicated in box 4 shall enter the place and date of completion of the application and shall sign. The signatory's name shall be given in block capitals.

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II. SPECIFICATIONS OF THE BOXES OF THE REQUEST FOR EXTENSION FORM SET OUT IN ANNEX II TO BE FILLED IN BY THE HOLDER OF THE DECISION

Fields in the form marked with an asterisk (*) are mandatory fields and shall be filled in.

In boxes where fields are marked with a plus (+) at least one of these fields shall be filled in.

Do not enter data in the boxes marked ‘for official use’.

Box 1: Details concerning the holder of the decision

Details concerning the holder of the decision shall be entered in this box.

Box 2: Extension request

The application registration number including the first two digits representing the iso/alpha-2 code of the Member State that granted the application shall be entered in this box. The holder of the decision shall indicate whether he is requesting modifications to the information contained in the application by ticking the appropriate box.

Box 3: Signature

In box 3, the holder of the decision or the representative of the holder of the decision shall enter the place and date of completion of the request and shall sign. The signatory’s name shall be given in block capitals.