

Track Two: How to Use Customs Registrations Processes to Address Counterfeiting and Pirated Goods: In the United States, European Community, and China

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I. Introduction – The Impact of Counterfeiting

Counterfeiting is big business. It can cost companies millions of dollars if the integrity in which customers associate with a brand is lost and severely damage the company's future. Counterfeiting is a global problem, it is essential to properly organize and coordination of enforcement actions. Close coordination of enforcement activities allows for consistency in approach and facilitates cross-border sharing of information. Larger counterfeiting operations are no longer confined within domestic or even regional borders. They frequently consist of multinational networks of manufacturing sources, freight forwarders, trading companies, distributors, wholesalers and retailers. The reduction in trade barriers over the past years means that international trade, whether that trade is legal or illegal, has never been easier. So what are you doing to protect your client's or company's coat of arms? Near the top of the list should be to record Intellectual Property Rights ("IPR") with Customs authorities and to engage in regular training with law enforcement agencies, especially Customs. This paper examines the customs registration processes in the United States, European Community, and China.

II. United States

The United States Customs & Border Protection ("CBP") devotes a substantial amount of time and resources to target, intercept, detain, seize, and forfeit shipments of infringing/counterfeit goods that violate IPRs. In the United States FY2006 was a record

year for the number of IPR seizures and domestic value of goods seized by CBP. The domestic value of products seized in FY2006 was \$155,369,236 an increase of 67% from FY 2005. The number of seizures increased by 83% from FY2005 to FY2006 with 14,675 seizures in FY2006. The first step in obtaining protection by CBP is to record validly registered trademarks, copyrights or eligible trade names.

A. Trademarks

Lanham Act §42¹ bars importation of goods with a mark which shall “copy or simulate” a registered trademark if:

1. The goods bear a trademark which copy or simulate a trademark registered on the Principle Register of the federal Lanham Act.²
2. The goods bear a name which copy or simulate the name of any domestic manufacturer or trader, or of country which, by treaty, convention, or law affords similar privileges to citizens of the United States.
3. The goods bear a name or mark calculated to induce the public to believe that the article is manufactured in the United States or manufactured in any foreign country or locality other than the country or locality in which it is in fact manufactured.

The language of §42 of the Lanham Act does not bar importation of goods that are genuine or more commonly know as grey market goods. CBP provides grey market protection only to trademarks that have been recorded with CBP and where the U.S. trademark owner does not own the foreign trademarks abroad and no common ownership or control exists between the U.S. trademark owner and a foreign trademark owner.

To take advantage of the provisions provided for in the Lanham Act or similar statutory authority in the Tariff Act,³ an owner of a United States federally registered trademark must comply with the regulations of CBP as set forth under 19 C.F.R. 133.1 et seq.

Application Process. To record trademark rights with CBP the trademark registration must be active. There are currently two methods for recording rights in writing using CBP Trademark Recordation Application Template, attached as Exhibit A, or using the online e-Recordation application found at <https://apps.cbp.gov/e-recordations>. In order to complete the paper filing or online filing the following information is required:

1. Name/description of trademark registered with the U.S. Patent & Trademark Office and the details of the registration including registration number, registration date, expiration date, and goods covered by the registration.
2. Name and complete address of the trademark owner including citizenship.
3. Place(s) of manufacture of goods bearing the trademark.
4. Name(s) and address(es) of licensees who use the trademark.

1. 15 U.S.C.A. §1124.

2. Marks registered on the federal Supplemental Register are not entitled to protection against importation. Lanham Act §§ 26, 28, 15 U.S.C.A. §§ 1094, 1096.

3. Tariff Act of 1930 § 526, 19 U.S.C.A. § 1526 (relates only to registered marks of domestic companies).

5. Names and principal business addresses of any person or business entities, foreign or domestic, who use the trademark and a description as to those use(s).
6. Whether or not the subject trademark is or has ever been, owned, used, or otherwise claimed by the trademark owner outside of the United States (this may include a pending registration abroad).
7. The name(s) of any parent companies, subsidiaries, or other entities, foreign or domestic that are under common control with, or share any type of ownership interest or relationship with the U.S. trademark owner.
8. Whether or not the subject trademark is or has ever been, owned, used, or otherwise claimed any parent companies, subsidiaries, or other entities, foreign or domestic that are under common control with, or share any type of ownership interest or relationship with the U.S. trademark owner.
9. The details of the contact person to whom CBP should send inquiries regarding potentially infringing merchandise and notices of detention and seizure pursuant to 19 C.F.R. 133.24.
10. Whether or not you would like to inform CBP of any infringing merchandise that is being imported and the details of the same.
11. A certified copy (or status copy) of the certificate of registration certified by the US PTO showing title in the name of the applicant; five photocopies of the certified copy, and an application fee of \$190 for each class for which recordation is sought. A separate application is required for each trademark registration to be recorded.

Effective Date and Term.⁴ The recordation of a trademark and protection by CBP shall be effective on the date an application for recordation is approved and the recordation shall remain in force concurrently with the current registration period or last renewal. A recordation of a trademark with CBP will be cancelled if the underlying trademark registration is canceled or revoked.

Changes in Ownership.⁵ In the event that there is a change of ownership or name of the record trademark owner the changes must be given to CBP. In each case a certified copy of the certificate of registration certified by the US PTO showing the title in the name of the new owner and a fee is required.

Renewal of a Trademark Recordation. To continue uninterrupted Customs protection for trademarks, an application to renew the recordation shall be submitted no later than 3 months after the date of expiration of the current trademark registration issued by the US PTO. A timely application to renew must include a certified copy of the certificate of registration certified by the US PTO showing renewal and the title in the name of the applicant; a statement describing any change in ownership, any change of address of owners or places of manufacture; and a fee of \$80 for each class of goods in which renewal is sought.⁶ A request can be submitted during the 3 month grace period for an extension to comply with the renewal if there is an unavoidable delay for not renewing the recordation

4. 19 C.F.R. §133.4

5. 19 C.F.R. §§ 133.5, 133.6

6. 19 C.F.R. § 133.7

within the prescribed period. But all is not lost, failure to renew the recordation during the prescribed period or within an extension of time, simply means that you must start with a fresh application to record.

B. Trade Names

Trade Names are also eligible for registration with CBP if the name or trade style has been used for at least 6 months to identify a manufacturer or trader. Generally the complete business name will be recorded unless convincing proof that only part of the complete name is customarily used.⁷

Application Process. In order to complete the filing for registering a trade name the following information is required:

1. The name or trade style to be protected.
2. Name and complete address of the trade name owner including citizenship.
3. Names and principal business addresses of each foreign person or business entities authorized or licensed to use the trade name and a statement as to the use authorized.
4. Whether or not the subject trademark is or has ever been, owned, used, or otherwise claimed by the trademark owner outside of the United States (this may include a pending registration abroad).
5. A description of the merchandise with which the trade name is associated.
6. A statement of the owner, partners, or principal corporate officer, and statements by at least two other persons not related or associated with the application but having knowledge of the facts stating that the trade name is in use with the type of merchandise described and has been in use for at least 6 months for such merchandise; that the trade name if is not identical or confusingly similar to any other trader name or registered trademark used in connection with the same class or kind of goods; and that the applicant has the sole and exclusive right to use the trade name in connection with the merchandise of that class or kind; and an application fee of \$190 for each trade name to be recorded.

Publication of trade name recordation & Term of Protection. A notice of tentative recordation shall be published in the *Federal Register* and Customs Bulletin. The notice will specify a procedure and time period within which interested parties may oppose the recordation. After the opposition period has expired and consideration is given to any claim filed a final notice of approval or disapproval of the application is published in the *Federal Register* and the Customs Bulletin.

Protection for a record trade name shall remain in force as long as the trade name is used. The recordation will be canceled upon request of the applicant or upon notice of disuse. On occasion, CBP may request the trade name owner to confirm use of the trade name. Failure to respond to such a request will be regarded as evidence of disuse.

7. Words or designs used as trademarks shall not be accepted for recordation as a trade name. See 19 C.F.R. § 133.11

Detention, Seizures, Restrictions, and Fines on Importation of Merchandise bearing Registered and/or Recorded Trademarks or Trade Names. Pursuant to 19 C.F.R. § 133.21 any article of domestic or foreign manufacture imported into the U.S. bearing a counterfeit trademark shall be seized and in absence of written consent by the trademark owner be forfeited for violation of Customs law. A counterfeit trademark is defined as a spurious designation that is identical to or substantially indistinguishable from, a registered trademark. When goods are seized by CBP a written notice will be sent to the trademark owner within 30 days of the date of the seizure. The notice shall include the date of importation, port of entry, description of the merchandise, quantity involved, name and address of the manufacturer, country or origin, name and address of the exporter, and the name and address of the importer.

Samples of the seized merchandise may be provided to the trademark owner for examination, testing or other use in pursuit of a related private civil remedy for trademark infringement. In order to obtain a sample, the trademark owner must furnish a bond to Customs in the form and amount specified by the port director. Customs may demand return of the sample at anytime. The trademark owner must return the sample at the conclusion of testing, examination or private civil action for trademark infringement. If the sample is damaged, destroyed, or lost while in possession of the trademark owner, the trademark owner shall provide a statement to Customs advising that the sample was destroyed, damaged or lost during examination testing or other use.

The seized merchandise will be disposed of subject to the importer's right to petition for relief from the forfeiture, unless the trademark owner within 30 days of notification provides written consent for importation, exportation, entry after obliteration of the trademark or other appropriate disposition of the merchandise.⁸

In addition to seizure of counterfeit merchandise 19 C.F.R. §133.22 provides for the denial of entry of articles bearing a mark or name copying or simulating a trademark which may so resemble a recorded mark that it likely to cause public confusion with the recorded mark or name. The articles bearing a mark or name that copy or simulate a trademark shall be detained for 30 days to permit the importer to establish that the mark or name has been removed or obliterated as a condition for entry; the articles are being imported by the owner of the recorded mark or name; the owner of the recorded mark or name has given written permission for importation of the articles; the one-time personal exemption is claimed and allowed; or provisions of the section are not applicable at the time of importation to articles bearing counterfeit trademarks at the time of importation. If the importer can establish that the articles fall within one of the exemptions the articles will be released. If the importer is not able to obtain release of the detained articles within the 30 day period the articles will be seized and forfeiture proceedings instituted.

The CBP may impose a civil fine, in addition to any other penalty or remedy authorized by law on any person who directs, financially assists or otherwise, or aids and abets importation of counterfeit merchandise resulting in a seizure.⁹ For the first seizure the fine imposed shall not be greater than the value of the merchandise if it had been genuine, according to the MSRP in the United States at the time of the seizure. For subsequent violations, the fine imposed will not be more than twice the value of the merchandise if it had been genuine, according to the MSRP in the United States at the time of the seizure.

8. 19 C.F.R. §133.21

9. 19 C.F.R. §133.27

C. Copyrights

Application Process. To record copyright rights with CBP the claim to copyright will have been registered with the U.S. Copyright Office. There are currently two methods for recording rights in writing using CBP Copyright Recordation Application Template, attached as Exhibit B, or using the online e-Recordation application found at <https://apps.cbp.gov/e-recordations>. In order to complete the paper filing or the online filing the following information is required:

1. Name/description of copyright registered with the U.S. Copyright Office and the details of the registration including registration number and registration date.
2. Name and complete address of the copyright owner.
3. Place(s) of manufacture of genuine copies or phonorecords of the protected work.
4. Name(s) and Address(es) of licensees authorized to use the copyright.
5. Names and principal business addresses of any person or business entities, foreign or domestic, authorized to use the protected work and a description of the exclusive rights authorized.
6. The foreign title of the work, if different from the U.S. title.
7. Whether or not you would like to inform CBP of actual or contemplated importations of copies or phonorecords of the work and a statement setting forth the circumstances of such actual or potential injury.
8. In the case of an application to record a copyright in a sound recording, a statement setting forth the name(s) of the performing artist(s), and any other names appearing on the surface of the reproduction of the sound recording, or its label or container.
9. The details of the contact person to whom CBP should send inquiries regarding potentially infringing merchandise and notices of detention and seizure pursuant to 19 C.F.R. 133.24.
10. An official copy of the certificate of registration issued by the U.S. Copyright Office showing title in the name of the applicant; five photocopies or other likenesses of the copyrighted work¹⁰, and an application fee of \$190 for each copyright for which recordation is sought. A separate application is required for each copyright registration to be recorded.

Effective Date and Term.¹¹ The recordation of a copyright and protection by CBP shall be effective on the date an application for recordation is approved and the recordation shall remain in effect for 20 years unless the copyright ownership expires before that time. A recordation of a copyright with CBP will be cancelled if the underlying copyright registration is canceled or revoked.

10. There are exceptions to this requirement if it covers a work such as a book, magazine or periodical or similar copyrighted materials. See 19 C.F.R. § 133.33 (2)

11. 19 C.F.R. §133.34

Changes in Ownership.¹² In the event that there is a change of ownership or name of the record trademark owner the changes must be given to CBP. In each case a certified copy of any assignment, exclusive license, or other document recorded in the U.S. Copyright Office showing that the applicant has acquired an ownership interest in the copyright and a fee is required.

Renewal of a Copyright Recordation.¹³ If a recorded copyright has a term which exceeds the original 20 year recordation term, continuing Customs protection may be available by renewing the recordation. An application to renew the recordation shall be submitted no later than 3 months before the recordation in effect expires. A timely application to renew must include proof that the recordant's copyright ownership is still valid; a statement describing any change in ownership, any change of address of owners; and a fee of \$80. Failure to renew the recordation in during the prescribed period simply means that you must start with a fresh application to record.

Importations Violating Copyright Laws.¹⁴ Importation of infringing copies or phonorecords which are made without authorization of the copyright owner is prohibited. The port director shall seize any imported article which he/she determines is an infringing copy of a copyrighted work protected by Customs or if the imported does not deny a claim that the copy is infringing. When merchandise is seized by CBP a written notice will be sent to the copyright owner within 30 days of the date of the seizure. The notice shall include the date of importation, port of entry, description of the merchandise, quantity involved, name and address of the manufacturer, country or origin, name and address of the exporter, and the name and address of the importer.

Samples of the seized merchandise may be provided to the copyright owner for examination, testing or other use in pursuit of a related private civil remedy for trademark infringement. In order to obtain a sample, the copyright owner must furnish a bond to Customs in the form and amount specified by the port director. Customs may demand return of the sample at anytime. The copyright owner must return the sample at the conclusion of testing, examination or private civil action for copyright infringement. If the sample is damaged, destroyed, or lost while in possession of the copyright owner, the trademark owner shall proved a statement to Customs advising that the sample was destroyed, damage or lost during examination testing or other use.

Customs officers may also refer the violation to the U.S. Attorney if the phonorecord or copies of motion pictures arrive with counterfeit labels. Pursuant to the "Privacy and Counterfeiting Amendments Act of 1982" (18 U.S.C. 2318), the U.S. Attorney, Department of Justice can prosecute the offender. The law provides a minimum fine of \$25,000 or imprisonment for not more than one year, or both, for willful infringement of a copyright for commercial advantage, and a maximum fine of \$250,000 or imprisonment for not more than 5 years or both, where trafficking in counterfeit labels for phonorecords, or copies of motion pictures, or other audiovisual works is involved.

The port director may also withhold delivery if he/she has any reason to believe that the imported articles may be an infringing copy of a recorded copyright and notify the importer of such suspicion. If the importer fails to deny that the articles are an infringing copies, the articles shall be considered infringing and subject to seizure and forfeiture.

12. 19 C.F.R. §§ 133.35, 133.36.

13. 19 C.F.R. § 133.37

14. 19 C.F.R. § 133.42

Goods that Potentially Infringe Upon a Registered Copyright. If Customs *suspects* that an imported good *might* be a piratical good (i.e., infringement is unclear), the Regulations instruct Customs to withhold delivery of the potentially infringing goods. Upon withholding the goods, Customs notifies the importer of their infringement suspicions and, upon challenge by the importer, notifies the copyright owner.¹⁵ Thereafter, dialogue is compelled between the parties whereas Customs serves as the arbiter.¹⁶

Upon placing the delivery withhold and as briefly described above, the importer will be notified by Customs and have 30 days to deny the charge and show that the withhold will materially depreciate the value of the goods or cause other pecuniary loss to the importer. If the importer fails to respond within 30 days, infringement is presumed and the goods are automatically forfeited. On the other hand, if the importer timely files a denial of infringement, Customs will notify the copyright owner, who, within 30 days, may demand exclusion of the goods from entry by filing a bond to hold the importer or owner of the good harmless from any loss or damage resulting from the detention in the event that the good is determined not to be infringing.¹⁷

If the copyright owner fails to timely file the demand for exclusion and the specified bond, the detained merchandise will be released to the importer and the copyright owner will be so notified. On the other hand, if the copyright owner does file the demand for exclusion and requisite bond, Customs notifies both parties (the copyright owner and the importer) of their right to submit evidence, legal briefs, and other relevant material.¹⁸ The parties are required to exchange this information before filing such with Customs. Each party may rebut the arguments of the other party; similarly, each party must exchange rebuttals before filing such with Customs. The copyright owner bears the burden of proof to show infringement.

Upon determination by Customs or court order that the withheld goods do not infringe the copyright owner's copyright, the detained merchandise will be released and the copyright owner's bond will thereafter be transferred to the damaged importer.¹⁹ In the alternative, upon determination that the withheld goods do infringe the copyright owner's copyright, the imported goods will be seized forfeiture proceedings will be instituted thereafter.²⁰

CBP also assists in the protection of cultural property, which can include art, artifacts, or antiquities. Those who wish to report trafficking in cultural property or learn about the U.S. Government's efforts to protect such property should visit the State Department's

15. At any time, the copyright owner may request a sample of the suspected infringing good(s), but must file a bond conditioned to hold harmless Customs and the importer and owner of the imported good. 19 C.F.R. § 133.43(c) (the sample must be returned upon demand or upon resolution of the matter; lost or damaged sample must be so identified by a certified statement).

16. See 19 C.F.R. § 133.43.

17. The bond may not be withdrawn until a decision on infringement has been reached. 19 C.F.R. § 133.43(d).

18. The copyright owner may alternatively seek a court order to enjoin the importation and enforce any resultant injunctions by submitting a certified copy of the injunction to the Commissioner of Customs. See 19 C.F.R. § 133.43(e).

19. 19 C.F.R. § 133.44(a).

20. The forfeiture proceedings are held in accordance with part 162 of Chapter XX. 19 C.F.R. § 133.44(b).

cultural property website at <http://exchanges.state.gov/culprop/>. In addition, CBP regulations pertaining to the protection of cultural property are contained at 19 C.F.R. 12.104g(a).

III. European Community

The European Commission's 2005 seizure statistics indicate that approximately 75 million articles were seized by European Customs officials. One of the reasons the Commission suggests for this vast increase is the ability of the criminals to produce counterfeits on an industrial scale. That and the fact that there is high profit with low risk. In the European Union (EU), Council Regulation (EC) No. 1383/2003 allows a IP rights holder²¹ to file an application with customs authorities to prohibit entry into the European Community and export or re-export from the European Community of counterfeit and pirated goods, patent infringing goods, plant variety rights, designations of origin or geographical indications, or geographical designations. The Regulation does not apply to grey market goods, goods of a non commercial nature or goods in free circulation in the EU moving between Member States. In some cases, the IPR holder can rely on the laws of individual Member States for protection from grey market goods, goods of a non commercial nature or goods in free circulation in the EU moving between Member States.

Application Process. An IP rights holder can record its rights with customs authorities on a national level by recording in each jurisdiction with the local Customs Authority, or if the IP rights holder has a European Community Property Rights and wants to record in two or more Member States, a Community Intellectual Property Rights Application should be considered. Attached as Exhibit C, is a portion of an Application for Action by Customs Authorities under Articles 5(4) of Regulation (EC) No. 1383/2003.²² In order to complete the filing the following information is required:

1. Details of the rights holder including address and contact details.
2. Type of right to which the application refers (i.e. trademark, design right, copyright, patent etc.)
3. Details of administrative and technical contact person(s) in each Member State where recordation is requested.
4. Details regarding authentic goods, and information regarding counties of manufacture, technical differences between authentic and suspect goods, routes used by traffickers, CN tariff heading and any other information to assist in distinguishing authentic from suspect goods.
5. Any information regarding infringing/counterfeit goods.

21. A rights holder is the owner of a trade mark, copyright, right in a performance, design right, patent, supplementary protection certificate, plant variety right, protected designation of origin or protected geographical indication, geographical designation, or any person authorized to use those rights, or an authorized representative.

22. Intellectual property rights—application for action by Customs (Community) from the U.K. HM Revenue & Customs website (<http://www.hmrc.gov.uk>).

6. A Declaration in accordance with Article 6 of Council Regulation (EC) No. 1383/2003 assuming liability including paying cost for storage and destruction of the goods if found to be infringing.
7. Selection of Member State(s) in which recordation is requested.

In addition to the information in the application, a rights holder must also provide proof of its IPR right by submitting a certified copy of a certificate of registration, and a Declaration as mentioned above in No. 3. There is no fee for processing of the application.

Term. A recordation is valid for a term of 1 year and can be resubmitted annually assuming the IPR is still in force and valid. Generally, it is the responsibility of the applicant for sending notification of the decision to record and other relevant documents, where applicable to central offices in the Member States designated in the application. However, in some cases the local Customs authority where the application is submitted will send notification of the decision to record to the central offices in other designated Member States designated.

Detention of Suspect Goods. The procedure in which each Member State acts against infringing/counterfeit goods covered by a valid recordation may vary because the jurisdiction will deal with the infringing/counterfeit goods in accordance with the relevant EC or local legislation. Generally, if Customs authorities detect goods suspected of infringing a trademark or copyright, the Customs authority will detain the goods and notify both the applicant of the action and provide details of the actual or estimated quantity and the nature of the goods. If there is a valid recordation in force, at the recordant's request, if known, the Customs authority may supply the name and address of the declaring, consignee, consignor, importer or exporter and manufacturer of the suspect goods. The information is provided only for the recordant to determine if the goods infringe a protected right and for no other purposes.²³

Customs Authorities may request a written opinion as to whether the goods are either counterfeit or pirated and the reasons why they infringe. If requested, Customs may also allow the importer or exporter of the goods to inspect the goods. If the recordant is asked to examine a sample and give a written opinion, Customs will confirm the time limit for responding. In some jurisdictions such as the U.K. this time limit is 10 working days and in certain circumstances this period may be extended by a maximum of a further 10 working days for valid reasons.

If a decision is rendered finding that the goods are infringing/counterfeit and liable for seizure based on the recordant's written opinion, Customs will seize the goods. An appeal against seizure can be filed. Customs will then institute condemnation proceedings and may seek assistance from the IPR holder as necessary to support the seizure action.

The procedure for goods infringing other intellectual property rights (not trademark or copyright rights) covered by the EC legislation is different and court proceedings must be instituted within a prescribed period of time.

23. The EC Regulation and some local Member States' laws allow for sanctions to be imposed upon the recordant for any misuse of information which is supplied specifically for the purposes of the Regulation. The sanctions include suspension or non-renewal of your application. See Article 12 of EC Regulation 1383/2003 and regulation 11 of SI 2004 No 1473 refer.

There will also be instances when the suspect goods infringe more than one Intellectual Property Right covered by EC Legislation. In the cases when the goods detained are suspected of infringing intellectual property rights covered by trademark and copyright, and other intellectual property rights such as patent, plant variety rights, designations of origin or geographical indications or geographical designations, Customs will ask the rights holder to advise in a prescribed period of time such as 10 working days which suspected infringements it wishes to pursue to determine the procedure for dealing with the case.

If Customs is not notified Customs within prescribed period, the suspected infringing goods will be release to the importer or exporter. The 10 working day period runs concurrently with the time limit for which Customs may initially detain suspected infringing goods under the EC legislation.

Customs will normally arrange for any goods seized to be destroyed although Customs may discuss other options with the rights holder such as their disposal to charitable organizations or use as training and educational aids. Furthermore, the rights holder should be aware that it may be liable for any costs incurred by Customs for the destruction of the goods. Alternatively the rights holder may make its own arrangements for the destruction of the goods in some jurisdictions.

IV. China

In China, government officials are committed to tackle the problem of enforcement of IP rights. There has been some improvement over the years. For example in 2005 there were 1,210 seizures of goods valued at over 12 million US dollars, up from 2004 in which there were 1,051 seizures of goods valued at over \$10 million US dollars.²⁴ Even though there has been improvement in China, to date the measures taken have not been sufficient to deter infringement and counterfeiting activities. Therefore, the best protection is prevention. China is a member to international agreements to protect IP rights including the WIPO, the Berne Convention and the Paris Convention, among others, however, a company must register its patents and trademarks with the appropriate Chinese agencies and authorities for those rights to be enforceable in China. Copyrights do not need to be registered but registration with the relevant Chinese authority will be helpful in enforcement actions. Customs regulations ban the import/export of IPR infringing goods. In order for an IPR holder to take advantage of the regulations banning the import/export to infringing or counterfeit goods, the IPR holder must register with the General Administration of Customs (“GAC”) in Beijing using local counsel. Registering with Customs may provide protection for all categories of IPR, including patents, designs, trademarks and copyrights, and prohibit the import or export of goods in violation of those rights.

Application Process.²⁵ In order to complete the filing for registering with the GAC the following information is required:

1. A Certificate of Incorporation or relevant document establishing the entity.
2. A Power of Attorney.

24. Statistics of China Customs' seizures(1996-2004) <http://www.customs.gov.cn/YWStaticPage/4712/df5bf75a.htm>

25. Regulations of the People's Republic of China on Customs Protection of Intellectual Property Rights Chapter II Recordation, Article 7.

3. A copy of the relevant PRC registration certificate.
4. A photograph of each genuine product.
5. A description of any cases of infringement that have arisen in China and/or a list of suspected infringers.
6. A list of authorized manufacturers.

Generally, it takes one to two months to for an application to be processed by the GAC however the regulations require the GAC to decide upon whether or not to record the intellectual property right within 30 days. If the GAC rejects the application it will provide a reason for the objection such as: (i) incomplete application documents, (ii) applicant is not the rightful owner of the IPR, or (iii) in cases where the IPR is no longer protected under Chinese law or administrative regulation.

Term. The recordal certificate issued by Customs is valid for ten years and is renewable for additional 10 year periods. The IPR owner may apply for a renewal within six months before the expiration of the recordal. The recordal shall become invalid if the IPR holder does not apply to renew the recordal or the IPR is no longer protected by Chinese laws and/or administrative regulations.

Customs Protection When Infringement Occurs.²⁶ When a rights holder suspects infringing goods are about to enter or exit China, he/she may submit a written application to Customs at the suspected point of entry or exit where protection is sought. When a Customs' investigation reveals a case of infringement, it has the authority to confiscate the goods, and may destroy or remove the infringing goods, and impose a fine. A request for protection when an infringement occurs can be made by filing an application for Customs protection from an actual infringement. The application should include the following:

1. The IPR being infringed.
2. The Customs number assigned to the request upon approval.
3. The name, address, legal representative or primary place of business of the suspected infringer.
4. The name, specifications and other information concerning the infringing products.
5. Possible ports of entry or exit, the time, mode of transport and recipient (imports) or sender (exports) of the infringing products.
6. Evidence establishing the infringement.
7. Measures requested to be taken by Customs.

If a the IPR owner does not already have its IPR registration recorded with Customs, the request for protection from infringement must be submitted along with the application for Customs protection. If Customs discovers goods that appear to infringe upon a IPR

26.Regulations of the People's Republic of China on Customs Protection of Intellectual Property Rights Chapter III et. seq.

already recorded and on file, Customs may on its own initiative seize the goods. Customs will then provide immediate written notice to the copyright holder, who must file an application for customs protection within three days after receipt of such notice.

If the IPR holder requests that the infringing products be seized, the IPR holder must post a security deposit with Customs equal to no less than the equivalent value of the goods, which shall be used to indemnify the losses caused to the consignee or consigner if the detainment is found to be inappropriate and to pay for warehousing, custody and disposal fees. The specific measures of payment will be determined by the GAC.

If Customs agrees to seize the products, Customs will send a Customs Holding Receipt to the recipient or sender of the products, as the case may be, and provide written notice to the copyright holder.

The recipient or sender of the goods may submit a written explanation as to why the products do not infringe upon the IPR. Customs will provide written notice of the objections to the IPR holder. If the recipient or sender of the goods believes that the products do not infringe upon the copyright, it may, after posting a security deposit with Customs equivalent to the value of the goods, request Customs to release the goods. If the IPR holder fails to bring a lawsuit to the People's Court within a reasonable time, Customs will refund the guaranty bond.

On the other hand if the recipient or sender of the goods raises no objection, Customs shall have the authority to dispose of the products immediately as "infringing products."

Unless the copyright holder has referred the matter to a local authority or a People's Court within 15 days of receiving notice of the seizure, Customs will commence an investigation.

Customs may release the products if (i) the products are found not to be infringing, (ii) the case filed with a People's Court is dismissed or the court does not impose an order for preservation of evidence, or (iii) the IPR holder does not respond to notice received from Customs within the stipulated period or abandons its request for Customs protection

When products are released under any of the above, Customs will refund the security deposit after deducting costs for storing, safekeeping and handling the goods and any compensation payable to the importer or exporter.

If Customs, a local authority or a People's Court determines that the seized products are infringing, the products will be confiscated and disposed of by Customs. Customs may also impose penalties equivalent to the CIF price (cost, insurance, freight) (in the case of imports) or FOB price (free on board) (in the case of exports) of the goods.

A party may request reconsideration of a decision by Customs within 30 days of receiving written notice of the imposition of a penalty, or within 30 days of public notice of the imposition of the penalty if written notice cannot be provided. Customs must determine a request for reconsideration within 90 days of the date that application for reconsideration is filed. A dissatisfied party may appeal a decision on reconsideration to the relevant People's Court within 30 days.

V. Conclusion

The importance of effective co-operation between Customs Authorities and rights holders is of paramount importance. It is important to develop a global trade mark strategy which is aligned to business needs. A great potential exists for Customs officers to play an important and legitimate role in protecting society against intellectual property rights violations. Customs are often best placed to tackle counterfeits as they are located strategically at all borders and points of entry into countries. In fact it is estimated that Customs seize over 70% of counterfeit goods seized in the world. Recording IPR with Customs authorities is a cost efficient way to protect Intellectual Property Rights.

Exhibit A
U.S. Customs and Border Protection¹ (CBP) Trademark
Recordation Application Template

To facilitate the filing of trademark recordations with the CBP, the following electronic template has been created.

The filing of a recordation application will begin the administrative recordation process with the CBP and lead to faster processing of applications.

At this time, CBP cannot accept the electronic submission of this template; therefore, electronic filing is not currently available.

A separate application is required for each recordation sought. Applications will be processed in the order received. In addition to the application in accordance with 19 CFR 133.2 and 133.3, recordants must provide the CBP with a “status copy”² (or “certified copy”) of the certificate of registration issued by the U.S. Patent & Trademark Office showing title to be in the name of the applicant; five photocopies of the “status copy” (or “certified copy”), and an application fee of \$190 to cover each class for which trademark recordation is sought.

After the application template below, you will find a checklist of information and documents that should accompany your new recordation application.

All documentation concerning recordations should be submitted to:

Department of Homeland Security
U.S. Customs and Border Protection
Office of Regulations & Rulings
Intellectual Property Rights Branch
1300 Pennsylvania Ave., NW
Mint Annex Building
Washington DC 20229

PLEASE NOTE: YOU MUST PROVIDE CBP WITH ONE ACTUAL CERTIFIED COPY OF YOUR CERTIFICATE OF REGISTRATION FOR EACH TRADEMARK YOU WISH TO RECORD. APPLICATIONS WHICH LACK THE ACTUAL CERTIFIED COPY ISSUED BY THE U.S. PATENT & TRADEMARK OFFICE WILL BE RETURNED.

¹ Note: On March 1, 2003 the U.S. Customs Service became U.S. Customs and Border Protection.

² A status copy or certified copy is an official copy of the registration certificate issued by the U.S. Patent & Trademark Office, not a photocopy of said certificate.

Trademark Recordation Application Template:

1. Name/Description of trademark registered with the U.S. Patent & Trademark Office:
2. Name and complete business address of trademark owner(s):
3. Citizenship (corporate or personal) of trademark owner(s):
4. Is the applicant the trademark owner(s)? If not, what is the applicant's relationship to the trademark owner?
5. Has this trademark previously been recorded with U.S. Customs and Border Protection (CBP) (formerly, the U.S. Customs Service)?
Yes No
6. If so, what is the previous recordation number?
7. Is the trademark a typed "word mark" (i.e., does it appear stylized, or does it incorporate a design)?
Yes No

8. U.S. Patent & Trademark Registration No:
9. International class(es) (IC) of goods covered by the trademark registration⁴:
10. International class(es) (IC) of goods for which recordation is sought and a complete description of the merchandise within the class(es) of goods:
11. Date of issuance of trademark registration:
12. Date of expiration of trademark registration:
13. Place(s) of manufacture of goods bearing the trademark:

³ Includes certification marks, service marks and collective marks.

⁴ Note that a fee of \$190 is required for each class of goods for which recordation is requested.

How to Use Customs Registrations Processes to Address Counterfeiting and Pirated Goods

14. Name(s) and address(es) of licensees who use the trademark (If there are 25 or fewer licensees please list them here, if over 25 attach separately, but please indicate below that the information is attached):

15. The names and principal business addresses of any persons or business entities, foreign or domestic, who use the trademark and a description as to those use(s):

16. Is the subject trademark now, or has it ever been, owned, used, or otherwise claimed by the trademark owner outside the United States (this may include a pending registration abroad)?
Yes No

17. The name(s) of any parent companies, subsidiaries, or other entities, foreign or domestic, that are under common control⁵ with, or share any type of ownership⁶ interest or relationship with, the U.S. trademark owner:

18. Is the subject trademark owned, used, or otherwise claimed by any parent company, subsidiary, or other entity, foreign or domestic, that is under common control or common ownership with, or shares any common control or common ownership with, the U.S. trademark owner?
Yes No

19. If "Yes" in Question 18, provide the name of the foreign owner, user or claimant(s):

20. Provide the name, address, telephone number, facsimile number, and email address of the contact person to whom CBP should send inquires regarding potentially infringing merchandise and notices of detention and seizure pursuant to 19 CFR 133.24.

21. Do you wish to inform us of any potentially infringing merchandise that is being imported?
Yes No

⁵ Common control includes effective control as to policy or operations and is not necessarily synonymous with common ownership.

⁶ Common ownership includes individual or aggregate ownership of more than 50 percent of the business entity.

RECORDATION APPLICATION CHECKLIST:

- ___ Did you include a status copy of certificate of registration **certified** by the U.S. Patent and Trademark Office showing title to be presently in the name of the applicant? **In order to record the trademark we need a certified certificate affixed with the U.S. Patent and Trademark Office's gold seal. A photocopy of the trademark registration is not sufficient for U.S. Customs and Border Protection (CBP) recordation.**
- ___ Is your trademark ineligible to be recorded with CBP because it is registered on the SUPPLEMENTAL Register of the U.S. Patent and Trademark Office rather than on the PRINCIPAL Register? CBP can only enforce federally registered trademarks on the Principal Register.
- ___ Has all of the required information in the recordation application, which is based on 19 CFR 133.2 through 133.7 been provided?
- ___ Are you sure the certificate of registration is current, or has it expired?
- ___ Have you included three photocopies of the status copy of certificate of registration?
- ___ Have you submitted the correct fee? Submission of fee (\$190) is for the recordation of **one** trademark for **one** international class(IC) of goods?
- ___ If this is a renewal of a recordation, have you submitted the required fee of (\$80)?
- ___ Are you sure the trademark has not already been recorded with CBP (formerly, U.S. Customs Service),and therefore does not need to be recorded at this time?
- ___ Are you renewing your recordation (\$80), or has it previously expired and you are instead re-recording (\$190) your trademark?
- ___ Have you attached your check?
- ___ Have you made your check payable to "U.S. Customs and Border Protection?"
- ___ Is your check negotiable or is it void because it is over 6-months old?

Please consult 19 CFR Part 133 for further information. If you need further assistance, we can be reached at (202) 572-8710. Upon receipt of your complete application, your recordation will be assigned and processed.

Exhibit B
U.S. Customs and Border Protection¹ (CBP) Copyright
Recordation Application Template

To facilitate the filing of copyright recordations with CBP, the following electronic template has been created.

The filing of a recordation application will begin the administrative recordation process with CBP and lead to faster processing of applications.

At this time, CBP cannot accept the electronic submission of this template; therefore, electronic filing is not currently available.

A separate Application is required for each recordation sought. Applications will be processed in the order received. In addition to the Application in accordance with 19 CFR 133.32 and 133.33, recordants must provide CBP with an “additional certificate”² of registration issued by the U.S. Copyright Office showing title to be in the name of the applicant³; five photocopies or other likenesses of the copyrighted work, and an application fee of \$190 for each copyright for which recordation is sought.

After the application template below, you will find a checklist of information and documents that should accompany your new recordation application.

All documentation concerning recordations should be submitted to:

U. S. Customs and Border Protection
Office of Regulations & Rulings
Attention: Chief, Intellectual Property Rights Branch
Mint Annex Building
1300 Pennsylvania Avenue, NW
Washington, D.C. 20229

¹ Note: On March 1, 2003 the U.S. Customs Service became U.S. Customs and Border Protection.

² An “additional certificate” is an official copy of the registration certificate issued by the U.S. Copyright Office, not a photocopy of said certificate.

³ If the name of the applicant differs from the name of the copyright owner identified in the certificate, the application shall be accompanied by a certified copy of any assignment, exclusive license, or other document recorded in the U.S. Copyright Office showing that the applicant has acquired copyright ownership in the copyright.

Copyright Recordation Application Template:

1. Name/Description of copyright registered with the U.S. Copyright Office:
2. U.S. Copyright Office Registration No:
3. Date of issuance of copyright registration:
4. Name of owner(s) of copyright registration:
5. Complete business address of owner(s) of copyright registration:
6. Is the applicant the copyright owner(s)? If not, what is the applicant's relationship to the copyright owner?
7. Has this copyright previously been recorded with CBP (formerly U.S. Customs)?
Yes No
8. If so, what is the previous recordation number?
9. Place(s) of manufacture of genuine copies or phonorecords of the protected work:

10. Name(s) and address(es) of licensees authorized to use the copyright (If there are 25 or less licensees please list them here, if over 25 attach separately, but indicate below that the information is attached:
11. The names and principal business addresses of any persons or companies, foreign or domestic, authorized or licensed to use the protected work, and a description of the exclusive rights authorized:
12. The foreign title of the work, if different from the U.S. title:

recordation may lead to invalidation of any such applications and/or recordations and may result in fines and/or prosecution under 18 U.S.C. 1001.

RECORDATION APPLICATION CHECKLIST:

- Have you included a certified certificate of copyright registration issued by the U.S. Copyright Office showing title to be presently in the name of the applicant?
- Have you submitted five copies of the certificate of copyright registration attached?.
- Have you submitted five photographic copies or other likenesses of copyrighted work attached.
- Have you submitted the required fee; submission fee (\$190) is for the recordation of one copyright?
- Have you submitted the required fee of (\$80) for a renewal?
- Are you renewing your recordation (\$80), or has it previously expired and you are instead re-recording (\$190) your copyright?

- Have you attached your check?
- Has your check been made payable to "U.S. Customs Service?"

Please consult the Customs Regulations, Subpart D of Part 133 (19 CFR Part 133) for further information. If you need further assistance, we can be reached at (202) 572-8710. Upon receipt of your complete application, your recordation will be assigned and processed.

5. Type of right to which application refers:				
<input type="checkbox"/> Community trademark ²	<input type="checkbox"/> Community design ³ right			
<input type="checkbox"/> Supplementary protection certificate ⁴	<input type="checkbox"/> Designation of origin protected by the Community ⁵			
<input type="checkbox"/> Geographical indication (protected by the Community ⁵)				
<input type="checkbox"/> Community protected plant variety right ⁶	<input type="checkbox"/> Geographical designations for spirit drinks ⁷			
6. Member State(s) in which action by customs authorities is requested				
<input type="checkbox"/> AT	<input type="checkbox"/> DK	<input type="checkbox"/> FR	<input type="checkbox"/> FI	<input type="checkbox"/> LU
<input type="checkbox"/> BE	<input type="checkbox"/> EL	<input type="checkbox"/> IE	<input type="checkbox"/> SE	<input type="checkbox"/> NL
<input type="checkbox"/> DE	<input type="checkbox"/> ES	<input type="checkbox"/> IT	<input type="checkbox"/> UK	<input type="checkbox"/> PT
<input type="checkbox"/> CY	<input type="checkbox"/> HU	<input type="checkbox"/> MT	<input type="checkbox"/> CZ	<input type="checkbox"/> EE
<input type="checkbox"/> LV	<input type="checkbox"/> LT	<input type="checkbox"/> PL	<input type="checkbox"/> SI	<input type="checkbox"/> SK
7. I attach essential technical data on the authentic goods.:				
<input type="checkbox"/> Number of documents attached ⁸		<input type="checkbox"/> Number of photos attached: ⁸		
8. I attach specific information concerning the type or pattern of fraud:				
<input type="checkbox"/> Number of documents attached ⁸		<input type="checkbox"/> Number of photos attached: ⁸		
9. I attach document(s) attesting to the fact that applicant holds the right for the goods in question within the meaning of Article 2.2 of the Regulation (EC) 1383/2003*				
<input type="checkbox"/> Number of documents attached ⁸				
10. I attach the undertaking laid down in Article 6 of the Reg. (EC) No 1383/2003, assuming liability in the situations outlined in that Article: *				
Undertaking attached: <input type="checkbox"/>				

² Reg. (EC) No 40/94.

³ Reg. (EC) No 6/2002.

⁴ Reg. (EEC) No 1768/92 or Reg. (EC) No 1610/96.

⁵ Reg. (EEC) No 2081/92 and (EC) No 1493/99.

⁶ Reg. (EC) No 2100/94.

⁷ Reg. (EEC) No 1576/89.

⁸ Insert the relevant number, if none are attached, insert 0.

* Important: for further information see "Notes on completion", Annex II - A.

11. Right holder's contact person in the other Member States where action is requested ⁹			
ADMINISTRATIVE QUESTIONS (e.g. lawyer)			
<input type="checkbox"/> BE Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> DK Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> DE Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> EL Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list
<input type="checkbox"/> ES Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> FI Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> FR Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> IE Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list
<input type="checkbox"/> IT Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> LU Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> AT Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> NL Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list
<input type="checkbox"/> PT Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> SE Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> UK Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> CY Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list
<input type="checkbox"/> HU Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> MT Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> SK Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> CZ Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list

⁹ Tick the appropriate box(es).

<input type="checkbox"/> EE Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> LV Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> LT Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> PL Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list
<input type="checkbox"/> SI Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list			
12. Right holder's contact person in the other Member States where action is requested ¹⁰ <p style="text-align: center;">TECHNICAL QUESTIONS (e.g. expert)</p>			
<input type="checkbox"/> BE Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> DK Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> DE Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> EL Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list
<input type="checkbox"/> ES Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> FI Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> FR Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> IE Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list
<input type="checkbox"/> IT Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> LU Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> AT Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> NL Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list

¹⁰ Tick the appropriate box(es).

How to Use Customs Registrations Processes to Address Counterfeiting and Pirated Goods

<input type="checkbox"/> PT Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> SE Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> UK Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> CY Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list
<input type="checkbox"/> HU Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> MT Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> SK Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> CZ Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list
<input type="checkbox"/> EE Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> LV Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> LT Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list	<input type="checkbox"/> PL Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list
<input type="checkbox"/> SI Name: Address: Tel.: Mobile: Fax: e-mail: <input type="checkbox"/> see attached list			
13. Any other information in the right holder's possession, e.g.: <ul style="list-style-type: none"> ▪ Country or countries of production Number of documents attached¹¹ <input type="checkbox"/> ▪ Routes used by traffickers Number of documents attached¹¹ <input type="checkbox"/> ▪ Technical differences between the authentic and the suspect goods: Number of documents attached¹¹ <input type="checkbox"/> ▪ Tariff heading in the CN: ▪ Other useful information Number of documents attached¹¹ <input type="checkbox"/> 			

¹¹ Insert the relevant number, if none are attached, insert 0.

14. Date of filing application:		
Date on which drawn up	Place	Applicant's signature*
DD/MM/YY:/...../.....
15. DECISION BY CUSTOMS AUTHORITIES (within meaning of Article 5(7) and (8) of Regulation (EC) 1383/2003)		
<input type="checkbox"/> The application is approved Registr. Number of AA:.....		
Date	Place	Signature and stamp
DD/MM/YY:/...../.....
<input type="checkbox"/> The application is valid until:/...../....., Any request for extension of the validity period should be sent to the competent authority of Box 2, at latest 30 working days before the <u>validity</u> of the application expires.		
<input type="checkbox"/> The application has been refused		
A reasoned decision stating the grounds for refusal and information concerning the appeal procedure are attached.		
Date	Place	Signature and stamp
DD/MM/YY:/...../.....
16. ACKNOWLEDGEMENT OF RECEIPT		
Concerning application made by (name of the applicant)		
<input type="checkbox"/> AT <input type="checkbox"/> DK <input type="checkbox"/> FR <input type="checkbox"/> FI <input type="checkbox"/> LU <input type="checkbox"/> BE <input type="checkbox"/> EL <input type="checkbox"/> IE <input type="checkbox"/> SE <input type="checkbox"/> NL <input type="checkbox"/> DE <input type="checkbox"/> ES <input type="checkbox"/> IT <input type="checkbox"/> UK <input type="checkbox"/> PT <input type="checkbox"/> CY <input type="checkbox"/> HU <input type="checkbox"/> MT <input type="checkbox"/> SK <input type="checkbox"/> CZ <input type="checkbox"/> EE <input type="checkbox"/> LV <input type="checkbox"/> LT <input type="checkbox"/> PL <input type="checkbox"/> SI	NAME: PLACE AND DATE OF RECEPTION: SIGNATURE AND STAMP:	

* If the applicant is a representative of the right holder, he must provide proof that he is empowered to represent the right holder.