



**8. I attach essential data on the authentic goods:**

Number of documents attached <sup>(3)</sup>:

Number of photos attached <sup>(3)</sup>:

**9. I attach specific information concerning the type or pattern of fraud:**

Number of documents attached <sup>(3)</sup>:

Number of photos attached <sup>(3)</sup>:

**10. I attach document(s) attesting to the fact that the applicant holds the right for the goods in question within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 (\*\*):**

Number of documents attached <sup>(3)</sup>:

**11. I attach the undertaking laid down in Article 6 of Regulation (EC) No 1383/2003, assuming liability in the situations outlined in that Article (\*\*):**

Undertaking attached:

**12. Any other information in the right-holder's possession, e.g.:**

— Country or countries of production:

Number of documents attached <sup>(4)</sup>:

— Routes used by traffickers:

Number of documents attached <sup>(4)</sup>:

— Technical differences between the authentic and the suspect goods:

Number of documents attached <sup>(4)</sup>:

— CN tariff heading:

— Other useful information:

Number of documents attached <sup>(4)</sup>:

**13. Date of filing application:**

Date on which drawn up

Place

Applicant's signature and stamp (\*\*\*)

DD/MM/YY: ./. . .

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.....

**14. Decision by customs authorities (within the meaning of Article 5(7) and (8) of Regulation (EC) No 1383/2003)**

The application is approved for action

Registration number of application for action: .....

Date

Place

Signature and stamp

DD/MM/YY: ./. ./.

.....

.....

The application is valid until: ./. ./... Any request for extension of the validity period should be sent to the competent authority of box 2, at the latest 30 working days before the validity of the application expires.

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: ./. ./.

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(\*) See box 10 (for further information see 'Notes on completion', Annex I-A).

(\*\*) For further information see 'Notes on completion', Annex I-A.

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

(<sup>1</sup>) Tick the appropriate box(es).

(<sup>2</sup>) Council Regulation (EEC) No 1576/89 (OJ L 160, 12.6.1989, p. 1).

(<sup>3</sup>) Insert the relevant number; if none are attached, insert 0.

(<sup>4</sup>) Insert the relevant number, if none are attached, insert 0.

## ANNEX I-A

### NOTES ON COMPLETION

#### I. OBLIGATORY INFORMATION ON RIGHTS AND ABILITY TO ACT

- (a) Where the holder of the right makes the application himself:
- in the case of a right that is registered or for which an application has been lodged, proof of registration with the relevant office or lodging of the application,
  - in the case of a copyright, related right or design right which is not registered or for which an application has not been lodged, any evidence of authorship or of his status as original holder.
- (b) Where the application is made by any other person referred to in Article 2(2)(b) authorised to use one of the rights referred to in Article 2(1)(a), (b) and (c) of the basic Regulation, in addition to the proof required under point (a) of this Article, the document by virtue of which the person is authorised to use the right in question.
- (c) Where a representative of the holder or of any other person referred to in Article 2(2)(a) and (b) authorised to use one of the rights referred to in Article 2(1)(a), (b) and (c) of the basic Regulation applies, in addition to the proof required under points (a) and (b) of this Article, proof of authorisation to act.

**The natural or legal person who fills in box 3 of the Application for action must, in all cases, be the one who will provide the documents foreseen in box 11 of the Application for action.**

- (d) Box 5 contains all geographical indications. Protected designation of origin (PDO) and protected geographical indication (PGI) means the official indications according to Council Regulation (EEC) No 2081/92 (OJ L 208, 24.7.1992, p. 1), Commission Regulations (EC) No 1107/96 (OJ L 148, 21.6.1996, p. 1) and (EC) No 2400/96 (OJ L 327, 18.12.1996, p. 11). 'Geographical designations for spirituous beverages' means the official designations according to Regulation (EEC) No 1576/89. Individual producers as well as groups or their representatives are entitled to make an application.
- (e) Registration and specifications are required when an application is made: for protected designation of origin and protected geographical indication.

#### II. WHAT MUST THE APPLICATION FOR ACTION CONTAIN?

An application for action can be used by the right-holder, free of charge, either as a preventive measure or where he has reason to think that his intellectual property right or rights have been or are likely to be infringed. The application must contain all the information needed to make the goods in question readily recognisable by the customs authorities, and in particular:

- an accurate and detailed technical description of the goods,
- any specific information the right-holder may have concerning the type or pattern of fraud,
- the name and address of the contact person appointed by the right-holder,
- the undertaking required of the applicant by Article 6 of the basic Regulation and proof that the applicant holds the right for the goods in question.
- The right-holders must imperatively return the proof of receipt of the notification which was addressed to them by the Customs Service, according to Articles 4 (*ex officio*) and 9. It must be done immediately after having received this notification. The legal deadlines (three to 10 working days) start from the moment of receipt of the notification. It is imperative that the right-holder, as soon as he is contacted by the customs authorities, immediately confirms the receipt of the notification.

— Within the meaning of the basic Regulation ‘working day’ (Council Regulation (EEC, Euratom) No 1182/71 (OJ L 124, 8.6.1971, p. 1)) is considered every day other than public holidays, Saturdays and Sundays. Moreover, the calculation of working days as included in Articles 4 and 13, has to be carried out taking into account the fact that the day of receipt of the notification is not included. The deadlines to be taken into account within the meaning of the basic Regulation commence therefore as from the day after the receipt of the notification.

The application for action can be submitted electronically if an electronic data exchange system is available. In all other cases, the form is to be completed by mechanical means or in legible handwriting and must not contain erasures or overwriting.

### III. HOW TO FILE AN APPLICATION FOR ACTION

The right-holder must submit his application for action to the relevant office referred to in box 2 of the form. On receipt of the application, the competent customs office will process it and inform the applicant of its decision by writing within 30 working days. If the office refuses the application by reasoned decision, the applicant has the right of appeal. The period during which the customs authorities will take action is set at one year, renewable annually.

### IV. EXPLANATIONS OF THE MAIN BOXES TO BE FILLED IN BY THE APPLICANT

*Box 3:* Name, address and capacity of the applicant. Within the meaning of Article 2(2), the applicant may be the right-holder himself, a person authorised to use the intellectual property right or a designated representative.

*Box 4:* Status of the applicant. Tick the appropriate box.

*Box 5:* Type of right concerned by the application for action. Tick the appropriate box.

*Boxes 6 and 7:* Contact details for the applicant’s contact person dealing with administrative matters should be entered in Box 6. Box 7 is for the contact details of the person who would be responsible for meeting the customs authorities to discuss technical details of the goods detained. The person concerned must be easily contactable at short notice.

*Boxes 8, 9 and 12:* Box 8 is for specific and accurate information which would enable the customs authorities to identify the authentic goods correctly and for any information the right-holder may possess concerning the type or pattern of fraud (documents, photos etc.).

The information should be as detailed as possible to allow the customs authorities to identify suspect consignments simply and effectively using risk analysis principles.

Various types of information should be entered in these boxes to help improve customs intelligence on products and patterns of fraud. Additional supporting details can be provided such as: the pre-tax value of the legal goods, the location of the goods or their intended destination, particulars identifying the consignment or packages, the scheduled arrival or departure date of the goods, the means of transport used, the identity of the importer, exporter or holder.

*Box 11:* The natural or legal person who fills in box 3 of the Application for action must, in all cases, be the one who will provide the documents foreseen in box 11 of the Application for action.

*Box 13:* By signing this box, the right-holder certifies that he accepts the terms of the Regulation and his obligations.

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ANNEX I-B

**DECLARATION IN ACCORDANCE WITH ARTICLE 6 OF COUNCIL REGULATION (EC) No 1383/2003**

I, the undersigned .....

right-holder, within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 (hereinafter 'the basic Regulation', of the intellectual property rights certified by the attached documents, hereby undertake in accordance with Article 6 of the Regulation to assume liability towards the persons involved in a situation referred to in Article 1(1) in the event that a procedure initiated pursuant to present Regulation is discontinued owing to an act or omission on my part or in the event that the goods in question are subsequently found not to infringe an intellectual property right.

— I hereby undertake to pay all costs incurred under the basic Regulation by keeping goods under customs control pursuant to Article 9, and where applicable Article 11, including costs occasioned by the destruction of goods infringing an intellectual property right pursuant Article 17.

— I confirm that I have taken note of Article 12 of the basic Regulation and undertake to notify the department indicated in Article 5(2) of any alteration to or loss of my intellectual property rights.

Done at ..... on

.....

(Signature)

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