



**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"/> SV/I | <input type="checkbox"/> SK |

**7. I attach essential technical data on the authentic goods.:**

- Number of documents attached<sup>8</sup>  Number of photos attached.<sup>8</sup>

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

- Number of documents attached<sup>9</sup>  Number of photos attached.<sup>8</sup>

**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<sup>1</sup>**

- Number of documents attached<sup>10</sup>

**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:

<sup>8</sup> Insert the relevant number; if none are attached, insert 0.

<sup>9</sup> Insert the relevant number; if none are attached, insert 0.

<sup>10</sup> Insert the relevant number; if none are attached, insert 0.

11. Right holder's contact person in the other Member States where action is requested<sup>11</sup>

**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

<sup>11</sup> 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"/> SV/I 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 <sup>12</sup>			
<b>TECHNICAL QUESTIONS (e.g. expert)</b>			
<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

<sup>12</sup> Tick the appropriate box(es).

<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"/> SV/I 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.:**

- Country or countries of production:  Number of documents attached
  - Routes used by traffickers :  Number of documents attached
  - Technical differences between the authentic and the suspected goods:  Number of documents attached
- Tariff heading in the CN:
- Other useful information:  Number of documents attached



## ANNEX 1

- 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 authorised to use one of the rights referred to in Article 1(2)(a) 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 authorised to use one of the rights referred to in Article 1(2)(a) of the basic Regulation applies, in addition to the proof required under points (a) and (b) of this Article, proof of authorisation to act.
- d) Box 5 contains all geographical indications. Protected designation of origin (PDO) and protected geographical indication (PGI) means the official indications following the regulations (CEE) No 2081/92 and No 1107/96. All other indications are covered by the expression: "geographical designation". They could be registered or unregistered. Only associations and corporations are authorised to make an application.
- e) Registration and specifications are required when an application is made: for protected designation of origin and protected geographical indication. As for the geographical designation a legal binding declaration is necessary for the geographical area.

## USEFUL INFORMATION FOR RIGHT HOLDERS INTENDING TO SUBMIT A WRITTEN APPLICATION FOR COMMUNITY ACTION TO THE COMPETENT CUSTOMS AUTHORITIES WITH A VIEW TO OBTAINING THEIR ASSISTANCE

*(Art. 5(4): "Where the applicant is the holder of a Community trademark, a Community design, a Community plant variety right or a designation of origin or geographical indication protected by the Community, an application may, in addition to requesting action by the customs authorities of the Member State in which it is lodged, request action by the customs authorities of one or more other Member States.").*

### **What does the application for action have to 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 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.

### **IMPORTANT!**

**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 13. It must be done immediately after having received this notification. The legal deadlines (3 working days – 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, confirms immediately the receipt of the notification.**

### **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 notify the applicant in writing of its decision 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.

## **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.

**Box 6:** Tick the box for the Member States in which action by the customs authorities is requested. You are strongly advised to file an application for action in every MS.

**Boxes 7-8-9:** These boxes are very important. Accurate, practical details must be provided to enable the customs authorities to quickly identify the goods detained (photos, documents, etc.).

Specific information relating to the type or pattern of fraud will facilitate risk analysis. The information should be as detailed as possible to allow the customs authorities to identify suspect consignments simply and effectively using risk analysis. These boxes should be used to provide customs with more accurate intelligence in relation to products and so improve its understanding of trafficking. 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.

**Boxes 11 and 12:** Contact details for the applicant's contact persons dealing with administrative matters and questions of technical expertise should be entered in Boxes 8 and 9. Box 9 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 reachable at short notice.

**Box 14:** By signing this box, the right holder certifies that he accepts the terms of the regulation and his obligations.

**Box 15:** The duly completed and signed form, together with as many extracts as the number of Member States indicated in Box 6, must be submitted to the customs office specified in Article 5(2) of the basic regulation. The application for action may have to be translated into the language of the Member States where it is to be filed. The customs offices listed in Annex IV are at your disposal for any further information.



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL  
TAXATION AND CUSTOMS UNION  
CUSTOMS POLICY  
**Modernisation of customs**

## **PROPOSED DRAFT UNDERTAKING BY THE APPLICANT**

I, the undersigned .....

right holder, within the meaning of Article 2(2) of Council Regulation (EC) No1383/2003, 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.

- According to the national legislation and if it is foreseen, I hereby undertake to pay all costs incurred under this Regulation by keeping goods under customs control pursuant to Article 9, including costs occasioned by the destruction of goods infringing an intellectual property right
- If my application is submitted under Article 5(4), I hereby certify that the undertaken is given in every Member State in which the decision granting the application applies. I further agree to bear any translation costs required.
- I confirm that I have taken note of Article 12 of the 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, ...../...../20..

.....  
(Signature)

## ANNEX IV

### NAMES AND ADDRESSES FOR THE SUBMISSION OF AA

#### **BELGIUM**

Monsieur le Directeur général des douanes et accises  
Service Régimes divers - Direction 1(Contrefaçon-Piraterie)  
Boîte 37 Boulevard du Jardin Botanique 50 B - 1010 Bruxelles  
Tel.: (32-2)210.31.38 / Fax: (32-2) 210 32 13

\* \* \*

De heer Directeur-generaal van de Administratie der Douane en Accijnzen Dienst  
Diverse regelingen  
Directie 1 "Namaak en Piraterij"  
Rijksadministratief Centrum  
Financietoren  
bus 37 Kruidtuinlaan 50 B - 1010 Brussel  
Tel.: (32-2) 210 31 38 Fax: (32-2) 210 32 13

#### **DENMARK**

Central Customs and Tax Administration  
Customs Control  
Østbanegade 123  
DK-2100 Copenhagen  
Tel. +45 72 379000  
Fax: + 45 72 372917  
e-mail: toldskat@toldskat.dk

#### **GERMANY**

Oberfinanzdirektion Nürnberg Zentralstelle Gewerblicher Rechtsschutz  
Sophienstraße 6 D - 80333 München  
Tel.: (49-89) 59 95 (23 13, 23 14, 23 43, 23 44)  
Fax: (49-89) 59 95 23 17  
e-mail: zgr@ofdm.bfinv.de

#### **SPAIN**

Departamento de Aduanas e impuestos Especiales  
Subdirección General de Gestión Aduanera  
Avenida del Llano Castellano 17  
E - 28071 Madrid  
Tel.: (34-1) 728 98 54  
Fax: (34-1) 729 12 00

#### **FRANCE**

Direction nationale du renseignement et des enquêtes douanières (DNRED)  
Direction du renseignement et de la documentation - Cellule de contrefaçon  
18-22, rue de Charonne  
Boîte postale 529  
F - 75528 Paris Cedex 11  
Tel.: (33) 1 49 23 38 28

Fax: (33) 1 49 23 38 95

## **IRELAND**

Office of the Revenue Commissioners  
Customs Branch  
Unit 2  
Government Offices  
Nenagh  
Co Tipperary  
Tel.: ( 353 67 63238 )  
Fax: ( 353 67 32381 )  
e-mail: [tariff@revenue.ie](mailto:tariff@revenue.ie)

## **ITALY**

Agenzia Delle Dogane  
Ufficio Antifrode  
Via Mario Carucci, 71  
I – 00144 Roma  
Tel.: (39-6) 50 24 20 17  
Fax: (39-6) 50 95 73 00

## **LUXEMBOURG**

Direction des douanes et accises  
Division "Attributions Securitaires"  
Boîte postale 26  
L – 2010 Luxembourg  
Tel.: (352) 29 01 91  
Fax: (352) 49 87 90

## **NETHERLANDS**

Douane-Noord / kantoor Groningen, afdeling IER  
P.O.Box 380  
9700 AJ Groningen  
Tel. +31 50 5232175  
Fax: + 31 50 5232176  
e-mail: [Douane.hier@tiscalimail.nl](mailto:Douane.hier@tiscalimail.nl)

## **AUSTRIA**

Zollamt Villach  
Competence Center Gewerblicher Rechtsschutz  
Ackerweg 19  
A-9500 Villach  
Austria  
Tel.: +43 4242 3028-(39 or 41 or 18)  
Fax: + 43 4242 3028 - 71 or 73  
e-mail: [post.425-pdp.zaktn@bmf.gv.at](mailto:post.425-pdp.zaktn@bmf.gv.at)

## **PORTUGAL**

Ministério das Finanças  
Direcção-Geral das Alfândegas e dos Impostos  
Especiais sobre o Consumo  
Direcção de Serviços de Regulação Aduaneira  
Rua da Alfândega, nº 5 R/C  
1149-006 Lisboa  
Tel.: + 351 21 881 3890  
Fax: + 351 21 881 3984

## **FINLAND**

Tullihallitus  
Valvontaosasto  
PL 512  
FI - 00101 Helsinki  
Téléphone: +358 20-492 2748  
Télécopieur: +358 20 492 2669

Enforcement and Audit Unit  
National Board of Customs  
Box 512  
FI - 00101 Helsinki

## **SWEDEN**

Tullverkets Huvudkontor  
Handelsenheten  
Box 12854  
SE-112 98 Stockholm  
Tel.: + 46 771 520 520  
Fax: + 46 8 405 05 50

From July 2004 the address will be:

Tullverket  
Kc Ombud  
Specialistenheten  
Box 850  
SE-201 80 Malmö

Tel: +46 771 520520  
Fax: +46 40 6613013

## **UNITED KINGDOM**

HM Customs & Excise  
Chief Operations  
1<sup>st</sup> Floor West  
Alexander House  
21 Victoria Avenue  
Southend-on-Sea  
Essex SS99 IAA

Tel. +44 1702 367221  
Fax: + 44 1702 366825

## **GREECE**

### **CUSTOMS DISTRICTS**

#### **1. Attiki (Pireas)**

Head of Attiki Customs Administration Pl. Ag. Nikoleou - 18510 Pireas

Fax: (302-10) 451 10 09

#### **2. Thessaloniki (Thessaloniki)**

Head of Thessaloniki Customs Administration

Str. Braduna 3

54626 Thessaloniki

Fax: (302-310) 554355

#### **3. Patra (Patra)**

Head of Patra Customs Office

Ktirio Limaniou

26110 Patra

Fax: (302-610) 33 16 58

#### **4. Kavala (Kavala)**

Head of Kavala Customs Office

Limani

65110 Kavala

Fax: (302-510) 22 26 33

#### **5. Volos (Volos)**

Head of Volos Customs Office

Limani

38001 Volos

Fax: (302-4210) 23 376 or 27 152

#### **6. Dodekanisa (Rodos)**

Head of Rodos Customs Office

Limani

85100 Rodos

Fax: (302-2410) 22 338

#### **7. Kerkira (Kerkira)**

Head of Kerkira Customs Office

Ethn. Antistasis 1

49100 Kerkira

Fax: (302-6610) 39 602

#### **8. Iraklio (Iraklio)**

Head of Iraklio Customs Office

N. Limani

71110 Iraklio

Fax: (302-810) 22 10 03

9. Lesvos (Mitilini)  
Head of Mitilini Customs Office  
Limani  
81100 Mitilini  
Fax: (302-2510) 43 875

10. Siros (Siros)  
Head of Siros Customs Office  
Ermoupoli  
84100 Siros  
Fax: (302-2810) 22 680

## **SLOVAK REPUBLIC**

Customs Directorate of the Slovak Republic  
Mierova 23  
815 11 Bratislava  
Slovakia  
Tel.: + 421 2 48273101  
Fax: + 421 2 43336448

## **ESTONIA**

Maksu- ja Tolliamet  
Narva mnt 9j  
15176 Tallinn  
Tel: +372 683 5700  
Fax: +372 683 5709  
E-mail: toll@customs.ee

## **LITHUANIA**

Ministry of Finance of the Republic of Lithuania  
Customs Department  
A. Jaksto 1/25  
LT- 2600 Vilnius  
Tel. +370 5 2666111  
Fax. +370 5 2666005

## **CZECH REPUBLIC**

CUSTOMS DIRECTORATE HRADEC KRALOVE  
ul. Bohuslava Martinu 1672/8a  
P.O.BOX 88  
501 01 HRADEC KRALOVE  
Tel: 00420 49 5756 111, 00420 495756214, 00420 495756267  
Fax: 00420 49 5756 200  
e-mail: posta0601@cs.mfcr.cz

## **MALTA**

Head Investigations  
Customs House Lascaris Wharf Valletta,  
Tel. 21250044  
Fax 25685243  
e-mail [carmel.v.portelli@gov.mt](mailto:carmel.v.portelli@gov.mt)

## **SLOVENIA**

Customs Administration of Republic of Slovenia  
General Customs directorate  
Šmartinska 55  
SI-1523 Ljubljana  
Slovenija  
Tel.: + 386 1 478 38 00  
Fax: + 386 1 478 39 04

## **CYPRUS**

Customs Headquarters  
M. Karaoli, 1096 Nicosia, Cyprus  
Postal address: Customs Headquarters, 1440 Nicosia, Cyprus  
Tel. 00357-22-601652, 00357-22-601858  
Fax. 00357-22-602769  
e-mail address: [headquarters@customs.mof.gov.cy](mailto:headquarters@customs.mof.gov.cy)

## **REPUBLIC OF LATVIA**

Intellectual Property Rights Subdivision  
Enforcement Division  
National Customs Board  
State Revenue Service  
Republic of Latvia  
Kr. Valdemara Street 1a, Riga, Latvia, LV 1841  
Tel. : +371 7047450, +371 7047411  
Fax : +371 7047423  
e-mail: [ainars.lagons@dep.vid.gov.lv](mailto:ainars.lagons@dep.vid.gov.lv)  
[uldis.mengelis@dep.vid.gov.lv](mailto:uldis.mengelis@dep.vid.gov.lv)

## HUNGARY

17. sz. Vámhivatal (Customs Office no.17)

Address: 1143, Budapest, Hungária krt. 112-114.

Postal address: 1591 Budapest, Pf. 310.

Tel.: + 361 470-42-60

+ 361 470-42-61

Fax: + 361 470-42-78

+ 361 470-42-79

E-mail: [vh17000@mail.vpop.hu](mailto:vh17000@mail.vpop.hu)