Commission Implementing Regulation (EU) 2020/2035 of 7 December 2020 amending Implementing Regulation (EU) No 1352/2013 as regards the application for action form provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council, in order to introduce the possibility to request the taking of action in Northern Ireland

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2035

of 7 December 2020

amending Implementing Regulation (EU) No 1352/2013 as regards the application for action form provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council, in order to introduce the possibility to request the taking of action in Northern Ireland

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003⁽¹⁾, and in particular Article 6(1) thereof,

After consulting the Customs Code Committee,

Whereas:

- (1) Commission Implementing Regulation (EU) No 1352/2013⁽²⁾ establishes, in its Annex I, the form to be used to submit an application requesting that customs authorities take action with respect to goods suspected of infringing an intellectual property right, referred to in Article 6 of Regulation (EU) No 608/2013 ('the application for action form').
- (2) Since 1 February 2020, the United Kingdom has withdrawn from the European Union and has become a 'third country'. The Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement)⁽³⁾ provides for a transition period ending on 31 December 2020. Until that date, Union law in its entirety applies to and in the United Kingdom.
- (3) After the end of the transition period, the Protocol on Ireland/Northern Ireland ('IE/NI Protocol'), which forms an integral part of the Withdrawal Agreement, applies. The IE/NI Protocol makes certain provisions of Union law applicable under certain conditions also to and in the United Kingdom in respect of Northern Ireland⁽⁴⁾.
- (4) The IE/NI Protocol provides that the regulations listed in its Annex 2 under point 45 (Regulation (EU) No 1151/2012 of the European Parliament and of the Council⁽⁵⁾; Regulation (EU) 2019/787 of the European Parliament and of the Council⁽⁶⁾; Regulation (EU) No 251/2014 of the European Parliament and of the Council⁽⁷⁾; Regulation (EU) No 1308/2013 of the European Parliament and of the Council⁽⁸⁾, Sections 2 and 3 of

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Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2035. (See end of Document for details)

- Chapter I of Title II of Part II and Regulation (EU) No 608/2013) apply to and in the United Kingdom in respect of Northern Ireland.
- (5) Hence, a right holder should be able to request a customs action in a Member State for protection in Northern Ireland of those intellectual property rights, by submitting a Union application.
- (6) More specifically, a right holder should be able to request that the procedure for the destruction of goods in small consignments, set out in Article 26 Regulation (EU) No 608/2013 be used for goods whose geographical indication has been infringed, as these goods are included in the definition of counterfeit goods in point 5 of Article 2 of Regulation (EU) No 608/2013.
- (7) Therefore, the application for action form needs to be adapted by introducing in the box '6. Member State or, in the case of a Union application, Member States in which customs action is requested' and in box '10. I request the use of the procedure of Article 26 of Regulation (EU) No 608/2013 (small consignments) in the following Member State(s) and, where requested by the customs authorities, agree to cover the costs related to the destruction of goods under this procedure' a new tick box called 'XI' for Northern Ireland.
- (8) In the same fields, the tick box for UK should be deleted to reflect the end of the transition period provided for in the Withdrawal Agreement.
- (9) The notes on completion of Annex I to Implementing Regulation (EU) No 1352/2013, which are set out in Annex III to that Regulation should be amended to clarify that action in Northern Ireland can only be asked for intellectual property rights which are protected in Northern Ireland by virtue of the IE/NI Protocol.
- (10) Implementing Regulation (EU) No 1352/2013 should therefore be amended accordingly.
- (11) This Regulation should start applying on the day following that on which the transition period provided for in the Withdrawal Agreement is to end,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 1352/2013 is amended as follows:

- (1) Annex I is replaced by the text set out in Annex I to this Regulation;
- (2) Annex III is amended in accordance with Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

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

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Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2035. (See end of Document for details)

Done at Brussels, 7 December 2020.

For the Commission

The President

Ursula VON DER LEYEN

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ANNEX I

Status: Point in time view as at 07/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2035. (See end of Document for details)

ANNEX EUROPEAN UNION - APPLICATION FOR ACTION

- · · · · - · - [4	1. Applicant						For of	ficial use	,						
	_	Name*:						Date of	of receipt							
	\neg	EORI-No*:						Regis	tration nu	ımber of	applicatio	n				
	- 1	Address*:														
	ľ	Town*:					INT	ELLECT	JAL PRO	PERTY	RIGHTS					
١.	_	Postal Code:						1	APP	LICATION	FOR AC	TION BY	CUSTO	AS AUTH	IORITIES	
		Country*:						1								
	₽	TIN No:						<u></u>			ticle 6 of	Regulati	on (EU) N	lo 608/2		
	A	National registration No:						-1	Jnion ap							
		Telephone: (+)						I		pplication						
	S	Mobile: (+) Fax: (+)						^	lational a	pplication	n (cf. Artic	le 5(3))			ı	
	2	Fax: (+) Email*:						-								
	5	Website:														
	Ě	3*. Status of applicant					7 Group	of produ	core of n	roducto u	uith a Gas	aranhia	al Indicati	00 01 101	resentati	140
	ш	□Right-holder				ı	ofsuch		cers or p	roducis v	vitii a Get	grapriic	ai indicati	on or rep	resentati	ve
		_				[☐ Operat	or entitle	d to use	a Geogra	aphical In	dication				
	8	Person or entity authorised to u	ise the IF	right												
!	뽀	□IP collective rights managemer	nt body			ı	☐ Inspec	ion bod	y or autho	ority comp	petent for	a Geogr	apnicai ir	ndication		
		□Professional defence body				[Exclusi	ve licens	se holde	r covering	two or m	ore Men	nber State	es		
1	요	4. Representative submitting the	applicati	on in the i	name of	the appli	cant									
	<u>ĕ</u>	Company:														
1	- 1	Name*:														
	- 1	EORI-No*:														
	- 1	Address*:														
	- 1	Town*:					ı	Evid	ence of t	he repres	sentatives	powert	o actis e	nclosed		
⊢	_	Postal Code:						Fa (.)								
-	7 I	Country*: Telephone:(+)						Fax: (+) Email*:								
	$\overline{}$	Mobile: (+)						Website								
	- 1	5*. Type of right to which the appli	ication re	fers				reconte								
	- 1.	□National trademark (NTM)						Gen	oranhica	I Indication	nn/Desim	nation of	origin:			
	- 1	⊒European Union trademark (El	ITM					_	-	ral produ	_		-			
	- 1.	☐International registered tradem)					wine (CC		cis and it	Joustall	(CGIF)			
	- 1	Registered national design (NI						_		ed drinks	s hased o	n wine r	oroducts i	(CGIA)		
	- 1.	Registered Community design								nks (CGIS		ni wiiio k	roddola	Odiry		
	I.	International registered design								ducts (N						
	- 1	☐Unregistered Community desig	gn (CDU))				_			,	on the I	Inion one	l third on	untries (C	CII)
								⊔as	iisteu iri	Agreeme	ns betwe	en me c	JIIIOII and	i ililia co	unules (C	GIL)
	ľ	Copyright and related right (NC	PR)					Plar	nt variety	right:						
	- 1	Trade name (NTN)						□na	tional (Ni	PVR)						
	- 1	☐Topography of semiconductor p							mmunity							
	- 1	Patent as provided for by nation	,	,						ary protec						
	- 1	□Patent as provided for by Union □Utility model (NUM)	iaw (ur	-1)						al produc tection p						
		6*. Member State or, in the case of	of a Unio	n applicat	ion. Men	nber Stat	es in whic					SPCP)				
				□BG								□FR	□ _{HR}	□ı⊤	□ cy	□ LV
		☐ ALL MEMBER STATES			□ _{HU}	\square_{MT}	\square_{NL}	\Box AT	□ _{PL}	□ PT	□ RO	□ _{SI}	□ sĸ		□ SE	\square_{X}
	ŀ	7. Representative for legal matter	s					8. Rec	resentat	ive for tec	hnical m	atters				
	- 1	Company:						Comp								
		Name*:						Name	*:							
	-	Address*:						Addres	ss*:							
	ľ	Town*:						Town*	:							
		Postal Code:						Posta	Code:							
		Country*:						Count								
	- 1	Telephone: (+)		Fax: (+))			1 '	none: (+)				Fax: (+)		
	- 1	Mobile: (+)						Mobile								
	- 1	Email*:						Email								
	ŀ	Website:						Websi	ite:							
		9. In case of a Union application,	the detai	ls of the o	lesignat	ed repres	entatives	for lega	l and tec	hnical ma	atters are	included	d in anne:	x no		
	- 1	10. I request the use of the proce- requested by the customs author			_			,		-		_	Member	State(s)	and, whe	re
			_						_				П	П	П	п
		☐ ALL MEMBER STATES		□ _{BG}												

^{*} these are mandatory fields and shall be filled in

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

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11*. L	ist of rights to which	the application refers						
No	Type of right	Registration number	Date of registration	Expiry date	List of goods to which the right refers			
			ļ	ļ				
			***************************************	********				
	For further rights	see annex no	l	l	L			
	Toriardoringha	300 01110 1110 11111	Authentic goods		_ nestroited narraining			
12*. G	ioods details		, and a good of		☐ Restricted handling			
IP righ	nt no:							
Goods	s description:							
CN ta	riff number:							
Custo	ms value:							
Europ	ean average market	t value:						
Nation	nal market value:				See enclosed annex no			
13*. G	ioods distinctive feat	tures			☐ Restricted handling			
Positi	on on the goods:							
Descr	iption:							
					☐ See enclosed annex no			
14*. P	lace of production				☐ Restricted handling			
Count	ry:							
Comp	•							
Addre	ss:							
Town:	:							
					See enclosed annex no			
	volved companies				☐ Restricted handling			
Role:								
Name								
Addre								
Town:								
	l Code:				☐ See enclosed annex no			
Count	ry: raders							
l					☐ Restricted handling			
Name Addre								
Town:								
	l Code:							
Count					☐ See enclosed annex no			
		ils and distribution information			☐ Restricted handling			
					☐ See enclosed annex no			
18. Pa	ickages				☐ Restricted handling			
Kind o	of packages:				ŭ			
Numb	er of items per pack	age:						
Descr	iption (incl. distinctiv	ve features):						
L					☐ See enclosed annex no			
19. Ac	companying docum	ents			☐ Restricted handling			
	of document:							
Descr	Description:							
					☐ See enclosed annex no			

Status: Point in time view as at 07/12/2020.

Infringing goods	
20. Goods details	☐ Restricted handling
IP right no:	- Nestricled nariding
Goods description:	
dodd dddipilon.	
CN tariff number:	
Minimum value:	☐ See enclosed annex no
21. Goods distinctive features	☐ Restricted handling
Position on the goods:	
Description:	
	☐ See enclosed annex no
22. Place of production	☐ Restricted handling
Country:	
Company:	
Address:	
Town:	
Postal Code:	
Fosial Code:	☐ See enclosed annex no
23. Involved companies	
Role:	☐ Restricted handling
Name:	
Address:	
Town:	
Postal Code:	
Country:	See enclosed annex no
24. Traders	☐ Restricted handling
Name:	
Address:	
Town:	
Postal Code:	
Country:	
	☐ See enclosed annex no
25. Goods distribution information	☐ Restricted handling
	☐ See enclosed annex no
26. Packages	☐ Restricted handling
Kind of packages:	
Number of items per package:	
Description (incl. distinctive features):	
Description (mot. distinctive realtires).	
	T 0
07. Accompanying decuments	See enclosed annex no
27. Accompanying documents	☐ Restricted handling
Type of document:	
Description:	
	See enclosed annex no

Status: Point in time view as at 07/12/2020.

28. A	Additional information	☐ Restricted handling
		☐ See enclosed annex no
29. U	Undertakings	
	By signing I undertake to:	
	 notify immediately the competent customs department that granted this application of any change in the 	ne information provided by me within this
	application or attachments in accordance with Article 15 of Regulation (EU) No 608/2013.	ie illioillatoii piovided by life within tils
١.	• forward to the competent customs department that granted this application any update on the information	tion as referred to in point (a) (b) or (i) of
	Article 6(3) of Regulation (EU) No 608/2013 that are relevant to customs authorities' analysis and asset	
i	intellectual property right(s) included in this application.	•
١.	• assume liability under the conditions laid down in Article 28 of Regulation (EU) No 608/2013 and bear	the costs as referred
	to in Article 29 of Regulation (EU) No 608/2013.	
Ι.		
	I agree that all the data submitted with this application may be processed by the Member States and the processor on behalf of Member States, and the European Union Intellectual Property Office.	e European Commission, acting as a
	processor on senantin member states, and the European officin intellectual Froperty office.	
30*.	Signature	
Da	ate (DD/MMYYYY) Applicant's signature	
Di-	la-a-	
Pia	lace Name (Block capitals)	
For o	official use	
	ision by customs authorities (within the meaning of Section 2 of Regulation (EU) No 608/2013)	
	ate of adoption (DD/MMYYYY) Signature and stamp	Competent customs department
Da	ale of adoption (DD/MW1111) Signature and stamp	Competent customs department
	Expiry date of the application:	
	Any request for extension of the period that customs authorities are to take action should be received	by the competent customs department
	at the latest 30 working days before the expiry date.	
	The application has been rejected.	
	A reasoned decision stating the grounds for partial or complete rejection and information concerning	the appeal procedure are attached
	The state of the s	
Da	ate (DD/MMYYYY) Signature and stamp	Competent customs department
1		

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

This privacy statement explains the reasons for processing your personal data, the way they are collected, handled and the way protection of all your personal data is ensured.

The competent customs authority of a Member State are the controller(s) of the processing operation. To this respect the controller(s) processes personal data contained in this application in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

The European Commission acts as a processor on behalf of Member States and processes personal data contained in this application in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

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

The legal basis for processing the personal data for the enforcement of IPR are Articles 31 and 33 of Regulation (EU) No 608/2013. The processing activity of the Commission, acting on behalf of Member States and within their mandate, consists of storing and maintaining of the personal data related to applications for action and its attachments in the central database COPIS. This includes maintaining adequate technical and organizational arrangements for the reliable and secure operation of the database COPIS. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. The access to personal data is granted on a need-to-know basis and via personal accounts to authorised personnel of Member States custom authorities and the European Commission. The contact point within the European Commission for questions on the processing activity in COPIS is Directorate-General for Taxation and Customs Union: TAXUD-DP-COPIS@ec.europa.eu. For a deeper analysis of the infringements data and to improve the understanding of the geographical scope and impact of infringements of IPR, the Commission within the mandate provided by the Member States will send, together with the infringement data, the name of the respective holder of the decision based on which the customs acted to the European Union Intellectual Property Office. The record reference of EUIPO's processing operation is DPR-2019-051 (https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/data_protection/rpt_register_en.pdf).

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

Customs authorities will delete the data no later than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. The period during which customs authorities are to take action shall be specified by the competent customs department when granting the application and shall not exceed one year from the day following the date of adoption of the decision granting the application. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, they will delete the data no later than six months after the proceedings have been concluded in a final way.

In case of a data breach, the customs authorities in the Member States will fulfil their obligations in compliance with their duties stipulated in the GDPR. Where that personal data breach is likely to result in a high risk to your rights and freedoms the customs authorities in the Member States are committed to inform you immediately in order to allow you to take the necessary precautions. You are at any given moment entitled to access and rectify your personal data in case the data is inaccurate or incomplete. You have the rights to (if applicable) request restriction of processing or erasure ('right to be forgotten'), to object to the processing, to withdraw your consent, and not to be subject to automated individual decision making, including profiling. All requests shall be submitted to and processed by the competent customs department where the application was submitted. For the list of competent customs departments in the Member States see

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/customs/customs_controls/counterfeit_piracy/right_holders/defend-your-rights_en.pdf.

If you feel that your rights are violated in any way, you are entitled to file a complaint with the National Supervisory Authority responsible for data protection (contact info here: https://edpb.europa.eu/about-edpb/board/members_en) following the applicable national procedure. If you have comments, questions or any concerns regarding the collection and use of your personal data, please feel free to contact Data Protection Officer (DPO) in the Member State's Customs Organisation. If your complaint concerns an action of the European Commission, you should lodge it with the European Data Protection Supervisor.

Status: Point in time view as at 07/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2035. (See end of Document for details)

EUROPEAN UNION - APPLICATION FOR ACTION

	1 Applicant				
2	1. Applicant	For official use			
_	Name*:	Date of receipt			
	EORI-No*:	Registration number of application			
	Address*:				
	Town*:	INTELLECTUAL PROPERTY RIGHTS			
	Postal Code:				
	Country*:	APPLICATION FOR ACTION BY CUSTOMS AUTHORITIES			
	TIN No:	and des Ariela C of Description (FLI) No COOPOAC			
		under Article 6 of Regulation (EU) No 608/2013			
	National registration No:	2*. Union application			
	Telephone: (+)	National application			
눌	Mobile: (+)	National application (cf. Article 5(3))			
COPY FOR THE APPLICANT	Fax: (+)				
2	Email*:				
A P	Website:				
Ē	0. 0				
∓		of producers of products with a Geographical Indication or representative			
8	□Right-holder of su	group			
Ē	□Person or entity authorised to use the IP right	or entitled to use a Geographical Indication			
ĕ	_	ction body or authority competent for a Geographical Indication			
8	□IP collective rights management body	calon body or admonly competent for a deographical indication			
	□Professional defence body □ Exclu	sive license holder covering two or more Member States			
	Representative submitting the application in the name of the applicant	9			
	Company:				
	Name*:				
	EORI-No*:				
	Address*:				
	Town*:	□ Evidence of the representatives power to act is enclosed			
	Postal Code:				
_	Country*:	Fax (+)			
2	Telephone: (+)	Email*:			
	Mobile: (+)	Website:			
	5*. Type of right to which the application refers				
	□National trademark (NTM)	Geographical Indication/Designation of origin:			
	□European Union trademark (EUTM)	☐for agricultural products and foodstuff (CGIP)			
	□International registered trademark (ITM)	for wine (CGIW)			
	Registered national design (ND)				
		for aromatised drinks based on wine products (CGIA)			
	Registered Community design (CDR)	for spirit drinks (CGIS)			
	International registered design (ICD)	for other products (NGI)			
	Unregistered Community design (CDU)	as listed in Agreements between the Union and third countries (CGIL)			
		Las ilsted in Agreements between the officin and time countries (ocite)			
	Copyright and related right (NCPR)	Plant variety right:			
	☐Trade name (NTN)	□national (NPVR)			
	□Topography of semiconductor product (NTSP)	Community (CPVR)			
	Patent as provided for by national law (NPT)				
		Supplementary protection certificate:			
	Patent as provided for by Union law (UPT)	for medicinal products (SPCM)			
	Utility model (NUM)	for plant protection products (SPCP)			
	6*. Member State or, in the case of a Union application, Member States in w				
	□ BE □ BG □ CZ □ DK □ DE	DEE DIE DEL DES DFR DHR DIT DCY DLV			
	☐ ALL MEMBER STATES ☐ LT ☐ LU ☐ HU ☐ MT ☐ NL	□AT □PL □PT □RO □SI □SK □FI □SE □XI			
	7. Representative for legal matters	8. Representative for technical matters			
	Company:	Company:			
	l	1 ' '			
	Name*:	Name*:			
	Address*:	Address*:			
	Town*:	Town*:			
	Postal Code:	Postal Code:			
	Country*:	Country*:			
	Telephone: (+) Fax: (+)	Telephone: (+) Fax: (+)			
	Mobile: (+)	Mobile: (+)			
	Email*:	Email*:			
	Website:	Website:			
	9. In case of a Union application, the details of the designated representative	es for legal and technical matters are included in annex no			
	10. I request the use of the procedure of Article 26 of Regulation (EU) No 608/2013 (small consignments) in the following Member State(s) and, where requested by the customs authorities, agree to cover the costs related to the destruction of goods under this procedure.				
	BE BG CZ DK DE	DEE DIE DEL DES DFR DHR DIT DCY DLV			
	LT DLU DHU DMT DNL	□ _{AT} □ _{PL} □ _{PT} □ _{RO} □ _{SI} □ _{SK} □ _{FI} □ _{SE} □ _{XI}			

^{*} these are mandatory fields and shall be filled in

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

Status: Point in time view as at 07/12/2020.

11* 1	int of rights to which	the application refere			
		the application refers	Data of variation	Eminudata	List of goods to which the vight vefers
No	Type of right	Registration number	Date of registration	Expiry date	List of goods to which the right refers
				·	
				·	
	L		ļ		
					
				ļ	

	[[
	For further rights	see annex no			☐ Restricted handling
			Authentic goods		
12*.0	oods details				☐ Restricted handling
IP rigi	nt no:				
Good	s description:				
CNI to	riff number:				
	oms value:				
	ean average marke	t value:			
	nal market value:				See enclosed annex no
13*.0	Roods distinctive fea	tures			☐ Restricted handling
Positi	on on the goods:				
Desc	ription:				
					☐ See enclosed annex no
14*. F	Place of production				☐ Restricted handling
Coun					_ rissuisse harening
Comp					
Addre					
Town	:				Concentrated annual
					See enclosed annex no
	nvolved companies				☐ Restricted handling
Role:					
Name	e:				
Addre	ss:				
Town	:				
Posta	l Code:				
Coun	try:				☐ See enclosed annex no
	raders				☐ Restricted handling
Name					
Addre					
Town					
	l Code:				☐ See enclosed annex no
Coun					
17. G	oods clearance deta	ils and distribution information			☐ Restricted handling
					☐ See enclosed annex no
18. Pa	ackages				☐ Restricted handling
Kind o	of packages:				
Numb	er of items per pack	kage:			
Desc	ription (incl. distincti	ve features):			
					☐ See enclosed annex no
19. Ar	companying docum	ents			☐ Restricted handling
	of document:				- Housed handing
	ription:				
Jesti	ipaon.				
					Consendered
					See enclosed annex no

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	Infringing goods	
20. Goods details		☐ Restricted handling
IP right no:		
Goods description:		
CN tariff number:		
Minimum value:		☐ See enclosed annex no
21. Goods distinctive features		☐ Restricted handling
Position on the goods:		
Description:		
		☐ See enclosed annex no
22. Place of production		Restricted handling
		☐ Restricted nandling
Country:		
Company:		
Address:		
Town:		
Postal Code:		
		See enclosed annex no
23. Involved companies		☐ Restricted handling
Role:		
Name:		
Address:		
Town:		
Postal Code:		
Country:		☐ See enclosed annex no
24. Traders		☐ Restricted handling
Name:		
Address:		
Town:		
Postal Code:		
Country:		
,		☐ See enclosed annex no
25. Goods distribution information		☐ Restricted handling
		E restricted narrowing
		□ See enclosed annex no
26. Packages		☐ Restricted handling
Kind of packages:		
Number of items per package:		
Description (incl. distinctive features):		
Description (incl. districtive leatures).		
		☐ See enclosed annex no
27. Accompanying documents		☐ Restricted handling
Type of document:		-
Description:		
•		
		C Consider t
		See enclosed annex no

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_	ditional information		Restricted handling
			See enclosed annex no
29. Uı	ndertakings		
В	y signing I undertake to:		
		ment that granted this application of any change in the	information provided by me within this
а	pplication or attachments in accordance with Artic	le 15 of Regulation (EU) No 608/2013.	
		at granted this application any update on the information	
	rticle 6(3) of Regulation (EU) No 608/2013 that an stellectual property right(s) included in this applica	e relevant to customs authorities' analysis and assess	sment of the risk of infringement of the
	assume liability under the conditions laid down in hin Article 29 of Regulation (EU) No 608/2013.	Article 28 of Regulation (EU) No 608/2013 and bear to	he costs as referred
	, in 71000 25 01 110g0iaion (20) 110 000/20 10.		
		ion may be processed by the Member States and the	European Commission, acting as a
р	rocessor on behalf of Member States, and the Eu	ropean Union Intellectual Property Office.	
30*. S	ignature		
Dat	e (DD/MMYYYY)	Applicant's signature	
Pla	ne.		
		Name (Block capitals)	
For of	ficial use		
Decis	ion by customs authorities (within the meaning of	Section 2 of Regulation (EU) No 608/2013)	
	The application is completely granted.		
	The application has been partially granted (for the	e granted rights see attached list).	
Dat	e of adoption (DD/MMYYYY)	Signature and stamp	Competent customs department
	Expiry date of the application:		
		ms authorities are to take action should be received b	y the competent customs department
	at the latest 30 working days before the expiry da	te.	
	The application has been rejected.		
	A reasoned decision stating the grounds for part	ial or complete rejection and information concerning t	he appeal procedure are attached.
Det	e (DD/MMYYYY) Sign	nature and stamp	Competent customs department
Jai	o (Sommer in)	auto and stamp	Competent dustoms department

Status: Point in time view as at 07/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2035. (See end of Document for details)

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

This privacy statement explains the reasons for processing your personal data, the way they are collected, handled and the way protection of all your personal data is ensured.

The competent customs authority of a Member State are the controller(s) of the processing operation. To this respect the controller(s) processes personal data contained in this application in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

The European Commission acts as a processor on behalf of Member States and processes personal data contained in this application in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

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

The legal basis for processing the personal data for the enforcement of IPR are Articles 31 and 33 of Regulation (EU) No 608/2013. The processing activity of the Commission, acting on behalf of Member States and within their mandate, consists of storing and maintaining of the personal data related to applications for action and its attachments in the central database COPIS. This includes maintaining adequate technical and organizational arrangements for the reliable and secure operation of the database COPIS. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. The access to personal data is granted on a need-to-know basis and via personal accounts to authorised personnel of Member States custom authorities and the European Commission. The contact point within the European Commission for questions on the processing activity in COPIS is Directorate-General for Taxation and Customs Union: TAXUD-DP-COPIS@ec.europa.eu. For a deeper analysis of the infringements data and to improve the understanding of the geographical scope and impact of infringements of IPR, the Commission within the mandate provided by the Member States will send, together with the infringement data, the name of the respective holder of the decision based on which the customs acted to the European Union Intellectual Property Office. The record reference of EUIPO's processing operation is DPR-2019-051 (https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/data_protection/rpt_register_en.pdf).

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

Customs authorities will delete the data no later than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. The period during which customs authorities are to take action shall be specified by the competent customs department when granting the application and shall not exceed one year from the day following the date of adoption of the decision granting the application. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, they will delete the data no later than six months after the proceedings have been concluded in a final way.

In case of a data breach, the customs authorities in the Member States will fulfil their obligations in compliance with their duties stipulated in the GDPR. Where that personal data breach is likely to result in a high risk to your rights and freedoms the customs authorities in the Member States are committed to inform you immediately in order to allow you to take the necessary precautions. You are at any given moment entitled to access and rectify your personal data in case the data is inaccurate or incomplete. You have the rights to (if applicable) request restriction of processing or erasure ('right to be forgotten'), to object to the processing, to withdraw your consent, and not to be subject to automated individual decision making, including profiling. All requests shall be submitted to and processed by the competent customs department where the application was submitted. For the list of competent customs departments in the Member States see

https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/customs/customs_controls/counterfeit_piracy/right_holders/defend-your-rights_en.pdf.

If you feel that your rights are violated in any way, you are entitled to file a complaint with the National Supervisory Authority responsible for data protection (contact info here: https://edpb.europa.eu/about-edpb/board/members_en) following the applicable national procedure. If you have comments, questions or any concerns regarding the collection and use of your personal data, please feel free to contact Data Protection Officer (DPO) in the Member State's Customs Organisation. If your complaint concerns an action of the European Commission, you should lodge it with the European Data Protection Supervisor.

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ANNEX II

In Part I of Annex III to Implementing Regulation (EU) No 1352/2013, in the note on the completion of box 6 ('Member State or, in the case of a Union application, Member States in which customs action is requested'), the following paragraph is added:

In case Northern Ireland (XI) is indicated, the application shall be a Union application and can only be granted for protection of any of the following intellectual property rights which are protected in Northern Ireland by virtue of the IE/NI Protocol:

- (a) geographical indications or designations of origin protected for agricultural products and foodstuff as provided for in Regulation (EU) No 1151/2012 of the European Parliament and of the Council (9);
- (b) geographical indications of spirit drinks as provided for in Regulation (EU) 2019/787 of the European Parliament and of the Council⁽¹⁰⁾;
- (c) geographical designations for aromatised products as provided for in Regulation (EU) No 251/2014 of the European Parliament and of the Council⁽¹¹⁾;
- (d) designations of origin or geographical indications for wine as provided for in Sections 2 and 3 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council⁽¹²⁾.

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- (1) OJ L 181, 29.6.2013, p. 15.
- (2) Commission Implementing Regulation (EU) No 1352/2013 of 4 December 2013 establishing the forms provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights (OJ L 341, 18.12.2013, p. 10).
- (3) Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L 29, 31.1.2020, p. 7 ('Withdrawal Agreement').
- (4) Article 5(4) of the IE/NI Protocol.
- (5) Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).
- (6) Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).
- (7) Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).
- (8) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).
- (9) Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).
- (10) Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).
- (11) Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).
- (12) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products, and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

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Changes to legislation:

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