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STATUTORY INSTRUMENTS

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**1987 No. 2097**

**CUSTOMS AND EXCISE**

**The Counterfeit Goods (Customs) Regulations 1987**

*Made* - - - - *4th December 1987*  
*Laid before Parliament* *11th December 1987*  
*Coming into force* - - *1st January 1988*

The Commissioners of Customs and Excise, being a Department designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to the prohibition of the release for free circulation of goods bearing a trade mark without authorisation, in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:

1.—(1) These Regulations may be cited as the Counterfeit Goods (Customs) Regulations 1987 and shall come into force on 1st January 1988.

(2) In these Regulations—

“application” means an application under Article 3(1) of the Council Regulation and “applicant” shall be construed accordingly;

“the Council Regulation” means Council Regulation (EEC) No. 3842/86 laying down measures to prohibit the release for free circulation of counterfeit goods<sup>(3)</sup>;

“the Commissioners” means the Commissioners of Customs and Excise.

2. An application shall be made to the Commissioners in the form set out in the Schedule to these Regulations, or a form to the like effect approved by the Commissioners, containing full particulars of the matters specified therein.

3. The application shall be accompanied by the certificate of registration (or a copy of it) issued by the Registrar of Trade Marks on the registration of the trade mark specified in the application, together with evidence that such registration was duly renewed at all such times as it may have expired.

4. The applicant shall give to the Commissioners such security or further security within such time and in such manner, whether by bond, deposit of a sum of money or otherwise as the Commissioners may require, against all actions, proceedings, claims and demands whatsoever which

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(1) S.I.1987/926.

(2) 1972 c. 68.

(3) OJ No. L357, 18.12.86, p.1.

may be taken or made against, or costs and expenses which may be incurred by, them in consequence of the detention of any goods to which the application relates.

5. In every case, whether any security or further security is given or not, the applicant shall keep the Commissioners indemnified against all such liability and expense as is mentioned in regulation 4 above and in particular shall repay to them all expense which may be incurred by them in consequence of the detention of, or anything done in relation to, any goods to which the application relates.

6. Following upon a decision by them under Article 3(3) of the Council Regulation granting the application the Commissioners will monitor entries of imported goods for a period of three months beginning on a date agreed by them and upon payment of a fee of £500.

7. A provisional application, being one in which the applicant does not indicate on what date he would like the monitoring to begin, will be kept on file by the Commissioners and will be acted upon as described in the foregoing regulation when the date on which monitoring is to begin is ultimately agreed and the fee mentioned in that regulation paid.

8. In the event that the Commissioners supply the applicant with a sample of imported goods which appears to them both to correspond to the description of goods contained in a decision under article 3(3) of the Council Regulation granting his application and to bear a trade mark identical to or substantially indistinguishable from the registered trade mark mentioned in that decision the applicant shall, within 24 hours of being requested by the Commissioners, or within such further time as the Commissioners may allow, confirm to them in writing whether or not in his opinion the sample is counterfeit, giving his reasons, by reference to characteristics of the sample or its packaging or otherwise.

9. An application shall have no effect or no further effect where—
- (a) the applicant has failed to comply with any of the requirements of these regulations, or
  - (b) any change, following the making of the application, which takes place in the ownership or authorised use of the trade mark specified in the application, is not communicated in writing to the Commissioners, or
  - (c) the trade mark specified in the application ceases to be registered.

King's Beam House Mark Lane London EC3R  
7HE  
4th December 1987

*Bryce Knox*  
Commissioner of Customs and Excise

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SCHEDULE

Regulation 2

Regulation 2

SCHEDULE



**Application to Suspend Release of Counterfeit Goods Entered for Free Circulation**

C 1340

Please read Notice 34A and the Notes below before you complete this application.

**Notes**

1. You may apply only if you are the proprietor or the registered user of a trade mark, or a person acting on their behalf, and wish HM Customs and Excise to intercept counterfeit goods bearing that trade mark which are entered for free circulation.
2. Indicate in box 5 below, the date you would like monitoring to begin. If no date is indicated your application (unless rejected) will be recorded on a provisional basis and monitoring will begin on a date to be agreed with you later.
3. If you wish only to extend a previous application which has been accepted by Customs, you need not complete boxes 2 and 4, unless you wish to change, or add to, any of the details of your earlier application.
4. In certain circumstances the release of counterfeit goods which are imported cannot be suspended - see Paragraph 2 of Notice 34A.
5. If Customs accept your application you will have to pay a fee - see Paragraph 6 of Notice 34A. You will be required to indemnify the Commissioners of Customs and Excise against any liability or expense which they may incur as a result of detaining or doing anything else in respect of the goods covered by this application. You may need to provide the Commissioners with security to cover this indemnity - we will let you know when this is required.
6. If your application is rejected we will let you know and give our reasons.

<p>1. I <input type="text" value="Full name of the signatory in BLOCK LETTERS"/> declare that</p> <p style="margin-left: 20px;">Company/Business name and address</p> <p style="margin-left: 20px;">.....</p> <p style="margin-left: 20px;">.....</p> <p style="margin-left: 20px;">.....</p> <p>is the <i>*proprietor/registered user</i> of the trade mark (Registration No. .... ) shown opposite which expires on ..... (date). A copy of trade mark certificate <i>*and latest renewal certificate</i> is attached.</p>	<p>Please affix here a copy, or give an exact description, of the trade mark as registered with the Registry of Trade Marks.</p>									
<p>2. <b>Goods to be covered by the application</b></p> <p>(A detailed description of each item shown below must be attached to this application, in priority order and their countries of origin indicated.)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p><b>Tariff Classification and Commodity Code.</b></p> <p>(Your local Customs and Excise (not VAT) office will help you if necessary.)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>									
<p>3. <b>Details of importation.</b> The following details are not obligatory, but please give as many as possible. When you expect more than one importation please give details on a separate sheet and firmly attach it to this application.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; padding: 2px;">Country from which dispatched/place of loading abroad</td> <td style="width: 30%; padding: 2px;">Place of unloading</td> <td style="width: 30%; padding: 2px;">Date of importation</td> </tr> <tr> <td style="padding: 2px;">Location of goods (place of Customs declaration)</td> <td colspan="2" style="padding: 2px;">Bill of lading/airway bill/consignment reference number</td> </tr> <tr> <td style="padding: 2px;">Name of ship/aircraft flight no./vehicle regn. no.</td> <td colspan="2" style="padding: 2px;">Name and address of importer/consignee</td> </tr> </table>		Country from which dispatched/place of loading abroad	Place of unloading	Date of importation	Location of goods (place of Customs declaration)	Bill of lading/airway bill/consignment reference number		Name of ship/aircraft flight no./vehicle regn. no.	Name and address of importer/consignee	
Country from which dispatched/place of loading abroad	Place of unloading	Date of importation								
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Name of ship/aircraft flight no./vehicle regn. no.	Name and address of importer/consignee									

*\*Delete as necessary*

C 1340 CD 0044/N4(10/87)

F 5953 ( 1987)

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<p>4. The following persons are known to be importers into the UK of goods legitimately bearing our trade mark.</p>	<p>The following persons are also legitimate users of the trade mark within and/or outside the UK.</p>
<p>Name and address of importer</p>	<p>Name and address</p>
<p>Type of goods</p>	<p>Name and address</p>
<p>Usual place of Customs declaration</p>	

5. I would like the monitoring to begin on

day	month	year
(date)		

6. **Declaration**

I understand that the acceptance of my application will be subject to my compliance with the provisions of the Counterfeit Goods (Customs) Regulations 1987.

Signature ..... Date .....

(\*Sole Proprietor/Partner/Director/Company Secretary/Duly Authorised Person)

*\*Delete as necessary*

Please send the completed application to

HM Customs and Excise  
CDB 3 (B)  
Dorset House  
Stamford Street  
London SE1 9PS

and ensure that the trade mark certificate/renewal certificate (see Item 1), description of goods (see Item 2), and any other additional information, are firmly attached.

For Official Use		
Application received (date)	CDB 3 reference	Control reference (NL)
Application *accepted/rejected/ recorded (date) <i>*Delete as necessary</i>	Monitoring starts (date)	Monitoring ends (date)

CD 0044/RN4(1087)

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision consequential upon Council Regulation (EEC) No. 3842/86 laying down measures to prohibit the release for free circulation of counterfeit goods. They append

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the form of application to be completed by the owner or registered user of a trade mark and deal with certain other aspects of the procedure to be followed by the applicant.