

---

STATUTORY INSTRUMENTS

---

**1999 No. 1618**

**The Goods Infringing Intellectual Property Rights  
(Consequential Provisions) Regulations 1999**

6.—(1) Regulation 5 above shall not apply in relation to goods as regards which the decision specifies as subsisting in those goods any one or more of the following intellectual property rights (whether or not they also appear to infringe any other intellectual property right):

- (a) a patent;
- (b) a supplementary protection certificate;
- (c) a registered design;
- (d) design right.

(2) A holder of a right may, within 10 business days of his having been notified by the Commissioners of the suspension of release of the goods or of the goods having been detained, give notice in writing to the Commissioners waiving, for the purpose of both the Council Regulation and of these Regulations, any intellectual property right of his in the goods, being a right mentioned in sub-paragraphs (a) to (d) in paragraph (1) above.

(3) Where notice has been given in accordance with paragraph (2) above—

- (a) any right so waived shall be disregarded, as regards that holder of a right, in determining whether the goods fall within paragraph (1) above; and
- (b) the goods shall accordingly be treated for the purposes of the Council Regulation and these Regulations as if that person did not have the right concerned in those goods.

(4) The following provisions of the 1979 Act shall apply to any goods falling within paragraph (1) above as they apply in respect of goods liable to forfeiture under the customs and excise Acts:

- (a) section 139, except subsections (5) and (6) (things seized or detained to be dealt with or disposed of as Commissioners direct; Schedule 3 to have effect);
- (b) section 144.

(5) Any thing seized or detained by virtue of this regulation shall be dealt with in such manner as the Commissioners may direct; but this paragraph shall apply subject to section 139(3) and (4) of the 1979 Act (detention or seizure by a constable; things retained in the custody of the police) in the cases there mentioned.