

## STATUTORY INSTRUMENTS

# 2004 No. 1473

## The Goods Infringing Intellectual Property Rights (Customs) Regulations 2004

### [<sup>F1</sup>Simplified procedure

7.—(1) The Commissioners may treat as abandoned for destruction goods which have been suspended from release or detained by virtue of [<sup>F2</sup>Article 9 of the Council Regulation] where the right-holder has informed the Commissioners in writing within the specified period that those goods infringe an intellectual property right and either of the following conditions applies—

- (a) the right-holder has provided the Commissioners with the written agreement of the declarant, the holder or the owner of the goods (“the interested parties”) that the goods may [<sup>F3</sup>be] destroyed; or
- (b) none of the interested parties has specifically opposed the destruction of the goods within the specified period.

(2) The Commissioners may not treat the goods as abandoned for destruction where one interested party has given its written agreement as mentioned in regulation 7(1)(a), but either or both of the other interested parties has specifically opposed destruction within the specified period.

(3) The Commissioners may, at their discretion, accept the written agreement mentioned in regulation 7(1)(a) directly from the interested party.

(4) Where goods are treated as abandoned for destruction by virtue of paragraph (1)—

- (a) the right-holder must bear the expense and the responsibility for the destruction of the goods, unless otherwise specified by the Commissioners; and
- (b) the Commissioners must retain a sample of the goods in such conditions that it can be used if required as evidence in legal proceedings.

(5) The specified period means ten working days from receipt of the notification to the right-holder provided for in [<sup>F4</sup>Article 9 of the Council Regulation] , or three working days in the case of perishable goods. The Commissioners may, at their discretion, extend this period by a further ten working days.

(6) A reference in this regulation to the Commissioners is to be construed as including a reference to the Secretary of State.]

**F1** Reg. 7 substituted (10.3.2010) by [Goods Infringing Intellectual Property Rights \(Customs\) \(Amendment\) Regulations 2010 \(S.I. 2010/324\)](#), regs. 1, **2(2)**

**F2** Words in reg. 7(1) substituted (16.4.2010) by [Goods Infringing Intellectual Property Rights \(Customs\) \(Amendment\) \(No.2\) Regulations 2010 \(S.I. 2010/992\)](#), regs. 1, **6(a)**

**F3** Word in reg. 7(1)(a) inserted (16.4.2010) by [Goods Infringing Intellectual Property Rights \(Customs\) \(Amendment\) \(No.2\) Regulations 2010 \(S.I. 2010/992\)](#), regs. 1, **6(b)**

**F4** Words in reg. 7(5) substituted (16.4.2010) by [Goods Infringing Intellectual Property Rights \(Customs\) \(Amendment\) \(No.2\) Regulations 2010 \(S.I. 2010/992\)](#), regs. 1, **7**

**Changes to legislation:**

There are currently no known outstanding effects for the The Goods Infringing Intellectual Property Rights (Customs) Regulations 2004, Section 7.