

2007 No. 1508

CUSTOMS

INTELLECTUAL PROPERTY

**The Goods Infringing the Olympics and Paralympics
Association Rights (Customs) Regulations 2007**

<i>Made</i> - - - -	<i>22nd May 2007</i>
<i>Laid before Parliament</i>	<i>23rd May 2007</i>
<i>Coming into force</i> - -	<i>13th June 2007</i>

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by section 12B(1) of the Olympic Symbol etc. (Protection) Act 1995(a) and section 90 of the Trade Marks Act 1994(b):

Citation and commencement

1. These Regulations may be cited as the Goods Infringing the Olympics and Paralympics Association Rights (Customs) Regulations 2007 and come into force on 13th June 2007.

Form of notices

2.—(1) Notice given by the proprietor under section 12A(1) of the Olympic Symbol etc. (Protection) Act 1995(c) (notice that infringing goods are expected to arrive in the United Kingdom) shall be in the form set out in Schedule 1 to these Regulations, or a form to the like effect approved by the Commissioners.

(2) Notice given by the proprietor under section 12A(8)(a) of the Olympic Symbol etc. (Protection) Act 1995 (notice that goods which have arrived in the United Kingdom are infringing) shall be in the form set out in Schedule 2 to these Regulations, or a form to the like effect approved by the Commissioners.

Indemnity etc.

3. A person giving notice under—

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- (a) 1995 c.32; section 12B was inserted by paragraph 14 of Schedule 3 to the London Olympic Games and Paralympic Games Act 2006 (c.12). Paragraph 14 of Schedule 3 was brought into force on 2nd April 2007, the day appointed by S.I. 2007/1064 (c.44). Section 12B provides that section 90 of the Trade Marks Act 1994 (c.26) (power of Commissioners of Customs and Excise to make regulations) has effect in relation to a notice under sections 12A(1) or 12A(8)(a) as in relation to a notice under section 89(1) of that Act. The functions of the Commissioners of Customs and Excise were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(2) of the Commissioners for Revenue and Customs Act 2005 (c.11).
- (b) 1994 c.26.
- (c) Section 12A was inserted by paragraph 14 of Schedule 3 to the London Olympic Games and Paralympic Games Act 2006 (c.12).

- (a) section 12A(1) of the Olympic Symbol etc. (Protection) Act 1995; or
- (b) section 12A(8)(a) of the Olympic Symbol etc. (Protection) Act 1995

must indemnify the Commissioners against all liability or expense that the Commissioners may incur in consequence of the giving of the notice, the detention of the goods, or anything done to the goods.

Paul Gray
Steve Lamey

22nd May 2007

Two of the Commissioners for Her Majesty's Revenue and Customs

SCHEDULE 1

Regulation 2(1)

Notice under section 12A(1) of the Olympic Symbol etc. (Protection) Act 1995

1. Person Giving the Notice

I

(Full name of signatory in BLOCK LETTERS)

give notice to the Commissioners for HM Revenue and Customs that:

.....
.....
.....

(Name and address of proprietor in BLOCK LETTERS)

is a proprietor of the Olympics / Paralympics association right (delete as appropriate) under the Olympic Symbol etc. (Protection) Act 1995 ("OSPA") and that goods infringing that right are expected to arrive in the United Kingdom.

In particular the goods infringe the following controlled representation(s):

.....
.....

I confirm that section 89(3) of the Trade Marks Act 1994 does not apply to the goods.

I confirm that section 4 of OSPA does not apply to the controlled representation by reference to which the goods are infringing goods, material or articles.

I request that these goods be detained.

(Note: Failure to commence and serve proceedings under section 6 of OSPA within the prescribed period(s) will result in the goods being released.)

2. Details of the Infringing Goods

Description.....

Quantity (if known).....

Commodity Code (if known).....

3. Details of the Expected Importation

Expected date of arrival.....

Expected place of arrival.....

Method of importation.....

(Please include details of the ship, aircraft or vehicle, if known.)

Country of origin of the goods.....

Country from which the goods were consigned to the United Kingdom.....

Consignor’s details.....

Importer’s details.....

(Please include VAT number, if known.)

(Note: Only the expected date and place of arrival are mandatory, but it will greatly increase the prospects of detaining the goods if as many details as possible are given.)

4. Declaration

I declare that the information given by me in this notice is true.

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

Director / Secretary / Duly Authorised Person (delete as appropriate)

5. Submission of the Notice

Please send the completed notice to:

HM Revenue and Customs

Customs and International

IPR Team

1st Floor North West

Alexander House

21 Victoria Avenue

Southend-on-Sea

Essex

SS99 1AA

Please note that the proprietor giving this Notice is liable to indemnify the Commissioners against all liability or expense that the Commissioners may incur in consequence of the giving of this notice, the detention of the goods, or anything done to the goods (see regulation 3 of The Goods Infringing the Olympics and Paralympics Association Rights (Customs) Regulations 2007)

Notice under section 12A(8)(a) of the Olympic Symbol etc. (Protection) Act 1995

1. Person Giving the Notice

I

(Full name of signatory in BLOCK LETTERS)

confirm that:

.....
.....
.....

(Name and address of proprietor in BLOCK LETTERS)

is a proprietor of the Olympics / Paralympics association right (delete as appropriate) under the Olympic Symbol etc. (Protection) Act 1995 (“OSPA”).

2. Details of the Infringing Goods

The proprietor has been informed by the Commissioners for HM Revenue and Customs that the following goods which may infringe a controlled representation have been detained:

Description of the goods.....

I give notice to the Commissioners that the goods infringe the following controlled representation(s):

.....
.....

I confirm that section 89(3) of the Trade Marks Act 1994 does not apply to the goods.

I confirm that section 4 of OSPA does not apply to the controlled representation by reference to which the goods are infringing goods, material or articles.

I request that these goods continue to be detained.

(Note: Failure to give this notice within the prescribed period will result in the goods being released. Failure to commence and serve proceedings under section 6 of OSPA within the prescribed period(s) will also result in the goods being released.)

3. Declaration

I declare that the information given by me in this notice is true.

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

Director / Secretary / Duly Authorised Person (delete as appropriate)

4. Submission of the Notice

Please send the completed notice to:

HM Revenue and Customs

Customs and International

IPR Team

1st Floor North West

Alexander House

21 Victoria Avenue

Southend-on-Sea

Essex

SS99 1AA

Please note that the proprietor giving this Notice is liable to indemnify the Commissioners against all liability or expense that the Commissioners may incur in consequence of the giving of this notice, the detention of the goods, or anything done to the goods (see regulation 3 of The Goods Infringing the Olympics and Paralympics Association Rights (Customs) Regulations 2007)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 13th June 2007, prescribe the forms of the notices to be given under section 12A of the Olympic Symbol etc. (Protection) Act 1995 (“the 1995 Act”).

Regulation 2 and Schedules 1 and 2 prescribe the forms of the notices to be given to the Commissioners for HM Revenue and Customs, by the proprietor of the Olympics association right and the Paralympics association right, under sections 12A(1) and 12A(8)(a) of the 1995 Act.

The giving of such notice allows the Commissioners to detain or continue to detain certain goods that have been or are expected to be imported and that infringe the proprietor’s intellectual property rights in relation to the symbols.

Regulation 3 requires a person giving such notice to indemnify the Commissioners.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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