
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Goods Infringing Intellectual Property Rights (Customs) Regulations 2004 (the 2004 Regulations).

Regulation 3 removes definitions of terms which do not, or no longer, appear in the 2004 Regulations.

Regulation 4 corrects regulation 2(3) of the 2004 Regulations so that it refers to the entirety of the relevant articles in Council Regulation (EC) No 1383/2003 (O.J. L 196/7 2.8.2003) (“the Council Regulation”).

Regulation 5 revokes regulations 4 and 6 of the 2004 Regulations, because they unnecessarily reproduce the provisions of articles 4 and 9.3 of the Council Regulation, which is directly applicable.

Regulation 6 corrects regulation 7(1) of the 2004 Regulations (as amended by [S.I. 2010/324](#)), to remove the reference to “regulation 4(1)(c)”, since regulation 4 of the 2004 Regulations is revoked by regulation 5 of these Regulations. Further, the consequence of framing regulation 7(1) of the 2004 Regulations by reference to “regulation 4(1)(c)” was to render the simplified procedure applicable solely in circumstances where goods had been detained in advance of the grant to the right-holder of an application for action, rather than in all circumstances where goods have been detained by the Commissioners under the Council Regulation. Regulation 6 also inserts the missing word ‘be’.

Regulation 7 corrects regulation 7(5) of the 2004 Regulations (as amended by [S.I. 2010/324](#)) to remove the reference to “regulation 4(1)(b)”, for the same reasons as those given above, in relation to regulation 6 of these Regulations.

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