

2003 No. 2316

CUSTOMS AND EXCISE

**The Goods Infringing Intellectual Property Rights (Customs)
Regulations 2003**

<i>Made</i> - - - -	<i>18th August 2003</i>
<i>Laid before Parliament</i>	<i>9th September 2003</i>
<i>Coming into force</i> - -	<i>1st October 2003</i>

The Commissioners of Customs and Excise, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to counterfeit and pirated goods, goods infringing a patent and goods infringing a supplementary protection certificate, 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. These Regulations may be cited as The Goods Infringing Intellectual Property Rights (Customs) Regulations 2003 and shall come into force on 1st October 2003.

2. The Goods Infringing Intellectual Property Rights (Customs) Regulations 1999(c) shall be amended by deleting Regulation 6.

New King's Beam House, London, SE1 9PJ
18th August 2003

Ray McAfee
Commissioner of Customs and Excise

(a) S.I. 1995/751 (in relation to counterfeit and pirated goods) and S.I. 1999/654 (in relation to goods infringing a patent and goods infringing a supplementary protection certificate).
(b) 1972 c. 68.
(c) S.I. 1999/1601.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Council Regulation 3295/94(a), as amended by Council Regulation 241/99(b), contains measures to prevent counterfeit and pirated goods from entering into the European Community, or being exported or re-exported from it. Article 3.4 of Regulation 3295/94 permits the imposition of a fee to cover the administrative costs incurred following a decision to grant an application seeking customs interception of goods suspected of infringing certain intellectual property rights. Regulation 3295/94 is scheduled to be replaced on 1st July 2004 by a new Council Regulation(f) which abolishes such fees.

Regulation 6 of the Goods Infringing Intellectual Property Rights (Customs) Regulations 1999 (“the 1999 Regulations”) introduced a scale of fees payable to HM Customs and Excise in relation to decisions granting an application seeking customs interception of goods suspected of infringing certain intellectual property rights.

These Regulations delete Regulation 6 of the 1999 Regulations with effect from 1st October 2003, abolishing the fee payable to HM Customs and Excise in advance of the entry into force of the new Council Regulation(f). The other provisions of the 1999 Regulations will remain in force.

(a) OJ L 341, 30.12.1994, p8

(b) OJ L 27, 2.2.1999, p1

(f) Council Regulation concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights

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