COMMISSION REGULATION (EC) No 1172/2007

of 5 October 2007

amending Commission Regulation (EC) No 1891/2004 of 21 October 2004 laying down provisions for the implementation of Council Regulation (EC) No 1383/2003 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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

EN

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1383/2003 of 22 July 2003 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 (¹), and in particular Article 20 thereof,

Whereas:

- Regulation (EC) No 1383/2003 provides for action by the customs authorities in respect of goods suspected of infringing certain intellectual property rights.
- (2) Commission Regulation (EC) No 1891/2004 (²) lays down provisions for the implementation of Regulation (EC) No 1383/2003, in particular as regards the application for action forms. Annexes I and II to that Regulation contain the models showing the required format of such application forms.
- Annexes I-C and II-C to Regulation (EC) No 1891/2004 (3) contain the list of competent authorities to which applications for national and Community action respectively must be submitted. Article 8 of the Regulation provides that the Commission must publish the list of departments within the customs authority, as referred to in Article 5(2) of Regulation (EC) No 1383/2003, in the C series of the Official Journal of the European Union. As the lists in Annexes I-C and II-C contain information that is subject to change and needs to be regularly updated, it is more appropriate to publish them in the C series of the Official Journal of the European Union. and II-C Regulation Annexes I-C to (EC)No 1891/2004 should therefore be deleted.
- (4) On 1 January 2007 Bulgaria and Romania acceded to the European Union. Regulation (EC) No 1891/2004 should therefore be adapted to include reference to these countries in the Community application for action form which it contains.
- (¹) OJ L 196, 2.8.2003, p. 7.

- (5) The Community application for action form should have been adapted by Commission Regulation (EC) No 1792/2006 of 23 October 2006 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement of persons, competition policy, agriculture (veterinary and phytosanitary legislation), fisheries, transport policy, taxation, statistics, social policy and employment, environment, customs union and external relations by reason of the accession of Bulgaria and Romania (³), which entered into force on the date of the entry into force of the Treaty of Accession of these countries.
- (6) In the interests of consistency, the Community application for action form should be adapted from the date of accession of Bulgaria and Romania.
- (7) Regulation (EC) No 1891/2004 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1891/2004 is hereby amended as follows:

- 1. In Annex I, in box 2 of the national application for action (AA) form, the words '(see Annex I-C for details)' are deleted.
- 2. Annex I-C is deleted.
- 3. Annex II is replaced by the text in the Annex to this Regulation.
- 4. In Annex IIA, in the final sentence, the words 'listed in Annex II-C' are deleted.
- 5. Annex II-C is deleted.

⁽²⁾ OJ L 328, 30.10.2004, p. 16.

^{(&}lt;sup>3</sup>) OJ L 362, 20.12.2006, p. 1.

Article 2

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.

However, Article 1(3) shall apply from 1 January 2007.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 October 2007.

For the Commission László KOVÁCS Member of the Commission

ANNEX

'ANNEX II

		СОММ	UNITY APPLICATION FO	OR ACTION			
	1.	Date of receipt of the customs department the Regulation (EC) M DD/MM/YY:/	application for action by (within the meaning of lo 1383/2003)	the designated Article 5(2) of	INTELLECTUAL PROPERTY RIGHTS APPLICATION FOR ACTION		ON FOR ACTION
COPY FOR THE MEMBER STATE	3.	Details of applicant Article 2(2) of Regula	(i.e. right-holder within tion (EC) No 1383/2003)	n meaning of (*):		BY CUSTON	IS AUTHORITIES
		NAME:			und	er Article 5(4) of Re	egulation (EC) No 1383/2003
						and address of co is made:	mpetent authority to which appli-
		TOWN:					
FOI		POSTCODE:					
ΩOPγ		COUNTRY:					
0		VAT No:					
		TEL.:					
		MOBILE:					
		FAX:					
		E-MAIL:					
INTERNET		INTERNET ADDRESS:					
	4.	Status of applicant (v	us of applicant (within the meaning of Article 2(2) of Regulation (EC) No 1383/2003) (¹):				
	Right-holder (*) Right-holder's representative (*)				ə (*)		
		Authorised user of the	ə right (*)		Repres	entative of authorised	d user (*)
		 5. Type of right to which application refers: Community trademark (²) Supplementary protection certificate (⁴) Geographical indication protected by the Community (⁵) Designation of origin protected by the Community (⁵) Community protected plant variety right (⁶) Geographical designations for spirit drinks (⁷) 					
	6.	Member State(s) in w BE	which action by customs	authorities is req	uested:	П ок	
		-					
		_ EE ¬					
		_ IT _					
		_ HU					
		PT	RO RO	SI		SK	FI
		SE					
7. I attach essential technical data on the authentic goods: Number of documents attached (⁸) Number of photos attached (⁸)							
	8. I attach specific information concerning the type or pattern of fraud: Image: Number of documents attached (⁸) Image: Number of photos attached (⁸)						

6.10.2007

 9. I attach document(s) attesting to the fact that the applicant holds the right for the goods in question within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 (*): Number of documents attached (⁸) 				
10. I attach the undertaking laid Article (*):	down in Article 6 of Regulation (E	C) No 1383/2003, assuming liability	in the situations outlined in that	
Undertaking attached:				
11. Right-holder's contact person	in the other Member States where	e action is requested (¹):		
	ADMINISTRATIVE QUES	STIONS (lawyer, for example)		
ВЕ	🔲 BG	🗖 cz	🔲 ок	
Name:	Name:	Name:	Name:	
Address:	Address:	Address:	Address:	
Tel.: Mobile: Fax: E-mail: ☐ See attached list	Tel.: Mobile: Fax: E-mail: ☐ See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	
Name:	Name:	Name:	Name:	
Address:	Address:	Address:	Address:	
Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	
ES ES	FR FR	🗆 п	🗖 сү	
Name:	Name:	Name:	Name:	
Address:	Address:	Address:	Address:	
Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	
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Name:	Name:	Name:	Name:	
Address:	Address:	Address:	Address:	
Tel.:	Tel.:	Tel.:	Tel.:	
Mobile: Fax:	Mobile: Fax:	Mobile: Fax:	Mobile: Fax:	
E-mail:	E-mail:	E-mail:	E-mail: See attached list	
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Name:	Name:	Name:	Name:	
Address:	Address:	Address:	Address:	
Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	

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Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Tel.:	Tel.:	Tel.:	Tel.:
Mobile:	Mobile:	Mobile:	Mobile:
Fax:	Fax:	Fax:	Fax:
E-mail:	E-mail:	E-mail:	<u>E-mail:</u>
See attached list	See attached list	See attached list	See attached list
🗌 FI	SE SE	🗌 ик	
Name:	Name:	Name:	
Address:	Address:	Address:	
Tel.:	Tel.:	Tel.:	
Mobile:	Mobile:	Mobile:	
Fax:	Fax:	Fax:	
<u>E-mail:</u>	<u>E-mail:</u>	E-mail:	
See attached list	See attached list	See attached list	
12. Right-holder's contact person	in the other Member States where	action is requested (1):	
	TECHNICAL QUESTION	NS (expert, for example)	
□			
BE	BG	🔲 cz	🗌 ок
Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
			- ·
Tel.:	Tel.:	Tel.:	Tel.:
Mobile:	Mobile:	Mobile:	Mobile:
Fax:	Fax:	Fax:	Fax:
E-mail:	E-mail:	E-mail:	E-mail:
See attached list	See attached list	See attached list	See attached list
	_	—	News
Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Tel.:	Tel.:	Tel.:	Tel.:
Mobile:	Mobile:	Mobile:	Mobile:
Fax:	Fax:	Fax:	Fax:
E-mail:	E-mail:	E-mail:	E-mail:
See attached list	See attached list	See attached list	See attached list
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Name:	Name:	Name:	Name:
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Address:	Address:	Address:	Address:
Tel.:	Tel.:	Tel.:	Tel.:
Mobile:	Mobile:	Mobile:	Mobile:
Fax:	Fax:	Fax:	Fax:
<u>E-mail:</u>	<u>E-mail:</u>	E-mail:	<u>E-mail:</u>
See attached list	See attached list	See attached list	See attached list

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Name:	Name:	Name:	Name:
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мт			PL
Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list
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Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: ☐ See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list
🗌 FI	SE SE	🔲 ик	
Name:	Name:	Name:	
Address:	Address:	Address:	
Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	
13. Any other information in the	right-holder's possession, e.g.:		
 Country or countries of prod Routes used by traffickers Technical differences betwee CN tariff heading Other useful information 	uction en the authentic and the suspect good	Number of docur	ments attached (⁸) ments attached (⁸)
14. Date of filing application:			
Date on which drawn up	Place	Applicant's	signature (**)
DD/MM/YY:/			

15. Decision by customs authorities (within the meaning of Article 5(7) and (8) of Regulation (EC) No 1383/2003):				
The application is approved	Registration number of AA:			
Date	Place	Signature and stamp		
DD/MM/YY				
The application is valid until:// Any r latest 30 working days before the validity of	The application is valid until:/ Any request for extension of the validity period should be sent to the competent authority of Box 2, at t latest 30 working days before the validity of the application expires.			
The application has been refused				
A reasoned decision stating the grounds for refu	usal and information concerning the appeal proced	ure are attached.		
Date	Place	Signature and stamp		
DD/MM/YY				
16. Acknowledgement of receipt:				
Concerning application made by		(name of the applicant)		
	NAME:			
	PLACE AND DATE OF RECEIPT:			
PT RO SI SK FI SE UK	SIGNATURE AND STAMP:			
— —				

- (*) See box 9 (for further information see "Notes on completion", Annex II-A).
- (**) If the applicant is a representative of the right-holder, he must provide proof that he is empowered to represent the right-holder.
- (1) Tick the appropriate box(es).
- $(^2)$ Council Regulation (EC) No 40/94 (OJ L 11, 14.11.1994, p. 1).
- (³) Council Regulation (EC) No 6/2002 (OJ L 3, 5.1.2002, p. 1).
- (4) Council Regulation (EEC) No 1768/92 or Regulation (EC) No 1610/96 of the European Parliament and of the Council (OJ L 198, 8.8.1996, p. 30).
- (⁵) Council Regulation (EEC) No 2081/92 and (EC) No 1493/99 (OJ L 179, 14.7.1999, p. 1).
- (6) Council Regulation (EC) No 2100/94 (OJ L 227, 1.9.1994, p. 1).
- (7) Council Regulation (EEC) No 1576/89 (OJ L 160, 12.6.1989, p. 1).

⁽⁸⁾ Insert the relevant number; if none are attached, insert 0.

	[COMMUNITY APPLICATION FOR ACTION					
	1.	Date of receipt of the application for action by the designated customs department (within the meaning of Article 5(2) of the Regulation (EC) No 1383/2003) DD/MM/YY:/		INTELLECTUAL PROPER	ACTION		
DER	3.	Details of applicant (i.e. right-holder within meaning of Article 2(2) of Regulation (EC) No 1383/2003) (*):		BY CUSTOMS AUTH	ORITIES		
RIGHT HOLDER		NAME:	under Article 5(4) of Regulation (EC) No 1383/2003		(EC) No 1383/2003		
RIGH		FUNCTION:	2. Name	and address of competent	authority to which appli-		
Ŧ		ADDRESS:	cation	is made:			
FOR THE		POSTCODE:					
сорү		COUNTRY:					
ŏ	VAT No:						
		TEL.:					
		MOBILE:					
		FAX:					
		E-MAIL:					
	4. Status of applicant (within the meaning of Article 2(2) of Regula		_				
		Right-holder (*)	=	older's representative (*)			
		Authorised user of the right (*)	Authorised user of the right (*)				
	5.	5. Type of right to which application refers:					
		Community trademark (²)					
		Supplementary protection certificate (⁴)					
		Geographical indication protected by the Community (⁵) Designation of origin protected by the Community (⁵)					
		Designation of origin protected by the Community (°) Community protected plant variety right (⁶)					
		Geographical designations for spirit drinks (⁷)					
	6.	Member State(s) in which action by customs authorities is re BE BG CZ	quested:				
				L SK	L] FI		
	L	J SE L UK					
	7.	7. I attach essential technical data on the authentic goods:					
		Number of documents attached (⁸)					
ŀ							
	8. Г	I attach specific information concerning the type or pattern o		otos attachod (8)			
Number of documents attached (⁸)							

9. I attach document(s) attesting to the fact that the applicant holds the right for the goods in question within the meaning of Article 2(2) of Regulation (EC) No 1383/2003 (*):				
Number of documents attached				
10. I attach the undertaking laid Article (*):	down in Article 6 of Regulation (E	C) No 1383/2003, assuming liability	in the situations outlined in that	
Undertaking attached:				
11. Right-holder's contact persor	n in the other Member States where	action is requested (¹):		
		STIONS (lawyer, for example)		
BE	BG BG	🗖 cz	🗌 рк	
Name:	Name:	Name:	Name:	
Address:	Address:	Address:	Address:	
Tel.:	Tel.:	Tel.:	Tel.:	
Mobile:	Mobile:	Mobile:	Mobile:	
Fax:	Fax:	Fax:	Fax:	
E-mail:	E-mail:	E-mail:	E-mail:	
See attached list	See attached list	See attached list	See attached list	
Name:	Name:	Name:	Name:	
Address:	Address:	Address:	Address:	
Tel.:	Tel.:	Tel.:	Tel.:	
Mobile:	Mobile:	Mobile:	Mobile:	
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E-mail:	E-mail:	E-mail:	E-mail:	
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Name:	Name:	Name:	Name:	
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Name:	Name:	Name:	Name:	
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Address:	Address:	Address:	Address:
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Name:	Name:	Name:	
Address:	Address:	Address:	
Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	
12. Right-holder's contact person	in the other Member States where	action is requested ('):	
	TECHNICAL QUESTION	NS (expert, for example)	
BE	☐ BG	□ cz	🗌 ок
Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list
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Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
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Name:	Name:	Name:	Name:
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Address:	Address:	Address:	Address:
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Name:	Name:	Name:	Name:
Address:	Address:	Address:	Address:
Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: ☐ See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list
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Name:	Name:	Name:	
Address:	Address:	Address:	
Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	Tel.: Mobile: Fax: E-mail: See attached list	
13. Any other information in the	right-holder's possession, e.g.:		
 Country or countries of prod 	uction	Number of docur	ments attached (⁸)
 Routes used by traffickers 		Number of docur	ments attached (⁸)
- Technical differences betwee	en the authentic and the suspect good	Is Number of docur	ments attached (⁸)
- CN tariff heading			
- Other useful information		Number of docur	ments attached (⁸)
14. Date of filing application:			
Date on which drawn up	Place	Applicant's	signature (**)
DD/MM/YY:/			

15. Decision by customs authorities (within the meaning of Article 5(7) and (8) of Regulation (EC) No 1383/2003):			
The application is approved	Registration number of AA:		
Date	Place	Signature and stamp	
DD/MM/YY			
The application is valid until:/ Any request for extension of the validity period should be sent to the competent authority of Box 2, at the latest 30 working days before the validity of the application expires.			
The application has been refused			
A reasoned decision stating the grounds for refusal and information concerning the appeal procedure are attached.			
Date	Place	Signature and stamp	
DD/MM/YY			
16. Acknowledgement of receipt:			
Concerning application made by		(name of the applicant)	
	NAME:		
L EE L IE L EL L ES L FR □ IT □ CY □ LV □ LT □ LU □ HU □ MT □ NL □ AT □ PL	PLACE AND DATE OF RECEIPT:		
□ PT □ RO □ SI □ SK □ FI □ SE □ UK	SIGNATURE AND STAMP:		

(1) Tick the appropriate box(es).

(⁵) Council Regulation (EEC) No 2081/92 and (EC) No 1493/99 (OJ L 179, 14.7.1999, p. 1).

^(*) See box 9 (for further information see "Notes on completion", Annex II-A).

^(**) If the applicant is a representative of the right-holder, he must provide proof that he is empowered to represent the right-holder.

 $^(^2)$ Council Regulation (EC) No 40/94 (OJ L 11, 14.11.1994, p. 1).

 $^(^{3})$ Council Regulation (EC) No 6/2002 (OJ L 3, 5.1.2002, p. 1).

⁽⁴⁾ Council Regulation (EEC) No 1768/92 or Regulation (EC) No 1610/96 of the European Parliament and of the Council (OJ L 198, 8.8.1996, p. 30).

^{(&}lt;sup>6</sup>) Council Regulation (EC) No 2100/94 (OJ L 227, 1.9.1994, p. 1).

⁽⁷⁾ Council Regulation (EEC) No 1576/89 (OJ L 160, 12.6.1989, p. 1).

^{(&}lt;sup>8</sup>) Insert the relevant number; if none are attached, insert 0.'