

Pursuant to Article 67 paragraph 3 of the Customs Law (Official Gazette of the Republic of Montenegro, No 7/02, 38/02, 72/02, 21/03, 29/05 and 66/06 and Official Gazette of Montenegro, No 21/08 and 62/13), the Government of Montenegro on its session held on 7. July 2016 has adopted the

Decree on the Customs Authority Treatment of Goods under Reasonable Suspicion of Infringing Intellectual Property Rights

I BASIC PROVISIONS

Subject-Matter

Article 1

This Decree stipulates treatment by the Customs Authority of goods the importation, exportation or transit of which is under reasonable suspicion of infringing intellectual property rights.

Exemption from Application **Article 2**

This Decree shall not apply to:

- 1) goods released for free circulation under the end-use regime;
- 2) goods of non-commercial nature contained in personal luggage of travellers;
- 3) goods manufactured with the consent of the right-holder and to goods where the right holder has authorised for certain quantity to be produced, it was produced in excess of quantities agreed between that person and the right-holder.

Intellectual Property Rights **Article 3**

In accordance with law, the *intellectual property right* shall encompass:

- 1) right to trademark;
- 2) right to design;
- 3) copyrights or related rights;
- 4) right to protection designation of origin and protected geographical indication;
- 5) right to patent;
- 6) supplementary protection certificate for medicines;
- 7) supplementary protection certificate for plant protection products;
- 8) right to protected plant variety;
- 9) right to topography of semiconductors.

Meaning of Terms Article 4

Terms used in this Decree shall have the following meaning:

- 1) *counterfeited goods* means:
 - goods which are the subject of an act infringing a trade mark and bear without authorisation a sign which is identical to the trade mark validly registered in respect of the same type of goods, or which cannot be distinguished in its essential aspects from such a trade mark;
 - goods which are the subject of an act infringing a designation of origin or a geographical indication and, bear or are described by, a name or term protected in respect of that designation of origin or geographical indication;
 - any packaging, label, sticker, brochure, operating instructions, warranty document or other similar item, even if presented separately, which is the subject of an act infringing a trade mark or a designation of origin or a geographical indication, which includes a sign, name or term which is identical to a validly registered trade mark or a designation of origin or a protected geographical indication, or which cannot be distinguished in its essential aspects from such a trade mark or a designation of origin or a geographical indication, and which can be used for the same type of goods as that for which the trade mark or designation of origin or geographical indication has been registered;
- 2) *pirated goods* means goods which are the subject of an act infringing a copyright or related right or a design and which are, or contain copies, made without the consent of the holder of a copyright or related right or a design, or of a person authorised by that holder in the country of production;
- 3) *goods suspected of infringing an intellectual property right* means goods with regard to which there are reasonable indications that they are *prima facie*:
 - a) goods which are the subject of an act infringing an intellectual property right;
 - b) devices, products or components which are primarily designed, produced or adapted for the purpose of enabling or facilitating the circumvention of any technology, device or component that, in the normal course of its operation, prevents or restricts acts in respect of works which are not authorised by the holder of any copyright or any right related to copyright and which relate to an act infringing those rights;
 - c) mould or matrix which is specifically designed or adapted for the manufacture of goods infringing an intellectual property right, if such moulds or matrices relate to an act infringing an intellectual property right;
- 4) *destruction* means the physical destruction, recycling or disposal of goods outside commercial channels (ceding without compensation, for humanitarian purposes and like), in such a way as to preclude damage to the holder of the approval;
- 5) *small consignment* means a postal or express courier consignment, which:
 - a) contains three units or less;
 - or
 - b) has a gross weight less than two kilograms;
- 6) *unit* means measurement unit under the tariff code in accordance with a regulation defining the customs tariff wherein the goods are classified if unpackaged, or the

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- package of such goods intended for retail sale to the ultimate consumer (separate goods falling in the same tariff code shall be considered as different units and goods presented as sets classified in one tariff code shall be considered as one unit);
- 7) *perishable goods* means goods considered by the customs authority to deteriorate by being kept for up to 20 days from the date of detention of goods.

Submission of Requests

Article 5

The following persons may submit a request for taking measures to protect the intellectual property rights (hereinafter referred to as the Request):

- 1) intellectual property rights holders (hereinafter referred to as the Right-holder);
- 2) organisation for collective intellectual property rights management;
- 3) professional organisations for protection of intellectual property rights;
- 4) persons authorised to use intellectual property rights, which have been authorised by the Right-holder to initiate proceedings in order to determine whether the intellectual property right has been infringed;
- 5) associations of producers provided for in the legislation governing designation of origin and geographical indications representing producers of products with protected designation of origin and protected geographical indications or representatives of such associations and business entities entitled to use protected designation of origin and protected geographical indication, as well as inspection authorities or authorities competent for control of protected designation of origin and protected a geographical indication.

II PROCEDURE UPON REQUESTS TO TAKE MEASURES TO PROTECT INTELLECTUAL PROPERTY RIGHTS

Submission of Requests

Article 6

The Request shall be submitted to the administration authority competent for customs affairs (hereinafter referred to as the Customs Administration) in writing or electronic forms.

The Request shall contain the following data:

- 1) data on the applicant (name and surname, address, temporary residence or permanent residence, and contact telephone number);
- 2) the status of the applicant within the meaning of Article 5 of this Decree;
- 3) evidence establishing that the applicant is entitled to be submit the Request;
- 4) data on representative (name and surname, address and contact telephone number) and authorisation for representation;
- 5) the intellectual property right the Request refers to;
- 6) data on authenticity of goods (bar code and images);
- 7) data need to enable the customs authority to easily identify form the image goods suspected of infringing intellectual property rights;

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- 8) data relevant to the customs authority's analysis and assessment of the risk of infringement of the intellectual property right or the related intellectual property rights;
 - 9) data of any representative designated by the applicant to take charge of legal and technical matters;
 - 10) annotation that the applicant is obliged to notify the customs authority forthwith of all changes referred to in Article 11 of this Decree;
 - 11) annotation that the applicant is obliged to submit to the customs authority information relevant for the analysis and assessment of the risk of infringement of the intellectual property right concerned;
 - 12) annotation that the applicant is to assume liability in accordance with Article 24 of this Decree;
 - 13) annotation that the applicant is obliged to bear the costs in accordance with law;
 - 14) annotation that the applicant, in the case referred to in Article 22 and 23 of this Decree is to issue a consent for destruction of goods and it will bear costs related to the destruction of goods.

The Customs Administration may also request additional data in order to recognise goods readily.

The Customs Administration shall keep records on submitted requests.

The request shall be submitted on the form provided in the Annex 1 and which shall make the integral part of this Decree.

The form referred to in paragraph 5 of this Article shall be filled in the manner stipulated by the Instruction referred to Annex 3, which shall make the integral part of this Decree.

Incomplete Request Article 7

If the Customs Administration established that the Request does not contain all data referred to in Article 6, paragraph 2 of this Decree, it shall notify the applicant that the Request is incomplete and that is to supplement the Request within ten working days as of the receipt of notification.

If the applicant fails to supplement the Request within the deadline referred to in paragraph 1 of this Article, the Customs Administration shall reject the request.

Adopting a Decision Article 8

The Customs Administration shall adopt a decision granting or rejecting the Request within 30 working days as of the day of receipt of the dully-submitted Request and shall submit it to the applicant.

A decision on granting the Request and decision revoking or amending it shall take effect as of the day it is submitted to the applicant.

A decision extending the period during which customs authority is to take measures to protect intellectual property rights shall take effect on the day following the day of expiry of the period to be extended.

Decisions referred to in paragraphs 1 and 2 of this Article shall be forthwith submitted to the competent customs authorities.

Deadline for Taking Measures Article 9

The Customs Administration shall specify the deadline for taking measures to protect intellectual property rights by way of a decision adopting the Request, which cannot exceed one year.

The deadline referred to in paragraph 1 of this Article may be extended for one year upon a request in writing of the person to which the request for taking measures to protect intellectual property rights was granted (hereinafter referred to as the approval holder), if costs that the approval holder is to bear are paid in accordance with law.

The request for extension of the deadline for taking customs measures shall be submitted 30 working days before the expiry of the deadline referred to in paragraph 1 of this Article.

The Customs Administration shall render a decision about the request for extension of the deadline referred to in paragraph 3 of this Article within 30 working days as of the day the request is submitted.

Decisions referred to in paragraphs 1 and 2 of this Article shall be forthwith submitted to the competent customs authorities.

The request referred to in paragraph 2 of this Article shall be submitted on the form provided in the Annex 2, which shall make the integral part of this Decision.

The form referred to in paragraph 6 of this Article shall be filled in the manner stipulated by the Instruction referred to Annex 3 of this Decree.

Amending the Decision with regard to Intellectual Property Rights Article 10

The approval holder may submit a request to modify the decision in the segment of the list of intellectual property rights.

If a new intellectual property right is request to be added by way of the request referred to in paragraph 1 of this Article, the request must contain the data referred to in Article 6 paragraph 2 items 3 and 5 to 8 of this Decree.

Notification Obligations of the Approval Holder

Article 11

The approval holder shall forthwith notify the Customs Administration on all modifications related to its intellectual property rights, and in particular if:

- 1) an intellectual property right covered by the Request ceases to have effect;
- 2) the approval holder is not entitled to submit the Request;
- 3) data referred to in Article 6 paragraph 2 of this Decree are modified.

Failure of the Approval Holder to Fulfil Obligations

Article 12

If the Approval Holder uses the data provided by the customs authority contrary to Article 17 of this Decree, the Customs Administration shall revoke the Decision or reject the request for extension of the deadline for taking measures to protect intellectual property rights.

The customs authority may suspend action by customs until the expiry of the deadline approved for taking measures to protect intellectual property rights, if the Approval Holder:

- 1) fails to fulfil notification obligations referred to in Article 11 of this Decree;
- 2) fails to return samples in accordance with Article 16 paragraph 4 of this Decree;
- 3) fails to bear costs in accordance with law;
- 4) without valid reason, fails to initiate proceedings referred to in Article 19 paragraph 7 and Article 23 paragraph 6 of this Decree;
- 5) fails to notify the customs authority about the decision rendered in the procedure initiated in accordance with Article 19 paragraph 7 of this Decree and Article 23 paragraph 6 of this Decree, forthwith and no later than within eight days as of the date of receipt of final and binding and enforceable decision.

III ACTIONS BY THE CUSTOMS AUTHORITY

Detention of Goods following the Granting of a Request

Article 13

If the customs authority, to which the Customs Administration has submitted the decision granting the request, suspects that goods matching the description of the goods covered by such decision are infringing an intellectual property right, it shall detain such goods.

Before detaining the goods suspected of infringing an intellectual property right, the customs authority may request from the approval holder to provide data with respect of the goods.

Before detaining the goods, the customs authority may provide data to the approval holder with respect to actual or estimated quantity of goods, their actual or presumed nature, and as appropriate image of such goods.

The customs authority shall notify of the detention of the goods immediately the Customs Administration and within one working day as of the detention of the goods the declarant or the holder of the goods.

If the customs authority decides to inform the holder of the goods referred to in paragraph 4 of this Article and two or more persons are considered to be the holder of the goods, the customs authority shall not be obliged to notify more than one of those persons.

The customs authority shall inform the approval holder of the detention of the goods on the same day as, or promptly after, the declarant or the holder of the goods is notified.

The customs authority shall notify the approval holder and the declarant or the holder of the goods of the actual or estimated quantity and the actual or presumed nature of the detained goods, including images of such goods, as appropriate,.

The customs authority shall notify the approval holder, upon request, of the names and addresses of the consignee, the consignor and the declarant or the holder of the goods, of the customs procedure and of the origin, provenance and destination of the goods which have been detained

Notification referred to in paragraphs 4 and 6 of this Article shall also include data on the procedure referred to in Article 19 of this Decree.

Detention of the Goods before Granting a Request **Article 14**

If the customs authority recognises the goods suspected of infringing an intellectual property right, for which a request for taking measures to protect intellectual property rights was no submitted, except for in the case of perishable goods, it may detain such goods.

Before detaining the goods, the customs authority may request data on infringement of the intellectual property right from a person entitled to submit the Request.

The customs authority shall state data on actual or presumed nature and images of such goods in the request referred to in paragraph 1 of this Article.

In the event referred to in paragraph 1 of this Article, the customs authority shall notify the declarant or the holder of the goods of the detention of the goods within one working day of detention of the goods.

If the customs authority decides to notify the holder of the goods referred to in paragraph 4 of this Article and two or more persons are considered to be the holder of the goods, the customs authority shall notify only one of those persons

The customs authority shall request from competent authorities all required data in order to identify the persons entitled to submit a request.

The Customs Administration shall notify the person entitled to submit a request of the detention of the goods on the same day as, or promptly after, the declarant or the holder of the goods is notified.

Notification referred to in paragraphs 4 and 7 of this Article shall also include data on the procedure referred to in Article 19 of this Decree.

Submitting a Request upon Receiving Notification Article 15

If the request is submitted upon receipt of the notification submitted by the customs authority that has detained the goods, the request shall:

- 1) be submitted to the Customs Administration within four working days as of the day of receipt of the notification on detention of the goods suspected of infringing an intellectual property right;
- 2) contain data referred to in Article 6 paragraph 2 of this Decree.

In the even event referred to in paragraph 1 of this Article, the customs authority shall render a decision on adopting or rejecting the request within two working days as of the day of receipt of the request.

Notwithstanding paragraph 1 item 2 of this Article, if the request does not contain data referred to in Article 6 paragraph 2, items 6, 7, and 8 of this Decree, only detention of the listed goods is approved unless such data are submitted within ten working days as of the day of receipt of notification on detention of the goods.

or put an end to their detention immediately after completion of all customs formalities in the following cases

The customs authority shall grant the release of the goods if:

- 1) it has not identified any person entitled to submit the Request within one working day as of day of the detention of the goods;
- 2) it has not received the Request in accordance with paragraph 1 of this Article within four working day as of day of the day the notification is submitted, or if it has rejected the Request.

If the request has been granted, the customs authority shall, upon request, and where are available, inform the approval holder of the names and addresses of the consignee, the consignor and the declarant or the holder of the goods, of the customs procedure and of the origin, provenance and destination of the goods whose release has been detained.

Inspection and Sampling of Goods **Article 16**

The customs authority shall enable the approval holder and the declarant or the holder of the goods of the opportunity to inspect the goods which have been detained.

Upon request of the approval holder, the customs authority may take samples of the goods, upon their detention and deliver them to the approval holder strictly for the purpose of analysis of samples of the goods and use in the procedures in relation to counterfeit and pirated goods.

Any analysis of samples referred to in paragraph 2 of this Article shall be carried out under the sole supervision and at cost of the approval holder.

The approval holder shall be obliged to return the samples referred to in paragraph 2 of this Article to the customs authority upon completion of the analysis, at the latest before the goods are released for customs approved treatment or use.

Use of Data by the Approval Holder **Article 17**

The approval holder may use the data referred to in Article 13, paragraph 7 and 8, Article 15 paragraph 5 and Article 23 paragraphs 4 and 5 and results of the analysis referred to in Article 16 of this Decree:

- 1) to initiate and carry out proceedings to determine whether an intellectual property right has been infringed;
- 2) in connection with criminal or misdemeanour investigations related to the infringement of an intellectual property right undertaken by competent authorities;
- 3) to initiate and carry out criminal or misdemeanour proceedings;
- 4) in the proceedings to seek damage compensation from persons infringing an intellectual property right;
- 5) to receive a consent of the declarant or the holder of the goods that the goods be destroyed in accordance with Article 19 paragraph 1 of this Decree;
- 6) to determine the amount of the security interest referred to in Article 20 paragraph 2 item 1 of this Decree.

Sharing of Information and Data between Customs Authorities

Article 18

In order to prevent international trade in goods infringing intellectual property rights, the customs authorities may share data and information with competent authorities in third countries in accordance with law.

Sharing of the data and information referred to in paragraph 1 of this Article shall enable swift and efficient enforcement against consignments of goods infringing an intellectual property right, and they may relate to seizures, trends and general risk, as well as on goods which are in transit through the customs territory of Montenegro and which have originated in or are destined for the territory of third countries.

Data and information referred to in paragraphs 1 and 2 of this Article shall include:

- 1) nature and quantity of goods;
- 2) suspected intellectual property right infringement;
- 3) origin, provenance and destination of goods;
- 4) information on movement of means of transport, and so as follows:
 - name of vessel or registration number of means of transport';
 - reference numbers of freight bill or other transport document;
 - number of containers;
 - weight of load;
 - description and/or coding of goods;
 - reservation number;
 - seal number;
 - place of first loading;
 - place of final unloading;
 - places of transshipment;
 - expected date of arrival at place of final unloading;
- 5) information on movements of containers, and so as follows:
 - container number;
 - container loading status;
 - date of movement;
 - type of movement (loaded, unloaded, transhipped, entered, left);
 - name of vessel or registration of means of transport;
 - number of voyage/journey;
 - place;
 - freight bill or other transport document.

Destruction of Goods and Initiation of Proceedings

Article 19

Goods suspected of infringing an intellectual property right may be destroyed under customs control, without determining prior whether an intellectual property right has been infringed if:

- 1) the approval holder has notified in writing the customs authority, within 10 working days, or three working days in the case of perishable goods as of the day

of receipt of notification on the detention of the goods, that it has reasonable grounds to suspect that an intellectual property right has been infringed and that consent to the destruction of the goods;

- 2) the declarant or the holder of the goods has notified in writing the customs authority, within 10 working days, or three working days in the case of perishable goods as of the day of receipt of notification on the detention of the goods, that consents to the destruction of the goods, or fails to submit an objection to the destruction of the goods.

If the declarant or the holder of the goods has not issued consent to the destruction of the goods nor submitted an objection within the deadline referred to in paragraph 1 item 2 of this Article, and it was notified on the detention of the goods, the customs authority may deem the declarant or the holder of the goods to have confirmed his agreement to the destruction.

If within the deadlines referred to in paragraph 1 item 1 of this Article, the customs authority has not received a notification in writing from the approval holder that it has reasonable grounds to suspect that an intellectual property right has been infringed and a consent from the approval holder to the destruction of the goods, it shall approve release of the goods, unless the approval holder notifies it about the initiation of proceedings to determine whether an intellectual property right has been infringed.

The destruction of the goods referred to in paragraph 1 of this Article shall be carried out under customs control and in accordance with law.

Competent customs authority may take samples prior to the destruction of the goods, which may be used for educational purposes.

If the declarant or the holder of the goods has not confirmed its consent to the destruction in writing or has submitted an objection against the destruction within the deadline referred to in paragraph 1 item 2 of this Article, the customs authority shall immediately notify the approval holder thereof.

In the event referred to in paragraph 6 of this Article, the approval holder shall notify the customs authority about initiating proceedings before a competent court for infringement of an intellectual property right, within ten working days, or three working days in the case of perishable goods as of the day of receipt of notification on the detention of the goods.

The customs authority may, except in the case of perishable goods, extend the deadline referred to in paragraph 7 of this Article by a maximum of 10 working days upon a duly justified request by the approval holder.

The customs authority shall grant the release of the goods, if within the deadlines referred to in paragraphs 7 and 8 of this Article, it has not been notified on the initiation of proceedings before a competent court to determine infringement of an intellectual property right.

Early Release of Goods
Article 20

If the customs authority has been notified of the initiation of proceedings to determine whether a design, patent, topography of semiconductor product or plant variety has been infringed, the declarant or the holder of the goods may request from the customs authority to approve the release the goods before the completion of those proceedings.

The customs authority shall approve the release the goods if:

- 1) declarant or the holder of the goods issue a guarantee or security instrument of an amount sufficient to protect the interests of the approval holder;
- 2) the competent court to determine infringement of an intellectual property right has not issued a precautionary measure; and
- 3) all customs procedures have been carried out.

The party submitting the request referred in paragraph 1 of this Article shall be obliged to pay costs incurred for safeguarding and maintaining goods before taking over the goods.

Destruction of Goods
Article 21

The goods to be destroyed in accordance with Articles 19 and 23 of this Decree may be released for free circulation if the customs authority, with the consent of the approval holder, decides that it is necessary for the goods are to be recycled or disposed of outside commercial channels, used for humanitarian and educational purposes and for raising public awareness about protection of the intellectual property rights

The goods referred to in paragraph 1 of this Article must not be:

- 1) brought out of the customs territory of Montenegro;
- 2) exported;
- 3) re-exported;
- 4) placed under customs suspensive procedure;
- 5) placed in a free zone of free warehouse.

The customs authority may allow the goods referred to in paragraph 1 of this Article to be moved under customs supervision between different places within the customs territory of Montenegro with a view to their destruction under customs control.

Small Consignments
Article 22

The customs authority shall detain goods in small consignments if:

- 1) there are reasonable grounds to suspect that goods in question are counterfeit or pirated;
- 2) the good are not perishable;
- 3) the goods are covered by a decision granting a request;

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- 4) the approval holder has requested the use of the procedure referred to in this Article in the request.

Article 13 paragraphs 4 to 8 and Article 16 paragraphs 2, 3, and 4 of this Decree shall not apply on the detention of goods in small consignments.

The customs authority shall notify the declarant or the holder of the goods on the detention of the goods within one working day of the s detention of the goods.

The notification referred to in paragraph 3 of this Article shall include:

- 1) annotation that the customs authority will destroy the goods if conditions referred to in Article 23 paragraph 1 of this Decree are met; and
- 2) the right of the declarant or the holder of the goods referred to in Article 23 paragraphs 1 and 2 of this Decree.

Destruction of Goods in Small Consignments **Article 23**

In the event referred to in Article 22 paragraph 1 of this Decree, the detained goods may be destroyed if within ten working days as of the day of receipt of notification on the detention of the goods the declarant or the holder of the goods has issued a consent to the customs authority or has failed to file an objection to the destruction of the goods.

If the declarant or the holder of the goods has not issued a consent to the customs authority or has not filed an objection within the deadline referred to in paragraph 1 of this Article, and it has been notified on the detention of the goods, it shall be deemed that the declarant or the holder of the goods consents to the destruction of the goods.

The customs authority shall, upon request of the approval holder, provide data about the actual or estimated quantity of destroyed goods and their nature.

If the declarant or the holder of the goods has not issued a consent to the destruction of the goods or if the declarant or the holder of the goods has filed an objection to the destruction of the goods, the customs authority shall immediately notify the approval holder thereof, as well as of the quantity of goods and their nature, including images of the goods, where appropriate.

The customs authority shall, upon request, notify the approval holder of the names and addresses of the consignee, the consignor and the declarant or the holder of the goods, of the customs procedure and of the origin, provenance and destination of the goods which have been detained.

The customs authority shall grant the release of the goods if it has not received notification from the approval holder on the initiation of proceedings to determine infringement of an intellectual property right within ten working days as of the day of receipt of notification referred to in paragraph 4 of this Article.

Liability of the Approval Holder
Article 24

If a procedure initiated pursuant to this Decree is discontinued owing to an act or omission on the part of the approval holder, if samples taken in accordance with Article 16 paragraphs 2 and 3 of this Decree are not returned or are damaged and beyond use owing to an act or omission on the part of the approval holder, or if the goods in question are subsequently found not to infringe an intellectual property right, the approval holder shall be liable for damage compensation towards a holder of the goods or declarant, who has suffered damage in that regard, in accordance with law.

IV Transitional and Final Provisions

Initiated Proceedings
Article 25

Decisions of the customs authority on measures for protection of intellectual property rights adopted in accordance with the Decree on the Customs Authority Treatment of Goods under Suspicion of Infringing Intellectual Property Rights (Official Gazette of Montenegro, No 33/11) shall be valid until expiry of the period for which were adopted.

Procedures for application of measures for protection of intellectual property rights commenced before the entry into force of this Decree shall be finalised in accordance with the Decree on the Customs Authority Treatment of Goods under Suspicion of Infringing Intellectual Property Rights (Official Gazette of Montenegro, No 33/11).

Repeal
Article 26

The Decree on the Customs Authority Treatment of Goods under Suspicion of Infringing Intellectual Property Rights (Official Gazette of Montenegro, No 33/11) shall be repealed as of the day this Decree commences with application.

Entry into Force
Article 27

This Decree shall enter into force on the eighth day following the day of its publication in the Official Gazette of Montenegro, and shall apply from 1 January 2017.

Number: 08-1659
Podgorica, 7. July 2016

The Government of Montenegro
The Prime Minister,

REQUEST FOR TAKING CUSTOMS MEASURES

1. Applicant Name and surname (*): Address (*): Town (*): Postal Code: Country (*): TIN: Telephone: (+) Mobile telephone: (+) Fax: (+) E-mail address: Website:	For official use Date of receipt
	Registration number of the Request
	INTELLECTUAL PROPERTY RIGHTS REQUEST FOR TAKING CUSTOMS MEASURES In accordance with Article 5 of this Decree
2. (*) Status of the Applicant	
<input type="checkbox"/> Right-holder <input type="checkbox"/> organisation for collective intellectual property rights management <input type="checkbox"/> professional organisations for protection of intellectual property rights <input type="checkbox"/> persons authorised to use intellectual property rights <input type="checkbox"/> associations of producers of products with protected designation of origin and protected geographical indications <input type="checkbox"/> business entities entitled to use protected designation of origin and protected geographical indication <input type="checkbox"/> inspection authorities or authorities competent for control of protected designation of origin and protected a geographical indication	
3. Representative submitting the Request in the name of the Applicant:	
Business organisation: Name and surname(*): Address(*): Town(*): Postal Code: Country(*): Telephone: (+) Mobile telephone: (+) Fax: (+)	
<input type="checkbox"/> Evidence of the representative's power to act is enclosed	

<p>4. (*) Type of right to which the Request refers</p> <p><input type="checkbox"/> trademark</p> <p><input type="checkbox"/> design</p> <p><input type="checkbox"/> copyright or related right</p> <p><input type="checkbox"/> protected designation of origin and protected geographical indication</p> <p><input type="checkbox"/> patent</p> <p><input type="checkbox"/> supplementary protection certificate for medical products</p> <p><input type="checkbox"/> supplementary protection certificate for plant protection products</p> <p><input type="checkbox"/> plant variety right</p> <p><input type="checkbox"/> right to topography of semiconductors</p>																																																																							
<p>5. Representative for legal matters</p> <p>Name (*):</p> <p>Address (*):</p> <p>Town (*):</p> <p>Postal Code:</p> <p>Country (*):</p> <p>Telephone: (+)</p> <p>Mobile telephone: (+)</p> <p>Fax: (+)</p> <p>E-mail address:</p> <p>Website:</p>			<p>6. Representative for technical matters</p> <p>Name (*):</p> <p>Address (*):</p> <p>Town (*):</p> <p>Postal Code:</p> <p>Country (*):</p> <p>Telephone: (+)</p> <p>Mobile telephone: (+)</p> <p>Fax: (+)</p> <p>E-mail address:</p> <p>Website:</p>																																																																				
<p>7. Small consignments procedure</p> <p><input type="checkbox"/> I request the use of the procedure referred to in Articles 22 and 23 of this Decree and upon request of the customs authority I accept to bear all costs related to the destruction of goods under this procedure.</p>																																																																							
<p>8. (*) List of right to which the Request refers</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 8%;">N O</th> <th style="width: 22%;">Type of right</th> <th style="width: 18%;">Registrati on number</th> <th style="width: 15%;">Date of registrati on</th> <th style="width: 15%;">Registrat ion expiry date</th> <th style="width: 22%;">List of goods to which the right refers</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>						N O	Type of right	Registrati on number	Date of registrati on	Registrat ion expiry date	List of goods to which the right refers																																																												
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<p>For additional rights see Attachment No</p>																																																																							
<p>Authentic goods</p>																																																																							
<p>9. Goods details (*)</p>																																																																							

Intellectual property right number: Goods description (*): Tariff number: Customs value: Average market value: <input type="checkbox"/> Comment:
10. Goods distinctive features (*) Position on the goods (*): Description <input type="checkbox"/> (*) Comment:
11. Place of production (*) Country: Business organisation: Address: Town: <input type="checkbox"/> Comment:
12. Involved business organisations (*) Role: Business name (*): Address: Town: <input type="checkbox"/> Comment:
13. Traders (*) <input type="checkbox"/> Comment:
14. Goods customs clearance and distribution information <input type="checkbox"/> Comment:
15. Packages Type of packaging: Number of items per package: Description (including distinctive features): <input type="checkbox"/> Comment:
16. Accompanying documents Type of document: Description: <input type="checkbox"/> Comment:
Goods infringing an intellectual property right
17. Goods details Intellectual property right number:

Goods description:	
Tariff number:	
Minimum value:	<input type="checkbox"/> Comment:
18. Goods distinctive features	
Position on the goods:	
Description:	<input type="checkbox"/>
Comment:	
19. Place of production	
Country:	
Business organisation:	
Address:	
Town:	<input type="checkbox"/>
Comment:	
20. Involved business organisations	
Role:	
Business name:	
Address:	
Town:	<input type="checkbox"/> Comment:
21. Traders	
	<input type="checkbox"/> Comment:
22. Goods distribution information	
	<input type="checkbox"/> Comment:
23. Packages	
Type of packaging:	
Number of items per package:	
Description (including distinctive features):	<input type="checkbox"/> Comment:
24. Accompanying documents	
Type of document:	
Description:	<input type="checkbox"/>
Comment:	
25. Additional information	
<input type="checkbox"/>	
	<input type="checkbox"/> Comment:
26. Undertaking	
By signing I undertake to:	

- notify immediately the customs authority that granted this Request of any change in data provided by me within this request or attachments, in accordance with Article 11 of this Decree;
- forward to the customs authority that granted this Request all data referred to in Article 6 paragraph 2 items 6, 7 and 8 of this Decree, that are relevant for analysis and assessment of the customs authorities in terms of risk from infringing the intellectual property rights covered by this request;
- assume liability under the conditions set forth in Article 24 of this Decree and bear costs in accordance with law.

27. Signature (*)

Datum
(day/month/year)

Applicant's signature

Place

Name and surname
(Block capital letters)

For official use

Decision of the customs authority

- The request is completely granted
- The request has been partially granted (see the attached list for granted rights)

Date of granting
authority

Signature and stamp

Customs

Expiry date of the request:

Any request for extending the deadline that the customs authority is to take measures needs to be submitted to the customs authority at the latest 30 working days before the date of expiry of such deadline.

- The request has been rejected

A reasoned decision is attached, stating the grounds for partial or complete rejection with legal remedy.

Datum

Signature and stamp

Customs

authority (day/month/year)

(*) mandatory field

(+) fill at least one field with this mark

REQUEST FOR EXTENSION

1. Approval Holder Name and surname (*): Address (*): Town (*): Postal Code Country (*): Telephone: (+) Mobile telephone: (+) Fax: (+) E-mail address:	For official use Date of receipt
2. (*) I request the extension of the period during which the customs authority is to take measures in respect of the following Request Registration number of the Request / <input type="checkbox"/> I confirm that there are no changes concerning the Request to take measures and attachments thereof. <input type="checkbox"/> I provide the following information concerning the Request to take measures. See attachment No Any request for extension of the period during which the customs authority is to take measures must be submitted to the competent customs authority at the latest 30 working days before the date of expiry date.	INTELLECTUAL PROPERTY RIGHTS REQUEST TO EXTEND THE DEADLINE FOR TAKING CUSTOMS MEASURES In accordance with Article 9 of this Decree
3. Signature (*) Datum (day/month/year) capital letters) Place	Signature of the Approval Holder Name and surname (Block
For official use Decision of the customs authority <input type="checkbox"/> The request for extension is completely granted <input type="checkbox"/> The request for extension has been partially granted (see the attached list for granted rights). Datum (day/month/year) Signature and stamp Customs authority Expiry date of the request: <input type="checkbox"/> The request for extension has been rejected	

A reasoned decision is attached for partial or complete rejection with legal remedy

Datum (day/month/year)
authority

Signature and stamp

Customs

(*) mandatory field

(+) fill at least one field with this mark

INSTRUCTION FOR FILLING REQUESTS

I DESCRIPTION OF FIELDS IN THE FORM OF THE REQUEST FOR TAKING MEASURES IN THE ANNEX 1 TO BE FILLED IN BY THE APPLICANT

Fields marked with (*) are mandatory.

If one or more boxes in the field is marked with (+) at least one of those fields should be filled in.

No data shall be entered in the fields marked with “For official use”.

Field 1: Applicant

Data about the applicant shall be entered in this field, such as name, surname, and full address of the applicant, its telephone, mobile telephone or fax number. The Applicant, where appropriate, may enter its TIN. The Applicant, where appropriate, may enter its email address and website.

Field 2: Status of the Applicant

The appropriate box should be marked in order to mark the status of the applicant within the meaning of Article 5 of this Decree. The request needs to include documents providing evidence to the competent customs authority that the applicant is entitled to submit the request.

Field 3: Representative submitting the request in the name of the applicant

If the applicant is submitting the request by means of a representative, then the data about the representative needs to be entered in this field. The request should also contain evidence that such person is authorised to act as a representative, in accordance with legislation.

Field 4: Type of right to which the request refers

Appropriate box should be marked to indicate the type(s) of the intellectual property rights the protection of which is being requested.

Field 5: Representative for legal matters

Data about the representative tasked for legal matters, authorised by the applicant, should be entered in this field.

Field 6: Representative for technical matters

If the representative for technical matters is different from the representative stated in the field 5, data about the representative for technical matters should be entered in this field.

Field 7: Small consignments procedure

If the applicant wishes to apply the procedure for destruction of the goods in small consignments, referred to in Articles 22 and 23 of this Decree, this shall be indicated in this box.

Field 8: List of rights to which the request refers:

Information about the right or rights the protection of which is being requested shall be entered in this field.

In the column “No” the sequential number of each of the intellectual property rights to which the request refers shall be entered.

In the column “Type of right”, the type of intellectual property right shall be entered.

In the column “List of goods to which the right refers” type of goods covered by the intellectual property right with regard to which the applicant is requesting taking of customs measures.

Information on authentic goods in Fields 9-16

The applicant shall enter in fields 9-16, as appropriate, technical data about the authentic goods, information enabling the customs authorities to identify readily goods suspected to infringe the intellectual property rights and information pertaining to the analysis and assessment of the customs authority concerning the risk of infringing the subject intellectual property rights.

Field 9: Goods details

This field contains description of authentic goods, including get-up and graphic symbols, tariff number and average market value. The applicant shall attach images of the listed goods, where appropriate. The information shall be arranged by different type of goods and different assortment of goods.

Field 10: Goods distinctive features

This field contains information about typical features of the authentic goods, such as markings, labels, security threads, holograms, buttons, hangtags and bar codes, while listing exact position of such feature on the goods and their appearance.

Field 11: Place of production

This field contains information on the place of production of the authentic goods.

Field 12: Involved business organisations

This field contains information on authorised importers, suppliers, manufacturers, carriers, consignees, or exporters. The information should be arranged by different type of goods.

Field 13: Traders

This field contains information on persons authorised to trade in products involving the use of the intellectual property rights for which the protection is requested. The information shall refer to name, address and TIN of listed persons. The information shall include data on how license holders may demonstrate that are authorised to use the subject intellectual property rights.

Field 14: Goods customs clearance and distribution information

This field contains information on distribution channels of the authentic goods, such as information related to central warehouses, dispatch departments, means of transport, transport routes and delivery, as well as the information on customs procedures and customs offices where the customs clearance of the authentic goods is carried out.

Field 15: Packages

This field contains information on packaging of the authentic goods, such as the Type of packaging, typical features of the packages (for example labels, markings, security threads, holograms, buttons, hangtags and bar codes) including the exact position of such feature on the package, special package design (colour, shape) and where appropriate images of the subject goods.

Field 16: Accompanying documents

This field contains data on documents accompanying the authentic goods, such as: brochures, operating instructions, warranty documents and similar.

Information on goods infringing the right in fields 17-25

In the fields 17-25, the applicant, where appropriate, shall enter information pertaining to the analysis and assessment of the customs authorities concerning the risk of infringing the subject intellectual property rights.

Field 17: Goods details

This field contains description of goods suspected of infringing an intellectual property right (goods infringing the right), including get-up and graphic symbols. The applicant shall attach images of the listed goods, where appropriate. The information shall arranged by different type of goods or different assortment of goods.

Field 18: Goods distinctive features

This field contains information about typical features of goods suspected of infringing an intellectual property right, such as markings, labels, security threads, holograms, buttons, hangtags and bar codes, while listing exact position of such feature on the goods and their appearance.

Field 19: Place of production

This field contains information on the known or suspected place of origin, provenience, and delivery of goods suspected of infringing an intellectual property right.

Field 20: Involved business organisations

This field contains information on importers, suppliers, manufacturers, carriers, consignees, or exporters which are suspected of being involved in infringements of certain intellectual property rights.

Field 21: Traders

This field contains information on persons not authorised to trade in products involving the use of the intellectual property rights for which the protection is requested.

Field 22: Goods distribution information

This field contains information on distribution channels of the goods infringing an intellectual property right, such as information related to central warehouses, dispatch departments, means of transport, transport routes and delivery, as well as the information on customs procedures and customs offices where the customs clearance of the such goods is carried out.

Field 23: Packaging

This field contains information on packaging of the goods suspected of infringing an intellectual property right, such as the type of packaging, typical features of the packages (for example labels, markings, security threads, holograms, buttons, hangtags and bar codes) including the exact position of such feature on the package, special package design (colour, shape) and where appropriate images of the subject goods.

Field 24: Accompanying documents

This field contains data on documents accompanying the goods suspected of infringing an intellectual property right, such as: brochures, operating instructions, warranty documents and similar.

Field 25: Additional information

This field contains all additional information relevant to the customs authorities' analysis and assessment of the risk of infringement of the subject intellectual property right, such as information concerning planned deliveries of goods suspected of

infringing an intellectual property right, including specific and detailed information on means of transport, containers and persons involved.

Field 26: Undertakings

Do not amend the wording and do not enter data in this field.

Field 27: Signature

In this field, the applicant or its representative listed in the Field No 3 of the Request shall enter the place and date of filling in the request and shall sign it.

II DESCRIPTION OF FIELDS IN THE FORM OF THE REQUEST FOR EXTENSION OF DEADLINES IN THE ANNEX 1 TO BE FILLED IN BY THE APPLICANT

Fields marked with (*) are mandatory and must be filled in..

If one or more boxes in the field is marked with (+) at least one of those fields should be filled in.

No data shall be entered in the fields marked with "For official use".

Field 1: Data about the approval holder

Data about the approval holder shall be entered in this field.

Field 2: Request for extension

The registration number of the Request shall be entered in this field. The approval holder shall indicate whether it is requesting modifications to the information contained in the Request by ticking the appropriate box.

U ovu rubriku se upisuje Registration number of the Request. Označavanjem

Field 3: Signature

In this field, the applicant or its representative listed shall enter the place and date of filling in the request and shall sign it.
