Counterfeit and pirated goods: measures to prohibit the release for free circulation, export or transit

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Adopting the report by Mr Guermeur, the Committee on External Economic Relations added to the definition of 'holder of a right' to a trademark federations, associations and societies empowered to defend and administer their rights. It also added the prohibition of transit to the prohibition on release for free circulation and on export. The Committee proposed that the authority must take a decision on an application for refusal of release or seizure within five working days. The rapporteur removed the possibility offered to the States to designate a service other than the service coming under the customs authority as the authority competent to decide on the application. It also removed the possibility for the owner, importer or the consignee of goods to obtain the release or the lifting of seizure of goods suspected of infringing design rights. The Committee's rapporteur provided that the sanctions must be 'punitive' rather than 'effective' and 'punish the offender' rather than simply 'discourage' him. Lastly, the report instructed the Commission to coordinate action to combat the trade in counterfeit and pirated goods. An amendment by Mrs Peijs provided for the possibility for the competent authority, before an application was lodged, to withhold goods if it had reason to believe that they were counterfeit. Another amendment, tabled by Mrs Salema O. Martins, deleted Article 8 of the proposal for a regulation, which limited the liability of customs offices and the right to compensation to the conditions laid down by the law of the Member State in question.