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

1993/1024(CNS) - 18/02/1994 - Modified legislative proposal

The Commission amended its initial proposal following Parliament's opinion. The amendments seek to: - extend the scope of the regulation to other customs schemes (re-export and suspensive procedures); - extend the scope to any material used to manufacture counterfeit or pirated goods; - improve the definition of pirated goods; - allow customs authorities to intervene ex officio so that the holder of an intellectual property right can make an application if he has not already done so; - improve the efficiency of the system by proposing specific time frames for certain stages of the administrative procedure; - introduce the need for the express authorisation of the holder of the infringed right before derogating from the obligation to destroy goods recognised to be counterfeit or pirated; - make the Commission responsible for coordinating the fight against the trade in counterfeit or pirated goods. However, the Commission was unable to accept amendments seeking to: - allow a Member State in which an application is made to take recourse to the legislation applicable in another Member State; - abolish the possibility for a Member State to make provision for a second competent authority, separate from the customs authority, to deal with the application; - delete the reference to the responsibility of the customs authorities; - include parallel imports in the scope of the regulation; - refer to patents as the intellectual property right to be included when the text is next amended.