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

1993/1024(CNS) - 22/12/1994 - Final act

Council Regulation (EC) No 3295/94 laid down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods. The regulation aimed mainly to: - resolve certain operating difficulties of the existing system of protection (applicable since 1 January 1988) by facilitating the request from the holder of a right for action on the part of the customs authorities; - extend protection to other intellectual property rights in addition to those presently covered, on the basis of the TRIPS project (copyright and connected rights) and by including designs and models. The existing protection instrument was modified as follows: - application of the instrument to trade marks and packaging materials, presented separately, as well as tools and moulds used for the manufacture of a product infringing intellectual property rights; - extension of the ban to the export and transit regime; - clarification of the information to be provided in support of the request by the holder of the right; - opportunity for the holder of the right to make his request directly to the customs authorities; - opportunity for the applicant and the importer to inspect goods whose release had been suspended; - opportunity to obtain the name and address of the manufacturer of counterfeit goods; - inclusion in the scope of the regulation of goods in small consignments and clarification of the terms under which the import of counterfeit goods was admitted, where they were intended for strictly personal use. The regulation would apply from 1 July 1995.