

Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003

CHAPTER II

APPLICATIONS

SECTION 1

Submission of applications

Article 3

Entitlement to submit an application

The following persons and entities shall, to the extent they are entitled to initiate proceedings, in order to determine whether an intellectual property right has been infringed, in the Member State or Member States where the customs authorities are requested to take action, be entitled to submit:

- (1) a national or a Union application:
 - (a) right-holders;
 - (b) intellectual property collective rights management bodies as referred to in point (c) of Article 4(1) of Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights⁽¹⁾;
 - (c) professional defence bodies as referred to in point (d) of Article 4(1) of Directive 2004/48/EC;
 - (d) groups within the meaning of point (2) of Article 3, and Article 49(1) of Regulation (EU) No 1151/2012, groups of producers within the meaning of Article 118e of Regulation (EC) No 1234/2007 or similar groups of producers provided for in Union law governing geographical indications representing producers of products with a geographical indication or representatives of such groups, in particular Regulations (EEC) No 1601/91 and (EC) No 110/2008 and operators entitled to use a geographical indication as well as inspection bodies or authorities competent for such a geographical indication;
- (2) a national application:
 - (a) persons or entities authorised to use intellectual property rights, which have been authorised formally by the right-holder to initiate proceedings in order to determine whether the intellectual property right has been infringed;
 - (b) groups of producers provided for in the legislation of the Member States governing geographical indications representing producers of products with

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 608/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

geographical indications or representatives of such groups and operators entitled to use a geographical indication, as well as inspection bodies or authorities competent for such a geographical indication;

- (3) a Union application: holders of exclusive licenses covering the entire territory of two or more Member States, where those licence holders have been authorised formally in those Member States by the right-holder to initiate proceedings in order to determine whether the intellectual property right has been infringed.

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(1) [OJ L 157, 30.4.2004, p. 45.](#)

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) No 608/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- Regulation applied (with modifications) by S.I. 2023/959 reg. 4(a)Sch. 1
- Art. 3 words inserted by S.I. 2019/514 reg. 5(a)(ii)
- Art. 3 words substituted by S.I. 2019/514 reg. 5(a)(i)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by S.I. 2019/514 reg. 27
- Art. 1(1)(b) words substituted by S.I. 2019/514 reg. 3(a)(ii)
- Art. 2(A1) inserted by S.I. 2019/514 reg. 4(2)
- Art. 2(1)(c) words omitted by S.I. 2019/514 reg. 4(3)(a)
- Art. 2(1)(e) words omitted by S.I. 2019/514 reg. 4(3)(b)
- Art. 2(1)(f) words substituted by S.I. 2019/514 reg. 4(3)(c)
- Art. 2(1)(g) words substituted by S.I. 2019/514 reg. 4(3)(d)
- Art. 2(1)(h) omitted by S.I. 2019/514 reg. 4(3)(e)
- Art. 2(1)(i) words substituted by S.I. 2019/514 reg. 4(3)(g)
- Art. 2(1)(j) words omitted by S.I. 2019/514 reg. 4(3)(h)
- Art. 2(1)(k) omitted by S.I. 2019/514 reg. 4(3)(f)
- Art. 2(1)(l) words omitted by S.I. 2019/514 reg. 4(3)(h)
- Art. 2(2)(3) substituted by S.I. 2019/514 reg. 4(4)
- Art. 2(4) substituted by S.I. 2019/514 reg. 4(5)
- Art. 2(5)(a) words substituted by S.I. 2019/514 reg. 4(6)
- Art. 2(5)(b) words substituted by S.I. 2019/514 reg. 4(6)
- Art. 2(6) words substituted by S.I. 2019/514 reg. 4(7)
- Art. 2(7) words substituted by S.I. 2019/514 reg. 4(8)(a)
- Art. 2(7)(a) words omitted by S.I. 2019/514 reg. 4(8)(b)
- Art. 2(7)(b) words omitted by S.I. 2019/514 reg. 4(8)(b)
- Art. 2(7)(c) words omitted by S.I. 2019/514 reg. 4(8)(b)
- Art. 2(10) words substituted by S.I. 2019/514 reg. 4(9)
- Art. 2(11) omitted by S.I. 2019/514 reg. 4(10)
- Art. 2(15) words substituted by S.I. 2019/514 reg. 4(11)
- Art. 2(17) omitted by S.I. 2019/514 reg. 4(12)
- Art. 2(18) words substituted by S.I. 2019/514 reg. 4(13)
- Art. 2(19) words substituted by S.I. 2019/514 reg. 4(14)(a)
- Art. 2(19) words substituted by S.I. 2019/514 reg. 4(14)(b)
- Art. 3(1)-(3) substituted by S.I. 2019/514 reg. 5(b)
- Art. 5(3)(b) omitted by S.I. 2019/514 reg. 7(b)
- Art. 6(3)(d) words substituted by S.I. 2019/514 reg. 8(c)(ii)
- Art. 6(3)(f) omitted by S.I. 2019/514 reg. 8(c)(iii)
- Art. 6(3)(j) words omitted by S.I. 2019/514 reg. 8(c)(iv)
- Art. 6(3)(p) words substituted by S.I. 2019/514 reg. 8(c)(v)
- Art. 16(1)(a) word substituted by S.I. 2019/514 reg. 13(a)(ii)
- Art. 16(1)(b) omitted by S.I. 2019/514 reg. 13(a)(iii)
- Art. 21(b) words substituted by S.I. 2019/514 reg. 14
- Art. 25(1)(b) words substituted by S.I. 2019/514 reg. 18