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STATUTORY INSTRUMENTS

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**1995 No. 1430**

**The Counterfeit and Pirated Goods (Customs) Regulations 1995**

1.—(1) These Regulations may be cited as the Counterfeit and Pirated Goods (Customs) Regulations 1995 and shall come into force on 1 July 1995.

(2) In these Regulations—

“the Council Regulation” means Council Regulation (EC) No. 3295/94<sup>(1)</sup> laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods;

“application” means an application under Article 3(1) of the Council Regulation and “applicant” shall be construed accordingly;

“counterfeit goods” and “pirated goods” have the same meanings as in the Council Regulation;

“offending goods” means counterfeit goods or pirated goods or goods which are to be treated as counterfeit goods or pirated goods by virtue of Article 1(3) of the Council Regulation;

“the Commissioners” means the Commissioners of Customs and Excise.

2. An application shall be made to the Commissioners in the form set out in the Schedule to these Regulations, or a form to the like effect approved by the Commissioners, containing full particulars of the matters specified therein.

3. The applicant shall give to the Commissioners such security or further security within such time and in such manner, whether by deposit of a sum of money or guarantee as the Commissioners may require, against all actions, proceedings, claims and demands whatsoever which may be taken or made against, or costs and expenses which may be incurred by, them in consequence of the detention of any goods to which the application relates.

4. In every case, whether any security or further security is given or not, the applicant shall keep the Commissioners indemnified against all such liability and expense as is mentioned in regulation 3 above and in particular shall repay to them all expense which may be incurred by them in consequence of the detention of, or anything done in relation to, any goods to which the application relates.

5. In respect of the application, the applicant shall pay the Commissioners a fee of £185 plus VAT for the first month or part of a month and £165 plus VAT for each subsequent month of the period specified in any decision made by them under Article 3(5) of the Council Regulation granting the application.

6. The applicant shall pay the Commissioners a fee of £165 plus VAT for each additional month that the period is extended by them.

7. In the event that the Commissioners supply the applicant with a sample of detained goods which appears to them both to correspond to the description of goods contained in a decision under Article 3(5) of the Council Regulation granting his application and to be offending goods the applicant shall, within 10 days of being requested by the Commissioners, or within such further time as the Commissioners may allow, confirm to them in writing whether or not in his opinion the

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(1) OJ No. L341, 30.12.94, p. 8.

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sample is comprised of offending goods, giving his reasons, by reference to characteristics of the sample or its packaging or otherwise.

8. An application shall have no effect or no further effect where—
  - (a) the applicant has failed to comply with any of the requirements of these Regulations, or
  - (b) any change, following the making of the application, which takes place in the ownership or authorised use of the trade mark or other right specified in the application, is not communicated in writing to the Commissioners, or
  - (c) the trade mark or other right specified in the application expires.
9. The Counterfeit Goods (Customs) Regulations 1987(2) are hereby revoked.

New King's Beam House 22 Upper Ground  
London SE1 9PJ  
6th June 1995

*Leonard Harris*  
Commissioner of Customs and Excise