
STATUTORY INSTRUMENTS

1995 No. 1447

**The Counterfeit and Pirated Goods
(Consequential Provisions) Regulations 1995**

3.—(1) If, in the course of checks carried out in relation to goods which are entered for free circulation, export, re-export or entry for a suspensive procedure and before an application is lodged in respect of those goods under Article 3(1), or, if lodged, before a decision granting the application is given, it appears evident to the Commissioners that goods are offending goods, the Commissioners may, in accordance with Article 4 of the Council Regulation—

- (a) notify the holder of the right, where known, of the possible infringement of the right; and
- (b) suspend the release of, or detain, those goods; and
- (c) if they do so suspend or detain, invite the holder of the right, in the absence of an existing application, to make an application within three days of the date of suspension or detention.

(2) If at any time during the period of suspension or detention under paragraph (1), an application is granted under Article 3(5) of the Council Regulation in respect of the goods, regulation 2 above shall apply accordingly.

(3) Where no application in respect of the goods is or has been made by the holder of the right within three days of the date of suspension or detention of the goods, the suspension or detention shall cease for the purposes of Article 4 of the Council Regulation.