

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Counterfeit and Pirated Goods (Customs) Regulations 1995. Those earlier Regulations had made provision consequential upon Council Regulation (EC) No. 3295/94, laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods. That Council Regulation has since been amended by Council Regulation (EC) No. 241/1999, which from 1st July 1999 extends the scope of the prohibitions to goods infringing patents and supplementary protection certificates and to goods under all forms of customs supervision. It also provides a procedure enabling holders of Community trademarks to make a single application for customs intervention in any number of member States.

These Regulations introduce a revised form of application to be completed by the holder or authorised user of the relevant intellectual property right. The Regulations also deal with certain associated aspects of the procedure to be followed by an applicant seeking customs interception of suspected infringing goods, in particular introducing a new scale of fees payable when a decision granting an application has been given.