
STATUTORY INSTRUMENTS

2019 No. 514

The Customs (Enforcement of Intellectual Property Rights) (Amendment) (EU Exit) Regulations 2019

Amendment of Regulation (EU) No 608/2013 concerning customs enforcement of intellectual property rights

4.—(1) Article 2 is amended as follows.

(2) Before paragraph (1) insert—

“(A1) References to “the customs authorities” or “the competent customs department” shall be read as references to the Commissioners for Her Majesty’s Revenue and Customs;”.

(3) In paragraph (1)—

(a) in point (c), omit “national or Union”,

(b) in point (e), omit “national or Union”,

(c) in point (f), for “as provided for in Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products” substitute “which is recognised in law”,

(d) in point (g), for “as provided for in Regulation (EC) No 1609/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products” substitute “which is recognised in law”,

(e) omit point (h),

(f) omit point (k),

(g) in point (i), for “as provided for by national” substitute “which is recognised in”, and

(h) in points (j) and (l), omit “national or Union”.

(4) For paragraphs (2) and (3) substitute—

“(2) “trade mark” means a trade mark registered in the United Kingdom or under international arrangements which has effect in the United Kingdom;

(3) “design” means a design registered in the United Kingdom or under international arrangements which has effect in the United Kingdom;”.

(5) For paragraph (4) substitute—

“(4) “geographical indication” means a geographical indication for products in so far as it is established as an exclusive intellectual property right by law;”.

(6) In paragraph (5)(a) and (b), for “Member State where they are found” substitute “United Kingdom”.

(7) In paragraph (6), for “Member State where the goods are found” substitute “United Kingdom”.

(8) In paragraph (7)—

(a) for “Member State where those goods are found” substitute “United Kingdom”, and

(b) in points (a), (b) and (c), omit “in that Member State”.

(9) In paragraph (10), for “a Member State to take action in that Member State” substitute “the United Kingdom to take action”.

(10) Omit paragraph (11).

(11) In paragraph (15), for “point (18) of Article 4 of Regulation (EEC) No 2913/92” substitute “section 159(4B)(a) or (b) of the Customs and Excise Management Act 1979(1)”.

(12) Omit paragraph (17).

(13) In paragraph (18), for “as defined in point (20) of Article 4 of Regulation (EEC) No 2913/92” substitute “within the meaning of paragraph 17(6) of Schedule 1 to the Taxation (Cross-border Trade) Act 2018(2)”.

(14) In paragraph (19)—

- (a) for the words from “Combined Nomenclature” to “Common Customs Tariff” substitute “Harmonized Commodity Description and Coding System (“the Harmonized System”) provided for under the International Convention on the Harmonized System as done in Brussels on 14 June 1983 and as amended from time to time(3)”, and
- (b) in the last paragraph, for “Combined Nomenclature”, both times it appears, substitute “Harmonized System”.

(1) 1979 c. 2. Subsection (4B) was inserted by paragraph 107(3) of Schedule 7 to the Taxation (Cross-border Trade) Act 2018.

(2) 2018 c. 22.

(3) Available from www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/hs_nomenclature_previous_editions/hs_nomenclature_table_2012.aspx. A copy may be inspected free of charge by arrangement with HM Revenue and Customs at 100 Parliament Street, London SW1A 2BQ.