



**COUNCIL OF
THE EUROPEAN UNION**



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PRESSE 101

Agreement on customs enforcement of intellectual property rights

The Council today¹ reached a political agreement on a draft regulation aimed at strengthening the conditions and procedures for action by EU customs authorities with regard to the enforcement of intellectual property rights ([6249/13](#)).

The new regulation will introduce a simplified procedure enabling customs, under certain conditions, to have goods abandoned for destruction without having to undergo formal and costly legal proceedings. For counterfeit and pirated goods, the agreement of the owner to destroy the goods will be presumed if the destruction has not been explicitly opposed, whereas for other situations, the owner of the goods would have to agree explicitly to their destruction.

A specific procedure will apply for small consignments, which will allow for seized goods to be destroyed without the involvement of the right-holder.

The new regulation will not apply to non-commercial goods contained in travellers' personal luggage.

¹ The decision was taken without discussion at the General Affairs Council meeting. The Council position will be forwarded to the European Parliament, which will vote in the coming months.

P R E S S

The scope of customs intervention will also be extended to types of infringements not covered by the current rules, such as trade names and certain protected models and designs.

The new regulation will apply as from 1 January 2014 and will replace the current measures that were established under regulation 1383/2003.

When fully implemented, it will further contribute to a single market which ensures more effective protection to right-holders, fuels creativity and innovation and provides consumers with reliable and high-quality products, which should in turn strengthen cross-border transactions between consumers, businesses and traders.
