



Brussels, **XXX**
[...] (2024) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

amending Commission Implementing Regulation (EU) No 1352/2013 establishing the forms provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

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amending Commission Implementing Regulation (EU) No 1352/2013 establishing the forms provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003¹, and in particular Article 6(1) and Article 12(7) thereof,

After consulting the Customs Code Committee,

Whereas:

- (1) In line with Regulation (EU) No 608/2013, persons and entities duly entitled may submit an application to the competent customs department requesting that customs authorities take action on goods suspected of infringing intellectual property rights (application). They may also request to amend the application and extend the period during which the customs authorities are to take action in line with a previously granted application (amendment and extension requests).
- (2) To ensure uniform conditions for the application and for the amendment and extension requests provided for in Regulation (EU) No 608/2013, standard forms were established in Commission Implementing Regulation (EU) No 1352/2013².
- (3) According to Article 5(6) of Regulation (EU) No 608/2013 where computerised systems are available for the purpose of receiving and processing applications, applications as well as attachments shall be submitted using electronic data-processing techniques. That article provides for a legal obligation to submit applications and amendment or extension requests electronically, where computerised systems are in place.
- (4) Within the Union, the national trader portals established by the customs authorities of the Member States and the Intellectual Property Enforcement Portal ('IPEP') – the trader portal for the anti-Counterfeit and anti-Piracy Information System ('COPIIS') – are already in place to electronically submit applications and amendment or extension requests.

¹ OJ L 181, 29.6.2013, p 15, ELI: <http://data.europa.eu/eli/reg/2013/608/oj>.

² Commission Implementing Regulation (EU) No 1352/2013 of 4 December 2013 establishing the forms provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights (OJ L 341, 18.12.2013, p. 10, ELI: http://data.europa.eu/eli/reg_impl/2013/1352/oj).

- (5) Implementing Regulation (EU) No 1352/2013 should therefore take into account the availability of those computerised systems and clarify that applicants or their representatives should submit applications and amendment or extension requests electronically through one of the trader portals in place, except in case of temporary failure of COPIS or of one of those trader portals. In this case, paper forms may still be used.
- (6) Implementing Regulation (EU) No 1352/2013 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Articles 1 and 2 of Implementing Regulation (EU) No 1352/2013 are replaced by the following:

‘Article 1

1. The application requesting customs authorities to take action with respect to goods suspected of infringing an intellectual property right (application), as well as amendment or extension requests, shall include the information specified in the forms set out in Annexes I and II.
2. Applicants or their representatives shall fill in the application and amendment or extension requests taking into account the notes on completion set out in Annex III.
3. In line with Article 5(6) of Regulation (EU) No 608/2013, applicants or their representatives shall submit the application and amendment or extension requests electronically to the competent customs department through the Intellectual Property Enforcement Portal (‘IPEP’) for COPIS or through a national trader portal where such portal is in place in the Member State of submission of the application.
4. In the Member States where the IPEP for COPIS and a national trader portal are both available, applicants or their representatives have the choice between the two trader portals. If they submit the application through a national trader portal, the amendment or extension requests related to this application shall be submitted through the same national portal. If they submit the application through the IPEP for COPIS, the related amendment or extension requests shall also be submitted through the IPEP for COPIS.

Article 2

1. The Commission, the European Union Intellectual Property Office (EUIPO) and the customs authorities of the Member States shall notify each other if COPIS, the IPEP for COPIS or the national trader portals become unavailable due to a temporary failure.
2. In the event of a temporary failure of COPIS or of one of the trader portals mentioned in paragraph 1, lasting at least 24 hours, the forms set out in Annexes I and II may be completed legibly on paper and submitted by means other than electronic data-processing techniques.

3. The acceptance of paper-based forms shall be subject to the approval of the competent customs authorities.
4. The applicants or their representatives shall complete the forms set out in Annexes I and II on paper in line with the notes on completion set out in Annex III.
5. The applicants or their representatives shall complete the forms on paper in ink and block capitals.
6. The forms completed on paper shall contain no erasures, overwritten words or other alterations and shall be made up in two copies.
7. The customs authorities of the Member States shall make sure that the applications and amendment or extension requests, submitted in accordance with paragraph 2, are made available in the respective electronic systems within 7 working days of the respective electronic systems becoming available again.'

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission
The President*

Ursula VON DER LEYEN