

UK Customs Authority Harmonizes Procedure for Seizing Infringements

The UK customs authority (HMRC) has powers to seize any goods, passing through UK ports, which are found to be infringements of a UK Intellectual Property (IP) right.

Up until July 2009, the procedure to seize counterfeit goods (those carrying a trade mark without permission) was different to that for other types of IP. Under that procedure for the seizing of counterfeit goods, the trade mark owner simply had to make a declaration that the goods were counterfeit. A UK court has now found that this procedure is contrary to European law.

The procedure has now been harmonized for all types of IP. When any goods are suspected of IP infringement, they will initially be held by HMRC for a maximum of 20 days. During that period, the IP owner must launch a legal action for infringement. If the owner does not, HMRC will automatically release the goods.

IP owners can register IP with the relevant customs authorities throughout Europe, to maintain a watch for any infringements entering the European market. Forresters can handle such registrations for you, and can subsequently launch legal proceedings against suspected infringements on your behalf.