



ევროკავშირი
საქართველოსთვის
The European Union for Georgia



IP Enforcement Forum

Giorgi Taktakishvili | Tsinandali | 14.06.2021

EU Georgia project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

www.eugipp.eu

Handling of small consignment of counterfeit goods – Legislative Background

- In December 2017 new law ON BORDER MEASURES RELATED TO INTELLECTUAL PROPERTY has been passed
- Law implements many principles of EU Regulation No.608/2013 (Customs Enforcement Regulation)
- However, at that stage provisions regarding procedure for the destruction of goods in small consignments have not been implemented in new law

Handling of small consignment of counterfeit goods – Practical Issues

- Due to pandemic, consumer demand around the world has plummeted
- Respectively enforcement budgets of every company around the globe are harshly impacted with cuts
- Above mentioned resulted in company's inability to follow "zero tolerance" policy and pursue cases regarding small consignment (for example consisting of 10 or 20 items) in the court when importer does not agree to sign destruction agreement

Handling of small consignment of counterfeit goods – Main topics to discuss

- Perspective of introducing in the law regulations concerning destruction of small consignments
- Who could provide destruction of small consignments – customs department or right holders?
- Term “small consignment” – how do define it? What will be the criteria number or value of the items? May be both?

Handling of small consignment of counterfeit goods – Advantages

- By implementing of EU system balance between the parties will not be affected in any way (Article 26 of EU Regulation No.608/2013)
- Importers of small consignments, who often refuse to discuss with right holder destruction of detained goods, will be forced to take initiative, file response / appeal and stop hiding from customs and right holder

Ex-officio Actions by Customs Department – practical points

- Article 4.3 of the new law prescribes 2 working day term for submitting complete application by the right holder to Customs Department supported by apostilled or legalized Power of Attorney in cases when Customs Department exercises ex-officio power
- Perspectives of extension above mentioned terms to grant foreign right holders sufficient time for submitting required documentation and support custom's ex-officio action



ევროკავშირი
საქართველოსთვის
The European Union for Georgia



EU Georgia project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

www.eugipp.eu