

Protect your business against counterfeiting with the Application for Action

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At a glance

Be proactive – protect your business against counterfeiting by filing an Application for Action with French Customs. It's entirely free of charge.

After you file, French Customs will notify you if they intercept goods that may violate your intellectual property rights. If the goods turn out to be counterfeit, you can request that they be destroyed or take legal action.

Are you looking to **boost your intellectual property rights protection**?
Get in touch with French Customs, your **partner** against counterfeiting!

With globalisation of trade and the rise of e-commerce, counterfeiting poses a real threat to every sector of the economy. It jeopardises legitimate trade, employment, innovation, and the health and safety of consumers.

Combating counterfeit goods is a **key action area for French Customs**: in 2017, 8.4 million counterfeit items were taken off the market by French Customs authorities.

With the **Application for Action**, and regardless of the nature of your intellectual property rights – trademark, design and model, patent and derived patents, geographical indication, and copyright and related rights – French Customs can help you fight counterfeiting.



Useful tip: France ranks 4th worldwide for intellectual property protection and enforcement.

Source: 2018 U. S. Chamber of Commerce International IP Index.

The Application for Action: How it works

An Application for Action is a **preventive measure** you can take to protect your business from counterfeit goods, even if you are unaware that your rights may have been violated. It is provided for in Regulation (EU) No 608/2013 of 12 June 2013 and France's Intellectual Property Code.

When you file an Application for Action with French Customs, you **allow Customs authorities to temporarily impound goods suspected of violating one of your intellectual property rights**, giving you time to defend your rights. The information provided in your application helps Customs intercept suspicious goods without impeding legitimate trade.

There are two types of Application for Action:

1. **Application for Action based on Regulation (EU) No 608/2013**: based on your chosen scope, Customs authorities in one or more EU Member States are allowed to impound goods suspected of violating one of your intellectual property rights in the following situations: import, release for free circulation, re-exportation, placement in a free

trade zone, a free warehouse or under duty suspension arrangement;

2. Application for Action based on France's Intellectual Property Code: French Customs are allowed to impound on French territory EU goods in free circulation suspected of violating one of your intellectual property rights.

The Application for Action is **free, valid for one year,** and **renewable** upon written request..

Filing your Application for Action

Two forms must be filed: a form for the Application for Action based on **Regulation (EU) No 608/2013** and a form for the Application for Action based on France's Intellectual Property Code. Both forms can be downloaded from the French Customs website at douane.gouv.fr

In addition, for your application to be processed, you must provide the following information:

1. Proof that you are the rights holder
2. A list of intellectual property rights for which the Application for Action is filed
3. A detailed, comprehensive technical description of the genuine goods (markings, barcodes, images, etc.), as well as any information that might help Customs authorities distinguish genuine goods from fakes
4. Specific information related to any fraud type or fraud pattern you may be aware of
5. Contact information in case we have administrative and technical questions. Your internal contacts must be easily and quickly reachable.

Where to send your application:

By email: contrefac@douane.finances.gouv.fr

For paper documents that must be signed, mail them to the below address:

Direction générale des douanes et droits indirects
Bureau E1 – Politique tarifaire et commerciale
Section Propriété intellectuelle et contrefaçon
11, rue des deux Communes
93558 MONTREUIL cedex

What happens when French Customs intercept goods suspected of being counterfeits?

Impounding of goods

Goods suspected of violating an intellectual property right may be impounded by French Customs for **ten working days** (three days for perishable goods).

During this time, you can inspect the goods, take samples or have some sent to you, and decide whether the goods are indeed counterfeit and should be destroyed. If necessary, you may begin gathering evidence with an eye towards legal action.

Upon written request, French Customs may share such information as the identity and contact information of the people involved so you can take legal action or implement a Simplified Destruction Procedure (see below).

The Simplified Destruction Procedure

Once the ten days have elapsed, if you are certain that your rights have been violated and if all stakeholders (you and either the declarant or the holder of the goods) are in agreement, the goods may be **destroyed without judicial intervention**.

As the intellectual property rights holder, you are responsible for the destruction of the goods under supervision by French Customs.

This procedure enables you to bypass time-consuming and expensive legal action.

Taking legal action

If you do not opt for the Simplified Destruction Procedure, then once you are certain that your rights have been violated, you must **either file an action with a competent court** to authorise the implementation of precautionary measures, or **initiate proceedings before a civil or criminal court**.



Further INFORMATION on European and French regulations, a list of the intellectual property rights protected, France's anti-counterfeiting entities, etc. can be found on our website (in French) at:
douane.gouv.fr > page d'accueil > rubrique Sécurité > Contrefaçon
On iPhone and Android: [douane.france.mobi](https://www.douane.fr)
On Twitter: [@douane_france](https://twitter.com/douane_france) — #Haltecontrefaçon
Infos Douane Service (IDS):

- From France see below: €0.06/min + cost of call
- From outside France: +33 1 72 40 78 50
8.30am to 6pm - Monday-Friday (excluding public holidays)



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