



REPUBLIC OF CYPRUS
MINISTRY OF FINANCE



CUSTOMS & EXCISE

Form I.P.R.2

NOTICE OF DETENTION OF GOODS WHICH PRIMA FACIE INFRINGE OR ARE LIKELY TO INFRINGE INTELLECTUAL PROPERTY RIGHTS

(Council Regulation (EC) No.1383/2003 of 22nd July 2003 & The Control of the Movement of Goods
Infringing the Intellectual Property Rights Law No. 133(I)/2006)

Customs House:.....

Date:

Ref. No:

Mr./Ms/Messrs
..... (name and address of the right holder or his/her authorised representative).

Sample/ Samples included:
..... (exact or estimated quantity and nature of goods)

which has/have been taken from a consignment of goods which the Department of Customs and Excise suspects that prima facie infringe(s) or is/are likely to infringe intellectual property rights.

Please examine the sample(s) and confirm its/their nature by completing the attached declaration, at the latest by..... (*three/ten working days from the date of the notice).

In case an application for action is in force, you may enquire into the particulars of the declarant, consignee, consignor or holder of the goods as well as the origin and provenance of goods from this office so that it may be proved to the competent Court whether there was indeed a violation of intellectual property right. You are also advised, if you so wish, to get in touch with the declarant, consignee or owner of the goods in order to acquire his written consent that the goods are abandoned to be destroyed under customs control, on form IPR. 5, "Consent for the abandonment of goods infringing intellectual property rights and destruction under customs control".

Should you conclude that the sample(s) do not infringe intellectual property rights, please inform this office accordingly without any delay, so that the goods may be released.

Please return the sample(s) and your declaration to Customs to the attention of officer, tel. no....., fax no.

Should you have any problems or questions concerning the completion of the declaration, please contact the abovementioned person or any other competent officer of Customs.

Yours faithfully,

.....

for Director

Department of Customs and Excise

cc.: - The Rights Holders Registration Section,
Customs Headquarters

* Delete what is inapplicable

DECLARATION

(Please, read the notes overleaf prior to completing the declaration)

Senior Customs Officer

I have inspected the sample(s) described in the Notice for Detention and confirm that (please place a **X** or **✓** in the appropriate box):

- ☐ in my opinion any products identical to the sample(s) must be considered as infringing intellectual property rights as provided for by the Council Regulation (EC) no. 1383/2003 and by the Control of the Movement of Goods Infringing Intellectual Property Rights Law No.133(I)/2006.
- ☐ do not infringe intellectual property rights as provided for by the Council Regulation (EC) no. 1383/2003 and by the Control of the Movement of Goods Infringing Intellectual Property Rights Law No.133(I)/2006.

Details of the intellectual property rights and the reasons of their infringement:

SAMPLE

Signature: Date.....

Status:

Witness's name and ID:

Signature: Date:

Notes

1. The purpose of this declaration is to enable the Department of Customs and Excise to seize goods which infringe intellectual property rights. If the consignee, consignor, holder or declarant of the goods, which prima facie infringe an intellectual property right, disputes their forfeiture, you will be called upon to provide detailed evidence in Court.
2. In case you have not submitted an application for action, you have three (3) working days from the day of receipt of the Notice of Detention of the goods to submit the declaration and the corresponding application. If you fail to do so, the detained goods will be released. If you submit an application, then you have ten (10) working days from the day following the receipt of the application for action or three (3) days in the case of perishable goods, to produce the written consent of the declarant, holder or owner of the goods that they are abandoned to be destroyed under customs control. This period may be extended by a maximum of ten (10) working days, other than in the case of perishable goods, only if you submit a relative application and the circumstances justify your request.
3. In case you have submitted an application for action, you have ten (10) working days from the day of receipt of the Notice of Detention of the goods or three (3) days in the case of perishable goods, to evaluate whether the sample(s) infringes/infringe an intellectual property right, to determine its/their nature, to inform this office accordingly and to produce the written consent of the declarant, holder or owner of the goods that they are abandoned to be destroyed under customs control.
4. If within ten (10) working days from the next day of receipt of the application for action or from the day of the notification to you of the Notice of Detention of the goods, or within three (3) days in the case of perishable goods, in the cases of paragraphs 2 and 3, as the case may be, you do not inform Customs that a procedure has been initiated to certify that there has been a violation of an intellectual property right or you have not secured the written consent of the declarant, holder or owner of the goods to abandon the goods, the detained goods will be released. In justifiable cases, other than in the case of perishable goods, on application submitted by you, this period may be extended by a maximum of ten (10) working days, so that you may prove that you have applied to the competent Court or that you have secured a restraining order of the competent Court or to secure the written consent of the declarant, holder or owner of the goods.
5. The sample(s) enclosed is/are solely for the purpose of identifying its/their nature.
6. For the goods to be seized, you have to include in your declaration a clear explanation as to why you believe the sample(s) infringe(s) an intellectual property right.
7. If this declaration is not received by Customs within the above-mentioned period of time or within the extended period provided, as the case may be, the detained goods shall be released.