

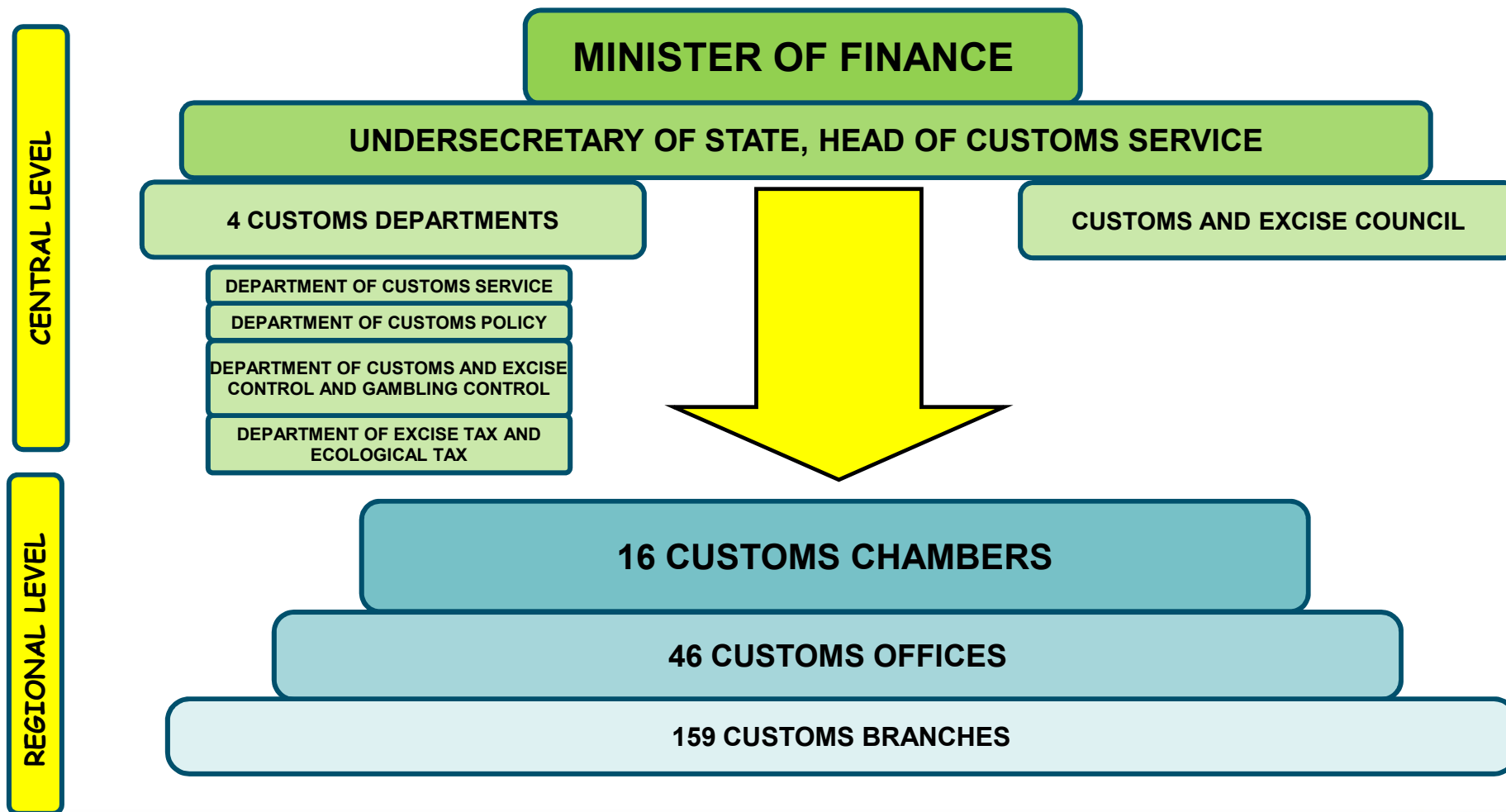
Stuzba Celna RP

Intellectual Property Rights Protection in the Polish Customs Service








BELGRADE 6-7 September 2011

ORGANIZATIONAL STRUCTURE OF THE POLISH CUSTOMS SERVICE



REGIONAL UNITS OF THE POLISH CUSTOMS ADMINISTRATION



-  CUSTOMS CHAMBER
-  CUSTOMS OFFICE
-  CUSTOMS BRANCH
-  CUSTOMS BRANCH ON THE EU EXTERNAL BORDER
-  EU EXTERNAL BORDER

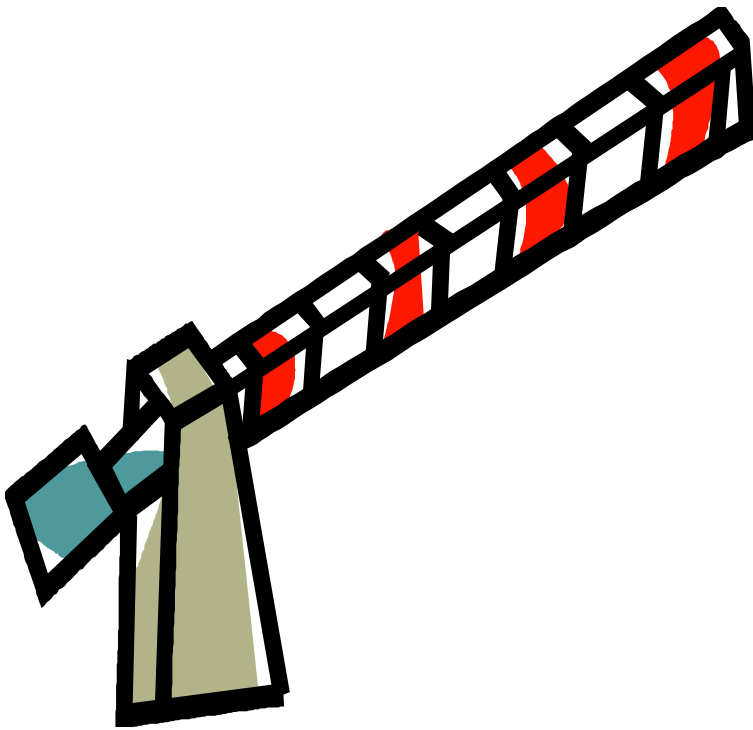


Customs' responsibilities

Control of goods crossing a border, for purposes such as:

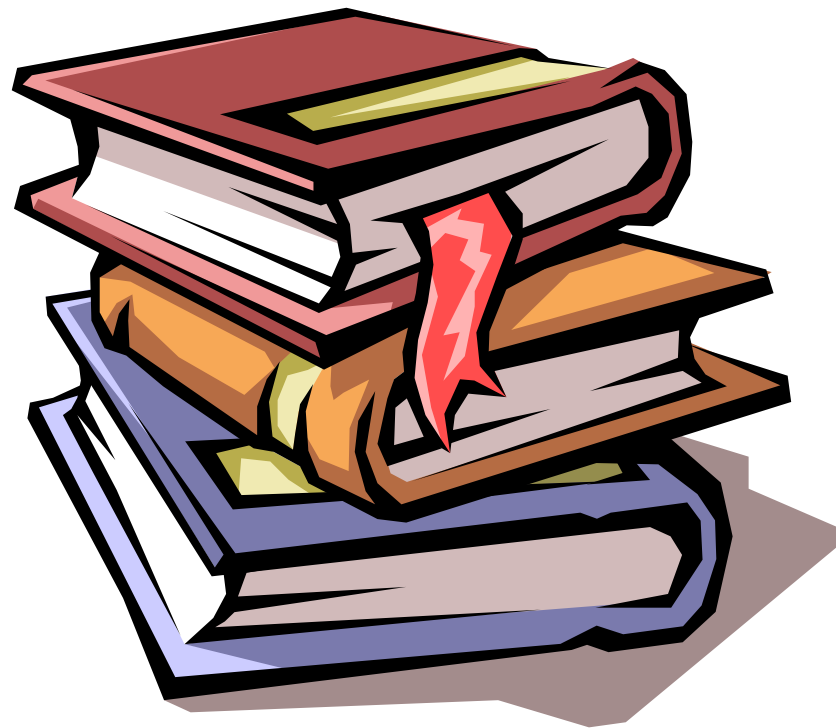
- Collecting customs duty,
- Security, safety and public health requirements,

... including intellectual property rights



Main roles and responsibilities of the Polish Customs

❖ Checks of compliance with provisions of customs law and with other provisions on import of goods into and export from the EU



Main roles and responsibilities of the Polish Customs

❖ calculation and collection of customs duties and other charges connected with import and export of goods.



❖ calculation and collection of VAT on import of goods into the EU



Main roles and responsibilities of the Polish Customs

❖ cooperation in implementation of the EU Common Agricultural Policy.



Main roles and responsibilities of the Polish Customs

❖ identification, prevention and detection of fiscal crimes and offences, crimes and offences connected to import and export of goods and tracing the offenders thereof, as required by other legal acts



Main roles and responsibilities of the Polish Customs

❖ identification and fight against crimes and offences related to violation of the EU regulations on protection of national treasure



Main roles and responsibilities of the Polish Customs

❖ identification and fight against crimes and offences connected to violation of the EU regulations on protection of *intellectual property rights*



Main roles and responsibilities of the Polish Customs

❖ fight against crimes and offences connected with placing in, and removing from the Polish customs territory of goods covered by restrictions or prohibitions, such as: harmful waste, chemical substances, nuclear and radioactive materials, narcotic drugs and psychotropic substances, as well as weapons, ammunition, explosives and technologies subject to international control.



Main roles and responsibilities of the Polish Customs

❖ control, special tax
supervision, calculation and
collection of excise tax.



❖ collection of fuel charges



Main roles and responsibilities of the Polish Customs

❖ performance of tasks resulting from the European Union's regulations on statistic of circulation of goods between the EU Member States (INTRASTAT)



Main roles and responsibilities of the Polish Customs

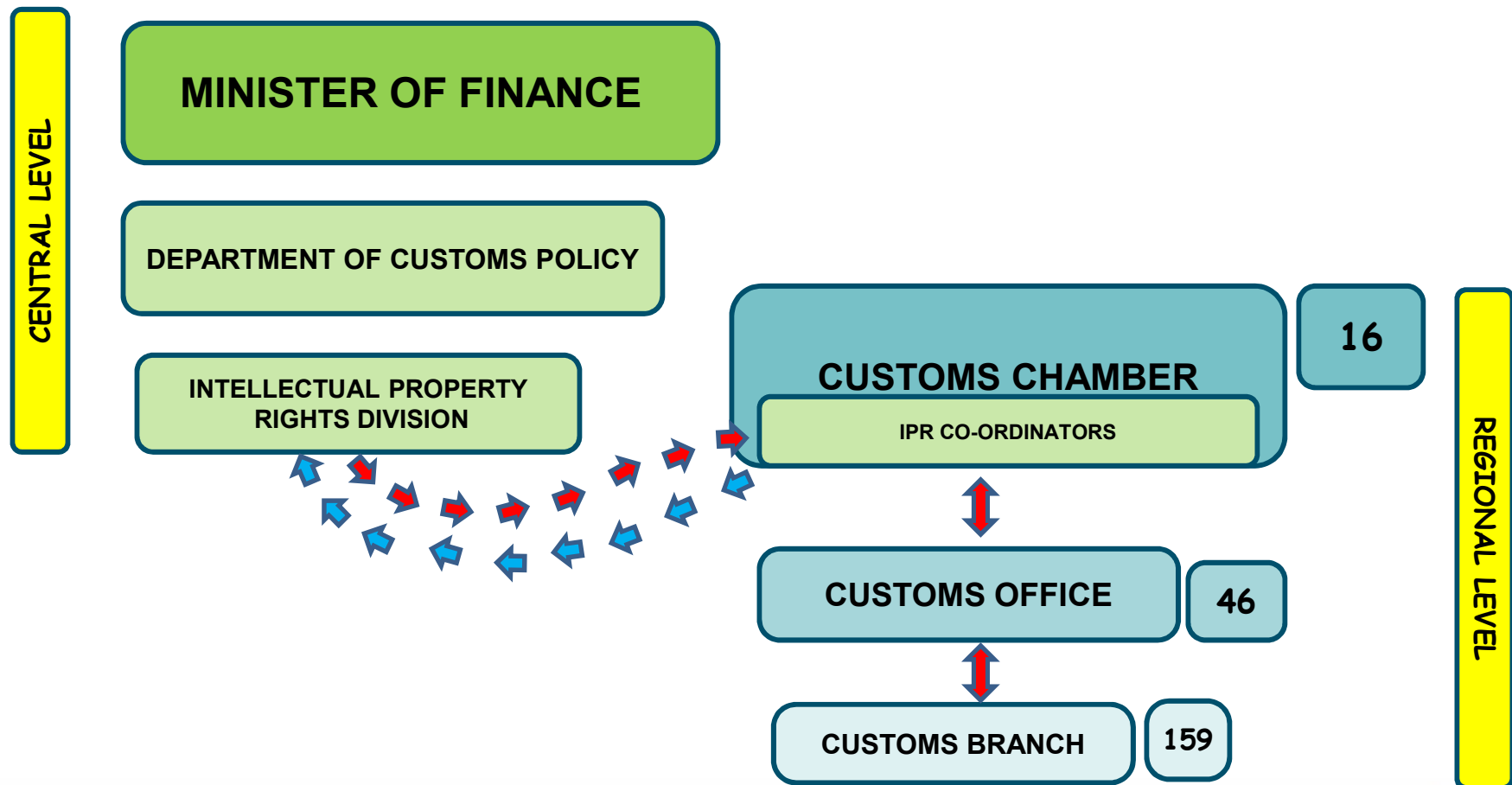
❖ control of employment legality



❖ control of games legality



IPR organisational structure in the Polish Customs Service



Responsibilities Intellectual Property Rights Division

- coordination of co-operation with right holders in enforcement in the IPR area
- analysis of international, EU and national legislation regarding IPR
- supervision of customs procedures
- IT system Leonardo da VINCI (VINCI)
- co-operation with government administration and with NGO-s liable for protection of IPR



The EU Applicable law

Council Regulation (EC) No 1383/2003

of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights

Commission Regulation (EC) No 1891/2004

of 21 October 2004 laying down provisions for the implementation of Council Regulation (EC) No. 1383/2003



Council Regulation (EC) No 1383/2003

Customs protection:

- **on application**
- **ex-officio**
- **simplified procedure**



**Office responsible for collecting the applications in IPR
customs protection area**

**Customs Chamber in
Warsaw**

- **Collection and approval of national applications**
- **Collection and approval of Community applications**



Customs Chamber in Warsaw

The image shows a scanned document from the Customs Chamber in Warsaw. It contains several sections with text and checkboxes, along with a green stamp in the top right corner. The stamp reads 'KAMERALA CŁOWNA W WARSZAWIE' and 'Data: 11.12.2008'. The document includes fields for 'Miejscowość i kraj nadawcy', 'Miejscowość', 'Nazwa nadawcy', 'Adres nadawcy', 'Kod pocztowy', 'Telefon', 'Fax', and 'E-mail'. There are also sections for 'Data wystawienia', 'Data ważności', and 'Data dostarczenia'. The document is filled with various administrative details and checkboxes.

- ➔ Approval of application – issuing the decision
- ➔ Entering of the decision into the VINCI system
- ➔ Sending decisions to all of the customs chambers



Application for action by polish customs authorities

- Applications are lodge to Customs Chamber in Warsaw
- Filling the community forms following the regulations 1383/2003 and 1894/2004

Handwritten notes at top left: 161X, 24.09.03, [Signature]

Stamp: IZBA CELNA W WARSZAWIE, 24.09.2004

Form fields and checkboxes:

- 1. Dane uchyciela towarów i wyrobów (zgodnie z art. 188 § 1 pkt 1 i 2 rozporządzenia (WE) nr 1831/2003)
- 2. Dane uchyciela towarów i wyrobów (zgodnie z art. 188 § 1 pkt 1 i 2 rozporządzenia (WE) nr 1831/2003)
- 3. Dane uchyciela towarów i wyrobów (zgodnie z art. 188 § 1 pkt 1 i 2 rozporządzenia (WE) nr 1831/2003)
- 4. Dane uchyciela towarów i wyrobów (zgodnie z art. 188 § 1 pkt 1 i 2 rozporządzenia (WE) nr 1831/2003)
- 5. Dane uchyciela towarów i wyrobów (zgodnie z art. 188 § 1 pkt 1 i 2 rozporządzenia (WE) nr 1831/2003)
- 6. Dane uchyciela towarów i wyrobów (zgodnie z art. 188 § 1 pkt 1 i 2 rozporządzenia (WE) nr 1831/2003)
- 7. Dane uchyciela towarów i wyrobów (zgodnie z art. 188 § 1 pkt 1 i 2 rozporządzenia (WE) nr 1831/2003)
- 8. Dane uchyciela towarów i wyrobów (zgodnie z art. 188 § 1 pkt 1 i 2 rozporządzenia (WE) nr 1831/2003)

The number of applications for action lodged

	ALL	NATIONAL	COMMUNITY
2004	99	73	26
2005	325	159	166
2006	320	174	146
2007	407	189	218
2008	651	264	387
2009	605	225	380
2010	715	216	499

National law

1. Law on copyrights and related rights.
2. Industrial Property Law Act of 30 June 2000.
3. Law on combating illegal competency of 16 April 1993.
4. Customs Law of 19 March 2004.
5. Penal fiscal Code of 10 September 1999.
6. Penal preceding Code of 6 June 1997.



Cooperation with IPR holders

Meetings
Trainings
Task teams



Conclusions

- information provided by right holders is crucial to effective cooperation,
- results in combating IPR's infringements depend on quality of presented information,
- cooperation between right holders and customs administrations is the only way of achievement the success.



Results of cooperation







Služba Celná RP



Trends – counterfiting goods

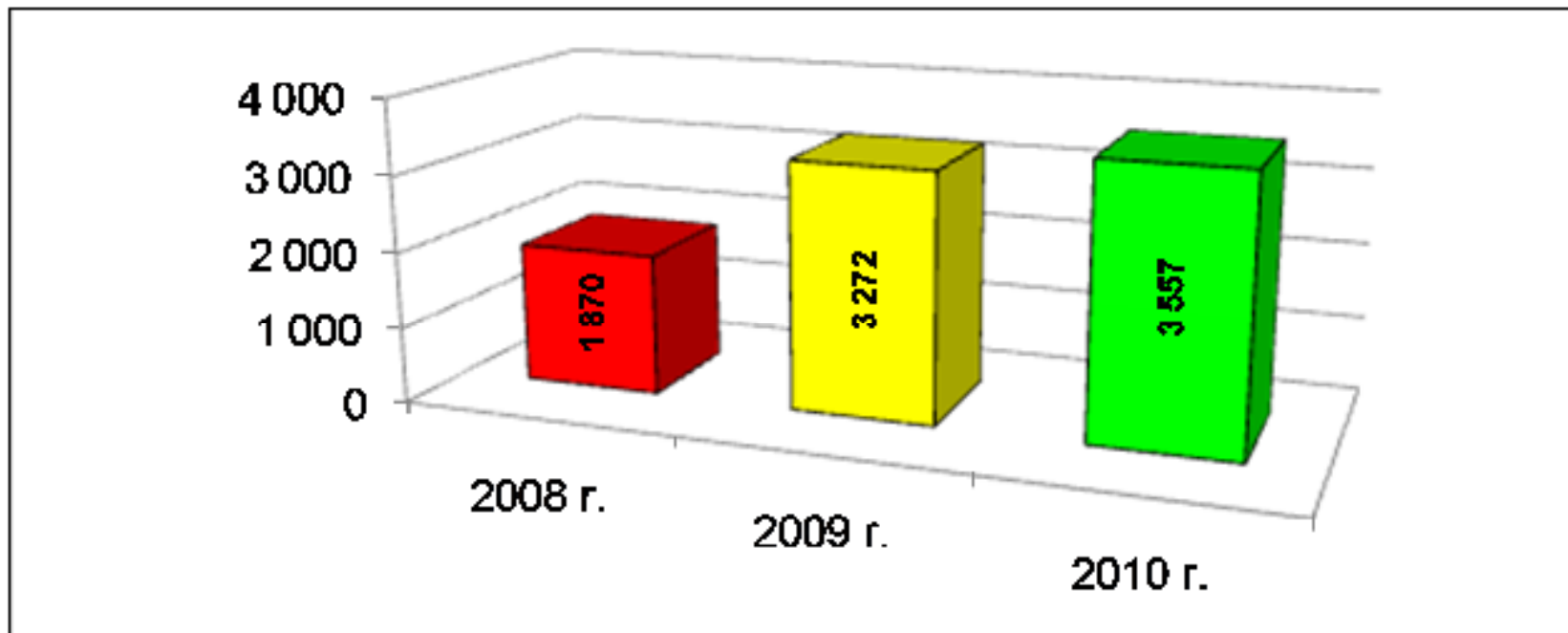
THE MOST POPULAR GOODS WHICH ARE COUNTERFEIT AND PIRATE: CLOTHES, COSMETICS, MEDICINES, TOYS, ELECTRONIC EQUIPMENT, SOFTWARE, FOOD, AUTOPARTS, CHEMICAL PRODUCT



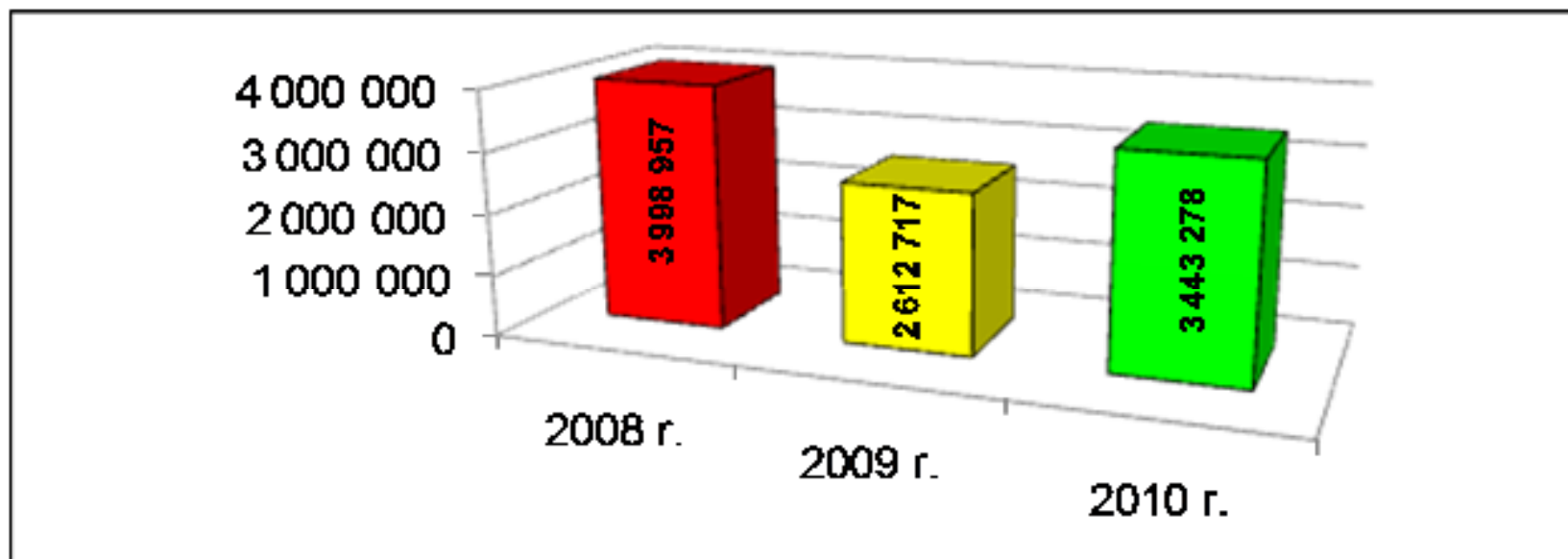
Statistics



Number of registered cases 2008-2010



Number of articles detained 2008-2010



Statistics

2010

Number of seized goods – **3 443 278**

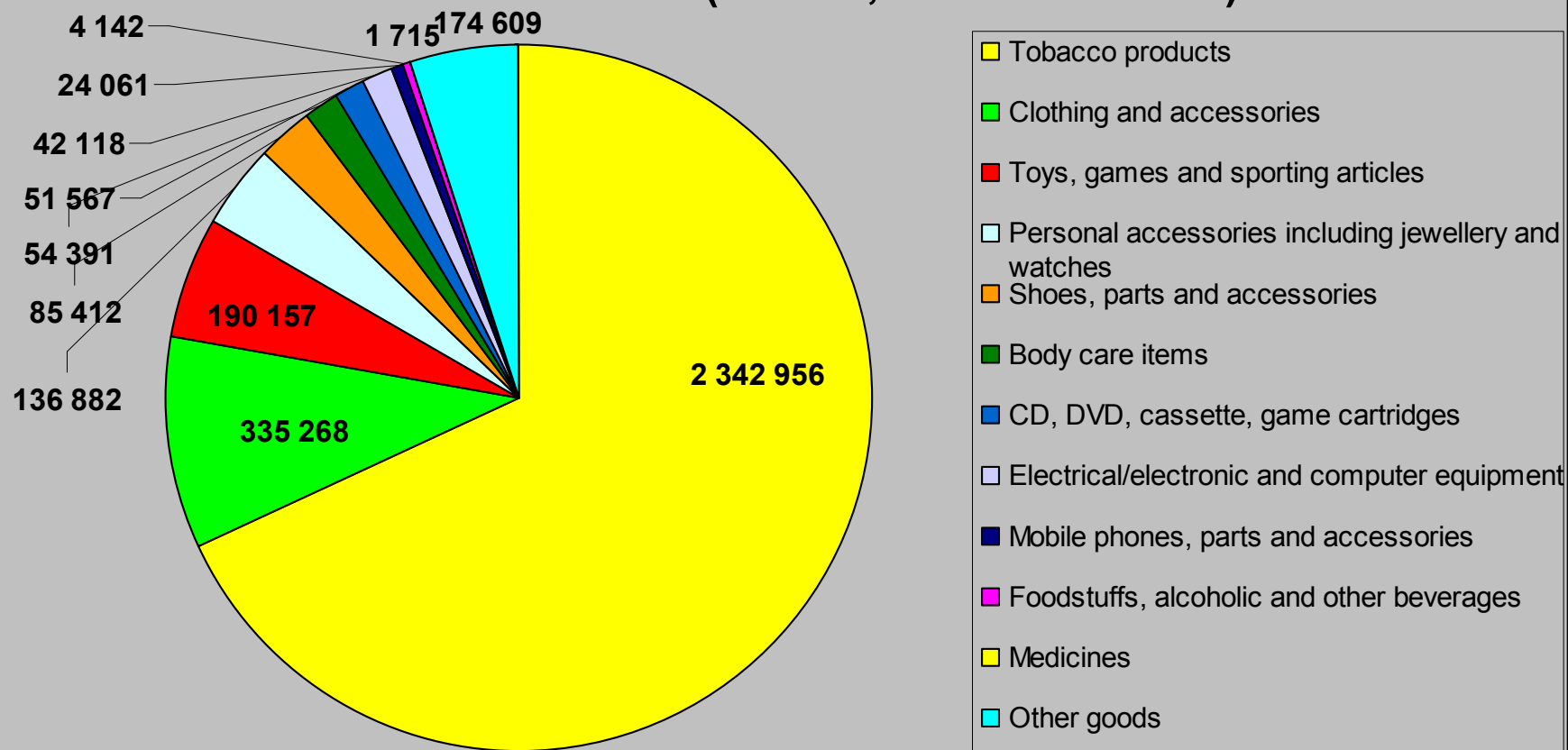
Number of cases - **3 557**

Value of seized goods - **ok. 115 mln EUR**



Statistics

Numbers of articles in 2010 (total: 3,4 milion articles)



POLISH IT SYSTEM FOR THE IPR PROTECTION



Main characters

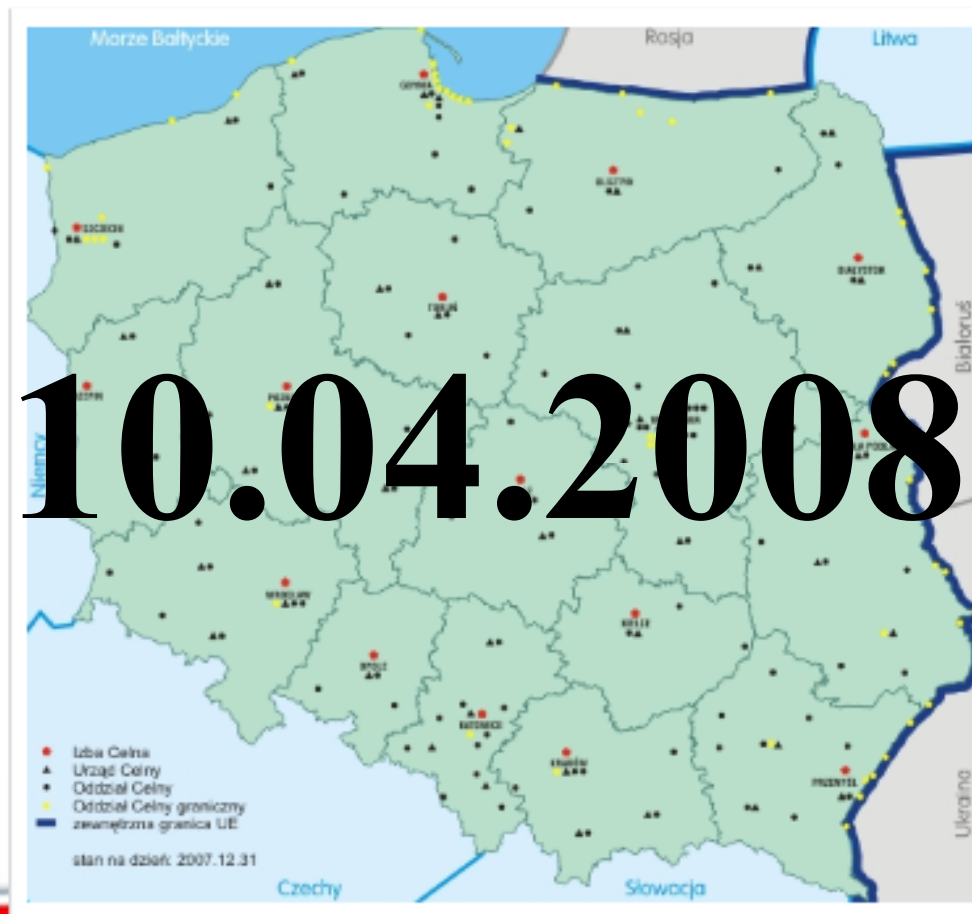
The Polish Customs Administration



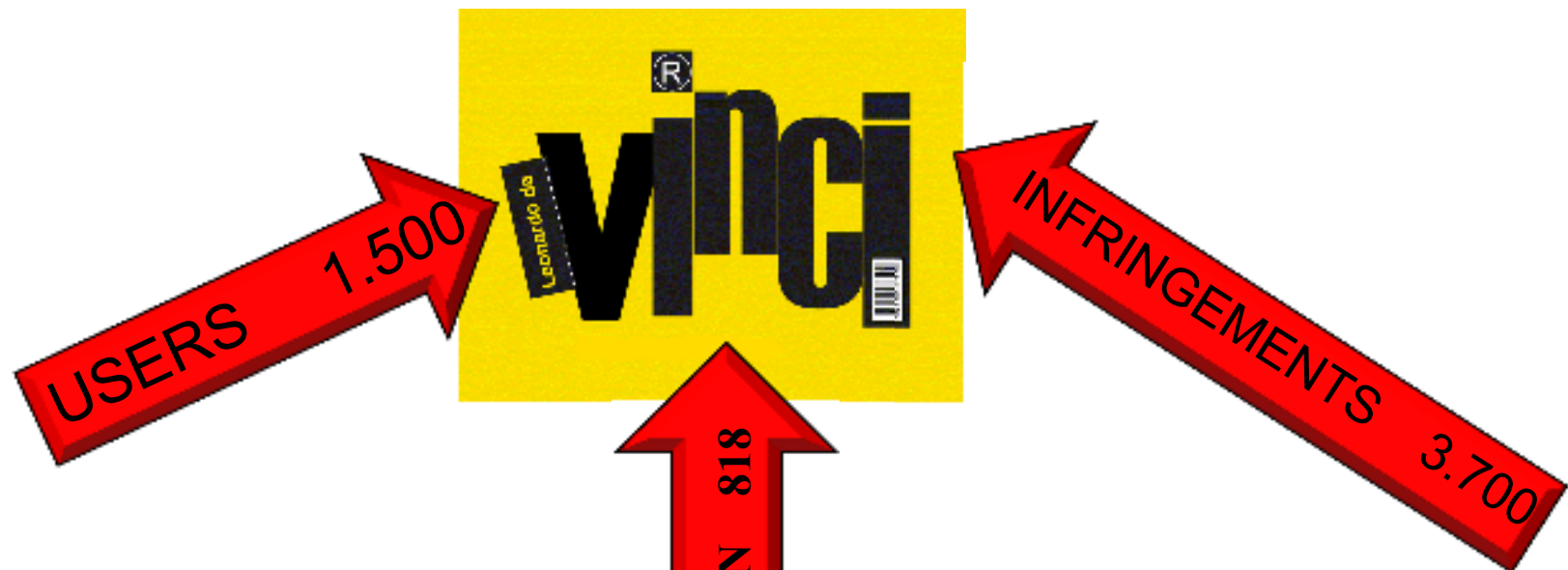
The Danish Customs Administration



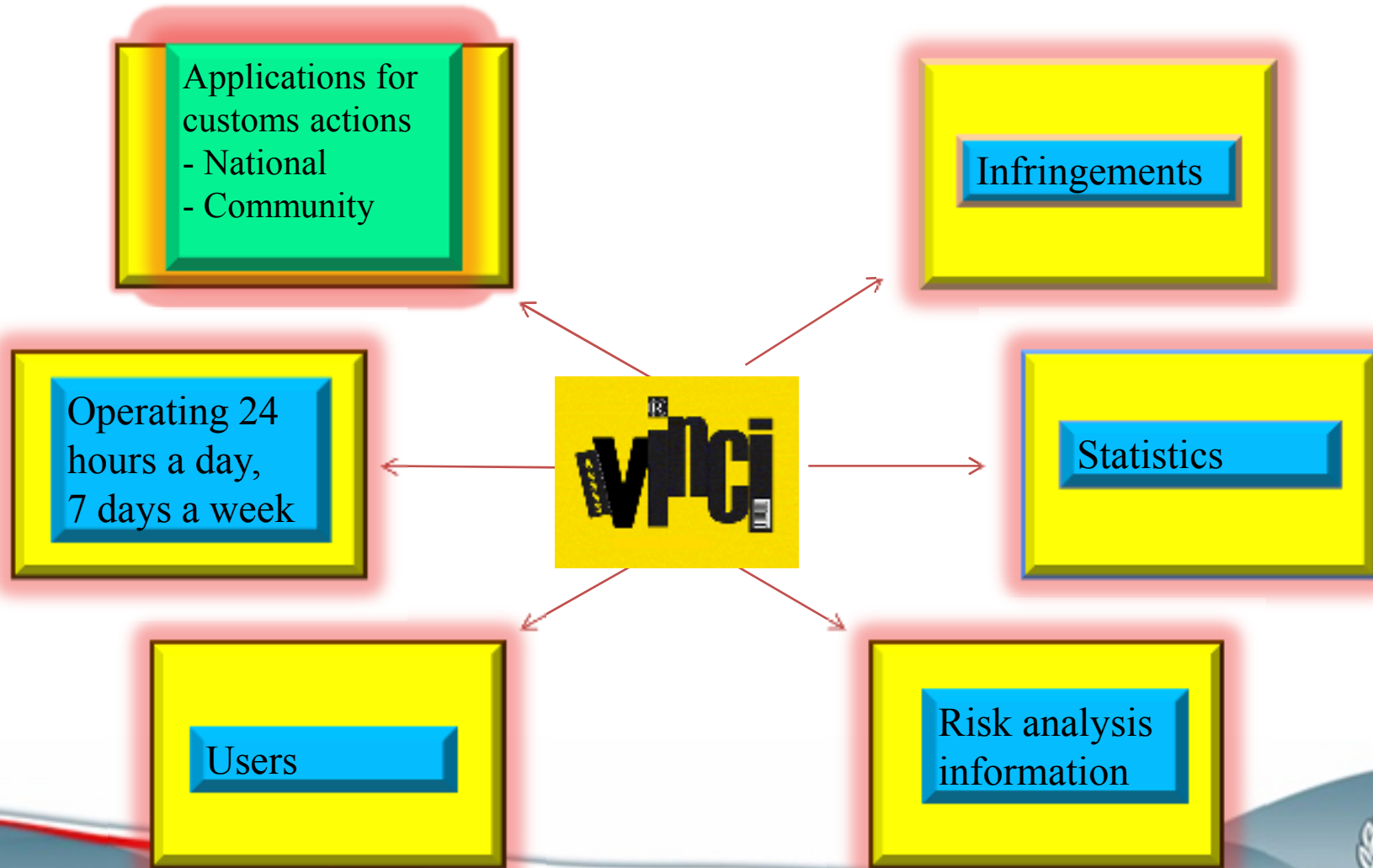
Implementation



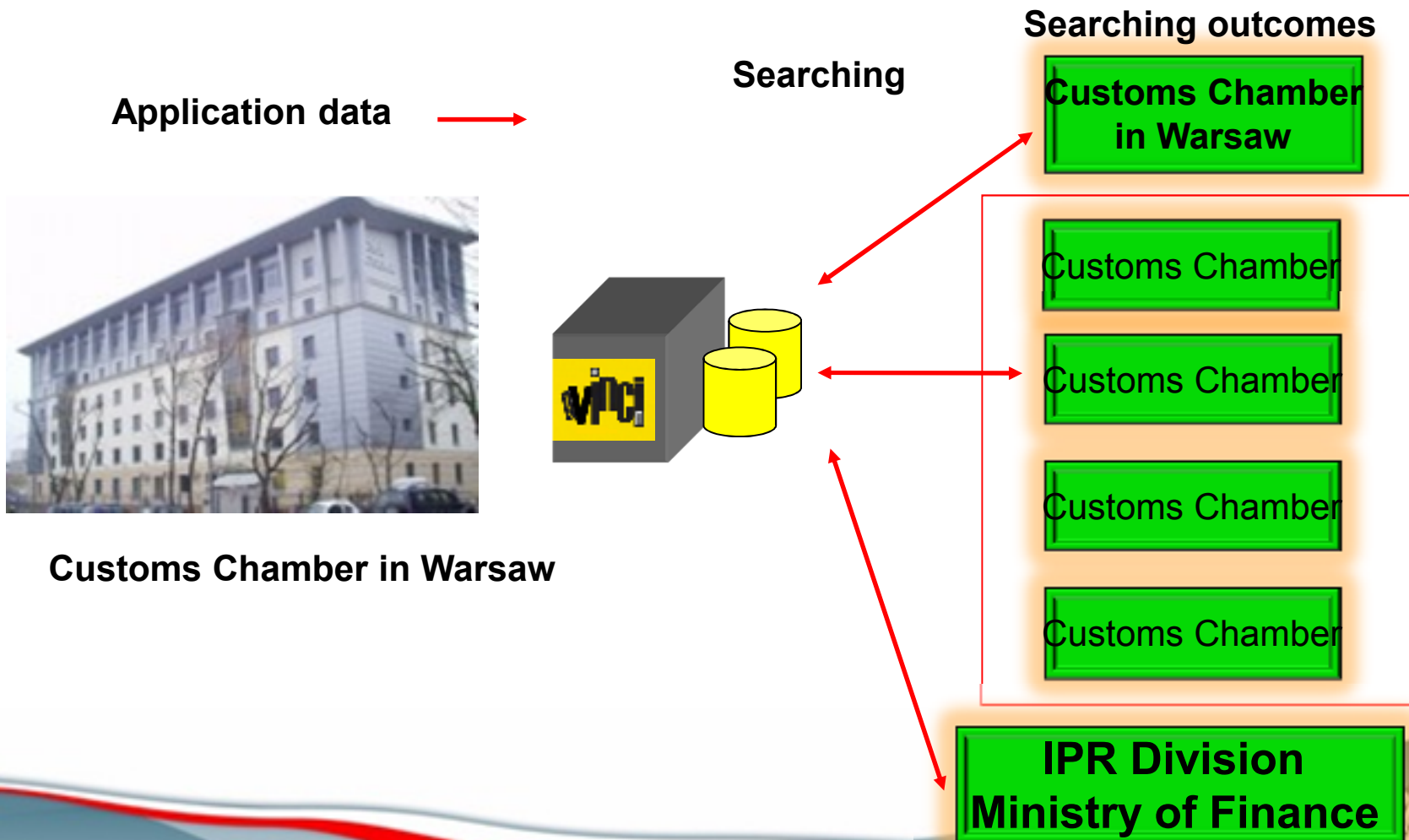
Statistic of „VINCI” system



System - the key information



The flow of information



Applications for actions module

NATIONAL APPLICATION FOR ACTION	
<p>1. Date of receipt of the application for action by the designated customs department (within the meaning of Article 5(2) of Regulation (EC) No 1383/2003)</p> <p>IDENTIFY: J.J.J.</p>	<p>INTELLECTUAL PROPERTY RIGHTS</p> <p>APPLICATION FOR ACTION BY CUSTOMS AUTHORITIES</p> <p> pursuant to Article 5(1) of Regulation (EC) No 1383/2003</p>
<p>3. Details of applicant (i.e. right-holder within the meaning of Article 2(2) of Regulation (EC) No 1383/2003)</p> <p>NAME: _____</p> <p>FUNCTION: _____</p> <p>ADDRESS: _____</p> <p>TOWN: _____</p> <p>POSTCODE: _____</p> <p>COUNTRY: _____</p> <p>VAT NO: _____</p> <p>TEL: _____</p> <p>MOBILE: _____</p> <p>FAX: _____</p> <p>E-MAIL: _____</p> <p>INTERNET ADDRESS: _____</p>	<p>2. Name and address of competent authority to which application is made (see Annex I(4) for details)</p>
<p>4. Status of applicant (within meaning of Article 2(2) of the Regulation)(EC) No 1383/2003/3)</p> <p><input type="checkbox"/> Right-holder (?) <input type="checkbox"/> Right-holder's representative(?)</p> <p><input type="checkbox"/> Authorized user of the right(?) <input type="checkbox"/> Representative of authorized user (?)</p>	
<p>5. Type of right to which application refers(?):</p> <p><input type="checkbox"/> Trademark <input type="checkbox"/> Design right <input type="checkbox"/> Copyright or related right <input type="checkbox"/> Patent</p> <p><input type="checkbox"/> Supplementary protection certificate <input type="checkbox"/> Protected designation of origin <input type="checkbox"/> Protected geographical indication</p> <p><input type="checkbox"/> Plant variety right</p> <p><input type="checkbox"/> Geographical designations for spirit drinks(?)</p>	
<p>6. Name and address of contact person (administrative matters):</p> <p>TEL: _____</p> <p>FAX: _____</p> <p>E-MAIL: _____</p> <p>MOBILE: _____</p> <p>INTERNET ADDRESS: _____</p>	<p>7. Name and address of contact person (technical matters):</p> <p>TEL: _____</p> <p>FAX: _____</p> <p>E-MAIL: _____</p> <p>MOBILE: _____</p> <p>INTERNET ADDRESS: _____</p>



Raport-Vinci-wnioski

Dane wnioskodawcy	
Nr wniosku	AP-410000-2008-11
Typ wniosku	wniosek krajowy
Firma	Societe BIC
Kontakt imię	Włodzimierz
Kontakt nazwisko	Szozuk
Adres	Al. Ujazdowskie 10
Miasto	Warszawa
Mail	
WWW Adres	http://www.wardynki.com.pl
Data utworzenia	
Dane z wniosku	
Status dokumentu	A
Ważny od	07-06-2006
Ważny do	07-06-2007
Status wniosku	Zaskieptowany
Numer decyzji	440000-WI-4072-157/06/2979/EW
Data decyzji	07-06-2006
Data utworzenia	
Status wnioskodawcy	
AP-410000-2008-11	
Przedstawiciel posiadacza prawa	



Applications for actions module

Right holder:

- name, address, person:
- administrative contact person,
- technical contact person,
- rights - type, name, number (if they are registered), Nice classification of goods,
- additional information .



Photos and films on-line:

- genuine goods,
- fake goods.



Two categories of photos: genuine and fake products

Zestawienie zdjęć w podziale na oryginalne - podrobione

[Powrót do strony](#)

Kategoria: oryginalny

Numer wniosku: AP-410000-2008-11



Opis: Wzory BIC
[Powiększ](#)



Opis: Wzory BIC
[Powiększ](#)



Opis: Wzory BIC
[Powiększ](#)



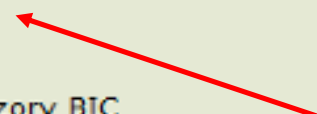
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[Powiększ](#)



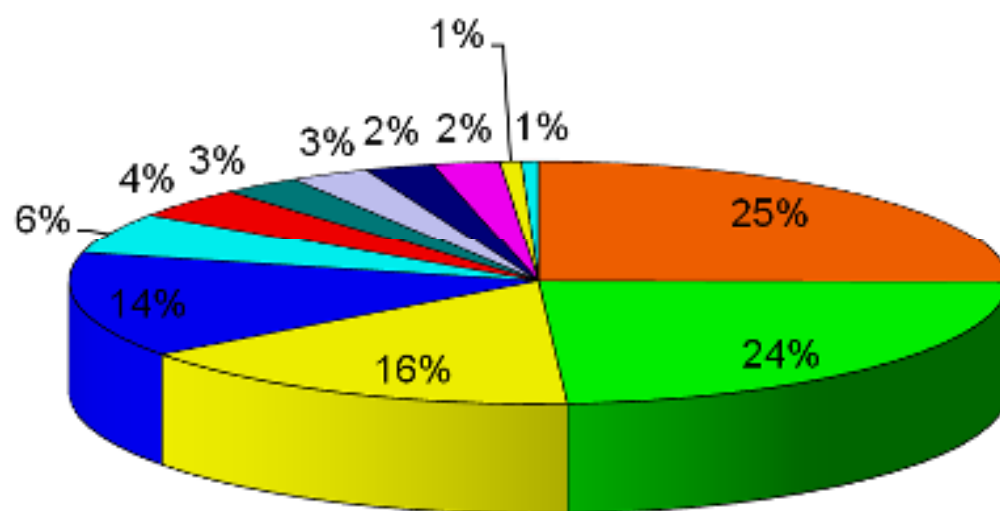
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Opis: Wzory BIC
[Powiększ](#)



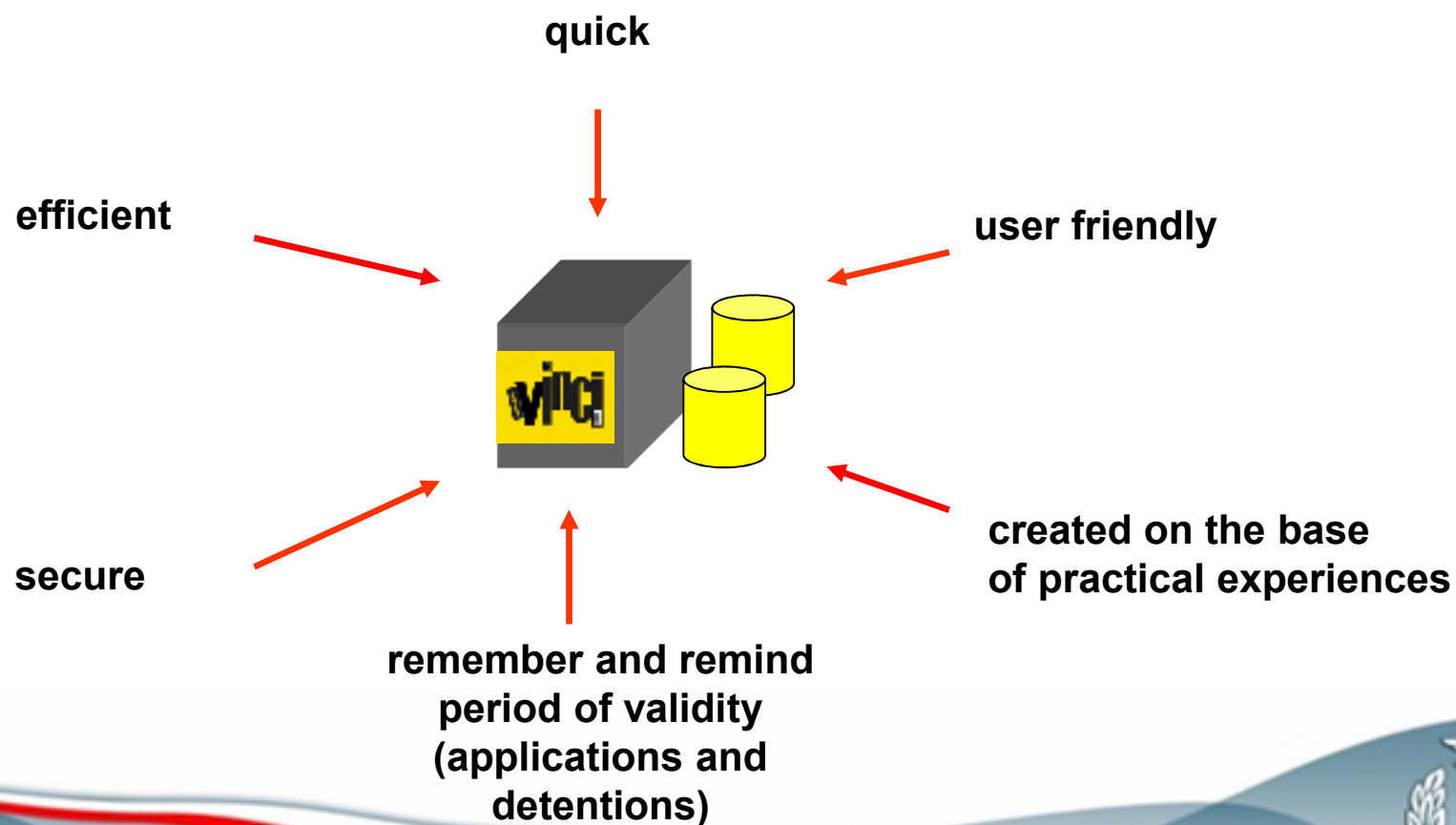
Quantity of goods detained in 2008 by Polish Customs Services divided on categories



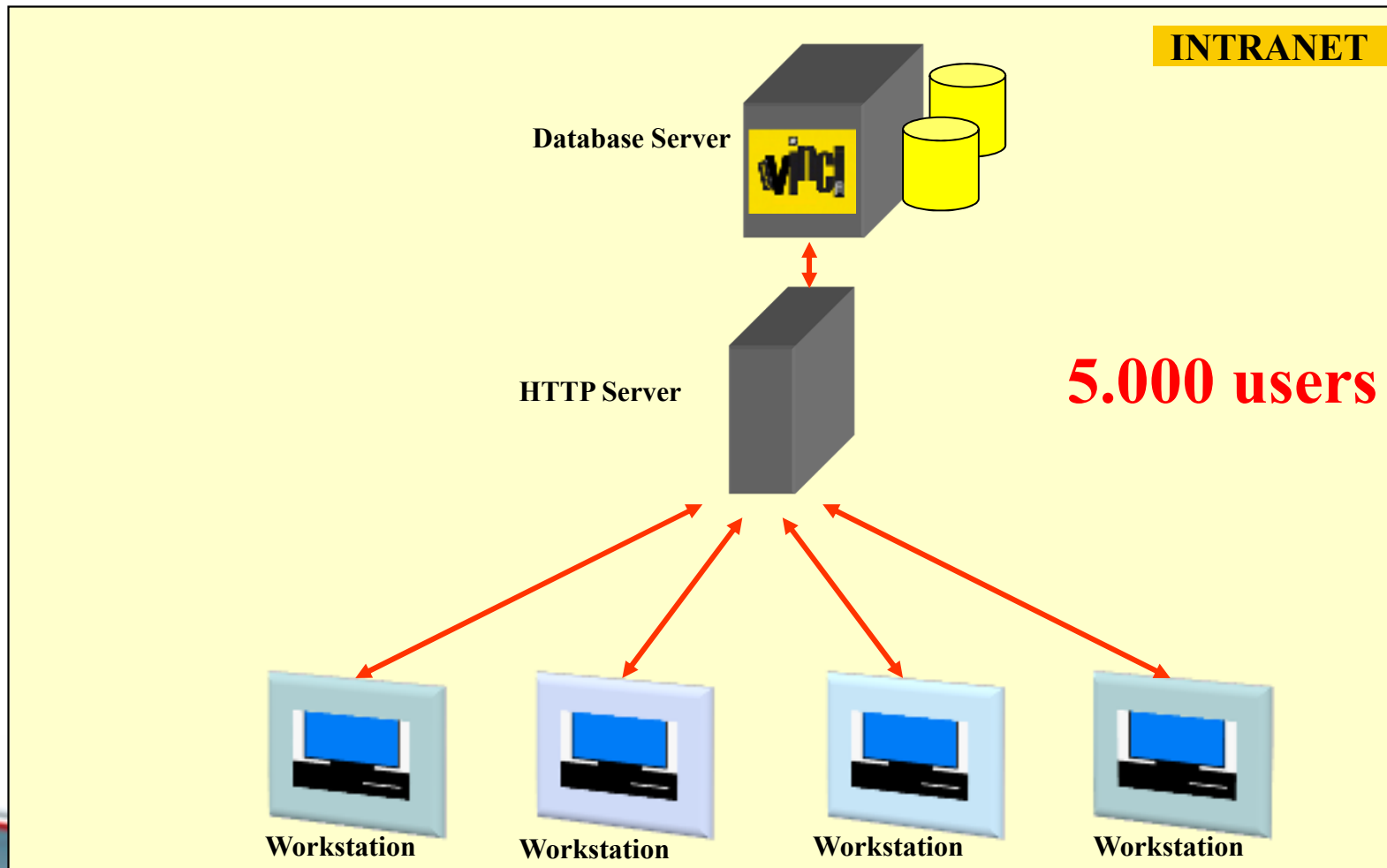
- Papierosy
- Lizyna
- Sprzęt elektroniczny
- Inne towary
- Odzież i obuwie
- Gry, sprzęt sportowy, zabawki
- CD, DVD
- Farmaceutyki
- Artykuły spożywcze
- Kosmetyki
- Sprzęt komputerowy
- Zegarki i biżuteria



The main advantages of the system



How does it work?



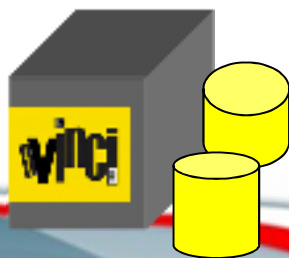
Computer links to other institutions



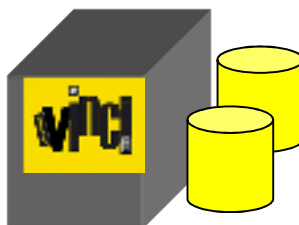
Ministry of Finance



The Polish Patent Office



Second stage – further development



Thank you for your attention

Grażyna Cieśla-Kaczmarczyk

e-mail : grazyna.ciesla@prz.mofnet.gov.pl

Służba Celną RP

