

# APPLICATION FOR ACTION – What's the attraction?

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## AFA

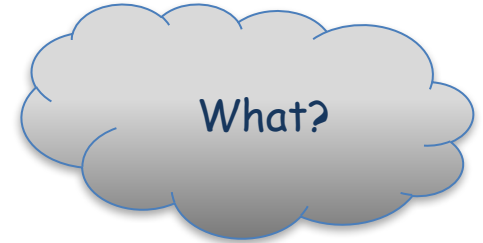


*Designed by Freepik*

## Application for Action

### What is Application for Action?

- a form
- an act of will
- a tool



Regulation (EU) No **608/2013** of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights (Article 6)

### What types of Application for Action exist?

- **NAFA** – all enforceable IP rights
- **UAFA** – only IP rights that have an effect on the whole EU territory

Regulation (EU) No **608/2013** (Article 3)

## Legal background

### Why Application for Action exists?

- TRIPS Agreement

Agreement on Trade-Related Aspects of Intellectual Property Rights (Annex 1C of the Agreement Establishing the World Trade Organisation, Marrakesh, MA, 1994; Article 51)

- provides data set

Regulation (EU) No **608/2013** (Article 6)

- facilitates customs role



## Applicants

Who can submit the Application for Action?

- right-holder
- intellectual property collective right management body
- professional defence body
- group of producers of GI products (or representative)
- operator entitled to use GI
- inspection body or GI competent authority
- exclusive licence holder



Regulation (EU) No **608/2013** (Article 6)

## Application for Action form

Where can the Application for Action be found?

- Regulation

Commission Implementing Regulation (EU) **2018/582** of 12 April 2018 amending Implementing Regulation (EU) No 1352/2013 establishing the forms provided for in Regulation (EU) No 608/2013 (Annex I)



- DG TAXUD's web site



TAXUD defend your rights

- Enforcement Database

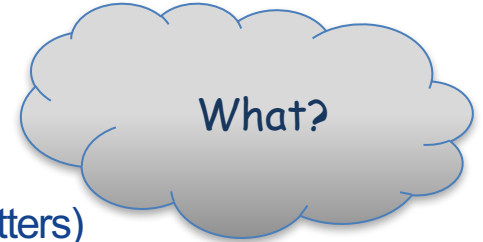


Enforcement Database

## Data set

What is important to input in the Application for Action?

- all mandatory fields (marked with \*)
- at least one of alternative fields (marked with +)
- contact details (applicant, representatives for legal and technical matters)
- IPR portfolio
- information about the goods (original and counterfeit) – “we never...” & “we always...”
  - goods description and distinctive features
  - place of production
  - involved companies
  - traders & distributors
  - packaging
  - accompanying documents



## Channels of submission

How can the Application for Action be submitted?

- in paper (handwritten)
- in paper (using PDF form)
- electronically (using EDB form) + in paper
- in future – only electronically
  - using electronic form in the EDB
  - using electronic systems of the MS





## Competent Customs Department

Who will deal with the Application for Action?

- Competent Customs Department in EU MS
- list and contact details on DG TAXUD's web site

Regulation (EU) No **608/2013** (Articles 7 - 16)



Who will use the data from the Application for Action?

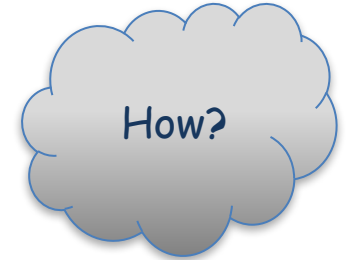
- Customs risk management units
- front-line customs units

Regulation (EU) No **608/2013** (Articles 17 - 26)

## Use of the data from AFA

How will customs use the data from the Application for Action?

- risk management (risk profiles)
  - goods description (tariff code)
  - provenance and route
  - involved companies & traders
  - goods clearance details
- customs clearance (physical control of the goods)
  - packaging
  - goods description
  - distinctive features
  - accompanying documents
  - contact details



## So, what's the attraction?

It is a practical tool...

All the data are submitted once...

Easy to amend...

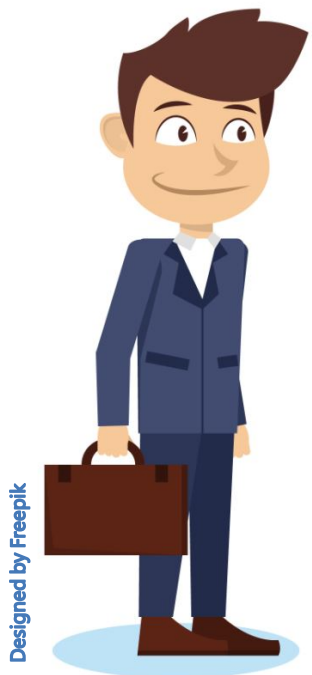
All the data are searchable...

It is a mandatory step in border measures...

It is useful...



## What's the attraction?



Thank you for  
your attention!

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0.1	DD/MM/YYYY		
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