

Protection of Intellectual Property

Published: 20.10.2022.

Counterfeit goods mean goods that infringe intellectual property rights: trademarks, designs, geographical indications, etc. The counterfeiters use popular brands thus misleading the consumers into believing that the goods have been produced by a trustworthy company with good reputation. Dishonest traders of the international market cause financial loss of the right holders by selling similar products at a lower price. The financial gains from such endeavours are often used to finance terrorism.

Counterfeit goods might also pose danger to the consumer health or might even be life-threatening, for example, in cases of counterfeit medicine or electronics. Children's goods of recognizable brands should be chosen especially carefully.

There is an ongoing trend to sell counterfeit goods online and send them to private individuals by post or courier. When purchasing brand goods online it is highly recommended to consider the reputation, the quality of the goods and the price for which the goods are offered to the buyer. When making purchases online, it should be remembered that counterfeit brand goods are frequently offered at a significantly lower price than original brand goods. It is important to know that the large price difference can serve as a warning signal that the goods might be counterfeit.

Customs control measures for the protection of intellectual property

If during customs control measures goods are found that are potentially infringing intellectual property rights, the customs authority pursuant to the Regulation 608/2013 [\[1.\]](#) sends the information on the goods to the right holder. If the right holder confirms that their rights have been infringed and the declarant or the holder of the goods do not object to the destruction of goods, a decision is made by National Customs Board of the State Revenue Service to transfer the goods for destruction to the right holder or the holder of the decision within the meaning of the Regulation No 608/2013. The right holder then shall destroy the goods at their own expense under the supervision of a representative of the State Revenue Service.

Information on the companies that have received waste management permits can be obtained in the State Environmental Service. Additional information on destruction of goods is available in the section on [destruction of goods](#) (in Latvian).

Cabinet Regulation No 468 [\[4.\]](#) stipulates that the right holder shall be obliged to cover the costs of storing the seized goods in the premises of the State Revenue Service – at EUR 8.89 per month per 1 m². If the occupied space is less than 1 m², then the storage costs are calculated for 1 m².

On 1 September 2021, amendments of the Customs Law [B.\]](#), came into force that change the competency of the State Revenue Service in cases where the representative confirms the infringement of the intellectual property rights but the declarant or holder of the goods object to the destruction of the goods. The State Revenue Service will continue to have the competency to take decisions on transferring counterfeit or pirated goods for destruction in cases of the goods that can be declared orally or by using a reduced data set (goods carried in the personal luggage or sent in postal consignments with the value of less than EUR 1000).

In cases where the declarant or holder of goods object to destruction of goods that shall be declared with full (standard) customs declaration, the holder of the intellectual rights has to submit an application within 10 working days to the court of law (to the City of Riga Vidzeme District Court) to protect their rights. In such cases, the declarant or holder of goods has the obligation to accept the seized goods for storage within 5 working days. If the declarant or holder of goods fails to accept the seized goods for storage within 5 working days, the goods are transferred for destruction and this decision of the State Revenue Service cannot be appealed.

Submission of Applications for Action

Any natural or legal person holding intellectual property rights or representing a holder of such rights are entitled to request the

customs authority to protect these rights by submitting an Application for Action to the SRS National Customs Board. For unique identification of the applicants and their representatives, it is mandatory to indicate the Economic Operator Registration and Identification (EORI) number. Information on obtaining an EORI number is available in the section [EORI number](#) (in Latvian).

 [Application for Action](#) 

As of 13 December 2021, the European Commission, in cooperation with European Union Intellectual Property Office (EUIPO), ensures the possibility to submit Applications for Action electronically (e-AFA (e-Application for Action)). The communication between the customs authorities and right holders/representatives can now take place via the Intellectual Property Enforcement Portal (IPEP). During the transitional period, the Applications for Action may also be submitted in paper form or signed electronically.

The European Union Intellectual Property Office has published guidelines and an instructional video on their [website](#) on the submission of e-AFA. EUIPO regularly provides online training for the customs clients and gives answers to specific questions sent to the email ipenforcementportal@euipo.europa.eu.

The SRS National Customs Board examines the application and informs the applicant on approval or rejection. If the application is approved, the customs authority carries out reinforced control measures for one year to prevent infringements of the intellectual property rights indicated in the application. After this period the applicant may submit a request for extension and continue to be provided with reinforced protection of their intellectual property rights for another year.

 [request for extension](#) 

Further information on protection of the intellectual property rights in the EU is available on the [website of the European Commission](#) and [the website](#) of the European Union Intellectual Property Office (EU IPO).

Information on the applications for action received by the SRS National Customs Board (name and registration number of the intellectual property, name of the right holder, description of the goods and the term of protection of the intellectual property rights):

 [Summary of the applications for protection of intellectual property rights received by the Latvian customs administration \(in Latvian\)](#) 

Information on Latvian, EU and international trademarks is available on [the website](#) of the Patent Office of the Republic of Latvia.

Regulations governing customs work in the protection of intellectual property rights

[1.] [Regulation \(EU\) No 608/2013 of the European Parliament and of the Council](#) of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003

[2.] [Commission Implementing Regulation \(EU\) 2020/1209](#) of 13 August 2020 amending Implementing Regulation (EU) No 1352/2013 establishing the forms provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights

[3.] Paragraphs 14.¹ - 14.⁶ of the [Customs Law](#)

[4.] Paragraphs 2 – 26 of the Cabinet Regulation No 468 of 8 August 2017 [“Regulations on Certain Types of Customs Controls”](#)

 [APPLICATION FOR ACTION](#) 

 [REQUEST FOR EXTENSION](#) 

<https://www.vid.gov.lv/en/protection-intellectual-property>