**MINISTRY OF FINANCE OF UKRAINE**

**ORDER**

**09.06.2020 No. 281**

Registered with the Ministry   
of Justice of Ukraine   
on 22 June 2020   
under No. 549/34832

**On approval of the Procedure for the application of measures to facilitate the protection of intellectual property rights and the interaction between customs authorities and right holders, declarants and other stakeholders, and on amending some regulations of the Ministry of Finance of Ukraine**

In accordance with [paragraph 1](https://zakon.rada.gov.ua/laws/show/4495-17#n3364) of Article 397 of the Customs Code of Ukraine, [the Regulation on the Ministry of Finance of Ukraine](https://zakon.rada.gov.ua/laws/show/375-2014-%D0%BF#n8) as approved by Resolution No. 375 of the Cabinet of Ministers of Ukraine of 20 August 2014, with a view to establishing the uniform procedure for the application of measures to facilitate the protection of intellectual property rights and the interaction between customs authorities and right holders, declarants and other stakeholders during customs control and customs clearance of goods containing intellectual property rights, I hereby ORDER:

1. That [the Procedure for the application of measures to facilitate the protection of intellectual property rights and the interaction between customs authorities and right holders, declarants and other stakeholders](https://zakon.rada.gov.ua/laws/show/z0549-20#n20) (attached hereto) be approved.

2. That the [Amendments to some regulations of the Ministry of Finance of Ukraine](https://zakon.rada.gov.ua/laws/show/z0550-20#n4) (attached hereto) be approved.

3. That in the heading and [paragraphs 1](https://zakon.rada.gov.ua/laws/show/z1140-12#n6), [3](https://zakon.rada.gov.ua/laws/show/z1140-12#n8) of the Order of the Ministry of Finance of Ukraine No. 731 of 15 June 2012 “On approval of the Procedure for reimbursement of costs for storage of goods and vehicles in SFS customs warehouses, the Procedure for calculating costs in cases of violation of customs rules and their reimbursement, and the Amounts of compensation for storage of goods and vehicles in SFS customs warehouses” registered with the Ministry of Justice of Ukraine on 09 July 2012 under No. 1140/21452 (as amended), the word and acronym “SFS customs warehouses” be replaced by the words “customs authorities”.

4. That the [Order of the Ministry of Finance of Ukraine No. 647 of 30 May 2012](https://zakon.rada.gov.ua/laws/show/z1033-12) “On approving the Procedure for interaction between customs units when exercising customs control and customs clearance of the goods containing intellectual property rights” as registered with the Ministry of Justice of Ukraine on 22 June 2012 under No. 1033/21345 be repealed.

5. That the State Customs Service of Ukraine ensure, by 01 July 2020, creation and finalisation of the relevant software and information packages to enable the implementation of this Order.

6. That the Department of Customs Policy of the Ministry of Finance of Ukraine ensure:

submission of this Order for official registration to the Ministry of Justice of Ukraine;

publication of this Order.

7. This Order shall take effect as of the day of its official publication.

8. I shall retain the monitoring over the implementation of this Order and entrust it to the acting Head of the State Customs Service of Ukraine, I.M. Muratov.

Minister S. Marchenko

AGREED WITH:   
  
Minister of Economic Development, Trade   
Agriculture of Ukraine I. Petrashko   
  
  
First Deputy   
Minister of Digital Transformation of Ukraine O. Vyskub  
  
Acting Head of the State Customs Service of Ukraine I. Muratov  
  
Acting Head of the State Regulatory Service of Ukraine O. Miroshnichenko

**APPROVED BY**   
**the Order of the Ministry**   
**of Finance of Ukraine**   
**09.06.2020 No. 281**

**Registered with the Ministry**   
**of Justice of Ukraine**   
**on 22 June 2020**   
**under No. 549/34832**

**PROCEDURE**   
**for the application of measures to facilitate the protection of intellectual property rights and the interaction between customs authorities and right holders, declarants and other stakeholders**

I. General provisions

1. This Procedure establishes the uniform approach to, and rules of, the application of measures to facilitate the protection of intellectual property rights (hereinafter referred to as “IPR”) as laid down in [Articles 399](https://zakon.rada.gov.ua/laws/show/4495-17#n3379), [400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395), [401–402](https://zakon.rada.gov.ua/laws/show/4495-17#n3403) of the Customs Code of Ukraine (hereinafter referred to as “the Code”) and the interaction between customs authorities and right holders, declarants and other stakeholders in practical implementation of [Chapter 57](https://zakon.rada.gov.ua/laws/show/4495-17#n3362) of the Code.

2. In this Procedure, the terms shall be used in the following meanings:

customs register data means information entered in the software and information complex “Customs Register of Intellectual Property Rights” within the Unified Automated Information System of SCS (hereinafter referred to as “UAIS”) based on an IPR item’s registration in the Customs Register of IPR safeguarded by law (hereinafter referred to as “the Customs Register”);

application for the registration of an IPR item in the customs register means an application seeking facilitation of the protection of an IPR item belonging to a right holder, submitted in accordance with [Article 398](https://zakon.rada.gov.ua/laws/show/4495-17#n3371) of the Code for the purpose of entering such item in the customs register;

application submitted in accordance with [Article 400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) of the Code means an application seeking facilitation of the protection of an IPR item belonging to a right holder, submitted after suspension of customs clearance of the goods at the customs authority’s initiative in accordance with Article 400 of the Code;

facilitation measures mean measures as provided for [by paragraph 1](https://zakon.rada.gov.ua/laws/show/4495-17#n3364) of Article 397 of the Code to facilitate the protection of IPR, which are applied to goods suspected of infringing IPR;

presented goods mean the goods presented for customs control and customs clearance;

suspension of customs clearance of goods means suspension of customs formalities in the course of customs clearance of goods on the basis of a customs declaration, or suspension of customs formalities carried out for the goods without submission of a customs declaration, which takes place on the basis of a decision to suspend customs clearance of goods;

decision to suspend customs clearance of goods means a document in the form according to [Annex 1](https://zakon.rada.gov.ua/laws/show/z0549-20#n242) to this Procedure, which is adopted in case of suspension of customs clearance of goods in accordance with [Articles 399](https://zakon.rada.gov.ua/laws/show/4495-17#n3379), [400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) and [401-1](https://zakon.rada.gov.ua/laws/show/4495-17#n5971) of the Code (hereinafter referred to as “the Decision”);

SU means a specialised unit of the customs authority, which, according to the regulation, is entrusted with the function of organizing the application of facilitation measures.

Other terms in this Procedure shall be used in the meanings given in [the Code](https://zakon.rada.gov.ua/laws/show/4495-17) and other regulatory acts.

Document management arrangements shall be in compliance with the provisions of the Resolution of the Cabinet of Ministers of Ukraine [No. 55](https://zakon.rada.gov.ua/laws/show/55-2018-%D0%BF) of 17 January 2018 “Some issues of documenting management activities”.

3. This Procedure shall apply to the goods suspected of infringing IPR, and to the cases where such goods:

1) are imported into the customs territory of Ukraine or exported from the customs territory of Ukraine by individuals;

2) are imported into the customs territory of Ukraine (including for transit) or exported from the customs territory of Ukraine by the businesses;

3) are moved across the customs border of Ukraine by the businesses or individuals with the application of the customs regimes of import, re-import, export, re-export, temporary import, temporary export, free customs zone, processing on the customs territory, processing outside the customs territory.

Such goods can be moved by any type of transport (except for pipelines and power lines) in cargo shipments, accompanied and unaccompanied baggage, hand luggage, international mail and express shipments.

4. Facilitation measures shall be applied to:

1) original goods, i.e. goods that were manufactured with the consent of the right holder, or goods made by a person duly authorised by the right holder to produce a certain number of goods, including in an amount exceeding that agreed between this person and the right holder;

2) personal belongings;

3) goods imported by citizens in the customs territory of Ukraine in hand luggage and/or accompanied baggage for personal use and not intended for production or other business activities, the total invoice value and/or weight of which does not exceed the limits established [by paragraph 1](https://zakon.rada.gov.ua/laws/show/4495-17#n4524) of Article 374 of the Code.

5. Customs control and customs clearance of goods containing an IPR item and imported into the customs territory of Ukraine or exported from the customs territory of Ukraine shall be exercised in accordance with the procedure established by the law with an account taken of the specific features set out in this Procedure.

6. The customs authorities shall apply the facilitation measures to goods suspected of infringing IPR and not covered by paragraph 4 of this section, including by way of engaging right holders, declarants and other stakeholders.

7. The customs authorities shall apply the facilitation measures to goods suspected of infringing IPR in the course of customs control and clearance, including in case of customs formalities carried out without submission of a customs declaration.

8. The customs authorities shall apply the facilitation measures to goods suspected of infringing IPR at the stage of customs formalities at which signs of infringement of IPR were detected and documented (in the course of customs formalities carried out without submission of a customs declaration).

During the performance of customs formalities with the submission of customs declaration, the customs authorities shall apply facilitation measures to goods suspected of infringing IPR in accordance with [the Procedure for the performance of customs formalities when exercising customs clearance of goods with the submission of customs declaration on the on a pre-printed form of a single administrative document](https://zakon.rada.gov.ua/laws/show/z1360-12#n17) as approved by Order of the Ministry of Finance of Ukraine No. 631 of 30 May 2012 registered with the Ministry of Justice of Ukraine on 10 August 2012 under No. 1360/21672 (as amended).

9. To determine the forms and scope of customs control in order to identify goods suspected of infringing IPR, the customs authorities shall apply the risk management system in accordance with the procedure established by law.

10. Identification of goods suspected of infringing IPR shall be carried out by the customs authority:

1) by comparing the information on the presented goods with the data of the customs register as regards the characteristics of:

goods suspected of infringing IPR, counterfeit and pirated goods;

original goods;

2) through interaction with the right holder in case of application of facilitation measures in accordance with [Article 400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) of the Code;

3) by using additional information resources to the extent not contrary to legislation.

11. The signs of original goods entered in the customs register shall be used by the customs authorities for comparison with the information on the presented goods to identify goods suspected of infringing IPR, and not to apply the facilitation measures to the original goods.

12. Customs authorities shall identify the presented goods as original, and facilitation measures shall not be applied to such goods if:

1) they are moved across the customs border of Ukraine by a person identified by the right holder as a participant of foreign economic activity, who carries out transactions with original goods, in accordance with the data of the customs register;

2) information has been entered in the customs register or the right holder has notified the customs authority in writing that the goods, which are planned to be moved or are being moved across the customs border of Ukraine, are original goods, and such information allows the customs authority to identify such goods during customs control and customs clearance.

13. If the presented goods are not identified as original goods in accordance with paragraph 12 of this section, the customs authorities shall identify such goods as goods suspected of infringing IPR if, according to the data of the customs register:

1) their movement across the customs border of Ukraine is carried out by a person identified by the right holder as a participant of foreign economic activity, who carries out transactions with goods suspected of infringing IPR, or

2) the manufacturer of such goods is identified by the right holder as a manufacturer of goods suspected of infringing IPR, or

3) their characteristic (typical) signs and/or their packing correspond to the data of the customs register regarding the characteristic (typical) signs and/or packing of goods suspected of infringing IPR, or

4) the manufacturer of such goods is not identified by the right holder as the manufacturer of the original goods, or

5) their characteristic (typical) signs and/or their packing do not correspond to the data of the customs register regarding the characteristic (typical) signs and/or packing of original goods.

14. Except in cases provided for in paragraph 13 of this section, the customs authorities identify the presented goods as suspected of infringing IPR, if they suspect that IPR may be infringed as a result of movement of goods, for which the right holder has not submitted an application for the registration of an IPR item in the customs register, across the customs border of Ukraine and provided that such goods are not perishable and there is available information on the right holder.

15. Facilitation measures in respect of the goods suspected of infringing IPR shall be applied by:

1) the customs authority exercising customs clearance based on customs declaration of the goods moved across the customs border of Ukraine with the application of the customs regimes of import, re-import, export, re-export, temporary import, temporary export, free customs zone, processing on the customs territory, processing outside the customs territory.

2) the customs authority performing customs formalities for goods for which customs formalities performed without submission of a customs declaration;

3) the customs authority of departure, which carries out customs formalities regarding the goods during their import into the customs territory of Ukraine under a preliminary or periodic customs declaration governing shipment of such goods to the customs authority of destination.

16. In the case of a Decision regarding a part of goods suspected of infringing IPR and included in the same batch together with goods not suspected of infringing IPR, the customs authority shall be obliged to ensure, with respect to goods not suspected of infringing IPR, an opportunity to complete their customs clearance under the selected customs regime or complete customs formalities without submission of a customs declaration.

17. After ensuring the storage of goods suspected of infringing IPR whose customs clearance has been suspended under the established procedure, customs formalities for a part of the batch of goods not suspected of infringing IPR shall be carried out by submitting a new customs declaration or completing customs formalities without submission of a customs declaration.

18. Information about IPR items entered in the customs register shall be provided to the customs authorities through UAIS.

19. To ensure the identification of goods suspected of infringing IPR, customs authorities may use additional information resources to the extent not contrary to legislation.

20. Specialists and experts may be engaged in accordance with [Article 327](https://zakon.rada.gov.ua/laws/show/4495-17#n2696) of the Code to check for signs of goods suspected of violating IPR as part of the presented goods and/or for absence of signs of original goods.

21. Identification of the presence of an IPR item entered in the customs register in the presented goods is carried out by checking the data of the customs declaration, documents attached thereto or shipping documentation and/or in the course of the customs inspection of such goods, including through:

check of conformity of product codes under [UKT ZED](https://zakon.rada.gov.ua/laws/show/584%D0%B0-18#n3), their description, and other data on the presented goods to the data of the customs register;

use of the methods proposed by the right holder to identify the presence of an IPR item in the goods.

22. For the purpose of identifying the presence of a IPR item in the presented goods, the declarant and the right holder shall have the right to submit additional information on the goods for which such identification is performed to the customs authority.

23. If, based on the results of the checking for an IPR item entered in the customs register in the presented goods, it is established that the presented goods do not contain such IPR item, in the absence of grounds for the application of facilitation measures in accordance with [Article 400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) of the Code, goods shall not be deemed to be suspected of infringing IPR.

24. Officials of the SU shall:

ensure interaction between the customs authority and right holders, declarants, owners of goods and other stakeholders in the course of the application of facilitation measures and other actions provided for by law, with the aim of facilitating the protection of IPR;

provide informational and methodological support during the checking by the customs officials for an IPR item in the presented goods, establishing the presence of signs of goods suspected of infringing IPR, and/or the absence of signs of original goods;

monitor the customs clearance of goods, based on the results of which they can initiate, and personally participate in, the customs inspection and repeated inspection of goods;

ensure collection, processing, generalisation and analysis of information related to the facilitation of IPR protection, including with a view to further informing officials of the customs authority, other customs authorities and the State Customs Service;

ensure entering of the information on the suspension of customs clearance of goods in accordance with Articles [399](https://zakon.rada.gov.ua/laws/show/4495-17#n3379), [400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) and [401-1](https://zakon.rada.gov.ua/laws/show/4495-17#n5971) of the Code, including the commencement of such suspension and its result, to the UAIS software and information complex “Suspension of customs clearance of goods suspected of infringing IPR”;

perform customs formalities in cases provided for by law.

25. Outside SU’s business hours, the official of the customs clearance unit (hereinafter referred to as “CCU”) shall not notify the SU in accordance with [paragraph 5](https://zakon.rada.gov.ua/laws/show/z0549-20#n94), section II; [paragraph 2](https://zakon.rada.gov.ua/laws/show/z0549-20#n189), section V of this Procedure and shall not send requests as provided for in [paragraph 7](https://zakon.rada.gov.ua/laws/show/z0549-20#n97), section II; [paragraph 5](https://zakon.rada.gov.ua/laws/show/z0549-20#n130), section III of this Procedure.

Outside SU’s business hours, preparation of the draft Decision in accordance with [paragraph 9,](https://zakon.rada.gov.ua/laws/show/z0549-20#n99) section II; [paragraph 6,](https://zakon.rada.gov.ua/laws/show/z0549-20#n131) section III and [paragraph 2,](https://zakon.rada.gov.ua/laws/show/z0549-20#n189) section V of this Procedure, as well as the sending notices in accordance with [paragraph 10,](https://zakon.rada.gov.ua/laws/show/z0549-20#n102) section II; [paragraph 7,](https://zakon.rada.gov.ua/laws/show/z0549-20#n133) section III and [paragraph 3,](https://zakon.rada.gov.ua/laws/show/z0549-20#n190) section V of this Procedure shall be performed by the CCU official subject to subsequent notification of the SU about such actions not later than on the next business day.

II. Suspension of customs clearance of goods based on data from the customs register

1. Upon registration of an IPR item in the customs register, the customs authority shall apply facilitation measures based on the data of such register.

2. Based on the data of the customs register, the customs authority shall find the presence of an IPR item entered in the customs register in the presented goods, in accordance with [paragraph 21](https://zakon.rada.gov.ua/laws/show/z0549-20#n75), section I of this Procedure.

3. If, based on the results of check for an IPR item entered in the customs register in the presented goods, it is established that the presented goods contain such an IPR item, a CCU official shall identify the presented goods in accordance with [paragraphs 12](https://zakon.rada.gov.ua/laws/show/z0549-20#n56), [13](https://zakon.rada.gov.ua/laws/show/z0549-20#n59) of section I of this Procedure.

4. Where the presented goods were not identified as original goods in accordance with [paragraph 12,](https://zakon.rada.gov.ua/laws/show/z0549-20#n56) section I of this Procedure and/or it was established that such goods have characteristics of goods suspected of infringing IPR, a CCU official shall inform the chief of the CCU, or the person who performs his/her duties, to enable a decision to conduct a customs inspection of the presented goods with a view to checking for the signs as provided for by [subparagraphs 2-5](https://zakon.rada.gov.ua/laws/show/z0549-20#n61), paragraph 13, section I of this Procedure.

5. In case of a decision to conduct a customs inspection to check for the signs as provided for in [subparagraphs 2–5,](https://zakon.rada.gov.ua/laws/show/z0549-20#n61) paragraph 13, section I of this Procedure, in the presented goods, the CCU official shall inform the SU, which shall, where necessary, have the right to supplement the list of tasks for the customs inspection and to provide a questionnaire, the answers to which must be specified in the act of inspection (repeated inspection) of goods, vehicles, hand luggage and baggage.

6. The CCU official who conducts the customs inspection shall take photographs of the presented goods in order to establish the presence or absence of signs as provided for in [subparagraphs 2–5,](https://zakon.rada.gov.ua/laws/show/z0549-20#n61) paragraph 13, section I of this Procedure.

Such digital photographs must be of appropriate quality and shall be attached to the electronic customs declaration or shall, in case of customs formalities without submission of a customs declaration, be sent by e-mail to the SU.

7. Where it is established that the presented goods contain the signs as provided for in [subparagraphs 2-5,](https://zakon.rada.gov.ua/laws/show/z0549-20#n61) paragraph 13, section I of this Procedure, a CCU official shall prepare and send to the Su a request for the suspension of customs clearance of such goods in accordance with the procedure established by law.

8. The request shall sent to the SU upon completion of customs formalities to the extent necessary to identify the presence of an IPR item entered in the customs register in the presented goods, to find the signs of goods suspected of infringing IPR, and/or the absence of signs of original goods, based on the data from the customs register.

9. Upon receipt of a request from the CCU, if, based on the results of the documentary check and information provided to the customs authorities in accordance with [Article 335](https://zakon.rada.gov.ua/laws/show/4495-17#n2730) of the Code, and/or a customs inspection, it is established that the presented goods have signs of goods suspected of infringing IPR, and/or have no signs of original goods entered in the customs register, the SU shall prepare a draft Decision to be endorsed by the head of the customs authority or his/her deputy.

Customs clearance shall be suspended as of the day of adoption of the Decision for a period of up to 10 business days.

In case of suspension of customs clearance of perishable goods, the suspension period shall be 3 business days and cannot be extended.

10. On the day of adoption of the Decision, the SU official shall send:

to the right holder — a notice in the format in accordance with [Annex 2](https://zakon.rada.gov.ua/laws/show/z0549-20#n244) to this Procedure in the form of a scanned copy, by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow,

to the declarant — a notice in the format in accordance with [Annex 3](https://zakon.rada.gov.ua/laws/show/z0549-20#n246) to this Procedure in the form of a scanned copy, by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow,

Where information on the fax number of the right holder and/or declarant is available in the customs register, such notices may also be sent by fax.

The date of receipt of such notices by the right holder and the declarant shall be the day when such notice was sent by the customs authority by means of electronic communication or by using means of information and telecommunication systems of the State Customs Service.

11. Notices provided for in paragraph 10 of this section shall be filled out using the comments as specified in the form in accordance with [Annex 2](https://zakon.rada.gov.ua/laws/show/z0549-20#n244) to this Procedure.

12. The right holder shall respond to the notice of the customs authority sent in accordance with the procedure provided for in paragraph 10 of this section by indicating the version of the decision as provided for annex 2 to such notice, by providing, where necessary, information and/or relevant documents and sending annex 2 in the form of a scanned copy to a customs authority’s e-mail by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow.

The right holder shall be allowed to specify more than one version of such decision as provided for in subparagraphs 1.1–1.7 of Annex 2 to the notice for the decision provided for in paragraph 1 of Annex 2 to the notice.

13. To extend the period of suspension of customs clearance of goods in accordance with [paragraph 8](https://zakon.rada.gov.ua/laws/show/4495-17#n3387) of Article 399 of the Code, the right holder shall, in annex 2 to the notice as provided for in paragraph 10 of this section, indicate the period for which he/she wishes to extend the suspension of customs clearance of goods. and shall provide a written, motivated justification of the need for such extension.

14. By providing a response to a message sent under the procedure in accordance with paragraph 10 of this section, the right holder shall, in accordance with paragraph 12 of this section:

1) confirm the conclusion of the customs authority that the goods are suspected of infringing IPR, and its intention to apply facilitation measures or other actions provided for by law, or

2) confirm the conclusion of the customs authority that the goods are suspected of infringing IPR, but reports that he/she does not intend to apply facilitation measures or other actions provided for by law, and gives his/her consent to resume customs clearance of the goods, or

3) not confirm the conclusion of the customs authority that the goods are suspected of infringing IPR, and report that such goods are original, and shall also give consent to resume their customs clearance, or

4) not confirm the conclusion of the customs authority that the goods are suspected of infringing IPR, and report that such goods do not contain an IPR item belonging to the right holder, and shall also give consent to resume their customs clearance.

15. Receipt by the customs authority of the information specified in subparagraphs 2–4 of paragraph 14 of this section shall be the basis for immediate resuming of customs clearance of the goods whereof SU notifies CCU.

16. The declarant shall respond to the notice sent under the procedure as provided for in paragraph 10 of this section by indicating a version of the decision as provided for in annex 2 to such notice, providing information and/or relevant documents, where necessary, and sending annex 2 to such notice in the form of a scanned copy to the customs authority’s e-mail by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow.

17. The objection of the owner of the goods against their abolition or the consent of the owner of the goods to their destruction shall be submitted according to the form contained in [Annex 4](https://zakon.rada.gov.ua/laws/show/z0549-20#n248) to this Procedure.

The declarant shall send his/her objection or consent together with annex 2 to the notice sent under the procedure as provided for in paragraph 10 of this section in the form of a scanned copy to the customs authority’s e-mail by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow.

In accordance with [paragraph 3](https://zakon.rada.gov.ua/laws/show/4495-17#n3406) of Article 401 of the Code, if the declarant fails to provide the objection of the owner of the goods against their abolition to the customs authority, which suspended customs clearance, the customs authority shall have the right to assume that the consent of the owner of the goods to their destruction was thereby given.

18. Where the right holder confirms the conclusion of the customs authority that the goods are suspected of infringing IPR, the customs authority shall ensure the implementation of facilitation measures or other actions provided for by law, based on the results of the decisions of the right holder and the declarant as indicated by them in their responses to the notices sent in accordance with paragraph 10 of this section.

19. Based on the results of the application of facilitation measures or the implementation of other actions provided for by law, as well as in the case of resumption of customs clearance of goods, the official of the SU of the customs authority, which suspended customs clearance of such goods, shall enter the relevant actual result of such suspension in the Decision.

III. Suspension of customs clearance of goods at the initiative of the customs authority

1. Where it is suspected that IPR may be infringed as a result of movement of goods, for which the right holder has failed to submit an application for the registration of an IPR item in the customs register, across the customs border of Ukraine, the customs authority may, on its own initiative, suspend customs clearance of the above goods provided that such goods are not perishable and there is available information on the right holder.

2. Information about rights holders is collected in the UAIS software and information complex.

Right holders can send the information on IPR items that are not entered in the customs register to the State Customs Service and/or directly customs authorities for further use.

In order to obtain information on the right holders, the customs authorities may use additional information resources to the extent not contrary to legislation.

3. Prior to notification of the right holder of possible infringement of their rights, IPR, the customs authority may request that such right holder provide any information that may assist in confirming or refuting the said infringement of IPR.

4. The request of the customs body sent to the right holder under the procedure as provided for in paragraph 3 of this section, may contain information about the actual or expected number of the goods suspected of infringing IPR, their nature, origin, and images of such goods.

5. Upon completion of the customs formalities to the extent necessary to establish the presence of an IPR item in the presented goods, for which no application for the registration of an IPR item in the customs register has been submitted, the presence of signs of the goods suspected of infringing IPR, including based on the information received from the right holder at a request sent in accordance with paragraph 3 of this section, and/or a customs inspection completed, an official of the CCU shall, under the procedure established by law, draw up and send a request for the suspension of customs clearance of the said goods to the SU.

6. Upon receipt of a request from the CCU, if, based on the results of the documentary check and information provided to the customs authorities in accordance with [Article 335](https://zakon.rada.gov.ua/laws/show/4495-17#n2730) of the Code, and/or receipt of the information from the right holder at the request sent under the procedure in accordance with paragraph 3 of this section, and/or upon completion of the customs inspection, it is established that the presented goods contain signs of goods suspected of violating IPR and/or have no signs of original goods, the SU shall prepare a draft Decision to be endorsed by the head of the customs authority or his/her deputy.

Customs clearance shall be suspended as of the date of the Decision for a period of up to 3 business days.

7. On the day of adoption of the Decision, the SU official shall send:

to the right holder — a notice in the format in accordance with [Annex 5](https://zakon.rada.gov.ua/laws/show/z0549-20#n250) to this Procedure in the form of a scanned copy, by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow,

to the declarant — a notice in the format in accordance with [Annex 6](https://zakon.rada.gov.ua/laws/show/z0549-20#n252) to this Procedure in the form of a scanned copy, by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow,

Where information on the fax number of the right holder and/or declarant is available in the UAIS, such notices may also be sent by fax.

The date of receipt of such notices by the right holder and the declarant shall be the day when such notice was sent by the customs authority by means of electronic communication or by using means of information and telecommunication systems of the State Customs Service.

8. The right holder shall respond to the notice of the customs authority sent under the procedure as provided for in paragraph 7 of this section by submitting an application under the procedure as provided for in [Article 400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) of the Code in the form of a scanned copy by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow.

9. The application submitted in accordance with [Article 400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) of the Code, shall be filled out by the right holder according to the form contained in Annex 1 to the [Procedure for registration of intellectual property rights items protected by law in the customs register](https://zakon.rada.gov.ua/laws/show/z1034-12#n20) as approved by the Order of the Ministry of Finance of Ukraine No. 648 of 30 May 2012, registered with the Ministry of Justice of Ukraine on 22 June 2012 under No. 1034/21346 (as amended) (hereinafter referred to as the “Registration Procedure”).

When filling out the fields of the application to be submitted in accordance with [Article 400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) of the Code, the right holder must follow the procedure for filling in the fields of the application for the registration of an IPR item in the customs register as defined in section III of the Registration Procedure, with the exception of fields 10–16, which may not be filled if the right holder wishes so.

10. If, within 3 business days, the right holder fails to submit an application submitted in accordance with [Article 400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) of the Code to the customs authority, in response to the customs authority’s notice sent under the procedure as provided for in paragraph 7 of this section, such goods shall be subject to customs clearance in accordance with paragraph 7 of [Article 400](https://zakon.rada.gov.ua/laws/show/4495-17#n3402) of the Code.

11. If, within 3 business days, the right holder submits an application submitted in accordance with [Article 400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) of the Code to the customs authority, in response to the customs authority’s notice sent under the procedure as provided for in 7 of this section, such goods shall be subject to customs clearance of the said goods shall be suspended for the period of up to 10 business days, and the SU official shall send:

to the right holder — a notice in the format in accordance with Annex 2 to this Procedure in the form of a scanned copy, by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow,

to the declarant — a notice in the format in accordance with Annex 3 to this Procedure in the form of a scanned copy, by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow,

Where information on the fax number of the right holder and/or declarant is available in the UAIS, such notices may also be sent by fax.

The date of receipt of such notices by the right holder and the declarant shall be the day when such notice was sent by the customs authority by means of electronic communication or by using means of information and telecommunication systems of the State Customs Service.

12. Notices provided for in paragraph 11 of this section shall be filled out using the comments as specified in the form in accordance with [Annex 2](https://zakon.rada.gov.ua/laws/show/z0549-20#n244) to this Procedure.

13. The right holder shall respond to the notice of the customs authority sent in accordance with the procedure provided for in paragraph 11 of this section by indicating the version of the decision as provided for annex 2 to such notice, by providing, where necessary, information and/or relevant documents and sending annex 2 in the form of a scanned copy to a customs authority’s e-mail by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow.

The right holder shall be allowed to specify more than one version of such decision as provided for in subparagraphs 1.1–1.7 of Annex 2 to the notice for the decision provided for in paragraph 1 of Annex 2 to the notice.

14. To extend the period of suspension of customs clearance of goods in accordance with [paragraph 8](https://zakon.rada.gov.ua/laws/show/4495-17#n3379) of Article 399 of the Code, the right holder shall, in annex 2 to the notice as provided for in paragraph 11 of this section, indicate the period for which he/she wishes to extend the suspension of customs clearance of goods. and shall provide a written, motivated justification of the need for such extension.

15. By providing a response to a message sent under the procedure in accordance with paragraph 11 of this section, the right holder shall, in accordance with paragraph 13 of this section:

1) confirm the conclusion of the customs authority that the goods are suspected of infringing IPR, and its intention to apply facilitation measures or other actions provided for by law, or

2) confirm the conclusion of the customs authority that the goods are suspected of infringing IPR, but reports that he/she does not intend to apply facilitation measures or other actions provided for by law, and gives his/her consent to resume customs clearance of the goods, or

3) not confirm the conclusion of the customs authority that the goods are suspected of infringing IPR, and report that such goods are original, and shall also give consent to resume their customs clearance, or

4) not confirm the conclusion of the customs authority that the goods are suspected of infringing IPR, and report that such goods do not contain an IPR item belonging to the right holder, and shall also give consent to resume their customs clearance.

16. Receipt by the customs authority of the information specified in subparagraphs 2–4 of paragraph 15 of this section shall be the basis for immediate resuming of customs clearance of the goods whereof SU notifies CCU.

17. The declarant shall respond to the notice sent under the procedure as provided for in paragraph 11 of this section by indicating a version of the decision as provided for in annex 2 to such notice, providing information and/or relevant documents, where necessary, and sending annex 2 to such notice in the form of a scanned copy to the customs authority’s e-mail by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow.

18. The objection of the owner of the goods against their abolition or the consent of the owner of the goods to their destruction shall be submitted according to the form contained in [Annex 4](https://zakon.rada.gov.ua/laws/show/z0549-20#n248) to this Procedure.

The declarant shall send his/her objection or consent together with annex 2 to the notice sent under the procedure as provided for in paragraph 11 of this section in the form of a scanned copy to the customs authority’s e-mail by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow.

In accordance with [paragraph 3](https://zakon.rada.gov.ua/laws/show/4495-17#n3406) of Article 401 of the Code, if the declarant fails to provide the objection of the owner of the goods against their abolition to the customs authority, which suspended customs clearance, the customs authority shall have the right to assume that the consent of the owner of the goods to their destruction was thereby given.

19. Where the right holder confirms the conclusion of the customs authority that the goods are suspected of infringing IPR, the customs authority shall ensure the implementation of facilitation measures or other actions provided for by law, based on the results of the decisions of the right holder and the declarant as indicated by them in their responses to the notices sent in accordance with paragraph 11 of this section.

20. Based on the results of the application of facilitation measures or the implementation of other actions provided for by law, as well as in the case of resumption of customs clearance of goods, the official of the SU of the customs authority, which suspended customs clearance of such goods, shall enter the relevant actual result of such suspension in the Decision.

IV. Abolition of goods whose customs clearance has been suspended on suspicion of infringing IPR

1. Goods whose customs clearance has been suspended on suspicion of infringing IPR may be abolished under customs control without the need of establishing the infringement of IPR.

2. Abolition of goods whose customs clearance has been suspended on suspicion of infringing IPR in accordance with [Article 401](https://zakon.rada.gov.ua/laws/show/4495-17#n3403) of the Code, may be applied if within 10 business days or three business days (in the case of perishable goods), in response to the notice of the customs authority sent under the procedure provided for in [paragraph 10,](https://zakon.rada.gov.ua/laws/show/z0549-20#n102) section II, or [paragraph 11,](https://zakon.rada.gov.ua/laws/show/z0549-20#n142) section III, of this Procedure:

the right holder has informed the customs authority that the presented goods are suspected of infringing IPR and of his/her intention to apply for the abolition of goods whose customs clearance has been suspended on suspicion of infringing IPR in accordance with [Article 401](https://zakon.rada.gov.ua/laws/show/4495-17#n3403) of the Code, and

the declarant has provided the customs authority with the consent of the owner of the goods for their abolition or has failed to provide the objection of the owner of the goods against their abolition in accordance with [paragraph 3](https://zakon.rada.gov.ua/laws/show/4495-17#n3406) of Article 401 of the Code.

3. Abolition of goods whose customs clearance has been suspended on suspicion of infringing IPR shall be performed by way of placing them under the abolition or destruction customs regime under the procedure established by law.

4. Placement of goods whose customs clearance has been suspended on suspicion of infringing IPR under the customs regime of abolition or destruction shall be performed by the owner of the goods or a person authorised by him/her, within a period of up to 10 business days as of the date of giving consent of the owner of the goods for their abolition to the customs authority or after the expiration of the period for submission of an objection by the owner of the goods against their abolition in accordance with [paragraph 3](https://zakon.rada.gov.ua/laws/show/4495-17#n3406) of Article 401 of the Code.

5. Where the owner of the goods fails to comply with the deadline for placing the goods, whose customs clearance has been suspended on suspicion of infringing IPR, under the customs regime of abolition or destruction as provided for in paragraph 4 of this section, the customs authority shall, under the procedure established by law, take measures to draw up a report on violation of customs rules.

6. Permission for placing the goods, whose customs clearance has been suspended on suspicion of infringing IPR, under the customs regime of abolition or destruction shall be given by the head of the customs authority or a customs authority’s official duly authorised by him/her:

at the request the application from the owner of the goods of a person authorised by him/her;

at the request of the right holder or a person authorised by him/her — in the cases stipulated by [paragraph 9](https://zakon.rada.gov.ua/laws/show/4495-17#n5969) of Article 401 of the Code, where the right holder is deemed to be authorised by the owner of the goods to place such goods under the customs regime of abolition or destruction.

7. Permission for placing the goods, whose customs clearance has been suspended on suspicion of infringing IPR, under the customs regime of abolition or destruction shall be given by the customs authority in whose operation area operations on abolition or destruction will actually take place.

8. Where the goods whose customs clearance has been suspended on suspicion of infringing IPR are in the operation areas of the customs authority other than the customs authority, which has given permission for placing the goods under the customs regime of abolition or destruction, the said goods shall be moved to the operation area of the customs authority, which has given such permission, under the customs regime of internal transit.

9. In the case provided for in paragraph 8 of this section, a person who has received permission for placing the goods, whose customs clearance has been suspended on suspicion of infringing IPR, under the customs regime of abolition or destruction under the procedure as defined by law, shall declare the said goods under the customs regime of internal transit with a view to shipping those to the customs authority in whose operation area operations on abolition or destruction will actually take place.

10. Customs clearance of the goods, whose customs clearance has been suspended on suspicion of infringing IPR, under the customs regime of abolition or destruction, the organization and direct control of compliance with the requirements of such customs regime shall be performed by the customs authority, which has given the relevant permission to place such goods under the customs regime of abolition or destruction.

11. With a view to perform customs clearance of the goods, whose customs clearance has been suspended on suspicion of infringing IPR, under the customs regime of abolition or destruction, a customs declaration or other document as provided for by law shall be submitted to the customs authority.

12. In the cases stipulated by [paragraph 9](https://zakon.rada.gov.ua/laws/show/4495-17#n5969) of Article 401 of the Code, where the right holder is deemed to be authorised by the owner of the goods to place such goods under the customs regime of abolition or destruction, the customs authority shall, at the request of the right holder, provide the latter with the details of the documents and other information according to which the declaration of goods whose customs clearance has been suspended on suspicion of infringing IPR was made, provided that the owner of such goods has given his/her consent to their abolition.

13. The provision by the customs authority of the details of documents and other information in accordance with paragraph 12 of this section is carried out by supplementing the customs authority's notices sent under the procedure as provided for in [paragraph 10](https://zakon.rada.gov.ua/laws/show/z0549-20#n102) of section II or [paragraph 11](https://zakon.rada.gov.ua/laws/show/z0549-20#n142) of section III of this Procedure with information in the scope necessary for filling out the customs declaration by the right holder or an authorised representative of the former with a view to placing the goods, whose customs clearance has been suspended on suspicion of infringing IPR, under the customs regime of abolition or destruction and transit (where provided for in paragraph 8 of this section).

14. The organization of, and payment for, the abolition procedure, including the cost of storage, transportation, abolition, processing of documents and other costs related to compliance with the customs regime of abolition or destruction, shall be at the expense of the right holder and under the latter’s responsibility.

15. Operations on abolition (destruction) of the goods whose customs clearance has been suspended on suspicion of infringing IPR shall be performed following release of the said goods under the customs regime of abolition or destruction.

16. By the decision of the right holder, prior to the abolition of goods whose customs clearance has been suspended on suspicion of infringing IPR, their samples (specimens) may be taken for educational purposes.

In that case, the right holder shall apply to the customs authority in whose operation area the goods placed under the customs regime of abolition or destruction are actually stored, for a permission for collecting samples (specimens).

17. Where the permission to take samples (samples) of goods that can be used for educational purposes is granted by the customs authority, such samples (specimens) of goods shall be transferred to the right holder based on an acceptance certificate to be signed by the said right holder, an official of the customs authority authorised to implement control over compliance with the requirements of the customs regime of abolition or destruction, and by an authorised person of the enterprise that carries out operations for the abolition (destruction) of goods.

18. Following actual abolition (destruction) of the goods whose customs clearance has been suspended on suspicion of infringing IPR, a certificate shall be drawn up in accordance with the form in [annex 7](https://zakon.rada.gov.ua/laws/show/z0549-20#n254) to this Procedure, to be signed by the official of the customs authority which granted its permit to place the said goods under the customs regime of abolition or destruction, the right holder and the owner of the goods. Where the right holder, or the owner of the goods, refuses to sign the said document, the official of the customs authority shall make an entry to that effect in the document.

V. Suspension of customs clearance and abolition of small batches of goods moved (forwarded) across the customs border of Ukraine by international mail and expedited shipments

1. Suspension of customs clearance and abolition of small batches of goods moved (forwarded) across the customs border of Ukraine by international mail and expedited shipments shall be applied provided there are grounds to do so and subject to compliance with the conditions specified in [paragraphs 1](https://zakon.rada.gov.ua/laws/show/4495-17#n5972) and [2](https://zakon.rada.gov.ua/laws/show/4495-17#n5976) of Article 401-1 of the Code.

2. If, based on the results of the documentary check and information provided to the customs authorities in accordance with [Article 335](https://zakon.rada.gov.ua/laws/show/4495-17#n2730) of the Code, and/or a customs inspection completed, it is established that the presented goods contain signs of goods suspected of infringing IPR, and/or have no signs of original goods entered in the customs register, the CCU official shall notify the SU, which is to prepare a draft Decision to be endorsed by the head of the customs authority or his/her deputy.

3. On the date of the Decision, an official of the Su shall send to the declarant a notice in the format in accordance with [Annex 8](https://zakon.rada.gov.ua/laws/show/z0549-20#n256) to this Procedure in the form of a scanned copy, by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow,

4. Where during 10 business days after receipt of the notice sent under the procedure as provided for in paragraph 3 of this section, the declarant fails to provide the objection of the owner of the goods against their abolition to the customs authority, which suspended customs clearance, the customs authority shall have the right to assume that the consent of the owner of the goods to their abolition was thereby given.

5. The objection of the owner of the goods against their destruction or the consent of the owner of the goods to their destruction shall be submitted according to the form contained in [Annex 4](https://zakon.rada.gov.ua/laws/show/z0549-20#n248) to this Procedure.

The declarant shall send his/her objection or consent together with annex 2 to the notice sent under the procedure as provided for in paragraph 3 of this section in the form of a scanned copy to the customs authority’s e-mail by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow.

6. Where during 10 business days after receipt of the notice sent under the procedure as provided for in paragraph 3 of this section, the declarant provides the objection of the owner of the goods against their abolition to the customs authority, which suspended customs clearance, an SU official shall send, on the same day, a notice in the format in accordance with [Annex 9](https://zakon.rada.gov.ua/laws/show/z0549-20#n258) to this Procedure in the form of a scanned copy, by means of electronic communication, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow,

Where information on the fax number of the right holder is available in the customs register, such notices may also be sent by fax.

7. The date of receipt of the notices as provided for in paragraphs 3 and 6 of this section by the declarant shall be the day when such notice was sent by the customs authority by means of electronic communication or by using means of information and telecommunication systems of the State Customs Service.

Notices provided for in paragraph 6 of this section shall be filled out using the comments as specified in the form in accordance with [Annex 9](https://zakon.rada.gov.ua/laws/show/z0549-20#n258) to this Procedure.

8. The right holder shall, within 10 business days as of receipt of the notice sent under the procedure as provided for in paragraph 6 of this section, respond to the said notice by indicating a version of the decision as provided for in annex 2 to such notice, providing information and/or relevant documents, where necessary, and sending annex 2 to such notice in the form of a scanned copy to the customs authority’s e-mail, or in an electronic form using the means of information and telecommunication systems of the State Customs Service, in compliance with the requirements of legislation on information protection, electronic trust services and electronic document flow.

9. By providing a response to a message sent under the procedure in accordance with paragraph 6 of this section, the right holder shall, in accordance with paragraph 8 of this section:

1) confirm the conclusion of the customs authority that the goods are suspected of infringing IPR and provide a court’s injunction ordering the prohibition of certain actions in the case of infringement of IPR or another decision on this issue issued (adopted) by other authorised public authorities, or the conclusion on the examined goods, which confirms the infringement of IPR, or

2) confirm the conclusion of the customs authority that the goods are suspected of infringing IPR, but reports that he/she does not intend to take action provided for by law to confirm infringement of IPR, and gives his/her consent to resume customs clearance of the goods, or

3) not confirm the conclusion of the customs authority that the goods are suspected of infringing IPR, and report that such goods are original, and shall also give consent to resume their customs clearance, or

4) not confirm the conclusion of the customs authority that the goods are suspected of infringing IPR, and report that such goods do not contain an IPR item belonging to the right holder, and shall also give consent to resume their customs clearance.

10. Receipt by the customs authority of the information specified in subparagraphs 2–4 of paragraph 9 of this section shall be the basis for immediate resuming of customs clearance of the goods whereof SU notifies CCU.

11. Where the conclusion of the customs authority that the goods are suspected of infringing IPR is confirmed by the right holder, and a court’s injunction ordering the prohibition of certain actions in the case of infringement of IPR or another decision on this issue issued (adopted) by other authorised public authorities is provided, the customs authority shall extend suspension of the customs clearance for a period of time set by the said authorities.

12. Where the conclusion of the customs authority that the goods are suspected of infringing IPR is confirmed by the right holder, and a conclusion on the examined goods, which confirms the infringement of IPR is provided, the customs authority shall initiate the customs offence proceedings, and the goods, which are the direct subject matter of the offence, shall be seized.

13. Abolition of the goods suspected of infringing IPR in accordance with [paragraph 10](https://zakon.rada.gov.ua/laws/show/4495-17#n5984) of Article 401-1 of the Code shall be applied:

where there are grounds to do so and subject to compliance with the conditions specified in [paragraphs 1](https://zakon.rada.gov.ua/laws/show/4495-17#n5972) and [2](https://zakon.rada.gov.ua/laws/show/4495-17#n5976) of Article 401-1 of the Code.

where the declarant has provided the customs authority with the consent of the owner of the goods for their abolition or has failed to provide the objection of the owner of the goods against their abolition in accordance with [paragraph 6](https://zakon.rada.gov.ua/laws/show/4495-17#n5980) of Article 401-1 of the Code.

14. Where the conditions provided for in paragraph 13 of this section have been complied with, the customs authority, which suspended the customs clearance of goods, shall ensures the storage of such goods in the warehouse of the customs authority.

15. The terms and periodicity of issuing goods to the right holder, which are subject to abolition in accordance with the [paragraph 10](https://zakon.rada.gov.ua/laws/show/4495-17#n5984) of Article 401-1 of the Code, shall be agreed upon between the right holder and the SU of the customs authority, which stores such goods in the warehouse of the customs authority.

The SU shall immediately notify the official responsible for the storage of such goods in the warehouse of the customs authority of the agreed terms and periodicity of releasing goods subject to abolition in accordance with [paragraph 10](https://zakon.rada.gov.ua/laws/show/4495-17#n5984) of Article 401-1 of the Code to the right holder.

16. Within the terms and with periodicity agreed between the right holder and the customs authority in accordance with paragraph 15 of this section, goods subject to abolition in accordance with [paragraph 10](https://zakon.rada.gov.ua/laws/show/4495-17#n5984) of Article 401-1 of the Code shall be transferred to the right holder based on the acceptance certificate to be signed by the right holder, an official of the SU and the official responsible for the storage of the said goods in the warehouse of the customs authority.

17. The organization of, and payment for, the abolition procedure, including the cost of storage, transportation, abolition, processing of documents and other costs related to abolition of the goods subject to abolition in accordance with [paragraph 10](https://zakon.rada.gov.ua/laws/show/4495-17#n5984) of Article 401-1 of the Code, shall be at the expense of the right holder and under the latter’s responsibility.

18. The right holder shall, within the period of time nor exceeding 60 calendar days as of transfer of the goods in accordance with paragraph 16 of this section, notify the customs authority, which suspended customs clearance of such goods, about abolition of the goods subject to abolition in accordance with [paragraph 10](https://zakon.rada.gov.ua/laws/show/4495-17#n5984) of Article 401-1 of the Code by providing documents that certify such abolition:

1) copies of the corresponding document (certificate) drawn up by an enterprise that carried out operations on the abolition (destruction) of goods certifying the fact of such abolition (destruction);

2) photo and video materials that confirm the actual abolition (destruction) of goods (if available to the right holder).

19. Where the right holder has breached the deadline as stipulated by paragraph 18 of this section for notification on completion of abolition of the goods subject to abolition in accordance with [paragraph 10](https://zakon.rada.gov.ua/laws/show/4495-17#n5984) of Article 401-1 of the Code, the customs authority, which suspended customs clearance of the said goods, shall send its proposals on measures in response as provided for by law to the State Customs Service.

VI. Change of labelling on goods and their packing

1. Where during the period of suspension of customs clearance, the right holder confirms the conclusion of the customs authority that the goods are suspected of infringing IPR, and it is agreed with the owner of such goods on the application of facilitation measures regarding the change of labelling on the goods and their packing in accordance with [Article 402](https://zakon.rada.gov.ua/laws/show/4495-17#n3411) of the Code, the SU of the customs authority, which has suspended the customs clearance of the said goods, shall ensure monitoring of compliance with the provisions provided for in Article 402 of the Code.

2. Operations on changing (removing) identification marks or markings on goods or their packing aimed at elimination of signs of IPR infringements shall be performed at the expense of the right holder or other persons, upon agreement with the latter.

Such operations shall be carried out at the warehouse of the customs authority.

3. Based on the results of the operations provided for in paragraph 2 of this section, a certificate confirming absence of signs of IPR infringement shall be drawn up in the form in accordance with Annex 10 to this Procedure, which is to be signed by an official of the SU of the customs authority, which suspended the customs clearance of the goods, the right holder and the owner of the goods.

After signing such an certificate, the goods shall be subject to customs clearance under the procedure established by law.

VII. Storage of goods and defrayment of customs authorities’ costs related to the storage of goods whose customs clearance was suspended in accordance with Articles 399, 400 or 401-1 of the Code

1. The goods whose customs clearance has been suspended in accordance with [Articles 399](https://zakon.rada.gov.ua/laws/show/4495-17#n3379), [400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) or [401-1](https://zakon.rada.gov.ua/laws/show/4495-17#n5971) of the Code, shall be placed in warehouses of the customs authorities in accordance with the [Customs Warehouse Schedule](https://zakon.rada.gov.ua/laws/show/z1097-12#n19) as approved by the Order of the Ministry of Finance of Ukraine No. 627 of 30 May 2012, registered with the Ministry of Justice of Ukraine on 03 June 2012 under No. 1097/21409 (as amended).

Placement of such goods shall be performed by CCU officials (with the involvement of SU officials, where necessary) under the procedure defined by law.

2. At the declarant's request, the customs authority shall grant permission to store goods whose customs clearance has been suspended, without placing them in the warehouse of the customs authority, except in case as provided for in paragraph 3 of this section.

At the same time, storage of such goods without their placement in the warehouse of the customs authority shall be at the expense of their owner.

3. Where the customs body receives information from the right holder about the presence of signs of an IPR infringement, the placement and storage of goods whose customs clearance has been suspended in the warehouse of the customs body shall be mandatory.

4. In case of suspension of customs clearance of goods in accordance with [Articles 399](https://zakon.rada.gov.ua/laws/show/4495-17#n3379), [400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) or [401-1](https://zakon.rada.gov.ua/laws/show/4495-17#n5971) of the Code, expenses related to the storage of the above goods shall be reimbursed at the expense of the right holder.

5. The right holder who has been notified of the suspension of customs clearance of goods suspected of infringing IPR, shall have the right to request the customs authority, which suspended customs clearance, for information on the amount of expected costs associated with the storage of the above goods in a warehouse of the customs authority.

6. In response to the request sent in accordance with paragraph 5 of this section, the customs authority shall inform the right holder about the expected daily costs associated with the storage of goods in the warehouse of the customs authority, based on data on the actual amount of goods placed in the warehouse of the customs authority, the start date for accrual of the above costs and the amounts of reimbursement of expenses related to the storage in warehouses of customs authorities, as approved by the Order of the Ministry of Finance of Ukraine [No. 731](https://zakon.rada.gov.ua/laws/show/z1140-12) of 15 June 2012, registered with the Ministry of Justice of Ukraine on 09 July 2012 under No. 1140/21452 (as amended).

7. The customs body shall, not later than on the business day following the expiry of the period of suspension of customs clearance of goods, send a notice to the right holder and the declarant by means of electronic communication, in which the calculation of costs related to the storage of goods in the warehouse of the customs body is presented, which takes into account the actual period of suspension of customs clearance of goods and the provisions of the second indent of [paragraph 6](https://zakon.rada.gov.ua/laws/show/4495-17#n5940) of Article 397 of the Code.

8. In accordance with the terms of release of the goods from warehouses of the customs authorities as stipulated in [Article 242](https://zakon.rada.gov.ua/laws/show/4495-17#n2010) of the Code, the right holder or the persons authorised by him/her shall defray for the customs authorities’ costs related to the storage of goods whose customs clearance was suspended in accordance with [Articles 399](https://zakon.rada.gov.ua/laws/show/4495-17#n3379), [400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) or [401-1](https://zakon.rada.gov.ua/laws/show/4495-17#n5971) of the Code.

9. Where the owner of the goods or a person authorised by him/her reimbursed for the expenses in accordance with paragraph 8 of this section, the owner of the goods or a r a person authorised by him/her shall have the right to apply to the right holder for reimbursement of such expenses.

10. The deadlines, method and conditions of reimbursing by the right holder the owner of the goods or to a person authorised by him/her for the costs related to the storage of the goods in the warehouse of the customs authority, shall be agreed between them in accordance with civil legislation of Ukraine.

11. In case of the right holder's refusal to reimburse the costs associated with the storage of goods whose customs clearance has been suspended in accordance with [Articles 399](https://zakon.rada.gov.ua/laws/show/4495-17#n3379), [400](https://zakon.rada.gov.ua/laws/show/4495-17#n3395) or [401-1](https://zakon.rada.gov.ua/laws/show/4495-17#n5971) of the Code, the owner of the goods shall inform to that effect the customs authority, which adopted the Decision regarding the said goods.

12. The customs authority shall verify the information provided by the owner of the goods in accordance with paragraph 11 of this section, and shall, where it is confirmed, send proposals to the State Customs Service on measures in response as provided for by law.

Director of the Customs   
Policy Department O. Moskalenko

Annex 1  
to the Procedure for application of   
measures to facilitate the protection of   
intellectual property rights and interaction   
between customs authorities and right holders,   
declarants and other   
stakeholders  
(eighth indent, paragraph 2, section I)

State Customs Service of Ukraine

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
(customs authority)

### DECISION on suspension of customs clearance of goods

|  |  |
| --- | --- |
| No. \_\_\_\_\_\_\_\_ | \_\_\_.\_\_\_.\_\_\_\_\_\_ |
| in accordance with Article 399 of the Customs Code of Ukraine    in accordance with Article 400 of the Customs Code of Ukraine    in accordance with Article 4011 of the Customs Code of Ukraine | |

|  |  |  |
| --- | --- | --- |
| 1 | Intellectual property item (name and number in the customs register of intellectual property items protected by law) |  |
| 2 | Item name, description and number goods whose customs clearance has been suspended | see Annex |
| 3 | Customs declaration and shipping documentation |  |
| 4 | Right holder (item name / first and last name, location / residence) |  |
| 5 | Declarant (item name / first and last name, location / residence) |  |
| 6 | Owner (item name / first and last name, location / residence) |  |
| 7 | Consignor/exporter |  |
| 8 | Consignee/importer |  |

|  |
| --- |
| Description of the characteristics of the goods, based on which the customs authority has found that the goods are suspected of infringing intellectual property rights: |

|  |
| --- |
| see Annex |

|  |  |  |
| --- | --- | --- |
| Suspend customs clearance of the goods for the term of \_\_\_\_\_\_\_ business days from \_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_ in accordance with \_\_\_\_\_\_ of the Customs Code of Ukraine. | | |
| \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_ (date) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (first and last name) |
| Extend suspension of customs clearance of the goods for the term of \_\_\_\_\_\_\_ business days from \_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_ in accordance with \_\_\_\_\_\_ of the Customs Code of Ukraine. | | |
| \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_ (date) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (first and last name) |
| Extend suspension of customs clearance of the goods for the term of \_\_\_\_\_\_\_ business days from \_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_ in accordance with \_\_\_\_\_\_ of the Customs Code of Ukraine. | | |
| \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_ (date) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (first and last name) |
| Extend suspension of customs clearance of the goods for the term of \_\_\_\_\_\_\_ business days from \_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                                                           (reasons for extending suspension) | | |
| \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_ (date) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (first and last name) |
| The result of suspension of customs clearance of goods is as follows:    resumption of their customs clearance where the right holder has failed to respond to the notice of the customs authority, which suspended customs clearance of the goods    resumption of their customs clearance where the right holder has confirmed the conclusion of the customs authority that the goods are suspected of infringing intellectual property rights, but no measures to facilitate the protection of intellectual property rights as provided for in the paragraph 1 of Article 397 of the Customs Code of Ukraine, or other actions provided for by law, have been taken    resumption of their customs clearance where the right holder has confirmed that the goods are original    resumption of their customs clearance where the right holder has confirmed that the goods do not contain an intellectual property item belonging to him/her    destruction of goods in accordance with Article 401 of the Customs Code of Ukraine    destruction of goods in accordance with Article 4011 of the Customs Code of Ukraine    change of labelling on goods and their packing in accordance with Article 402 of the Customs Code of Ukraine    customs offence proceedings under Article \_\_\_ 1 of the Customs Code of Ukraine    protection of intellectual property rights in court    other (indicate) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | | |
| \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_ (date) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (first and last name) |
| \_\_\_\_\_\_\_\_\_\_\_\_ 1 Indicate Article of the Customs Code of Ukraine based on which a report on violation of customs rules was drawn up. | | |

Annex 2  
to the Procedure for application of   
measures to facilitate the protection of   
intellectual property rights and interaction   
between customs authorities and right holders,   
declarants and other   
stakeholders  
(second indent, paragraph 10, section II)

State Customs Service of Ukraine

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
(customs authority)

|  |
| --- |
| (right holder’s title or first and last name) |
| \_\_\_\_\_\_\_\_\_\_\_\_ No. \_\_\_\_\_\_            (date) |

### NOTICE in accordance with Article 399 of the Customs Code of Ukraine

|  |  |  |
| --- | --- | --- |
| We hereby inform you that during customs control and customs clearance of goods, customs clearance of the goods found to be suspected of infringing intellectual property rights was suspended for \_\_\_\_\_\_ business day(s) (through \_\_\_\_\_\_ and including).  Information related to suspension of customs clearance of goods is set out in annex 1 hereto.  During the above suspension period, you must notify the customs authority of the decision provided for in annex 2 hereto, by ticking the appropriate cell of the relevant item or sub-item, providing information and/or relevant documents, where necessary; and send a scanned copy of Annex 2, relevant documents (if any) to the email address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or in an electronic form using the means of information and telecommunication systems of the State Customs Service.  We hereby inform you that in accordance with paragraph 5 of Article 399 of the Customs Code of Ukraine, the right holder may use the information received from the customs authority only for purposes related to the suspension of customs clearance of goods. | | |
| (date) | (signature) | (first and last name) |

Annex 1  
to notice  
of \_\_\_\_\_\_   No. \_\_\_\_\_

### INFORMATION related to suspension of customs clearance of goods

|  |  |  |
| --- | --- | --- |
| 1 | Intellectual property item (name and number in the customs register of intellectual property items protected by law) |  |
| 2 | Item name, description and number goods whose customs clearance has been suspended | see Annex |
| 3 | Customs declaration and shipping documentation |  |
| 4 | Declarant (item name / first and last name, location / residence) |  |
| 5 | Owner (item name / first and last name, location / residence) |  |
| 6 | Consignor/exporter |  |
| 7 | Consignee/importer |  |
| 8 | Manufacturer |  |
| 9 | Destination |  |
| 10 | Mode of transportation |  |
| 11 | Country of departure |  |
| 12 | Country of origin |  |

|  |
| --- |
| photographic image of the goods suspected of infringing intellectual property rights is attached hereto.  **Description of the characteristics of the goods, based on which the customs authority has found that the goods are suspected of infringing intellectual property rights:** |
| see Annex |

Annex 2  
to notice  
of \_\_\_\_\_\_   No. \_\_\_\_\_

|  |
| --- |
| In response to notice of \_\_\_\_ No. \_\_\_\_ and information provided in annex 1 hereto:  1. I find that the goods are suspected of infringing intellectual property rights, and therefore:    1.1. I intend to apply the procedure for abolition of goods in accordance with Article 401 of the Customs Code of Ukraine.    1.2. I intend to apply the procedure for change of labelling on goods and their packing in accordance with Article 402 of the Customs Code of Ukraine.    1.3. I intend to apply / have already applied to the court for protection of intellectual property rights.    1.4. I intend to order an expert examination of the goods to confirm the infringement of intellectual property rights.    1.5. I hereby send a report on expert examination of the goods, which confirms the infringement of intellectual property rights (attached hereto).    1.6. I hereby provide a court’s injunction ordering the prohibition of certain actions or a court’s judgement ordering the prohibition of certain actions in the case of infringement of intellectual property rights or other decision on this issue issued (adopted) by other authorised public authorities (attached hereto).    1.7. Other (indicate) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.  The estimated market retail value of equivalent original goods in Ukraine is UAH \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.1  I kindly ask to extend the period of suspension of customs clearance of goods for \_\_\_\_ business day(s), because: |
| 2          see Annex |
| 2. I believe that the goods are suspected of infringing intellectual property rights but have no intention to take measures to facilitate the protection of intellectual property rights as provided for in the paragraph 1 of Article 397 of the Customs Code of Ukraine, or other actions provided for by law, and hereby give my consent to resumption of their customs clearance.    3. I believe that the goods are not suspected of infringing intellectual property rights because the goods are original, and therefore I give consent to resumption of their customs clearance. |

|  |
| --- |
| 3 List of signs of original goods that are identified in the goods presented for customs control and customs clearance:            see Annex |

|  |
| --- |
| 4. I believe that the goods are not suspected of infringing intellectual property rights because the goods do not contain an intellectual property item belonging to me, and therefore I give consent to resumption of their customs clearance. |

|  |  |  |
| --- | --- | --- |
| (date) | (signature) | (first and last name) |

|  |
| --- |
| \_\_\_\_\_\_\_\_\_\_ 1 To be filled in if one of sub-items 1.1—1.7 of item 1 of annex 2 is ticked 2 To be filled in case of a request for extension of suspension of customs clearance by way of providing a reasoned justification for the extension of the said suspension period. 3 To be filled in if item 3 of annex 2 is ticked |

Annex 3  
to the Procedure for application of   
measures to facilitate the protection of   
intellectual property rights and interaction   
between customs authorities and right holders,   
declarants and other   
stakeholders  
(third indent, paragraph 10, section II)

State Customs Service of Ukraine

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
(customs authority)

|  |
| --- |
| Declarant’s title or first and last name |
| \_\_\_\_\_\_\_\_\_\_\_\_ No. \_\_\_\_\_\_            (date) |

### NOTICE in accordance with Article 399 of the Customs Code of Ukraine

|  |
| --- |
| We hereby inform you that during customs control and customs clearance of goods, customs clearance of the goods found to be suspected of infringing intellectual property rights was suspended for \_\_\_\_\_\_ business day(s) (through \_\_\_\_\_\_ and including).  Information related to suspension of customs clearance of goods is set out in annex 1 hereto.  During the above suspension period, you must notify the customs authority of the decision provided for in annex 2 hereto, by ticking the appropriate cell of the relevant item, providing information and/or relevant documents, where necessary; and send a scanned copy of Annex 2, relevant documents (if any) to the email address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or in an electronic form using the means of information and telecommunication systems of the State Customs Service.  We hereby inform you that in accordance with paragraph 3 of Article 401 of the Customs Code of Ukraine, if by \_\_\_\_\_\_\_\_\_ and including, the declarant fails to provide a written objection of the owner of the goods against their abolition to the customs authority, which suspended customs clearance, the customs authority shall have the right to assume that the consent of the owner of the goods to their abolition was thereby given. |

|  |  |  |
| --- | --- | --- |
| (date) | (signature) | (first and last name) |

Annex 1  
to notice

of \_\_\_\_\_ No. \_\_\_\_

### INFORMATION related to suspension of customs clearance of goods

|  |  |  |
| --- | --- | --- |
| 1 | Intellectual property item (name and number in the customs register of intellectual property items protected by law) |  |
| 2 | Right holder (item name / first and last name, location / residence) |  |
| 3 | Person authorised to deal with matters related to facilitation of the protection of property rights to the intellectual property item (first and last name, contact telephone and e-mail) |  |
| 4 | Item name, description and number goods whose customs clearance has been suspended | C:\Users\User\Downloads\RE34832_img_001.gif see Annex |
| 5 | Customs declaration and shipping documentation |  |

Annex 2  
to notice

of \_\_\_\_\_\_   No. \_\_\_\_\_

|  |
| --- |
| In response to notice of \_\_\_\_ No. \_\_\_\_ and information provided in annex 1 hereto:  C:\Users\User\Downloads\RE34832_img_001.gif 1. I believe that the goods have no signs of infringement of intellectual property rights, and hereby I send objection of the owner of the goods against their abolition (attached hereto).  C:\Users\User\Downloads\RE34832_img_001.gif 2. I give consent of the owner of the goods to their abolition (attached hereto).  C:\Users\User\Downloads\RE34832_img_001.gif 3. I have agreed the procedure for change of labelling on goods and their packing in accordance with Article 402 of the Customs Code of Ukraine with the right owner.  C:\Users\User\Downloads\RE34832_img_001.gif 4. Other (indicate) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. |

|  |  |  |
| --- | --- | --- |
| (date) | (signature) | (first and last name) |

Annex 4  
 to the Procedure for application of   
measures to facilitate the protection of   
intellectual property rights and interaction   
between customs authorities and right holders,   
declarants and other   
stakeholders  
(paragraph 17, section II)

|  |  |
| --- | --- |
|  | Customs authority, which has suspended customs clearance |
| \_\_\_\_\_\_\_\_\_\_\_\_ No. \_\_\_\_\_\_            (date) |  |

|  |
| --- |
| In response to notice of \_\_\_\_ No. \_\_\_\_ and information provided in annex 1 hereto:    I hereby provide my objection against abolition of goods as listed in annex 1, in accordance with Article 401 or 4011 of the Customs Code of Ukraine;    I hereby give my consent to abolition of goods as listed in annex 1 and, in accordance with Article 401 of the Customs Code of Ukraine undertake to place such goods under the customs regime of abolition or destruction within 10 business days from the date of giving this consent to abolition to the customs authority;    I hereby give my consent to abolition of goods as listed in annex 1, in accordance with Article 4011 of the Customs Code of Ukraine; |

|  |  |  |
| --- | --- | --- |
| (date) | (signature) | (first and last name) |

Annex 5  
to the Procedure for application of  
 measures to facilitate the protection of   
intellectual property rights and interaction   
between customs authorities and right holders,   
declarants and other   
stakeholders  
(second indent, paragraph 7, section III)

State Customs Service of Ukraine

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
(customs authority)

|  |
| --- |
| (right holder’s title or first and last name) |
| \_\_\_\_\_\_\_\_\_\_\_\_ No. \_\_\_\_\_\_            (date) |

### NOTICE  in accordance with Article 400 of the Customs Code of Ukraine

|  |
| --- |
| We hereby inform you that, in accordance with Article 400 of the Customs Code of Ukraine, during customs control and customs clearance of goods, customs clearance of goods found to be suspected of infringing intellectual property rights was suspended for 3 business days (through \_\_\_\_\_\_\_ and including).  Information related to suspension of customs clearance of the goods can be found in Annex 1 hereto.  If, within the period mentioned above, you submit an application for facilitation of the protection of the property rights to the intellectual property item belonging to the right holder in accordance with Article 400 of the Customs Code of Ukraine, the period of suspension of customs clearance of goods will be set in accordance with paragraph 2 of Article 399 of the Customs Code of Ukraine.  We hereby inform you that in accordance with paragraph 5 of Article 399 of the Customs Code of Ukraine, the right holder may use the information received from the customs authority only for purposes related to the suspension of customs clearance of goods. |

|  |  |  |
| --- | --- | --- |
| (date) | (signature) | (first and last name) |

Annex 1  
to notice

of \_\_\_\_\_ No. \_\_\_\_

### INFORMATION related to suspension of customs clearance of goods

|  |  |  |
| --- | --- | --- |
| 1 | Intellectual property item (name and number in the customs register of intellectual property items protected by law) |  |
| 2 | Item name, description and number goods whose customs clearance has been suspended | C:\Users\User\Downloads\RE34832_img_001.gif see Annex |
| 3 | Customs declaration and shipping documentation |  |
| 4 | Declarant (item name / first and last name, location / residence) |  |
| 5 | Owner (item name / first and last name, location / residence) |  |
| 6 | Consignor/exporter |  |
| 7 | Consignee/importer |  |
| 8 | Manufacturer |  |
| 9 | Destination |  |
| 10 | Mode of transportation |  |
| 11 | Country of departure |  |
| 12 | Country of origin |  |

|  |
| --- |
| C:\Users\User\Downloads\RE34832_img_001.gif photographic image of the goods suspected of infringing intellectual property rights is attached hereto.  Description of the characteristics of the goods, based on which the customs authority has found that the goods are suspected of infringing intellectual property rights: |

|  |
| --- |
| C:\Users\User\Downloads\RE34832_img_001.gif see Annex |

Annex 6  
to the Procedure for application of   
measures to facilitate the protection of   
intellectual property rights and interaction   
between customs authorities and right holders,   
declarants and other   
stakeholders  
(third indent, paragraph 7, section III)

State Customs Service of Ukraine

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
(customs authority)

|  |
| --- |
| Declarant’s title or first and last name |
| \_\_\_\_\_\_\_\_\_\_\_\_ No. \_\_\_\_\_\_            (date) |

### NOTICE  in accordance with Article 400 of the Customs Code of Ukraine

|  |
| --- |
| We hereby inform you that, in accordance with Article 400 of the Customs Code of Ukraine, during customs control and customs clearance of goods, customs clearance of goods found to be suspected of infringing intellectual property rights was suspended for 3 business days (through \_\_\_\_\_\_\_ and including).  Information related to suspension of customs clearance of goods is set out in annex 1 hereto. |

|  |  |  |
| --- | --- | --- |
| (date) | (signature) | (first and last name) |

Annex 1  
to notice

of \_\_\_\_\_ No. \_\_\_\_

### INFORMATION related to suspension of customs clearance of goods

|  |  |  |
| --- | --- | --- |
| 1 | Intellectual property item (name and number in the customs register of intellectual property items protected by law) |  |
| 2 | Right holder (item name / first and last name, location / residence) |  |
| 3 | Person authorised to deal with matters related to facilitation of the protection of property rights to the intellectual property item (first and last name, contact telephone and e-mail) |  |
| 4 | Item name, description and number goods whose customs clearance has been suspended | C:\Users\User\Downloads\RE34832_img_001.gif see Annex |
| 5 | Customs declaration and shipping documentation |  |

Annex 7  
to the Procedure for application of   
measures to facilitate the protection of   
intellectual property rights and interaction   
between customs authorities and right holders,   
declarants and other   
stakeholders  
(paragraph 18, section IV)

State Customs Service of Ukraine

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
(customs authority)

### REPORT on abolition of goods whose customs clearance has been suspended on suspicion of infringing intellectual property rights

|  |  |
| --- | --- |
| No. \_\_\_\_\_\_\_\_ | \_\_\_.\_\_\_.\_\_\_\_\_\_ |

|  |  |  |
| --- | --- | --- |
| 1 | Decision to suspend customs clearance of the goods (number and date) |  |
| 2 | Item name, description and number goods, which have been actually abolished | C:\Users\User\Downloads\RE34832_img_001.gif see Annex |

|  |
| --- |
| C:\Users\User\Downloads\RE34832_img_001.gif photo and video materials that confirm the actual abolition (destruction) of goods are attached hereto. |

|  |  |  |
| --- | --- | --- |
| \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_\_ (date) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (first and last name of an official of the customs authority) |
| \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_\_\_ (date) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (right holder’s first and last name) |
| \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_\_\_ (date) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (first and last name of the owner of the goods) |

Annex 8  
to the Procedure for application of   
measures to facilitate the protection of   
intellectual property rights and interaction   
between customs authorities and right holders,   
declarants and other   
stakeholders  
(paragraph 3, Section V)

State Customs Service of Ukraine

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
(customs authority)

|  |
| --- |
| Declarant’s title or first and last name |
| \_\_\_\_\_\_\_\_\_\_\_\_ No. \_\_\_\_\_\_            (date) |

### NOTICE in accordance with Article 4011 of the Customs Code of Ukraine

|  |
| --- |
| We hereby inform you that during customs control and customs clearance of goods, customs clearance of the goods found to be suspected of infringing intellectual property rights was suspended for10 business days (through \_\_\_\_\_\_ and including).  Information related to suspension of customs clearance of goods is set out in annex 1 hereto.  Based on the data of the customs register of intellectual property items protected by law, the right holder intends to apply the procedure for abolition of goods in accordance with Article 4011 of the Customs Code of Ukraine.  The organization of, and payment for, the abolition procedure, including the cost of storage, transportation, abolition, processing of documents and other costs related to abolition, shall be at the expense of the right holder and under the latter’s responsibility.  If within 10 working days upon receipt of this notice, you provide consent of the owner of the goods for their abolition to the customs authority the, the abolition of the said goods shall be carried under the procedure specified in paragraph 10 of Article 4011 of the Customs Code of Ukraine.  If within 10 business days upon receipt of this notice, no written objection of the owner of the goods against their abolition is submitted to the customs authority, the customs authority shall have the right to assume that the consent of the owner of the goods to their abolition was thereby given.  In case if within 10 working days after receipt of a notice with the objection of the owner of the goods against their abolition, the right holder fails to submit to the customs authority a court’s judgement ordering the prohibition of certain actions in the case of infringement of intellectual property rights or other decision on this issue issued (adopted) by other authorised public authorities, in the absence of signs of violation of customs rules, the goods subject of a decision to suspend customs clearance shall be cleared in customs under the established procedure.  During the above suspension period, you must notify the customs authority of the decision provided for in annex 2 hereto, by ticking the appropriate cell of the relevant item, providing information and/or relevant documents, where necessary; and send a scanned copy of Annex 2, relevant documents (if any) to the email address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or in an electronic form using the means of information and telecommunication systems of the State Customs Service.  We hereby inform you that in accordance with paragraph 6 of Article 4011 of the Customs Code of Ukraine, if by \_\_\_\_\_\_\_\_\_ and including, the declarant fails to provide a written objection of the owner of the goods against their abolition to the customs authority, which suspended customs clearance, the customs authority shall have the right to assume that the consent of the owner of the goods to their abolition was thereby given. |

|  |  |  |
| --- | --- | --- |
| (date) | (signature) | (first and last name) |

Annex 1  
to notice

of \_\_\_\_\_ No. \_\_\_\_

### INFORMATION related to suspension of customs clearance of goods

|  |  |  |
| --- | --- | --- |
| 1 | Intellectual property item (name and number in the customs register of intellectual property items protected by law) |  |
| 2 | Right holder (item name / first and last name, location / residence) |  |
| 3 | Person authorised to deal with matters related to facilitation of the protection of property rights to the intellectual property item (first and last name, contact telephone and e-mail) |  |
| 4 | Item name, description and number goods whose customs clearance has been suspended | see Annex |
| 5 | Customs declaration and shipping documentation |  |

Annex 2  
to notice

of \_\_\_\_\_ No. \_\_\_\_

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| In response to notice of \_\_\_\_ No. \_\_\_\_ and information provided in annex 1 hereto:    1. I believe that the goods have no signs of infringement of intellectual property rights, and hereby I send objection of the owner of the goods against their abolition in writing (attached hereto).    2. I give written consent of the owner of the goods to their abolition (attached hereto). |

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| --- | --- | --- |
| (date) | (signature) | (first and last name) |

Annex 9  
to the Procedure for the application of measures to facilitate the protection of intellectual property rights and the interaction between customs authorities and right holders, declarants and other stakeholders  
(paragraph 6, Section V)

State Customs Service of Ukraine

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
(customs authority)

|  |
| --- |
| (right holder’s title or first and last name) |
| \_\_\_\_\_\_\_\_\_\_\_\_ No. \_\_\_\_\_\_         (date) |

### NOTICE in accordance with Article 4011 of the Customs Code of Ukraine

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| --- |
| We hereby inform you that during customs control and customs clearance of goods, customs clearance of goods found to be suspected of infringing intellectual property rights was suspended for \_\_\_\_\_\_ business days (through \_\_\_\_\_\_\_ and including).  Information related to suspension of customs clearance of goods is set out in annex 1 hereto.  During the above suspension period, you must notify the customs authority of the decision provided for in annex 2 hereto, by ticking the appropriate cell of the relevant item or sub-item, providing information and/or relevant documents, where necessary; and send a scanned copy of Annex 2, relevant documents (if any) to the email address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or in an electronic form using the means of information and telecommunication systems of the State Customs Service.  We hereby inform you that in accordance with paragraph 5 of Article 399 of the Customs Code of Ukraine, the right holder may use the information received from the customs authority only for purposes related to the suspension of customs clearance of goods. |

|  |  |  |
| --- | --- | --- |
| (date) | (signature) | (first and last name) |

Annex 1  
to notice

of \_\_\_\_\_ No. \_\_\_\_

### INFORMATION related to suspension of customs clearance of goods

|  |  |  |
| --- | --- | --- |
| 1 | Intellectual property item (name and number in the customs register of intellectual property items protected by law) |  |
| 2 | Item name, description and number goods whose customs clearance has been suspended | see Annex |
| 3 | Customs declaration and shipping documentation |  |
| 4 | Declarant (item name / first and last name, location / residence) |  |
| 5 | Owner (item name / first and last name, location / residence) |  |
| 6 | Consignor/exporter |  |
| 7 | Consignee/importer |  |
| 8 | Manufacturer |  |
| 9 | Destination |  |
| 10 | Country of departure |  |
| 11 | Country of origin |  |

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| --- |
| photographic image of the goods suspected of infringing intellectual property rights is attached hereto.  Description of the characteristics of the goods, based on which the customs authority has found that the goods are suspected of infringing intellectual property rights: |

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| see Annex |

 Annex 2  
to notice

of \_\_\_\_\_ No. \_\_\_\_

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| --- |
| In response to notice of \_\_\_\_\_ No. \_\_\_\_\_ and information provided in annex 1 hereto:  1. I find that the goods are suspected of infringing intellectual property rights, and therefore:   1.1. I hereby provide a court’s injunction ordering the prohibition of certain actions in the case of infringement of intellectual property rights or other decision on this issue issued (adopted) by other authorised public authorities (attached hereto).   1.2. I hereby send a report on expert examination of the goods, which confirms the infringement of intellectual property rights (attached hereto).  The estimated market retail value of equivalent original goods in Ukraine is UAH \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.1   2. I believe that the goods are suspected of infringing intellectual property rights but have no intention to take action with a view to confirmation of infringement of intellectual property rights, and therefore I give consent to resumption of their customs clearance.   3. I believe that the goods are not suspected of infringing intellectual property rights because the goods are original, and therefore I give consent to resumption of their customs clearance. |

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| 2 List of signs of original goods that are identified in the goods presented for customs control and customs clearance:            see Annex |

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| 4. I believe that the goods are not suspected of infringing intellectual property rights because the goods do not contain an intellectual property item belonging to me, and therefore I give consent to resumption of their customs clearance. |

|  |  |  |
| --- | --- | --- |
| (date) | (signature) | (first and last name) |
| \_\_\_\_\_\_\_\_\_\_ 1 To be filled in if one of sub-items 1.1—1.2 of item 1 of annex 2 is ticked 2 To be filled in if item 3 of annex 2 is ticked | | |

Annex 10  
to the Procedure for application of   
measures to facilitate the protection of   
intellectual property rights and interaction   
between customs authorities and right holders,   
declarants and other   
stakeholders  
(paragraph 3, Section VI)

State Customs Service of Ukraine

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
(customs authority)

### REPORT on absence of signs of infringement of intellectual property rights

|  |  |
| --- | --- |
| No. \_\_\_\_\_\_\_\_ | \_\_\_.\_\_\_.\_\_\_\_\_\_ |

|  |  |  |
| --- | --- | --- |
| 1 | Decision to suspend customs clearance of the goods (number and date) |  |
| 2 | Item name, description and number of goods whose identification marking or labelling have been actually changed | see Annex |

|  |
| --- |
| In accordance with Article 402 of the Customs Code of Ukraine, the identification markings or labelling on the above goods or their packing have been changed (removed), which enabled elimination of signs of infringement of intellectual property rights.    photo and video materials that confirm the actual elimination of signs of infringement of intellectual property rights are attached hereto. |

|  |  |  |
| --- | --- | --- |
| \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_\_ (date) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (first and last name of an official of the customs authority) |
| \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_\_ (date) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (right holder’s first and last name) |
| \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_\_\_\_ (date) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (signature) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (first and last name of the owner of the goods) |