

## Customs and Rightholders: The best of partners need the best of practices

The AIM Anti-Counterfeiting Committee has always recognised the vital role that Customs play in the fight against counterfeiting and piracy. Over 80% of fake products found world-wide are found by Customs Officers; in the EU, that figure is even higher.

With this in mind the below signatories would like to set out the following best practices for rightholders when dealing with Customs.

### **Do**

- ...file an application for Customs intervention!
- ...help Customs to help you: provide them with product identification information in an easily digestible format (laminated flyer, toolkit) so that they can make an accurate and immediate assessment to determine the fake/genuine status and apply the application. Clarity of product information is vitally important bearing in mind the time scale Customs Officers work to and the variable conditions.
- ...regularly review any information provided to ensure that it is up to date and accurate.
- ...ensure that any risk analysis information provided is translated into the local language.
- ...specify any potential health hazards caused by counterfeits of your brand – be that pharmaceutical products, food and drink, razor blades, batteries, sun screens, plasters, overfilled and explosive aerosols, toys with weak parts or dangerous paints... Let them know why it matters.
- ...respond without fail to all requests for assistance (verification of products etc). Company reputations depend on this response!
- ...make your company known to Customs at all levels: regular visits to Customs Offices including the Head Office (where the application for intervention is lodged) and the ports and airports (where risk analysis and seizures are undertaken).
- ...request that Customs allow you to hold product training courses – either individually or through and with other members of your organisation.
- ...maintain regular contact with Customs. Provide them with intelligence, trends and your analysis information regarding the counterfeiting of your product - as early as possible.
- ...ascertain from Customs the mechanism under which they require the relevant information to be submitted so that risk analysis can be undertaken. A working format devised with Customs saves time, prevents misunderstanding and maintains your company's profile.

## ***Don't***

- ...forget that Customs have many ***other responsibilities*** besides IPR.
- ...hold back information: if you want Customs to actively look for fakes of your brands, you have to tell them if you know that there are fakes of your brands and...
- ... keep new information (new routes, new methods of concealment) secret from Customs. It is not much use if you know but the Officer at the port does not.
- ... attempt to mislead Customs. If you know the products are parallels, not counterfeits, say so.
- ... swamp operational Officers with piles of technical product specifications. Containers and vehicles have to be checked in seconds: they need quick risk analysis information.
- ... use information given to you by Customs for purposes other than its legal intention.
- ... be surprised if Customs do not go the extra mile for your company, if you have ignored or rejected requests for assistance in the past. **Ask yourself - would you?**

*AIM Anti-Counterfeiting Committee*

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*For further information, please contact [marie.pattullo@aim.be](mailto:marie.pattullo@aim.be)*

## **Signatories:**

