



Jersey

COMMUNITY PROVISIONS (GOODS SUSPECTED OF INFRINGING INTELLECTUAL PROPERTY RIGHTS) (JERSEY) REGULATIONS 2014

Arrangement

Regulation

1	Interpretation.....	3
2	Application.....	3
3	Competent customs department.....	4
4	Relationship with the 1999 Law	4
5	Consequential amendments	4
6	Repeal	5
7	Citation.....	5



Jersey

COMMUNITY PROVISIONS (GOODS SUSPECTED OF INFRINGING INTELLECTUAL PROPERTY RIGHTS) (JERSEY) REGULATIONS 2014

Made

17th June 2014

Coming into force

17th June 2014

THE STATES, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996¹, have made the following Regulations –

1 Interpretation

- (1) In these Regulations, “the EU Regulation” without more and unless otherwise indicated means Regulation (EU) No. 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No. 1383/2003 (OJ L 181, 29.6.2013, p.15).
- (2) Expressions used in these Regulations which also occur in the EU Regulation shall be construed for the purposes of these Regulations as they are for the purposes of the EU Regulation.
- (3) In these Regulations, “the 1999 Law” means the Customs and Excise (Jersey) Law 1999², and “Agent of the Impôts”, “assigned matter” and “officer of the Impôts” have the same meanings as is given to those expressions by that Law.

2 Application

- (1) Subject to paragraph (2), the EU Regulation has full force and effect in Jersey to the extent, if any, that it does not have effect under Article 2 of the European Communities (Jersey) Law 1973³.
- (2) A reference in the EU Regulation to a Member State, the Community or the Union is to be construed so as to include Jersey.

3 Competent customs department

The Agent of the Impôts is the competent customs department in Jersey for the purposes of the EU Regulation.

4 Relationship with the 1999 Law

- (1) The implementation of the EU Regulation is an assigned matter for the purposes of the 1999 Law.
- (2) Powers to detain, suspend the release of, or destroy any goods conferred under the EU Regulation shall not derogate from any similar powers conferred on the Agent of the Impôts or officers of the Impôts by the 1999 Law or otherwise.
- (3) Article 58(2) of the 1999 Law shall have effect, for the purpose of implementation of the EU Regulation, as though –
 - (a) after the words “under this Law” in each place in which they occur there were inserted the words “or under applicable Union provisions”; and
 - (b) at the end of Article 58 there were added the following paragraph –

“(5) In paragraph (2), ‘applicable Union provisions’ means any of Articles 17, 18, 19, 23 or 26 of Regulation (EU) No. 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No. 1383/2003.”.
- (4) The implementation of the EU Regulation does not affect the power of any court to grant relief, including interim relief.

5 Consequential amendments

- (1) For Article 22(3) of the Trade Marks (Jersey) Law 2000⁴ there shall be substituted the following paragraph –

“(3) This Article does not apply to goods –

 - (a) suspected of infringing an intellectual property right and which are or should have been subject to customs supervision or control;
 - (b) to which there applies Article 1(1) of Regulation (EU) No. 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No. 1383/2003 (“Regulation 608/2013”, as applicable in Jersey in accordance with the Community Provisions (Goods Suspected of Infringing Intellectual Property Rights) (Jersey) Regulations 2014⁵); and
 - (c) in respect of which an application may be submitted under Section 1 of Chapter II of Regulation 608/2013.”.
- (2) For Article 141(6) of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011⁶ there shall be substituted the following paragraph –

-
- “(6) This Article does not apply to goods –
- (a) suspected of infringing an intellectual property right and which are or should have been subject to customs supervision or control;
 - (b) to which there applies Article 1(1) of Regulation (EU) No. 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No. 1383/2003 (‘Regulation 608/2013’, as applicable in Jersey in accordance with the Community Provisions (Goods Suspected of Infringing Intellectual Property Rights) (Jersey) Regulations 2014⁷); and
 - (c) in respect of which an application may be submitted under Section 1 of Chapter II of Regulation 608/2013.”.

6 Repeal

The Community Provisions (Goods Infringing Intellectual Property Rights) (Jersey) Regulations 2013⁸ shall be repealed.

7 Citation

These Regulations may be cited as the Community Provisions (Goods Suspected of Infringing Intellectual Property Rights) (Jersey) Regulations 2014.

M.N. DE LA HAYE, O.B.E.

Greffier of the States

-
- 1 *chapter 17.245*
 - 2 *chapter 24.660*
 - 3 *chapter 17.210*
 - 4 *chapter 05.900*
 - 5 *R&O.67/2014*
 - 6 *chapter 05.350*
 - 7 *R&O.67/2014*
 - 8 *R&O.2/2013 (chapter 17.245.81)*