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The report on customs enforcement of IP rights in the EU for 2016 already available

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Time flies so fast... It seems like only yesterday I informed on this [blog](#) about the EU Commission's report on EU customs enforcement of intellectual property rights for **2015**. And last week another [report from the Commission](#) - for **2016** - was released. As in previous years, the report contains statistical information about the detentions made under customs procedures and includes data on the description, quantities and value of the goods, their provenance, the means of transport and the type of intellectual property rights that may have been infringed. The statistics were established by the Commission, based on the data transmitted by the Member States' administrations, in accordance with [the Customs Enforcement Regulation \(No. 608/2013\)](#).

According to the report, in 2016, EU customs authorities made over **63,000 detentions**, consisting of a total of **41.3 million articles**. This means that, compared to 2015, the number of intercepted goods remains on more or less the same level, while the total number of cases (each case representing an interception by customs) went further down last year (decrease of approximately 22%). The domestic retail value of the detained articles represented over **670 million euros**.

As in previous years, the vast majority of articles (i.e. 92% by number) detained by EU customs in 2016 were suspected of infringing a trademark. The top category of detained articles were again cigarettes, which accounted for 24% of the overall amount of detained articles, followed by toys (17%) and foodstuff (13%). Altogether, products for daily use and products that would be potentially dangerous to the health and safety of consumers (i.e. suspected trademark infringements concerning food and beverages, body care articles, medicines, toys and electrical household goods) accounted for over a third of all intercepted goods (34.2%). Compared with 2015, the category **packaging material** substituted labels, tags and stickers in the top 5.

No surprise, **China** continues to be the main country of provenance from where goods suspected of infringing IP rights were sent to the EU, followed by some other leaders in specific product categories, such as Hong Kong for mobile phones and accessories, and parts for vehicles, Singapore for alcoholic beverages, Iran for clothing accessories, and India for medicines.

As explained in the report, over the years postal, air and express transport have remained the most important means of transport in number of cases detained (although detention in postal traffic went down with 28%, courier traffic and postal traffic together still accounted for 73% of all detentions made in 2016), whereas sea transport by container is the main transport modality in number of articles. There was also observed quite strong increase of articles detained in road transport.

In over 86% of all cases, customs action was started whilst the goods concerned were under an import procedure. In more than 11% of the cases, goods were discovered whilst being in transit with a destination in the EU. Standard **transit and transshipment procedures** (with a final destination outside the EU) accounted altogether for almost 1% of all cases, which is indeed a slight increase compared to 2015. It is yet to be analyzed whether such (relatively small) increase can be attributed to the new legal solutions against counterfeit goods in transit, as provided by [the revised EU Trademark Regulation](#), which are applicable as of March 23, 2016.

In almost 90% of the detention procedures, the goods were either destroyed under the standard procedure, destroyed under the procedure for small consignments or a legal action was initiated to determine the infringement (a court case or as part of criminal procedures). In 6% of the procedures, the goods were released because no action was undertaken by the right-holder after receiving the notification by the customs authorities, of which 1% concerned ex-officio procedures (without a prior application for action). In 3.7% of the detentions, customs authorities released the goods because they appeared to be non-infringing original goods.

No doubt, the statistics contained in the Commission's annual report provide useful information to support the analysis of IPR infringements in the EU and the development of appropriate counter-measures by customs. The published figures allow for a better understanding of the scope and extent of the problem. Readers who are interested in **learning more** about the functioning of [the Customs Enforcement Regulation \(No. 608/2013\)](#) and its implementation by Member States (for a three-year period from January 2014 to December 2016) are invited to have a look into the respective [report from the Commission to the European Parliament and the Council](#), as published on May 15, 2017.

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