

The European Semiconductor Industry Association



The Semiconductor Voice of Europe

Anti-Counterfeit Task Force AFAs STEPS 2011

- **1. Register your trademarks**
 - a. To take legal steps (e.g. file an AfA) on trademark infringement, it is necessary to register your trademarks (logo, written word, pictures or combination).
 - b. Only apply for actions in case of trademark infringements (customs officers cannot check for infringement of semiconductor patents).
 - c. Use community trademarks (if protected).
- **2. Contact your local customs for clarifications before set up the AfA**
 - a. Discuss their special needs before filling out the AfA form.
 - b. Ask for the manual to fill out the AfA forms – this could be available on Customs homepage on the Internet (see also below).
 - c. Your local customs organization is responsible for checking and approval. Furthermore, they will inform all other EU countries for which you want your AfA to be valid.
- **3. Define internal responsible and procedures**
 - a. Right holder of your trademark.
 - b. Technical responsible for technical questions from customs.
 - c. Point of contact in/for every country your AfA should be valid.
 - d. To file you may need also information from:
 - i. packaging specialists / marking pattern for technical information;
 - ii. logistics for normally used logistic routes and valid HS-codes;
 - iii. production for country of production and label issues; and
 - iv. your internal Counterfeit Working Group for procedures.

- **4. Make detailed clues for identifying counterfeits (easy to read) description of originals and counterfeits and include sample pictures for easy understanding.**
 - a. Prepare accurate and detailed description of:
 - i. technical information of the goods (original and fake);
 - ii. specific information concerning pattern of counterfeits; and
 - iii. product and logistic label, quality/packing seals.
 - b. Names and addresses of authorized importer/exporter.
 - c. Overview of known unauthorized importers (counterfeit).
 - d. detailed description of counterfeit products, packaging, logistic routes, seals and label,
 - Etc.

- **5. Fill out the form(s) available at your local Custom Organization and include all prepared information – do not forget to fill out and sign the declaration “acceptance of liability”.**

- 6. Translate all documents into every local language, your AfA will be valid (e.g. English for UK, French for France, German for Germany and Austria ...). Please contact local Customs organizations, if you are not sure, which language will be preferred. Burn all this information on CD-ROM.**

- **7. Send the singned print out of your AfA and all CD-ROMs to your responsible Customs Organization for final approval.**

- **8. Do not risk the valuable support of the customs authorities;**
 - 1. by not taking legal actions (if the importer opposes);
 - 2. by not analyzing suspected goods detained by customs diligently (also a question of liability);
 - 3. by not supporting the customs authorities in any requested manner

■ 9. Don't forget:

- 1. Please inform Customs Organizations immediately on every changes (e.g. change of responsibility within your company).
- 2. Your AfA is valid for 1 year after approval. Please pro-longate in time by using available form.

■ LINKS:

- All links could be found at
http://ec.europa.eu/taxation_customs/common/links/customs/index_en.htm
- All forms and manuals could be downloaded at the EU Tax and Customs homepage in English, French and German
Language:**http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm**
- The responsible points of contact of each EU country could be found at
http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/counterfeit_piracy/right_holders/contacts_en.pdf
- Some countries already implemented the “online form”.. for e.g. Germany the ZGR (Zentrales Datenbanksystem zum Schutz von Geistigen Eigentumsrechten online) tool is available at **<https://www.fms-zgr.zoll.de>**
This on line too lwas used by Infineon and integrated all necessary forms.
- **CONTACT: More information / consultation can be provided by ACTF Members via the ESIA Secretariat.** For this contact: Martin Spät, Director-General ESIA under mSPAET@EECA.be or secretariat.gen@EECA.be.