

Customs Notices

Customs Notices are an effective first line of defense against the import of counterfeit goods.

A Customs Notice is a formal request lodged with the New Zealand Customs Service (Customs). The Custom Notice requests that Customs detain any imported goods that infringe specific intellectual property rights.

Customs Notices can be filed to protect a registered trade mark. This means that Customs will detain any counterfeit goods that use an identical or confusingly similar mark on the same or similar goods covered by the relevant trade mark registration specified in the Customs Notice.

Customs Notices can also be filed to protect a copyright work. This means that Customs will detain any counterfeit goods that feature the same copyright work, or are substantially similar to the copyright work specified in the Customs Notice.

Fees

Our standard fees for filing Customs Notices are detailed below.

Discounts are available where multiple Customs Notices are filed or renewed at one time. There are no official filing fees.

Preparing security form and authorisation of agent, including arranging for bond payment:	US\$630
Preparing and filing a Customs Notice:	US\$560
Renewing a Customs Notice:	US\$420

Renewing customs notices

A Customs Notice remains in force for up to five years or until the expiry of the relevant trade mark registration or copyright term, whichever comes first. A Customs Notice can be renewed perpetually if the relevant trade mark registration or copyright work is in force.

Procedure for lodging customs notices

To lodge a Customs Notice, you must provide Customs with the following documents and information:

- a notice requesting detention of infringing goods
- a security document and NZ\$5,000 bond
- an authorisation of agent
- particulars of trade mark registration or copyright work
- copies of the trade mark certificate of registration or the copyright work.

We can help you prepare and compile all these documents and information.

The security bond is a one-off payment, and can be applied to all Customs Notices filed by one company. In some cases, Customs will allow one bond to be used by a family of companies. The bond is held by Customs in an interest bearing trust account, and is refundable at the end of the notice period, less any costs incurred.

Enforcing a customs notice

Once a Customs Notice has been lodged with Customs, any imported goods that infringe the Customs Notice will be detained by Customs. The Customs detention procedure is outlined below.

Once Customs has detained any infringing goods, rapid and effective enforcement must follow in order to stop further infringing activity. We have developed a four-tier enforcement programme to help clients enforce their intellectual property rights in a cost-effective and efficient manner. Please let us know if you would like more information about our Tiered Enforcement Programme.

