



European Commission
Taxation and Customs Union

***REPORT ON EU CUSTOMS
ENFORCEMENT OF
INTELLECTUAL PROPERTY RIGHTS***

RESULTS AT THE EU BORDER - 2009



Executive summary

The number of goods, suspected of infringing intellectual property rights, detained in 2009 decreased to 118 million articles, compared to the 178 million articles recorded in 2008.

The number of cases in which customs administrations intervened in 2009, decreased for the first time to 43.572 from 49.381 cases recorded in 2008.

Despite the global economic downturn in 2009, which affected international trade¹ significantly, the number of custom's interventions remained at a relatively high level compared to former years.

In almost 82% of the cases of detentions by customs, either the goods were destroyed after the holder of the goods and the right holder agreed on destruction, or the right holder initiated a court case to establish the IPR infringement.

In 12% of the cases goods were released because they were either non-infringing original goods or the right holder did not react to the notification by customs.

Overall, China continued to be the main source country from where goods suspected of infringing an IPR were sent to the EU (64% of the total amount of articles). However, in certain product categories, other countries were the main source, notably Egypt for toys and the United Arab Emirates for medicines and lighters.

The decrease in number of articles detained concerns mainly the category DVD/CD and to a lesser extent, the categories for electrical/computer equipment and shoes. All other sectors stayed stable or showed an increase. The decrease in number of cases concerns almost all categories, except electrical/computer equipment and shoes.

Due to a more specific registration of product categories, it is difficult to make an exact comparison between 2009 and the years before.

The top categories of articles detained were cigarettes which accounted for 19% of the overall amount, followed by other tobacco products (16%), labels, tags and emblems (13%) and medicines (10%). If we would exclude from the detentions all the articles that were released, the top categories are the same with only a difference in the percentages, namely cigarettes (17%), other tobacco products (19%), labels (16%) and medicines (8%).

In the past IPR infringements were mainly a problem for the luxury industry. As in previous years, more and more of the products detained by customs are for daily use such as shampoos, toothpaste, toys and household appliances, and products potentially dangerous to health, such as

¹ Exports fell by 16%, while imports fell much more sharply by 23%. Source Eurostat - Statistics in focus 28/2010.



food, beverages and medicines. Products for daily use and products potentially dangerous to the health and safety of European consumers account for a total of 17 million items or 18% of the total amount of detentions (i.e suspected trademark infringements concerning food and beverages, body care articles, medicines, electrical household goods and toys).



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1. Introduction

1.1 *Basis for the report*

This report contains statistics on action by customs within the EU relating to the fight against infringements of intellectual property rights. They are established by the European Commission, based on the data transmitted by the EU Member States, in accordance with the EU's relevant customs legislation. Council Regulation (EC) No 1383/2003² lays down the basic provisions for customs actions to protect and enforce intellectual property rights and the implementing legislation, Commission Regulation No 1891/2004³, provides specifically for the submission by Member States of information on the detentions made.

These statistics contain information about detentions made under customs procedures including data on the description and quantities of the goods, their provenance, the means of transport and the type of intellectual property right that has been infringed.

The drawing up of such statistics on a yearly basis provides useful information to support the analysis of IPR infringements in the EU and the development of appropriate counter-measures by customs. Increasingly, it is being recognised that reliable figures are required, in order to allow for a better understanding of the scope and extent of the problem, which has become a global phenomenon. To this end, the Commission, after consulting Member States customs administrations, industry representatives and based on former experiences, has changed the way of gathering statistical data. As the statistical data in this report is much more specific, it will not always be possible to compare exactly with the data contained in former reports. Nevertheless the Commission remains committed to ensuring that relevant statistical data on customs actions in the EU is analysed and shared with customs in a timely manner. In addition, the Commission will continue to pursue the possibility of exchanging such data with customs in third countries, in accordance with relevant customs cooperation provisions that already apply.

1.2 *Content*

The report contains the following:

- A general overview, together with an analysis of trends and general figures for articles and cases, in Chapter 2;
- A more detailed analysis for different items, such as IP rights, transport modes and countries of provenance, in Chapter 3;
- A set of annexes containing relevant data in tables and graphics.

² OJ L 196, 2.8.2003, p. 7.

³ OJ L 328, 30.10.2004, p. 16.



2 General overview

2.1 The role of customs in IPR enforcement

The protection of IPR is key to the promotion of research, innovation and job creation. This is confirmed by the EU's 2020 strategy.

The importance of effective IPR enforcement, in terms of protection of creativity and consumer safety, and the recent developments in the EU to strengthen the ability for customs to combat the trade in IPR infringing goods⁴ are reflected in the 2009-2012 customs action plan⁵.

The main elements of the 2009-2012 customs action plan cover legislation, operational performance, cooperation with industry, international cooperation and awareness raising.

On legislation, the Commission, in close collaboration with Member States' experts, initiated a review of Council Regulation (EC) No 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights. In the light of this review and taking into account the result of the public consultation, the European Commission intends to prepare a proposal for a Regulation of the Council and the European Parliament concerning Customs enforcement of Intellectual Property Rights. The proposal would replace the Council Regulation (EC) No 1383/2003.

International cooperation is essential for effective IPR enforcement and reinforcing international cooperation is a key element. The objective is to share expertise, exchange latest risk information, and improve cooperation to tackle IPR infringements with customs in other key trading partners.

An Action Plan concerning EU-China cooperation on IPR customs enforcement was signed on 30 January 2009 and its implementation started in April 2009. The Action plan is intended to strengthen the application of customs controls to combat counterfeiting and piracy in the trade between the EU and China. This plan contains 4 key areas of action namely a) the exchange and analysis of seizures, trends and general risk information; b) the creation of a network of ports and airports to target high risk consignments; c) the enhanced cooperation with other enforcement authorities; d) joint partnerships with business communities in China and the EU. Activities have been developed in all 4 key areas, though both sides have focussed on the establishment and implementation of the customs network.

2.2 Cooperation customs/industry in IPR enforcement

⁴ Council Resolution of 25 September 2008 on a comprehensive European anti-counterfeiting and anti-piracy plan.

⁵ Council Resolution of 16 March 2009 (OJ C71, 25.3.2009).



Right holders may lodge an application for action requesting customs to take action in cases where a suspicion exists that an IPR is infringed. Application for actions can be requested on a national or an EU basis.

For risk assessment to function properly in the field of IPR protection, the importance of close cooperation with right holders and the information given by right holders in their applications for action is recognised. The Commission, in collaboration with the Member States, has established a manual for right holders for lodging and processing applications for action (see also DG TAXUD's website under [right holders defence](#)).

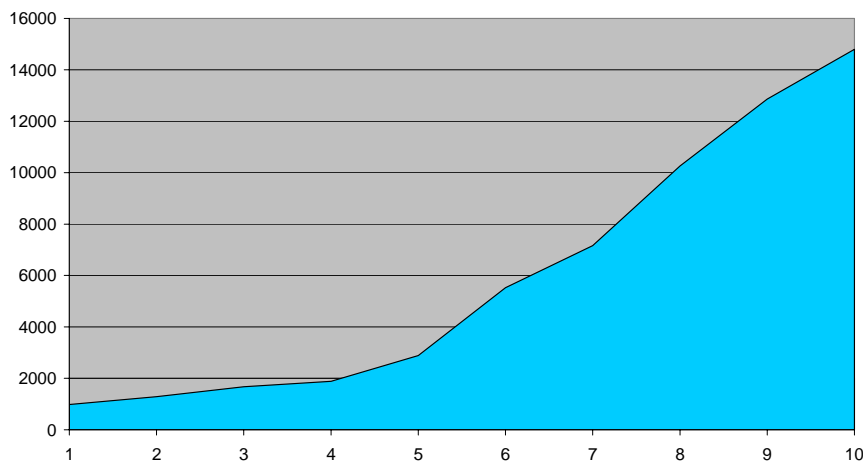
Evidence of the close cooperation between customs and the private sector can be seen in the evolution of the numbers of applications for action submitted to customs. Since 2000 the number of applications for action made in the Member States has increased from nearly 1000 applications to almost 15.000 in 2009.

Interestingly in 6% of the cases when right holders were notified by customs of a detention of suspected goods, the right holders were not willing to take action against the infringer and the goods were released to follow their destination. This included situations where an application for action had been made by the right holder.

The majority of these cases concerned consignments with small quantities mainly in postal and air traffic and although customs are aware of the problems that these consignments pose on right holders concerning time and costs, it is frustrating for customs officers if the right holder does not follow up on their actions.

The Commission is aware of the problems related to small consignments, including the relatively high costs for right holders to take actions against infringing shipments. This issue will therefore be addressed in the general review of Regulation 1383/2003.

Number of applications 2000-2009

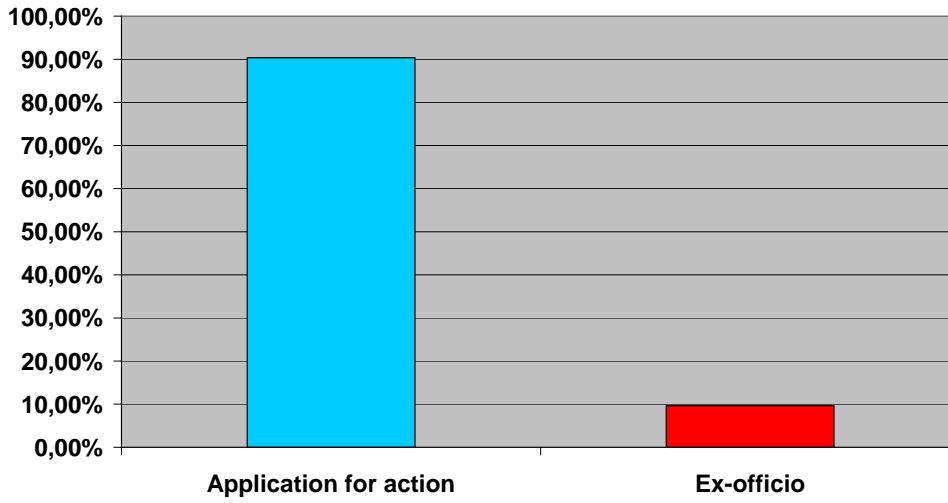


Year	Applications
2000	981
2001	1.287
2002	1.671
2003	1.886
2004	2.888
2005	5.525
2006	7.160
2007	10.260
2008	12.866
2009	14.797



EU customs also have the power to act ex-officio if there is a suspicion of an IPR infringement. In such cases customs have to locate the right holder and an application must be submitted within 3 working days in order for customs to be able to detain or suspend the release of the goods. In 2009 less than 10% of customs actions were initiated ex-officio. The number of ex-officio cases is going down while the number of applications is still going up.

Breakdown of registered cases by type of intervention



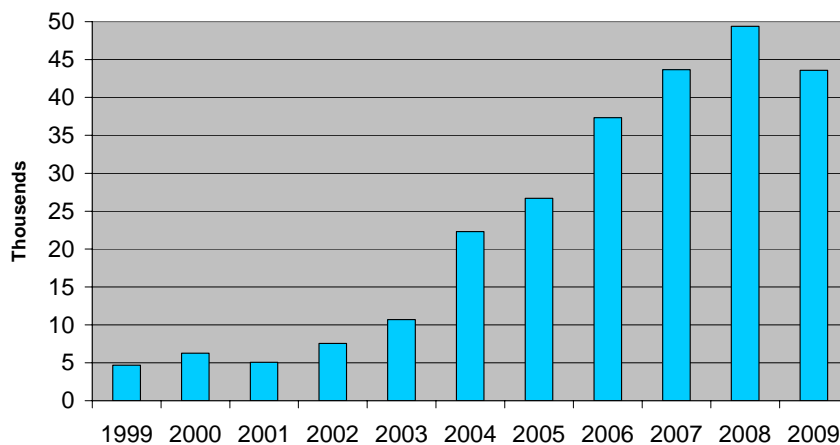


2.3 General figures

The figures for 2009 show for the first time a decrease in the overall amount of cases of detentions by customs. Each case stands for an interception by customs. The overall amount went down to 43.572 cases.

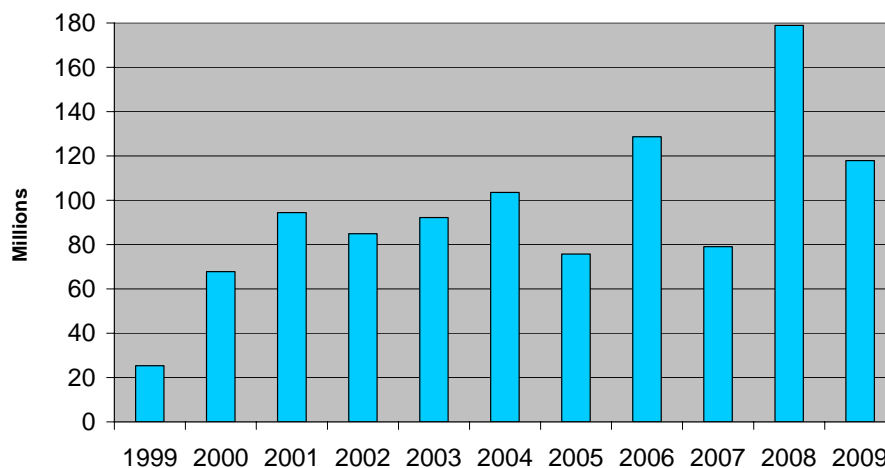
Each case contains a certain amount of individual articles that can vary from 1 to several million and can contain articles of different categories. If one counts all the individual articles⁶ together, one can see that in 2009, the total amount has decreased to almost 118 million articles.

Number of registered cases 1999 - 2009



Number of cases	
1999	4.694
2000	6.253
2001	5.056
2002	7.553
2003	10.709
2004	22.311
2005	26.704
2006	37.334
2007	43.671
2008	49.381
2009	43.572

Number of articles detained 1999 - 2009



Number of articles	
1999	25.285.838
2000	67.790.546
2001	94.421.497
2002	84.951.039
2003	92.218.700
2004	103.546.179
2005	75.733.068
2006	128.631.295
2007	79.076.458
2008	178.908.278
2009	117.959.298

⁶ The category cigarettes, which accounts for the highest number, is registered in packets of 20 pieces. See also annexes 2 and 3.



The total amount of articles has considerably fluctuated over the years, mainly in the cigarettes and CD/DVD categories, which are normally shipped by sea transport in containers and where one case can count for several millions of articles.

The quantities of cigarettes detained fluctuates because they are sometimes detained on the basis of Regulation 1383/2003 and suspected IPR infringements and in other cases seized under the anti-smuggling provisions of the Community Customs Code of Council Regulation (EC) No. 2913/92⁷. Where cigarettes have been smuggled, it is unlikely that they would subsequently be checked for possible IP infringements.

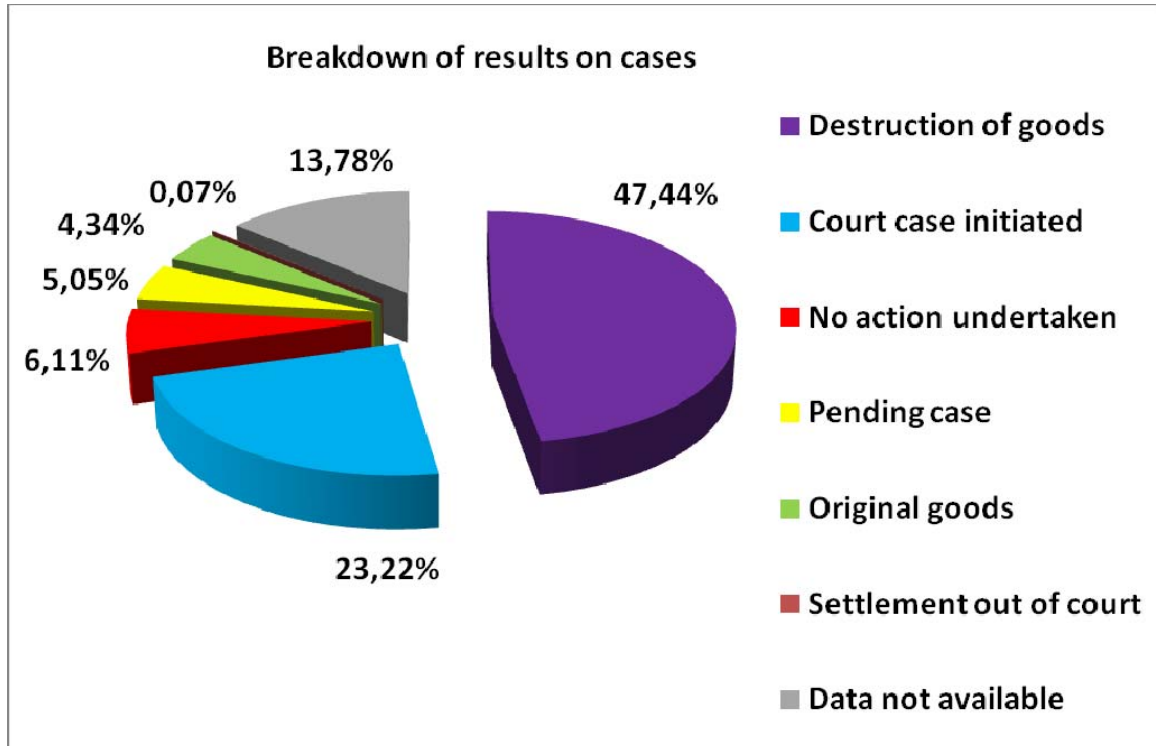
In 2008, several Member States detained a few large shipments of CD/DVDs, which did not occur in 2009. These few shipments alone account for much of the difference in quantities detained between 2008 and 2009.

In 2009, the categories with the highest number of suspected articles detained were cigarettes, labels, tags and emblems and medicines. For the first time, customs administrations also registered the outcome of the detention. The following results were registered:

- goods were destroyed under the simplified procedure after confirmation of the right holder concerning the infringement and agreement of the holder of the goods;
- a court case was initiated by the right holder to determine the infringement;
- goods were released as they appeared to be non-infringing original goods;
- the outcome is pending as goods are still under the period of detention;
- goods were released because the right holder did not react to the notification by customs;
- a settlement was reached between right holder and holder of the goods after which the goods were released;
- data on the result was not available.

Goods that appeared to be non-infringing original goods were released from detention based on Regulation 1383/2003. However, this does not exclude that these goods subsequently could have been detained on the basis of other legislation.

⁷ OJ L302, 19.10.1992, p. 1.



In almost 82%⁸ of the detentions, the goods were either destroyed under the simplified procedure or a court case was initiated to determine the infringement. In 12%⁸ of the selected cases, the goods had to be released because they appeared to be non-infringing original goods or no action was undertaken by the right holder after receiving the notification by the customs authorities.

In principle all goods that enter or leave the EU are subject to examinations. However customs can only examine a small part and therefore rely on the use of risk management methods. The effectiveness of these methods for detecting suspected IPR infringing goods is difficult to measure.

One indication on the effectiveness of the selections made by customs can be taken from the amount of cases that were released because they appeared to cover non-infringing original goods (5%⁸). However these figures only tell us about the detentions made by customs concerning goods suspected of infringing an IPR but do not give an indication on the total amount of controls carried out in relation to the detentions.

In annex 2 an overview is given of all categories with the total amount of detentions. Annex 3 gives an overview of detentions with the exception of the articles that were released because they were non-infringing originals or because the right holder did not react.

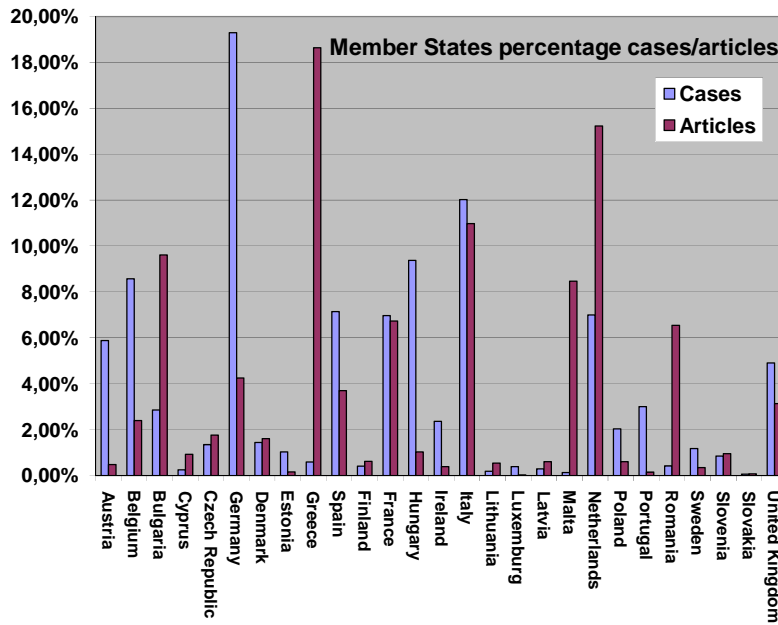
If we make the comparison between both overviews we see that for the release of goods, cases in almost all categories were concerned. The product sectors where the highest number of articles were released concern categories 1 (foodstuff and beverages), 7c (ink cartridges/toners), 11b (medical ingredients), 12b, (vehicles and accessories), 12c (office stationary), 12g (packaging

⁸ Calculations of results are based only on detentions for which results have been received from Member States.



material) where the ratio of number of articles detained to the number of articles released is less than 50%⁹ but also the categories 2a (perfumes), 4b (shoes), 7a (audio/video apparatus), 7e (household appliances), 8a (recorded CD/DVD), 11 (medicines), and 12h (other) where the ratio of the number of articles detained to the number of articles released is still less than 70%⁹.

The top 10 of Member States account for 85% of the overall amount of cases and 92% of the overall amount of articles. 6 Member States appear in the top 10 of both cases and articles.



⁹ Calculations are based only on detentions for which results have been received from Member States.



3 Facts and figures

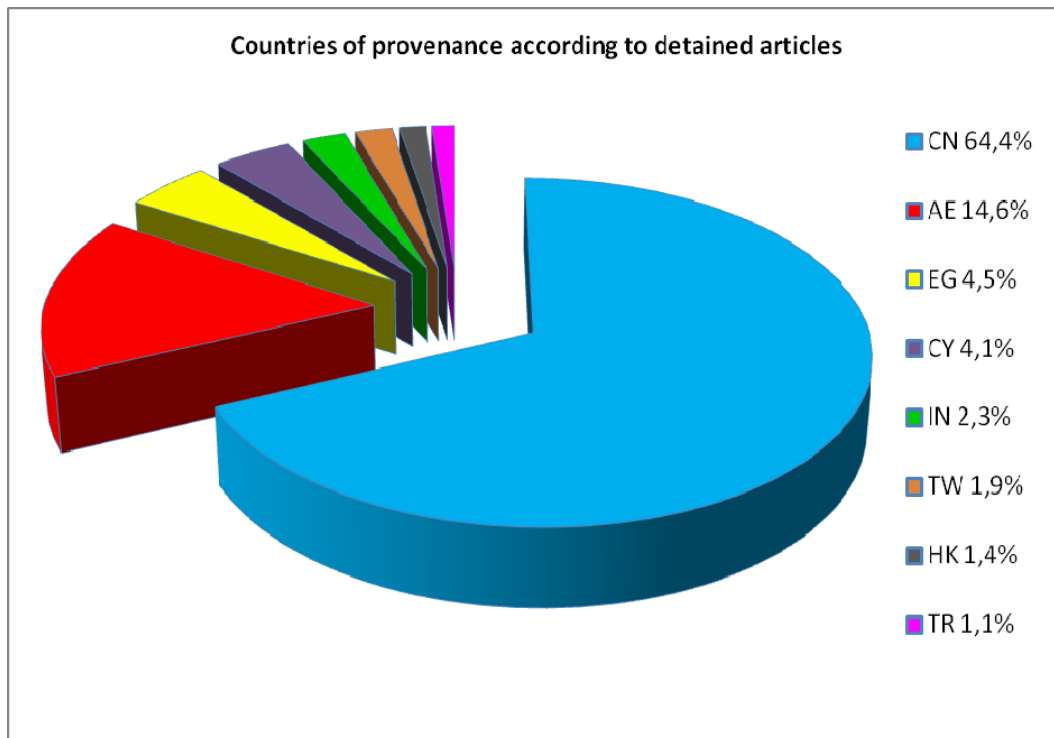
3.1 Provenance

The country of provenance is the country from which the goods are shipped to the EU whereas the country of origin is in principle the country where the goods are produced.

Infringers will in many cases try to hide the real country of origin and therefore only the country from where the goods were sent to the EU is known with certainty. This does not necessarily mean that the goods are also produced in these countries.

China continued to be the main source from where goods suspected of infringing an IPR came in 2009 with 64,4 % of the total amount of detained goods that were not released.

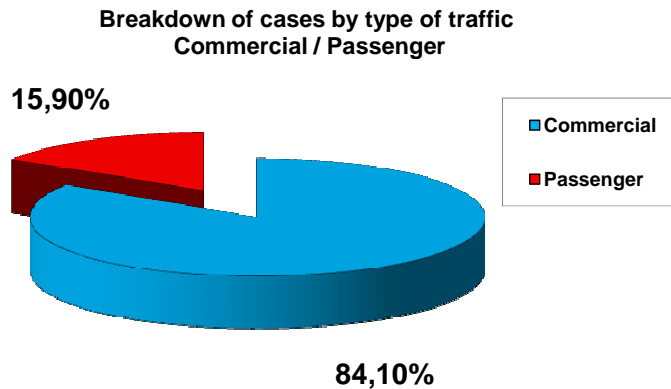
For some product sectors, other countries were found to be the principle source of infringing articles, namely Turkey for “Foodstuffs”, Egypt for the category ”Toys” and United Arab Emirates for the categories “Medicines” and “Lighters”.



A further breakdown according to main categories in relation to countries of provenance is given in annex 4.



3.3 Passenger/Commercial traffic



A case is considered to concern passenger traffic when goods are brought into the EU by passengers in amounts considered to be of a commercial nature rather than for private use.

The ratio between the number of cases of goods suspected of infringing an IP right found in commercial and passenger traffic is about 84% to 16 %. With regard to the amount of articles detained, the picture is completely different (99% commercial - 1% passenger), as passengers in general will not carry the same amount of goods as are transported in commercial traffic.

The main source for the goods brought by passenger traffic was Morocco (32% of the overall amount of articles), followed by China (more than 28%) and Turkey (7%). In these cases, it was possible to establish where passengers were coming from but it was more difficult to establish the origin of the goods themselves. The type of goods brought in by passengers varies from mainly handbags, cigarettes, clothing and labels, tags and stickers as well as medicines, cell phone accessories and shoes.



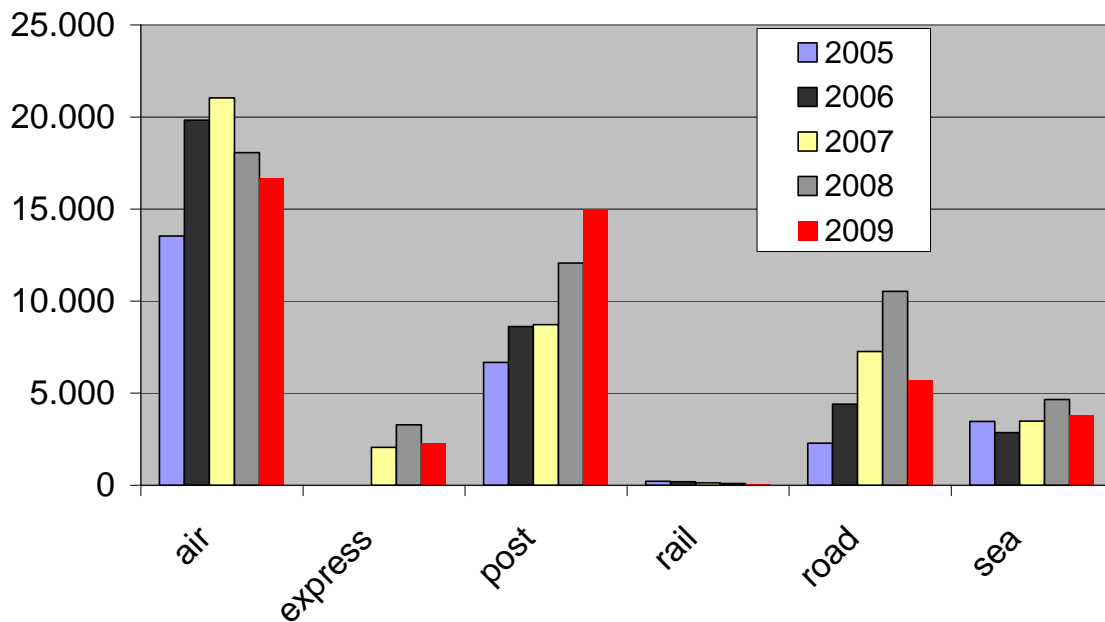
3.4 Transport

With regard to transport, the general trends of previous years were maintained, in particular the number of cases in postal transport continued to grow strongly. Air and postal traffic account now for ¾ of all cases.

There is a notable decrease of cases in road transport in 2009 after several years of increase.

All means of transport, apart from postal traffic, show a decrease in the number of cases. It seems that the internet traffic and subsequently transport via post was not affected by the crises or at least not in relation to detentions made by customs.

Registered cases by means of transport

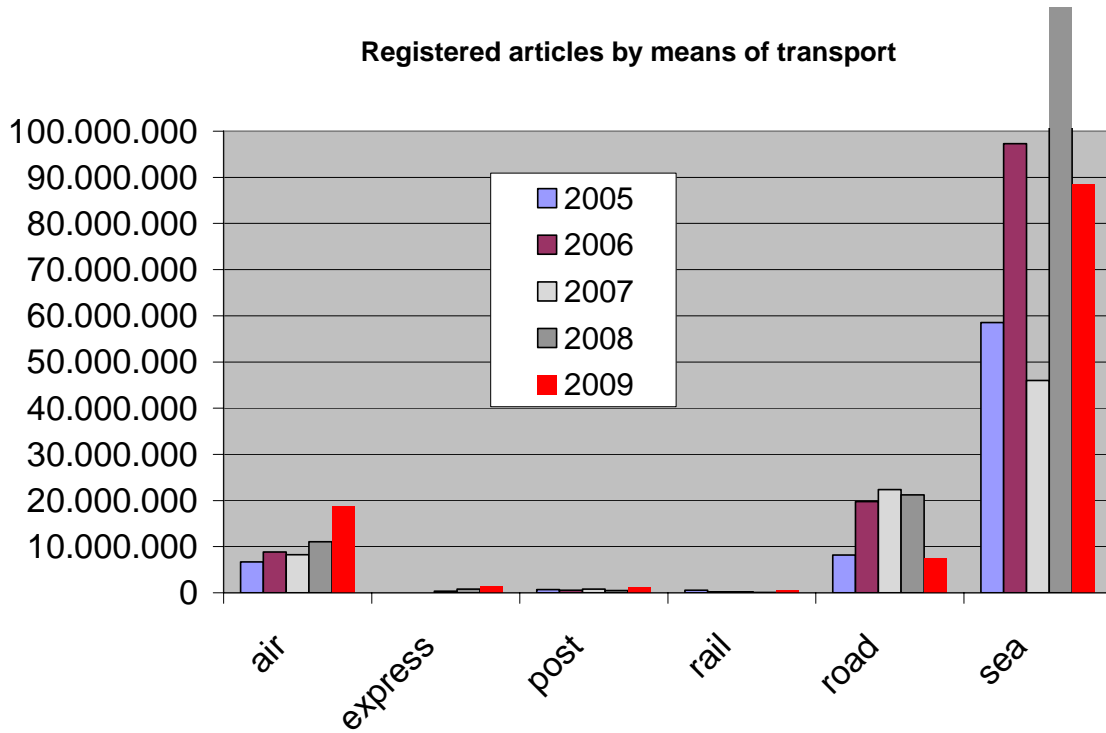




With regard to articles detained, the majority is still transported by sea and air (90%).

The strong decrease of articles is solely related to sea and road transport.

The air transport sector shows the biggest increase, although in this sector, the highest number of articles also had to be released after detention because they were non-infringing originals or because the right holder did not react to the notification.



A further breakdown of the figures can be found in Annex 5.



3.5 Intellectual Property Rights

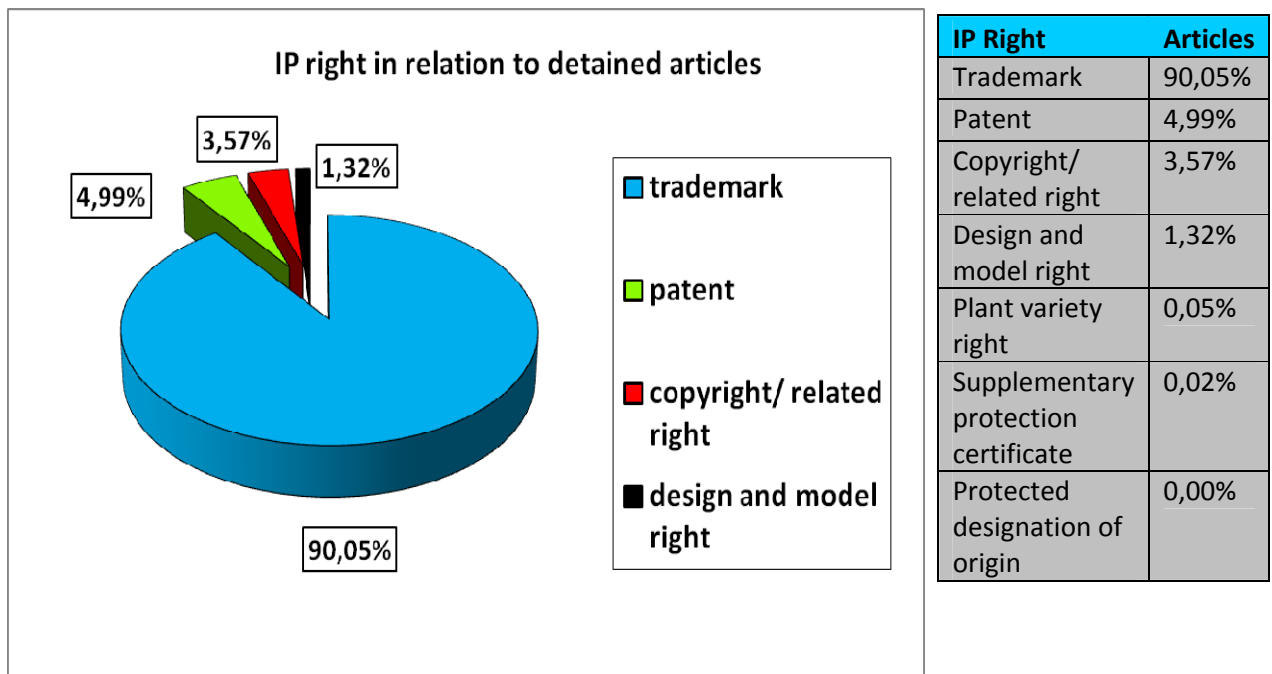
In 2009, the majority of articles detained by customs were suspected of infringing a Community or national trademark and covered a wide variety across all product sectors.

With regard to suspicion on patent infringements, the main categories of products detained were unrecorded CD/DVDs (70%), electronic equipment such as MP3 or DVD players (7%), shoes (6%) and medicines (4%). These figures do not include articles that had to be released because they were non-infringing originals or because the right holder did not react on the notification.

With regard to copyright infringements, CD/DVDs were the products most affected, though a wide variety of other products were also detained.

For design and model rights, most infringements concerned shoes, though again a wide variety of other products were also concerned, such as shower heads, accessories for cell phones, audio equipment, toys, etc.

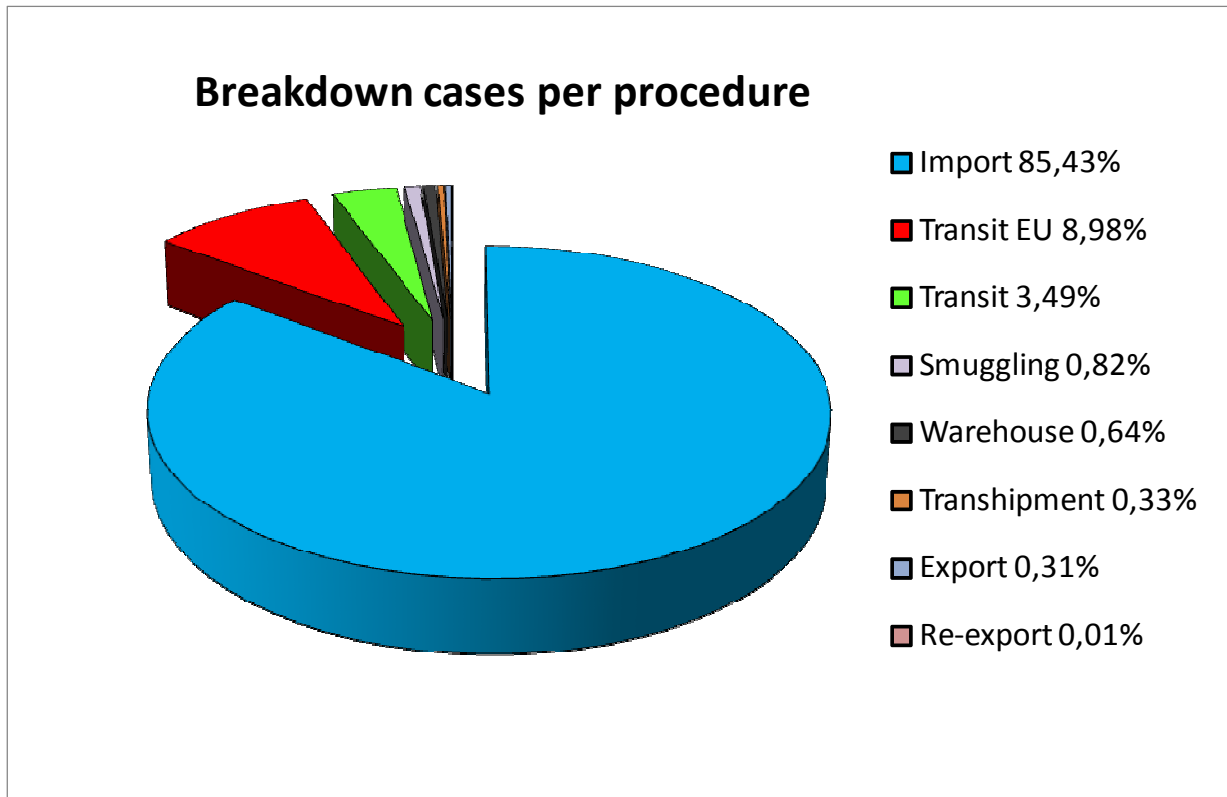
See also annexes 6, 7 and 8 concerning the relation between IP rights and the procedure under which the articles were detained.





3.6 Customs procedure

In 85% of all cases, customs action was started whilst the goods concerned were under an import procedure. In 9% of the cases, goods were discovered whilst being in transit with destination the EU and 3,5% in transit with destination a country outside the EU.



See annex 8 for further details by category, in relation to the procedure under which the articles were detained and the intellectual property right they were suspected to infringe.

The 2 columns in annex 8 relate to all articles detained suspected of infringing an IP right and detained articles excluding those that were released because they were non-infringing originals or because the right holder did not react to the notification of customs.



Annexes

Annex 1 Overview of cases and articles per Member State

The evolution of the number of cases and number of intercepted articles in Member States - Period 2006 / 2009								
Member State	Number of cases				Number of articles			
	2006	2007	2008	2009	2006	2007	2008	2009
Austria	1.545	2.061	1.716	2.535	166.546	104.608	619.897	562.091
Belgium	1.013	2.644	2.390	3.696	18.744.113	4.942.716	6.580.898	2.827.367
Bulgaria		1.691	1.686	1.232		7.759.756	5.500.154	11.335.030
Cyprus	114	76	61	110	237.810	90.778	161.779	1.091.401
Czech Republic	555	394	196	580	985.586	1.040.861	1.021.397	2.072.559
Germany	6.974	6.393	8.495	8.324	17.129.083	11.194.464	27.854.300	5.012.847
Denmark	281	344	712	622	90.634	192.721	9.064.420	1.896.944
Estonia	108	95	167	445	97.698	53.007	99.953	186.063
Greece	209	191	204	253	25.844.516	4.822.319	3.637.257	21.990.722
Spain	2.635	1.928	3.396	3.084	3.388.100	2.320.140	26.572.996	4.368.692
Finland	116	154	102	178	426.925	1.846.606	1.291.877	728.935
France	11.618	14.293	9.572	3.006	1.858.433	2.995.331	7.424.102	7.936.111
Hungary	979	2.774	7.402	4.044	1.323.122	718.694	1.515.614	1.211.346
Ireland	455	393	793	1.019	18.785	30.502	280.404	462.993
Italy	2.174	1.966	3.140	5.189	18.056.248	17.457.211	9.003.313	12.955.023
Lithuania	79	76	56	80	620.428	261.968	495.846	637.194
Luxemburg	24	30	69	171	52.105	32.354	12.815	36.925
Latvia	117	130	168	125	184.557	781.788	80.080	724.943
Malta	47	59	46	56	2.711.435	2.438.021	3.220.348	9.984.712
Netherlands	3.677	3.360	3.585	3.016	6.949.844	4.401.093	65.336.872	17.965.045
Poland	2.129	1.975	1.878	877	2.589.343	6.134.572	3.042.146	716.467
Portugal	290	232	807	1.732	494.834	495.087	507.607	195.376
Romania		303	284	182		3.766.515	2.731.117	7.728.945
Sweden	663	602	693	507	78.054	1.141.771	489.560	418.327
Slovenia	89	173	436	366	22.416.958	280.630	179.955	1.120.178
Slovakia	66	81	32	26	97.733	920.701	24.387	85.122
United Kingdom	1.377	1.253	1.295	2.117	4.068.406	2.852.244	2.159.184	3.707.940
Total	37.334	43.671	49.381	43.572	128.631.295	79.076.458	178.908.278	117.959.298



Annex 2 Breakdown of number of registered cases and number of articles per product type

Product sector		Number of cases	% of total	Number of articles *	% of total
Foodstuffs, alcoholic and other beverages:					
1a	foodstuffs	27	0%	2.695.933	2%
1b	alcoholic beverages	3	0%	34.495	0%
1c	other beverages	12	0%	292.054	0%
Body care items:					
2a	perfumes and cosmetics	1.117	3%	1.617.732	1%
2b	other body care items (razor blade, shampoo, deodorant, toothbrush, soap, etc)	825	2%	3.184.608	3%
Clothing and accessories:					
3a	clothing (ready to wear)	11.649	27%	6.292.154	5%
3b	clothing accessories (belt, tie, shawl, cap, gloves, etc)	1.498	3%	1.663.190	1%
Shoes including parts and accessories:					
4a	sport shoes	2.533	6%	2.048.982	2%
4b	other shoes	3.252	7%	2.524.083	2%
Personal accessories:					
5a	sunglasses and other eye-glasses	609	1%	486.504	0%
5b	bags including wallets, purses, cigarette cases and other similar goods carried in the pocket/bag	3.081	7%	1.740.791	1%
5c	watches	3.768	9%	331.813	0%
5d	jewellery and other accessories	809	2%	1.497.100	1%
Mobile phones including parts and technical accessories:					
6a	mobile phones	2.088	5%	123.887	0%
6b	parts and technical accessories for mobile phones	726	2%	1.261.647	1%



	Product sector	Number of cases	% of total	Number of articles *	% of total
	Electrical / electronic and computer equipment:				
7a	audio/video apparatus including technical accessories and parts	1.039	2%	897.642	1%
7b	memory cards, memory sticks	451	1%	265.228	0%
7c	ink cartridges and toners	59	0%	155.104	0%
7d	computer equipment (hardware) including technical accessories and parts	267	1%	273.537	0%
7e	other equipment including technical accessories and parts (household machines, shaver, hair straighter, etc)	628	1%	523.134	0%
	CD, DVD, cassette, game cartridges:				
8a	recorded (music, film, software, game software)	1.877	4%	343.033	0%
8b	unrecorded	91	0%	6.074.402	5%
	Toys, games (including electronic game consoles) and sporting articles:				
9a	toys	705	2%	6.593.644	6%
9b	games (including electronic game consoles)	826	2%	594.273	1%
9c	sporting articles (including leisure articles)	109	0%	39.069	0%
	Tobacco products:				
10a	cigarettes	133	0%	22.352.851	19%
10b	other tobacco products (cigars, cigarette paper, etc)	7	0%	18.632.187	16%
	Medical products:				
11a	medicines and other products (condoms)	3.368	8%	11.462.533	10%
11b	medical ingredients in Kg	6	0%	1.848	0%



Product sector		Number of cases	% of total	Number of articles *	% of total
	Other:				
12a	machines and tools	57	0%	12.269	0%
12b	vehicles including accessories and parts	239	1%	138.076	0%
12c	office stationery	217	0%	426.787	0%
12d	lighters	72	0%	760.642	1%
12e	labels, tags, stickers	313	1%	15.900.293	13%
12f	textiles (towel, linen, carpet, mattress, etc)	178	0%	310.551	0%
12g	packaging materials	509	1%	2.613.542	2%
12h	other	422	1%	3.793.680	3%
	Total	43.572		117.959.298	

* The number of articles are counted in numbers of individual pieces unless otherwise specified. In case of articles traded in pairs like shoes, socks, gloves, etc one pair is counted as one article.

** The category 10a cigarettes is registered in packets of 20 pieces.

*** The category 11b medical ingredients is registered in kilogram's.



Annex 3 Breakdown of number of registered cases and number of articles per product type excluding goods that were released because they were non-infringing originals or because the right holder did not react on the notification

Product sector		Number of cases	% of total	Number of articles *	% of total
	Foodstuffs, alcoholic and other beverages:				
1a	foodstuffs	17	0%	112.563	0%
1b	alcoholic beverages	2	0%	12.018	0%
1c	other beverages	7	0%	66.370	0%
	Body care items:				
2a	perfumes and cosmetics	922	2%	1.127.728	1%
2b	other body care items (razor blade, shampoo, deodorant, toothbrush, soap, etc)	637	2%	2.470.275	3%
	Clothing and accessories:				
3a	clothing (ready to wear)	10.603	27%	5.955.697	6%
3b	clothing accessories (belt, tie, shawl, cap, gloves, etc)	1.393	4%	1.644.107	2%
	Shoes including parts and accessories:				
4a	sport shoes	2.441	6%	1.954.726	2%
4b	other shoes	3.013	8%	1.787.053	2%
	Personal accessories:				
5a	sunglasses and other eye-glasses	509	1%	433.141	0%
5b	bags including wallets, purses, cigarette cases and other similar goods carried in the pocket/bag	2.811	7%	1.526.342	2%
5c	watches	3.358	9%	305.964	0%
5d	jewellery and other accessories	707	2%	1.435.572	1%
	Mobile phones including parts and technical accessories:				
6a	mobile phones	1.852	5%	100.116	0%
6b	parts and technical accessories for mobile phones	593	2%	1.110.345	1%



	Product sector	Number of cases	% of total	Number of articles *	% of total
	Electrical / electronic and computer equipment:				
7a	audio/video apparatus including technical accessories and parts	799	2%	605.824	1%
7b	memory cards, memory sticks	409	1%	214.629	0%
7c	ink cartridges and toners	34	0%	83.133	0%
7d	computer equipment (hardware) including technical accessories and parts	194	0%	225.602	0%
7e	other equipment including technical accessories and parts (household machines, shaver, hair straighter, etc)	566	1%	434.450	0%
	CD, DVD, cassette, game cartridges:				
8a	recorded (music, film, software, game software)	1.750	4%	226.618	0%
8b	unrecorded	84	0%	5.630.599	6%
	Toys, games (including electronic game consoles) and sporting articles:				
9a	toys	525	1%	6.285.265	6%
9b	games (including electronic game consoles)	671	2%	545.888	1%
9c	sporting articles (including leisure articles)	93	0%	28.445	0%
	Tobacco products:				
10a	cigarettes **	117	0%	17.000.368	17%
10b	other tobacco products (cigars, cigarette paper, etc)	7	0%	18.632.187	19%
	Medical products:				
11a	medicines and other products (e.g. condoms)	3.242	8%	7.423.824	8%
11b	medical ingredients ***	2	0%	612	0%



Product sector		Number of cases	% of total	Number of articles *	% of total
	Other:				
12a	machines and tools	44	0%	10.574	0%
12b	vehicles including accessories and parts	159	0%	50.233	0%
12c	office stationery	196	1%	280.819	0%
12d	lighters	54	0%	546.684	1%
12e	labels, tags, stickers	269	1%	15.594.983	16%
12f	textiles (towel, linen, carpet, mattress, etc)	160	0%	252.200	0%
12g	packaging materials	457	1%	1.073.183	1%
12h	other	326	1%	2.422.754	2%
	Total	39.022		97.610.891	

* The number of articles are counted in numbers of individual pieces unless otherwise specified. In case of articles traded in pairs like shoes, socks, gloves, etc one pair is counted as one article.

** The category 10a cigarettes are registered in packets of 20 pieces.

*** The category 11b medical ingredients is registered in kilogram's.



Annex 4 Overview per product sector of countries of provenance

2009									
Breakdown of number of articles detained expressed as % by provenance and by category									
1. Foodstuffs, alcoholic and other beverages	57,36%	26,04%	6,28%	5,07%	2,86%	2,39%			
	Turkey	USA	Uruguay	China	Tunisia	Others			
2. Body care items	46,81%	21,35%	13,38%	8,17%	3,91%	3,04%	1,91%	1,40%	
	China	UAE ¹⁰	Italy	Turkey	Syria	Indonesia	Hong Kong	Others	
3. Clothing and accessories	72,48%	6,45%	5,40%	4,07%	2,01%	1,44%	1,35%	1,33%	5,47%
	China	Turkey	Poland	Estonia	Russia	Germany	Greece	Thailand	Others
4. Shoes including parts and accessories	90,18%	2,74%	2,30%	1,17%	3,61%				
	China	Singapore	Greece	UAE	Others				
5. Personal accessories	74,38%	9,49%	5,62%	3,20%	2,50%	1,32%	1,15%	2,34%	
	China	Morocco	Hong Kong	Unknown	Thailand	Greece	Malaysia	Others	
6. Mobile phones incl. parts and accessories	79,06%	12,94%	4,44%	1,98%	1,58%				
	China	Hong Kong	UAE	Pakistan	Others				
7. Electrical / electronic and computer equipment	81,01%	14,06%	1,51%	1,18%	2,24%				
	China	Hong Kong	Israel	UAE	Others				
8. CD, DVD, cassettes, game cartridges	34,58%	32,19%	30,90%	2,33%					
	China	Taiwan	UAE	Others					
9. Toys, games (incl. electronic game consoles) and sporting articles	63,42%	31,77%	2,69%	1,24%	0,82%				
	Egypt	China	Hong Kong	UAE	Others				
10. Tobacco products	68,30%	15,92%	11,30%	1,44%	1,26%	1,78%			
	China	UAE	Cyprus	Greece	India	Others			
11. Medical products	73,71%	22,60%	1,41%	1,31%	0,97%				
	UAE	India	China	Syria	Others				
12. Other	92,34%	2,05%	1,49%	4,13%					
	China	Hong Kong	UAE	Others					

¹⁰ UAE – United Arab Emirates



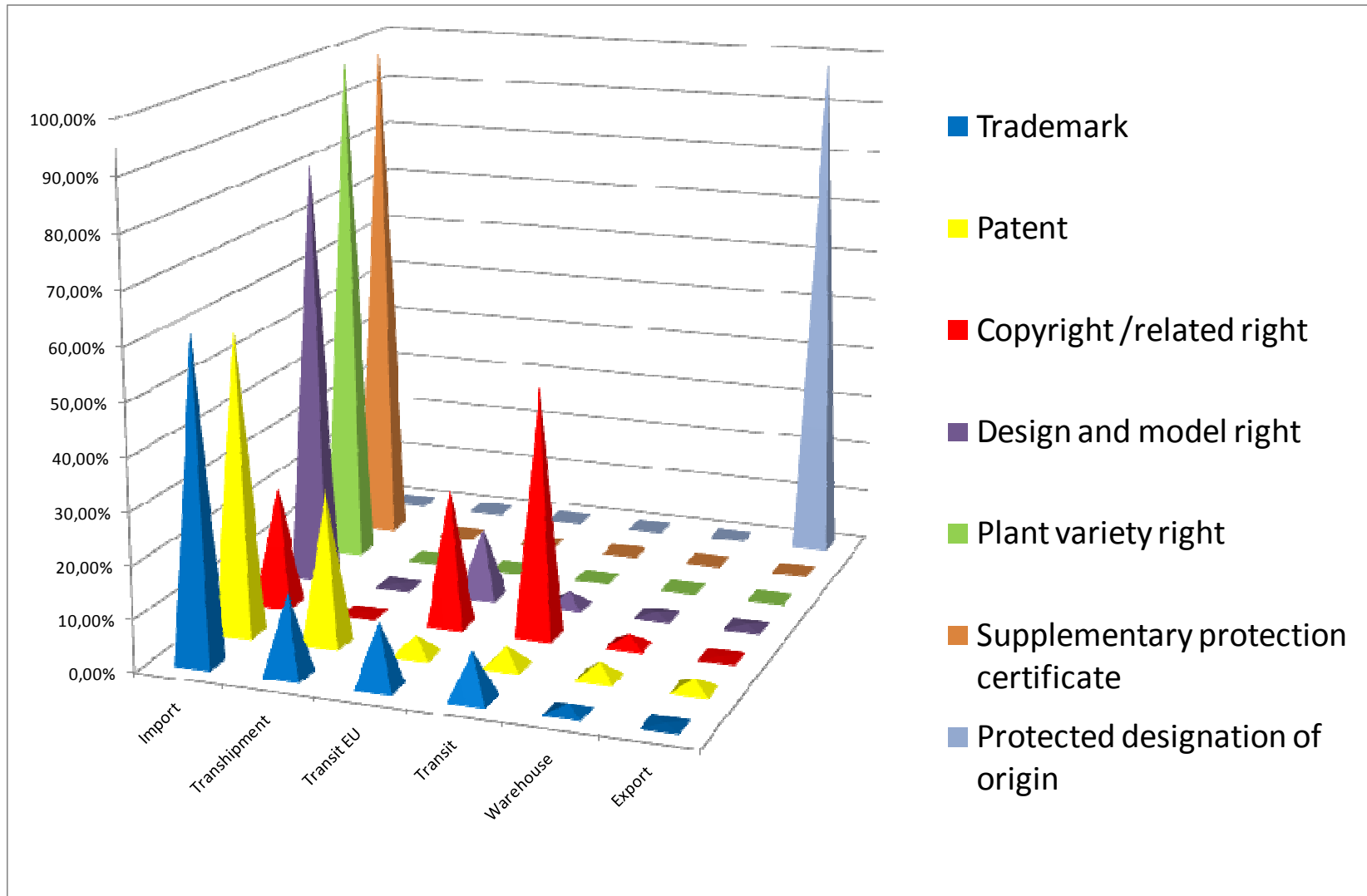
Annex 5 Means of transport in relation with number of cases and articles

Cases	2005	%	2006	%	2007	%	2008	%	2009	%
air	13.541	50,71	19.830	53,12	21.041	48,18	18.072	36,60	16.698	38,32
express					2.058	4,71	3.279	6,64	2.308	5,30
post	6.679	25,01	8.613	23,07	8.733	20,00	12.068	24,44	15.003	34,43
rail	222	0,83	190	0,51	136	0,31	102	0,21	57	0,13
road	2.286	8,56	4.400	11,79	7.265	16,64	10.541	21,35	5.714	13,11
sea	3.467	12,98	2.858	7,66	3.483	7,97	4.655	9,43	3.793	8,70
unknown	509	1,91	1.443	3,87	955	2,19	665	1,35	-	-

Articles	2005	%	2006	%	2007	%	2008	%	2009	%
air	6.693.988	8,86	8.858.603	6,88	8.234.483	10,41	11.063.148	6,18	18.822.077	15,96
express					348.720	0,44	818.929	0,46	1.397.349	1,18
post	702.542	0,93	592.602	0,46	782.473	0,99	507.482	0,28	1.124.627	0,95
rail	570.606	0,76	226.451	0,18	203.521	0,26	83.381	0,05	558.424	0,47
road	8.184.896	10,83	19.747.695	15,34	22.363.366	28,28	21.239.500	11,87	7.493.971	6,35
sea	58.514.846	77,45	97.319.450	75,58	45.997.342	58,17	144.747.762	80,91	88.562.850	75,08
unknown	882.216	1,17	2.022.431	1,57	1.146.553	1,45	448.076	0,25	-	-

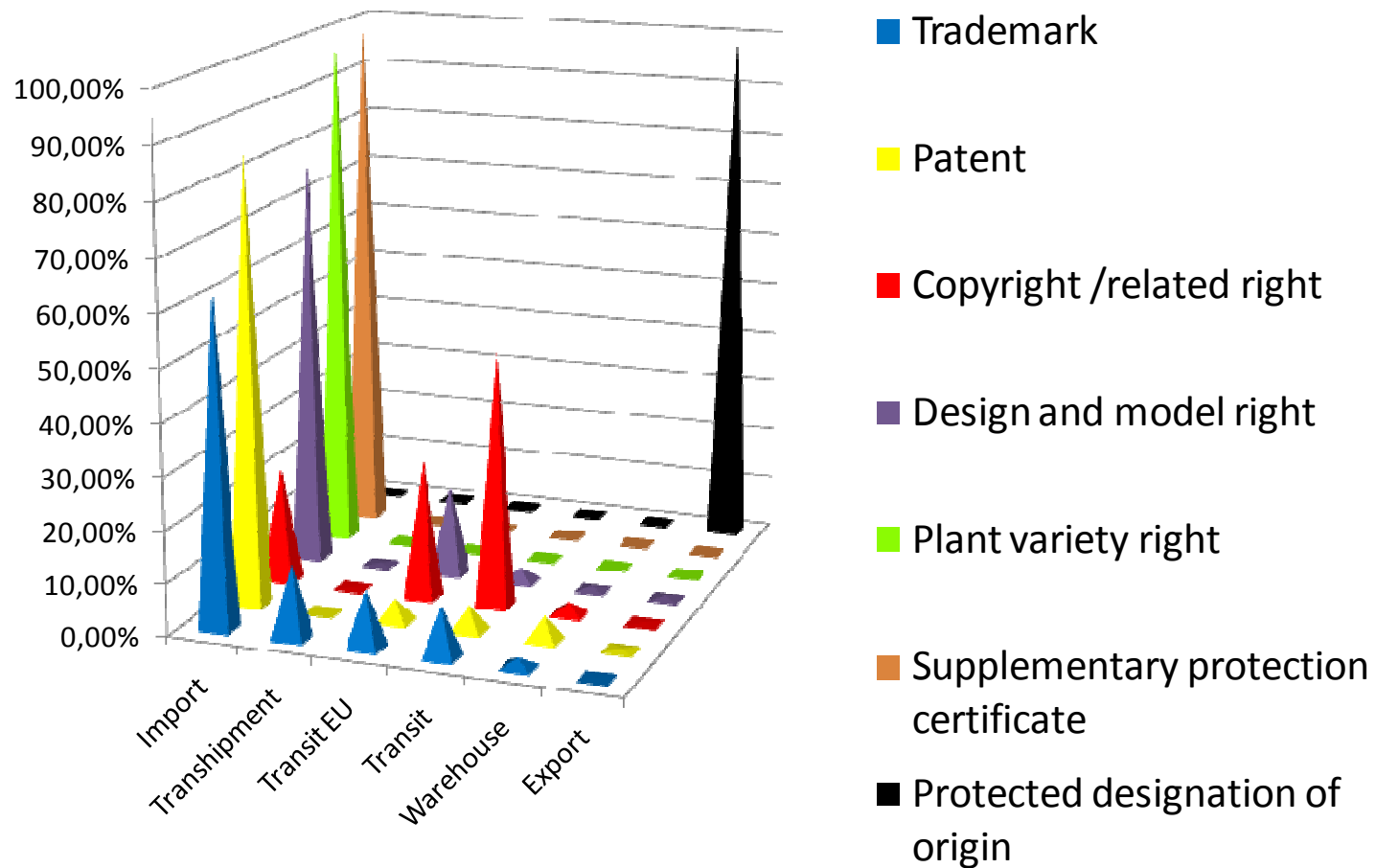


Annex 6 Overview of suspected infringing IP rights (articles) in percentage per procedure





Annex 7 Overview of suspected infringing IP rights (without released articles) in percentage per procedure





Annex 8 Comparison of all detained articles with articles excluding released, suspected of infringing an IP right according to customs procedures in relation to the involved right

Category procedure \right	Detained articles according to right:							Detained articles, excluding released, according to right:						
	T	P	C	DM	PV	SPC	PDO	T	P	C	DM	PV	SPC	PDO
1a	2.695.141						792	111.771						792
Import	95.749							53.739						
Transit EU	2.538.000							0						
Transit	58.032							58.032						
Export	3.360						792	0						792
1b	34.495							12.018						
Import	22.495							18						
Warehouse	12.000							12.000						
1c	292.054							66.370						
Import	292.054							66.370						
2a	1.573.621		41.816	2.295				1.083.617		41.816	2.295			
Import	645.140		4.816	2.295				327.067		4.816	2.295			
Transit EU	319.479							239.555						
Transit	529.229		37.000					451.993		37.000				
Transshipment	26.655							20.818						
Warehouse	52.530							43.594						
Export	569							569						
Smuggling	19							19						
2b	3.178.105	810	1.893	3.800				2.464.584	810	1.881	3.000			
Import	1.388.138	810	1.893	3.800				779.321	810	1.881	3.000			
Transit EU	52.203							23.499						
Transit	828.023							828.013						
Transshipment	811.808							811.808						



Category procedure \right	Detained articles according to right:							Detained articles, excluding released, according to right:						
	T	P	C	DM	PV	SPC	PDO	T	P	C	DM	PV	SPC	PDO
Warehouse	800							800						
Export	80.138							4.148						
Smuggling	16.995							16.995						
3a	5.952.794	10.355	313.203	15.802				5.624.086	10.355	306.654	14.602			
Import	3.091.203	9.579	101.489	14.602				2.794.470	9.579	94.940	14.602			
Transit EU	740.310	598	207.025					722.284	598	207.025				
Transit	423.061	178	4.580	1.200				416.897	178	4.580	0			
Transshipment	1.616.674							1.614.934						
Warehouse	50.308		109					47.214		109				
Re-export	23							0						
Export	8.406							5.478						
Smuggling	22.809							22.809						
3b	1.631.439	14.182	16.331	1.238				1.612.413	14.182	16.274	1.238			
Import	688.319	11.182	1.003	1.238				674.931	11.182	946	1.238			
Transit EU	135.485	3.000	15.328					133.278	3.000	15.328				
Transit	130.458							129.944						
Transshipment	205.041							204.041						
Warehouse	457.043							455.583						
Export	574							117						
Smuggling	14.519							14.519						
4a	1.936.002	27.360	31.414	54.206				1.861.737	25.945	31.414	35.630			
Import	1.374.085	25.945	22.510	50.604				1.313.270	25.945	22.510	32.028			
Transit EU	134.951		312					134.003		312				
Transit	195.001	1.415	8.592					190.288		8.592				
Transshipment	83.101							82.601						
Warehouse	131.380			3.602				131.380			3.602			
Export	8.350							1.061						
Smuggling	9.134							9.134						



Category procedure \right	Detained articles according to right:							Detained articles, excluding released, according to right:						
	T	P	C	DM	PV	SPC	PDO	T	P	C	DM	PV	SPC	PDO
4b	1.444.321	236.443	94.533	748.786				1.082.903	236.443	78.924	388.783			
Import	982.773	37.424	35.835	586.484				653.815	37.424	20.226	245.117			
Transit EU	167.310	19.780	7.780	152.066				152.876	19.780	7.780	143.666			
Transit	50.374	9.415	50.790	10.200				38.636	9.415	50.790	0			
Transshipment	219.863							213.609						
Warehouse	20.778	169.824	30					20.778	169.824	30				
Export	62		98	36				28		98	0			
Smuggling	3.161							3.161						
5a	332.759		144.445	9.300				279.415		144.426	9.300			
Import	138.376		45	9.300				88.324		26	9.300			
Transit EU	55.350		137.700					55.350		137.700				
Transit	83.963		6.700					80.878		6.700				
Transshipment	13.461							13.461						
Export	207							0						
Smuggling	41.402							41.402						
5b	1.589.896	16.170	57.287	77.438				1.376.440	16.170	56.294	77.438			
Import	1.278.829	3.000	18.839	77.438				1.079.283	3.000	17.846	77.438			
Transit EU	175.633		23.800					169.724		23.800				
Transit	49.277	13.170	14.648					48.960	13.170	14.648				
Transshipment	18.453							11.804						
Warehouse	66.879							66.369						
Export	603							78						
Smuggling	222							222						
5c	315.448	1.833	14.532					289.619	1.833	14.512				
Import	144.504	1.833	112					129.743	1.833	92				
Transit EU	13.415		12.800					13.397		12.800				
Transit	28.249		1.620					17.766		1.620				
Transshipment	411							411						



Category procedure \right	Detained articles according to right:							Detained articles, excluding released, according to right:						
	T	P	C	DM	PV	SPC	PDO	T	P	C	DM	PV	SPC	PDO
Warehouse	114.412							114.412						
Re-export	3							3						
Export	3.633							3.066						
Smuggling	10.821							10.821						
5d	1.303.815	167.980	19.588	5.717				1.246.744	167.980	19.588	1.260			
Import	886.623	167.980	19.588	5.717				830.203	167.980	19.588	1.260			
Transit EU	389.860							389.360						
Transit	3.212							3.121						
Transshipment	8.292							8.292						
Warehouse	7.993							7.993						
Export	3.331							3.271						
Smuggling	4.504							4.504						
6a	78.470	27.388	904	17.125				58.142	25.317	904	15.753			
Import	39.597	25.936	404	16.926				23.941	24.023	404	15.554			
Transit EU	1.149			10				918			10			
Transit	7.596	1.374						5.574	1.294					
Transshipment	25.813			55				23.534			55			
Warehouse	1.376			84				1.374			84			
Export	2.095	78		50				1.957	0		50			
Smuggling	844		500					844		500				
6b	1.134.608	21.762	15.183	90.094				1.007.450	1.399	15.183	86.313			
Import	501.843	1.399	2.734	7.448				407.704	1.399	2.734	3.667			
Transit EU	21.754	20.363		50.650				20.716	0		50.650			
Transit	110.349		12.449	28.600				85.727		12.449	28.600			
Transshipment	473.015			3.396				470.056			3.396			
Warehouse	6.343							5.859						
Export	20.531	0						16.615	0					
Smuggling	773							773						



Category procedure \right	Detained articles according to right:							Detained articles, excluding released, according to right:						
	T	P	C	DM	PV	SPC	PDO	T	P	C	DM	PV	SPC	PDO
7a	289.883	494.243	33.450	80.066				223.742	283.105	21.354	77.623			
Import	192.730	383.921	25.377	69.620				133.046	200.622	13.281	68.957			
Transit EU	64.732	36.436	2.913	533				61.906	15.818	2.913	30			
Transit	22.184	54.343	4.560	2.108				20.370	50.427	4.560	831			
Transshipment	4.821			400				4.821			400			
Warehouse	2.000	2.511		300				2.000	2.500		300			
Export	3.383	16.402		7.105				1.566	13.108		7.105			
Smuggling	33	630	600					33	630	600				
7b	261.569	1	3.371	287				210.983		3.371	275			
Import	130.935	1	1.017	287				122.470		1.017	275			
Transit EU	1.022							1.022						
Transit	33.708							32.809						
Transshipment	75.368							37.042						
Warehouse	16.018							16.018						
Export	3.983							1.087						
Smuggling	535		2.354					535		2.354				
7c	155.104							83.133						
Import	98.676							35.709						
Transit EU	8.462							702						
Transit	43.642							43.632						
Warehouse	2.230							996						
Export	2.094							2.094						
7d	268.023	2.408	3.106					220.566	1.930	3.106				
Import	103.662	2.030	2.986					87.834	1.930	2.986				
Transit EU	40.169	378						10.093	0					
Transit	10.404		20					10.391		20				
Transshipment	112.835							111.835						
Export	540							0						



Category procedure \right	Detained articles according to right:							Detained articles, excluding released, according to right:						
	T	P	C	DM	PV	SPC	PDO	T	P	C	DM	PV	SPC	PDO
Smuggling	413		100					413		100				
7e	97.242	77.761	346.191	1.940				71.241	16.418	346.191	600			
Import	64.873	15.001	3	1.440				56.597	650	3	100			
Transit EU	4.936	33.916	252.888	500				675	15.768	252.888	500			
Transit	516	28.844	6.000					9	0	6.000				
Warehouse	26.408		87.300					13.460		87.300				
Export	509							500						
8a	205.887	43.057	94.089					92.655	43.057	90.906				
Import	86.602	3.057	84.384					83.530	3.057	81.533				
Transit EU	120	40.000	1.132					120	40.000	898				
Transit	6.799							6.649						
Transshipment	112.184							2.184						
Warehouse			1.660							1.660				
Export	182		4.913					172		4.815				
Smuggling			2.000							2.000				
8b	1.334.082	2.550.222	2.190.098					903.799	2.536.702	2.190.098				
Import	724.612	2.550.222	394.917					724.129	2.536.702	394.917				
Transit EU	20							20						
Transit	449.450		1.788.200					19.650		1.788.200				
Warehouse	160.000		6.981					160.000		6.981				
9a	6.435.805	20.870	78.233	58.736				6.145.430	18.780	64.119	56.936			
Import	1.235.013	17.570	40.827	58.016				957.992	15.480	34.259	56.216			
Transit EU	735.838		15.877					724.079		8.365				
Transit	4.464.715	3.200	21.495	720				4.463.225	3.200	21.495	720			
Transshipment	94							0						
Export	24		34					13		0				
Smuggling	121	100						121	100					



Category procedure \right	Detained articles according to right:							Detained articles, excluding released, according to right:						
	T	P	C	DM	PV	SPC	PDO	T	P	C	DM	PV	SPC	PDO
9b	475.336	3.574	113.608	1.755				430.728	3.574	111.386	200			
Import	149.804		107.256	1.755				109.714		105.754	200			
Transit EU	5.362		1.080					844		360				
Transit	4.653		145					4.653		145				
Transshipment	304.434		4.000					304.434		4.000				
Warehouse	3.348							3.348						
Smuggling	7.735	3.574	1.127					7.735	3.574	1.127				
9c	37.987		47	1.035				27.363		47	1.035			
Import	26.067		47	1.035				23.083		47	1.035			
Transit EU	332							33						
Transit	11.588							4.247						
10a *	21.955.351		397.500					16.602.868		397.500				
Import	11.511.643							7.083.548						
Transit EU	6.320.365		396.000					5.920.775		396.000				
Transit	1.175.370		1.500					931.000		1.500				
Transshipment	2.466.893							2.236.465						
Warehouse	431.080							431.080						
Export	50.000							0						
10b	18.632.187							18.632.187						
Import	18.632.187							18.632.187						
11	9.469.521	1.980.183	135	12.694				7.263.618	147.567	35	12.604			
Import	1.421.741	49.938	135	12.694				1.392.214	48.842	35	12.604			
Transit EU	103.757	180						103.757	180					
Transit	117.729	190.065						98.245	98.545					
Transshipment	7.793.726	1.740.002						5.669.308	0					
Warehouse	32.472							0						
Export	94							94						



Category procedure \right	Detained articles according to right:							Detained articles, excluding released, according to right:						
	T	P	C	DM	PV	SPC	PDO	T	P	C	DM	PV	SPC	PDO
11b (in kg)	1.848							612						
Import	577							0						
Transit	1.181							612						
Transshipment	90							0						
12a	10.667	1.601	1					8.974	1.600	0				
Import	9.322	1	1					8.973	0	0				
Transit EU		1.600							1.600					
Warehouse	1							1						
Export	1.344							0						
12b	125.091	11.243	1.739	3				47.866	628	1.739	0			
Import	92.047	138	499	3				35.239	123	499	0			
Transit EU	23.915		240					11.003		240				
Transit	7.204	3.100	1.000					372	500	1.000				
Transshipment	1.000							1.000						
Warehouse	200							200						
Export	725	8.005						52	5					
12c	263.736	96	148.129	14.826				117.768	96	148.129	14.826			
Import	147.297		88.067	14.826				86.247		88.067	14.826			
Transit EU	46.982							2.054						
Transit	69.457		60.062					29.467		60.062				
Smuggling		96							96					
12d	748.193			12.449				541.235			5.449			
Import	430.342			8.200				228.275			1.200			
Transit EU	19.851							14.960						
Transit	298.000							298.000						
Warehouse				4.249							4.249			
12e	15.891.880		3.413	5.000				15.589.298		685	5.000			



Category procedure \right	Detained articles according to right:							Detained articles, excluding released, according to right:						
	T	P	C	DM	PV	SPC	PDO	T	P	C	DM	PV	SPC	PDO
Import	15.620.920		3.413	5.000				15.331.291		685	5.000			
Transit EU	173.316							164.600						
Transshipment	13.988							9.751						
Warehouse	11.344							11.344						
Export	3							3						
Smuggling	72.309							72.309						
12f	289.181		17.360	4.010				231.004		17.186	4.010			
Import	197.013		6.190	4.010				138.836		6.016	4.010			
Transit EU	8.706		10.320					8.706		10.320				
Transit	72.733		850					72.733		850				
Transshipment	3.180							3.180						
Warehouse	7.537							7.537						
Export	12							12						
12g	2.594.693		5.811	13.038				1.054.434		5.811	12.938			
Import	800.312		2.106	13.038				763.291		2.106	12.938			
Transit EU	279.369		3.526					279.229		3.526				
Transit	6.270							3.206						
Transshipment	1.501.510							1.510						
Warehouse	5.015		179					5.012		179				
Export	2.208							2.177						
Smuggling	9							9						
12h	3.196.711	161.963	25.773	325.303	56.300	27.630		1.934.410	60.270	19.370	324.774	56.300	27.630	
Import	2.317.713	102.327	6.815	321.679	56.300	27.630		1.060.783	1.004	412	321.150	56.300	27.630	
Transit EU	157.312	59.636	18.240	2.470				156.972	59.266	18.240	2.470			
Transit	102.590		390	254				102.569		390	254			
Transshipment	595.000							595.000						
Warehouse	17.280			900				17.280			900			
Export	5.016		28					6		28				



Category procedure \right	Detained articles according to right:							Detained articles, excluding released, according to right:						
	T	P	C	DM	PV	SPC	PDO	T	P	C	DM	PV	SPC	PDO
Smuggling	1.800		300					1.800		300				
Grand Total	106.231.097	5.873.353	4.213.265	1.556.943	56.300	27.630	792	88.610.611	3.614.773	4.148.903	1.151.882	56.300	27.630	792

* The category 10a cigarettes are registered in packets of 20 pieces.

T = Trademark
P = Patent
C = Copyright/related right
DM = Design and model right

PV = Plant Variety right
SPC = Supplementary protection Certificate
PDO = Protected designation of Origin