

WORLD TRADE ORGANIZATION

ORGANISATION MONDIALE DU COMMERCE

ORGANIZACIÓN MUNDIAL DEL COMERCIO

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

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MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT

Sweden

The present document reproduces¹ the text of the Act on Customs Control of Trademark Infringements (Act 1994:1552) of 15 December 1994, as notified by Sweden under Article 63.2 of the Agreement (see document IP/N/1/SWE/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A LA
PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD

Suède

Le présent document contient le texte de la Loi sur le contrôle par les douanes des contrefaçons de marques¹ (Loi 1994:1552) du 15 décembre 1994, notifiée par la Suède au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/SWE/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA PROPIEDAD
INTELLECTUAL NOTIFICADOS EN VIRTUD DEL PÁRRAFO 2
DEL ARTÍCULO 63 DEL ACUERDO

Suecia

El presente documento reproduce¹ el texto de la Ley de Control en Aduana de las Infracciones contra las Marcas de Fábrica o de Comercio (Ley 1994:1552) de 15 de diciembre de 1994, notificada por Suecia en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/SWE/1).

¹English only/anglais seulement/inglés solamente.

**THE MINISTRY OF JUSTICE
Stockholm**

**Act on Customs Control of Trademark Infringements
(Act 1994:1552, of December 15, 1994)**

Article 1. This Act contains complementary provisions to the Council Regulation (EEG) No 3842/86 of December 1, 1986, on measures to prohibit the free flow of false goods, in the following called "the EEC Regulation"

Article 2. The National Customs Board is the competent authority under Article 3 of the EEC Regulation. The National Customs Board shall, where necessary, consult with other authorities.

Article 3. Goods which are retained by a customs authority shall be kept in a satisfactory manner. The keeping shall be at the expense of the applicant. When a decision having legal force exists on the destruction or other measure in relation to the goods, the applicant has a right to reimbursement from the person or persons against whom the decision is directed. If the claim can be made towards more than one person, those have a joint liability.

Article 4. The question whether an infringement of a right has taken place and what measures shall be taken in relation to the goods in such a case is decided by a competent Court.

The Court may issue an interlocutory order to the effect that the retaining shall discontinue.

The Customs Authority shall enforce Court decisions having legal force to the effect that the goods shall be released, altered or destroyed.

If the decision means that the goods shall be altered, the alteration shall be at the expense of the person who has the right to the goods.

Article 5. The Government may prescribe that a fee shall be paid for an application under Article 3 of the EEC Regulation.

The National Customs Board may oblige the applicant to post a bond for the costs for the keeping according to Article 3.

Article 6. The decision by the National Customs Board under Article 3 of the EEC Regulation and Article 5, second paragraph, may be appealed to a General Administrative Court.

A special permission is needed for an appeal to a General Administrative Court.

This Act enters into force on the same day as the Act (1994:1500) Relating to the Entry of Sweden into the European Union.