



Australian Government
Department of Home Affairs



Australian
BORDER FORCE

Engaging Intellectual Property Border Protections

Australian Toy Association – Engaging Border Protections for Intellectual Property
14 February 2023

Australia's experience



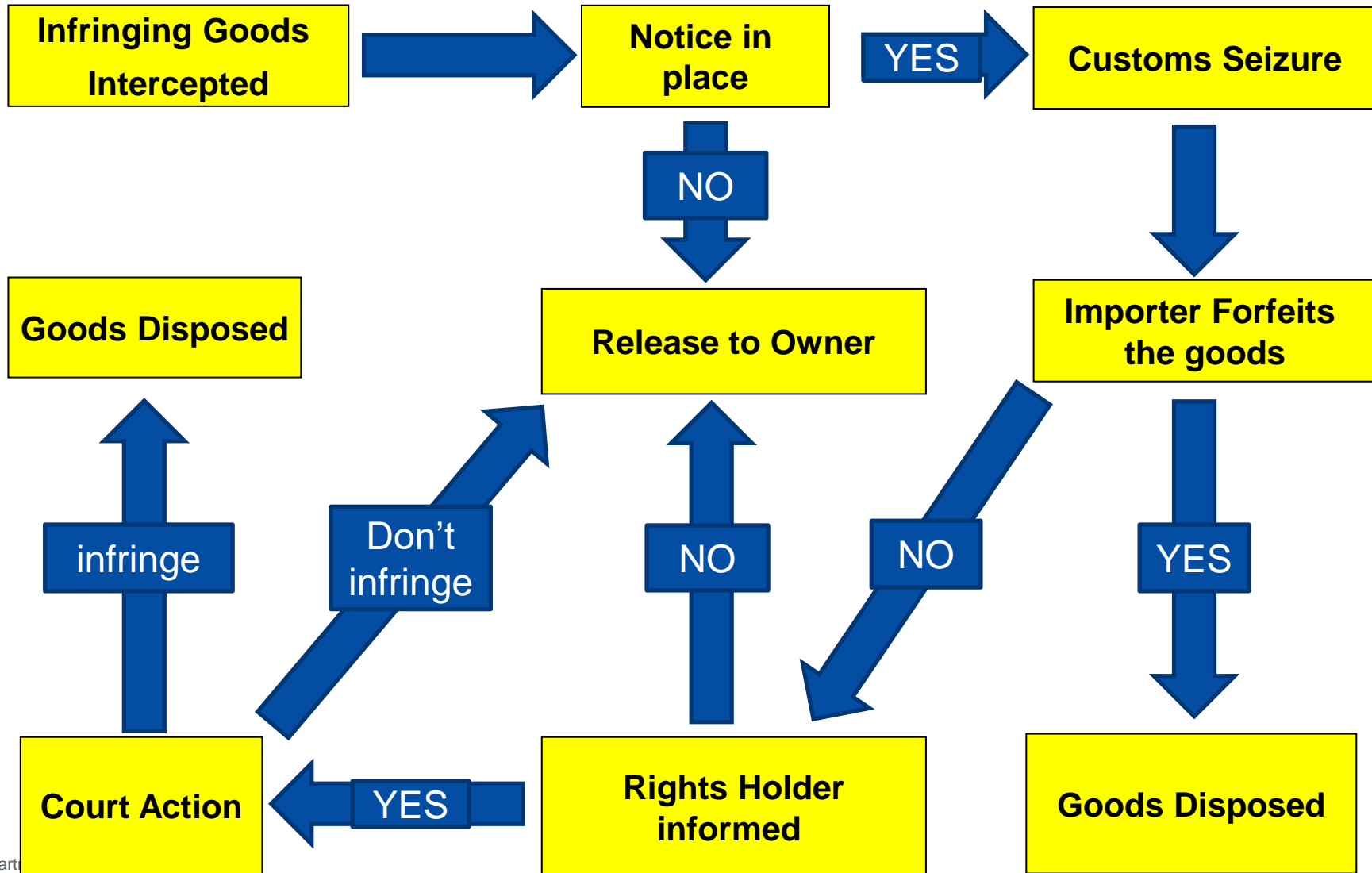
2021/22 85m air cargo consignments cleared
(47% increase on 2020/21)



2021/22 6.3m sea cargo consignments cleared
(40% increase on 2020/21)



Seizure Process









Snake: Hey Eve, check out this apple, she's a beauty real red and juicy!

Eve: It doesn't look like the other apples?

Snake: Well, maybe not exactly, but it's just as good – you're going to love it



Eve: Hey Adam, check out this apple

Adam: You sure that's an Apple????

Eve: Yeah, Snake told me

Adam: Ok then, well, give us a bite







Australian BORDER FORCE

To: Australian Border Force
PO Box 25
BELCONNEN ACT 2616

Trade Marks Act 1995 NOTICE OF OBJECTION

Attention: Intellectual Property Rights

Please open this form using Adobe Acrobat Reader. Either type in the fields provided or print this form and complete it using a pen and BLOCK LETTERS.

Tick where applicable ☒

I, <input type="text" value="Full name of person or company"/>		<input type="text" value="ABN, CAC or CCID (if applicable)"/>
<input type="text" value="Address of"/>		
(tick applicable)		
being <input type="checkbox"/> the registered owner as defined under the <i>Trade Marks Act 1995</i> (the Act)		
<input type="checkbox"/> an authorised user		
of the registered trade mark(s) described in the schedule overleaf hereby notify you, pursuant to s132 of that Act, that I object to the importation of goods that are:		
(a) goods manufactured outside Australia and having applied to them, or in relation to them, a trade mark that is substantially identical with, or deceptively similar to, one or more of those trade marks listed in the schedule overleaf; and		
(b) goods in respect of which the notified trade mark is registered; and		
(c) request you seize any such goods under subsection 133(2) of the Act.		
<input type="text" value="Signature"/>		<input type="text" value="Title/Position of Signatory"/>
<input type="text" value="Printed Name"/>		<input type="text" value="Date / / 20"/>
<input type="text" value="Legal Representatives (provide person and company name)"/>		<input type="text" value="Email address"/>
<input type="text" value="Address"/>		<input type="text" value="Phone/Fax Number"/>
<input type="text" value="Contact for Seizures (provide person's name)"/>		<input type="text" value="Email address (provide generic email if possible)"/>
<input type="text" value="Address"/>		<input type="text" value="Phone/Fax Number"/>

The schedule overleaf should be completed and must contain all information requested in the schedule.

This Notice must be accompanied by:

- (a) a copy of the registration details of the trade mark, and
- (b) if an authorised user is lodging this form, documents that establish:
 - (i) the authorised user has the consent of the registered owner to lodge a Notice of Objection; or
 - (ii) the authorised user requested the registered owner to give the Notice; or
 - (iii) the registered owner failed to give such Notice during the prescribed period.

Notice: If this form is completed by an individual, then the *Privacy Act 1988* (the Privacy Act) says we must tell you why we are collecting this information, how we will use it and whether you have to give it to us. We require this information under the *Trade Marks Act 1995* (the Act) to allow us to seize goods which are imported and may contravene s133 of that Act if not seized. The Australian Border Force is not permitted to disclose this information or any supplementary information you give, except when required or authorised by law.

[illegible]

Department of Home Affairs

Notice of Objection Information

- There are currently over 690 Notices of Objection in place with the Department covering thousands of trade marks
- Brand Protection Information
 - Packaging information/Identifiers
 - Shipping routes
 - Distribution methods
 - Authorised importers

Intelligence

- The ABF collects, analyses and disseminates intelligence (internally)
- Intelligence assists the ABF to make more informed decisions and match resources to risks
- The ABF detection of infringing goods is determined through a risk-based, intelligence led assessment

Assistance from Industry

- Intelligence
 - Known offenders
 - International suppliers and supply routes.
- Assistance to officers making seizures
- Provision of information for the Customs IP Database



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