



THE EURASIAN ECONOMIC COMMISSION THE BOARD

DECISION

March 6, 2018

No. 35

Moscow

On Maintaining the Common Customs Registry of Intellectual Property of the Member States of the Eurasian Economic Union

For the purpose of implementing Article 89, paragraph 2, subparagraph 6 of the Treaty on the Eurasian Economic Union dated May 29, 2014 and Article 385 of the Customs Code of the Eurasian Economic Union, the Board of the Eurasian Economic Commission **decided** to:

1. Approve the enclosed Regulation on Maintaining the Common Customs Registry of Intellectual Property of the Member States of the Eurasian Economic Union.

2. Invalidate Decision No. 290 of the Commission of the Customs Union dated June 18, 2010 "On the Regulation for Interaction of Customs Authorities of the Customs Union Member States on Maintaining the Common Customs Registry of Intellectual Property".

3. Request the Member States of the Eurasian Economic Union to submit to the Eurasian Economic Commission proposals on the procedure for including appellations of origin into the Common Customs Registry of Intellectual Property of the Member States of the Eurasian Economic Union within 30 calendar days from the effective date of the act of the Eurasian Economic Commission on establishing the procedure stipulated by Article 384, paragraph 6 of the Customs Code of the Eurasian Economic Union.

4. This Decision shall come into effect after 30 calendar days have elapsed from the date of its official publication but not earlier than the effective date of the decision of the Eurasian Economic Commission on approving technological documents regulating information exchange through the integrated information system of the Eurasian Economic Union for implementing the common process "Creation, Maintenance and Use of the Common Customs Registry of Intellectual Property of the Member States of the Eurasian Economic Union".

Chairman of the
Eurasian Economic Commission's Board

T. Sargsyan

Seal: FOR DOCUMENTS * EURASIAN ECONOMIC COMMISSION

APPROVED
by Decision of the Eurasian
Economic Commission's Board
No. 35 dated March 6, 2018

REGULATION
for Maintaining the Common Customs Registry of intellectual property
of the Member States of the Eurasian Economic Union

I. General provisions

1. This Regulation is developed in accordance with Article 89, paragraph 2, subparagraph 6 of the Treaty on the Eurasian Economic Union dated May 29, 2014 (hereinafter the Treaty) and Article 385 of the Customs Code of the Eurasian Economic Union (hereinafter the Code) taking into account the Regulation on the Eurasian Economic Commission (Annex 1 to the Treaty) and defines the procedure for maintaining the Common Customs Registry of Intellectual Property of the Member States of the Eurasian Economic Union (hereinafter, the Member States, the Union, respectively) including the procedure for including intellectual property in this registry, excluding it, making changes (additions) to the Registry, extending the time limit for protecting intellectual property rights by the customs authorities (hereinafter the time limit) and the procedure for interaction between the customs authorities of the Member States and the Eurasian Economic Commission (hereinafter the Commission) when including intellectual property in this registry.

2. For the purposes of this Regulation, the following terms shall have the following meanings:

"Common Registry" is the Common Customs Registry of Intellectual Property of the Member States that is a collection of information on intellectual

property in respect of which the customs authorities of the Member States take measures stipulated in Article 124 of the Code;

"applicant" is a rights holder (a person having the exclusive right to intellectual property) or a person representing the interests of a rights holder (several rights holders) having a permanent location (registered) in the territory of a Member State that file an application;

"application" is a request on including intellectual property into the Common Registry, submitted to the Commission;

"security" is an insurance contract(s) legally binding in all the Member States against liability for inflicting damage to property of persons due to suspension of the goods release period or another contract(s) confirming fulfilment of the obligation to compensate damage to property of an indefinite number of persons (at the moment of concluding the contract);

"obligation" is an obligation of the rights holder (in writing) on compensation for damage to property, which may be caused to the declarant, owner, recipient of goods or to any other person due to suspension of the goods release period;

"working days" are days of the week from Monday to Friday that do not include non-working days declared in accordance with the legislation of the Commission's host state, as well as weekends changed to working days in accordance with the legislation of the Commission's host state.

Other terms herein are used in the meanings defined by the Treaty and other international treaties and acts constituting the Union law.

3. For the purpose of applying this Regulation, the central customs authorities are understood to mean:

for the Republic of Armenia, the State Revenue Committee under the Government of the Republic of Armenia;

for the Republic of Belarus, the State Customs Committee of the Republic of Belarus;

for the Republic of Kazakhstan, the State Revenue Committee of the Ministry of Finance of the Republic of Kazakhstan;

for the Kyrgyz Republic, the State Customs Service under the Government of the Kyrgyz Republic;

for the Russian Federation, the Federal Customs Service.

4. Maintenance of the Common Registry shall include:

a) reception and consideration of applications and other requests by applicants;

b) inclusion of intellectual property into the Common Registry;

c) refusal to include intellectual property into the Common Registry;

d) making changes (additions) to the Common Registry;

e) extension of the protection time limit;

f) removal of intellectual property from the Common Registry;

g) notification of applicants about the results of considering their applications and other requests;

h) publishing on the Union's official website and updating of the information contained in the Common Registry;

i) interaction between the central customs authorities and the Commission.

5. The registry shall be maintained by the Commission's structural subdivision whose competence includes intellectual property matters (hereinafter the responsible Department).

6. The procedure for information exchange between the central customs authorities and the Commission; applicants and the Commission; as well as requirements for formats and layouts of electronic documents and information

in electronic form used in the process of this information exchange shall be established by the Commission.

II. Requirements for drawing up an application and the scope of submitted documents and information

7. Information on intellectual property specified in paragraph 10 herein subject to legal safeguarding in each Member State shall be included into the Common Registry based on an application.

8. An application shall be filed if the rights holder has reasonable grounds to believe that there may be an infringement of his/her/its intellectual property rights under international treaties and acts constituting the Union law and/or the legislation of the Member States with regard to movement of goods across the customs border of the Union or when performing other actions with goods under customs control.

One of the rights holders of identical (the same in all elements) intellectual property items may act as a person representing the interests of several rights holders upon agreement with other rights holders.

9. If the application is filed by a person representing the interests of the rights holder, the application shall be accompanied by a power of attorney issued by the rights holder to such person.

A power of attorney issued in territory of the Member State shall be drawn up and certified in accordance with the legislation of this Member State.

A power of attorney issued in territory of the state not being the Union Member State shall be drawn up in accordance with the legislation of this state and certified according to the requirements of the relevant international treaties.

If the rights for similar intellectual property items belong to different rights holders in the territories of the Member States, the application shall be accompanied by powers of attorney from each of the respective rights holders.

The power of attorney shall indicate intellectual property and powers that the rights holder (several rights holders) grants to the representative for ensuring that the rights to this intellectual property are protected. In particular, such powers may be granted to a trusted person in relation to the following actions on behalf of the rights holder:

- filing the application;

- filing requests on making changes (additions) to the Common Registry, extending the period of protecting intellectual property rights, removing intellectual property from the Common Registry;

- signing the obligation;

- formalizing the security;

- appealing to the authorized authorities of the Member States on matter of protecting intellectual property rights in accordance with the legislation of the Member States as well as applying to repeal a decision on suspending the goods release period.

In the absence of a power of attorney, the application shall not be considered; the applicant shall be notified thereof within five working days from the date the Commission receives the application.

The powers of the person that issued the power of attorney shall be duly documented.

10. The application can be filed in relation to the following intellectual property types:

- a) copyrighted items;

- b) subject matter of related rights;

- c) trademarks (service marks).

11. The application in relation to intellectual property types different from those indicated in paragraph 10 herein shall not be considered; the applicant shall be notified thereof within five working days from the date the Commission receives the application.

12. The application shall be submitted in respect of one type of intellectual property.

Applications in relation to intellectual property items, the rights to which belong to different rights holders, shall be drawn up and submitted separately, except for cases of filing an application in relation to identical intellectual property items.

The application filed in violation of the requirements established by this paragraph shall not be considered; the applicant shall be notified thereof with the reason for refusal within five working days from the date the Commission receives the application.

13. The application shall be drawn up using the form according to Annex 1 hereto. Attached to the application shall be registration forms for intellectual property (for each of the claimed items).

14. The application, attached registration forms and documents provided for this Regulation may be submitted electronically or as hard copies.

The application and attached registration forms submitted as hard copies shall be signed by the applicant.

If the applicant is a legal entity, the application and attached registration forms shall be signed by its head or the person authorized by its head.

The hard copies of the application, registration forms and documents shall be accompanied by presenting the application and registration forms electronically.

The electronic application and registration forms shall be generated using the services of the applicant's account on the Union's official website. The

electronic application and registration forms shall be assigned reference numbers. Information on the procedure for connecting to the account shall be posted on the Union's official website and websites of the central customs authorities in the Internet information and telecommunication network.

The electronic registration form may be submitted only if the provided information complies with the established format, structure and rules for filling out. The applicant shall be automatically notified of errors if they are detected.

15. Technical requirements for submitting the application electronically shall be posted on the Union's official website and websites of the central customs authorities in the Internet information and telecommunication network.

The electronic document may contain invisible technical information necessary for its automated processing that is identified when describing the elements of the document structure.

When filling in the application and registration forms as electronic documents or electronically, directories and classifiers are used included in the unified regulatory and reference information system of the Union.

16. The registration form contains the fields according to the list in Annex 2 hereto that shall be filled out as established in this paragraph.

Fields 1-3, 5, 8-11 and 13-15 shall be required.

Field 1 indicates the name (description, image) of the intellectual property item that shall correspond to the name (description, image) indicated in the document provided to confirm the intellectual property right.

The file containing the image of the intellectual property item shall comply with the requirements allowing to print it to the size 8x8 cm and be in the JPG (JPEG) or TIF (TIFF) format (compression of any type may not be used), the resolution shall be 300 dpi or greater. This file may not be over 5 Mb. The image background shall not be transparent.

Field 2 indicates the number of rights holders of the intellectual property item in the Member States.

Field 3 indicates:

"C", if the application is submitted in respect of a copyrighted item;

"RR", if the application is submitted in respect of a subject of related rights;

"TM", if the application is submitted in respect of a trademark (service mark).

Field 4 indicates the key words in an alphanumeric form (including transliteration) that relate to the claimed intellectual property item and may be used when describing goods in a declaration for goods, transport (shipping), commercial and/or other documents (for instance, documentation for goods designated with the ICE trademark may use the words ИСЕ, АЙС, etc.). Field 4 shall be required if the application is filed for trademarks (service marks).

Field 5 indicates the following information about all persons that are the rights holders of intellectual property and indicated in the document submitted to confirm intellectual property rights:

for legal persons, the full and short (abbreviated) name (if there is an abbreviated name), location (legal person's address), address for correspondence, telephone number and email address;

for natural persons, the surname, name, patronymic (if any), residential address, details of the identity document, telephone number and email address.

For persons from the Member States, the following information shall be indicated (if any):

for persons from the Republic of Armenia — the taxpayer identification number (UNN);

for persons from the Republic of Belarus — the payer identification number (UNP);

for persons from the Republic of Kazakhstan — the business identification number (BIN) or individual identification number (IIN);

for persons from the Kyrgyz Republic — the tax identification number (INN);

for persons from the Russian Federation — the taxpayer identification number (INN);

Field 6 indicates the information about the person representing the interests of the rights holder of the intellectual property item similarly to the information indicated in field 5 in relation to rights holders.

Field 7 indicates the expiration date of the power of attorney. In case the interests of several rights holders are represented, the earliest expiration date of the powers of attorney shall be indicated. Field 7 is required if field 6 is filled in.

Field 8 indicates:

names and details of the documents submitted to confirm the right to the trademark (service mark) in the territories of the Member States as well as the names of authorities that issued these documents;

names and details of documents submitted to confirm the copyright or related rights and names of the organizations that issued these documents;

validity periods of rights in each of the Member States (if the validity period of copyright is not defined, the word "author" shall be indicated);

names of goods covered by intellectual property right (for trademarks (service marks), classes shall be indicated as per the International Classification of Goods and Services for the Purposes of Registration of Marks stipulated by the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957).

Field 9 indicates the following information available to the applicant:

information about the persons involved in circulation of the original goods containing the claimed intellectual property (name of the legal person and/or surname, name, patronymic (if any), natural person, addresses, UNN or UNP or BIN or NIN or INN (for persons that are residents of the Member States)) indicating their role (importer, carrier, consignee, licensee, manufacturer, exporter);

information about the routes of movement (transit), modes of transport, locations of transshipment, storage, crossing the Union customs border, performing customs operations and exercising customs control;

information about distinct features and characteristics of the imported original goods (by each type (mark) of goods):

description of the product and its individual components (appearance, security marking, holograms, labels, barcodes, color, presence of item numbers and certification marks), JPEG images and diagrams (each file shall be not more than 1.5 Mb). Information about the product containing a copyrighted item or subject matter of related rights may be presented as an MP3, MP4, AVI file;

transportation specifics (number of items in a packaging, the use of pallets or platforms), type of packaging (material, color, form), identification numbers, security marking, barcodes, JPEG images and diagrams (each file shall be not more than 1.5 Mb);

information about the documents accompanying the original goods (electronic media, instructions, warranty sheets, specifications, certificates) and their specifics (language, font, color).

Field 10 indicates the following information available to the applicant:

information about the persons involved in circulation of goods that have signs of infringement of intellectual property rights (name of the legal person and/or surname, name, patronymic (if any), natural person, addresses, UNN or

UNP or BIN or PIN or INN (for persons that are residents of the Member States)) indicating their role (importer, carrier, consignee, manufacturer, exporter);

information about the routes of movement (transit), modes of transport, locations of transshipment, storage, crossing the Union customs border, performing customs operations and exercising customs control;

information about the persons involved in circulation of goods that have signs of infringement of intellectual property rights (by each type (mark) of goods):

description of the product and its individual components (appearance; imitation of security marking, holograms, labels, barcodes; color; presence of item numbers and certification marks), JPEG images and diagrams (each file shall be not more than 1.5 Mb);

transportation specifics (number of items in a packaging, the use of pallets or platforms), type of packaging (material, color, form), identification numbers, imitation of security marking and barcodes, JPEG images and diagrams (each file shall be not more than 1.5 Mb);

information about the documents accompanying the goods that have signs of infringement of intellectual property rights (electronic media, instructions, warranty sheets, specifications, certificates) and their specifics (language, font, color, errors, photocopies, printing quality).

Field 11 indicates not less than the first six digits of the codes of goods containing the claimed intellectual property that requires the customs authorities to take measures to protect intellectual property rights, in accordance with the unified Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union (hereinafter the EAEU CN FEA). It is not allowed to indicate the codes of goods that are not covered by legal safeguarding of intellectual property in all Member States.

Field 12 indicates the criteria under which the applicant shall not deem the movement of goods containing the claimed intellectual property as an infringement of the applicant's right, therefore, the customs authorities of the Member States shall not be required to take any measures to protect intellectual property rights in movement of such goods. The criteria shall include the extent of non-application of these measures by the customs authorities (the qualitative and/or cost criterion, a list of customs procedures, placing the goods thereunder shall not require the customs authorities to take such measures, information characterizing the condition of goods (for instance, "used"), specifics related to the movement of goods imported as foreign non-repayable aid).

Field 13 indicates the time limit for which the customs authorities of the Member States shall take measures to protect intellectual property rights.

The protection period shall be not more than two years from the date of including intellectual property into the Common Registry and may not exceed the period of legal safeguarding of intellectual property in the Member State where this period expires earlier taking into account the period indicated in the application and the validity periods of documents attached to the application.

Field 14 indicates information about points of contact authorized to apply to the authorized authorities of the Member States on matters of protecting intellectual property rights in accordance with the legislation of the Member States as well as to file the application requesting the customs authorities to repeal the decision on suspending the goods release period as stipulated by subparagraph 1, paragraph 9, Article 124 of the Code (full and short (abbreviated) names of the legal entity and/or surnames, names and patronymics (if any) of natural persons, postal addresses, email addresses and telephone numbers). If there are several points of contact, information about each of them shall be provided.

Field 15 is the place for the applicant's signature, printed name (surname, name, patronymic (if any)) and date of signing.

17. Attached to the application shall be the documents (originals or certified copies including certified by the applicant) submitted to confirm intellectual property rights in the Member States using the list from Annex 3 hereto as well as documents confirming the information indicated in the application.

If the applicant is not the point of contact indicated in field 14 of the registration form, attached to the application shall be the power(s) of attorney confirming the rights holder's granting the authority to apply to the authorized authorities of the Member States on matters of protecting intellectual property rights as well as to file the application requesting the customs authorities to repeal the decision on suspending the goods release period as stipulated by subparagraph 1, paragraph 9, Article 124 of the Code.

18. Attached to the application shall be the obligation drawn up using the form in Annex 4 hereto.

If the rights for similar intellectual property items belong to different rights holders in the territories of the Member States, the application shall be accompanied by obligations from each of the rights holders.

If there is a power(s) of attorney to represent the interests of the rights holder (several rights holders) before the customs authorities of the Member States or another document confirming such authority, the obligation may be issued by the person representing the interests of the rights holder (several rights holders).

In the absence of the obligation, the application shall not be considered; the applicant shall be notified thereof within five working days from the date the Commission receives the application.

19. The application and the attached documents shall be drawn up in Russian. If the documents attached to the application are drawn up in another language, their translation into Russian shall be provided. The applicant shall be responsible for accuracy of the translation. Texts of documents (originals and their copies) shall be legible and have discernible stamps and seals (if any).

20. The applicant shall be entitled to withdraw the application before a decision thereon is taken. In case the Commission receives such a request, the application shall not be considered any further.

When withdrawing the application, the applicant shall be entitled to request the documents attached to the application. In this case the requested documents shall be sent within 10 working days from the date of receipt of the applicant's request. In other cases a response to the request to withdraw the application shall not be provided.

III. Procedure for Reviewing the Application

21. The application shall be considered by employees of the responsible Department authorized by Director of the responsible Department (hereinafter the authorized employees) according to the established procedure and within the time limits defined herein.

22. The officials, employees of the Commission and customs authorities of the Member States as well as other persons granted access to the information provided by the applicant in accordance with the legislation of the Member States may not disclose, use for personal purposes or transfer to third persons the unpublishable information except for the cases provided for herein and/or the legislation of the Member States.

If the Commission receives limited distribution documents including those containing confidential information such documents shall be handled

according to the procedure established by Decision No. 71 of the Eurasian Economic Commission Council dated September 18, 2014.

23. Within three working days from the date the Commission receives the application, the authorized employee shall check the completeness of the submitted documents and information, congruency of the hard copies of registration forms with the electronic registration forms (in case the application is submitted as a hard copy) and compliance with the requirements for drawing up the power of attorney and obligation.

If the documents and information are not presented in full, within the specified period the applicant shall be sent a notification about the need to present the missing documents and information within not more than 30 working days from the date of sending this notification.

In the absence of the power of attorney and obligation, the provisions of the eleventh indent of paragraph 9 and the fourth indent of paragraph 18 herein shall apply.

The period of considering the application shall be suspended from the date of sending the notification and shall be resumed on the day the missing documents and information are submitted.

In case of non-submission of the missing documents and information the application shall not be considered any further; the applicant shall be notified thereof within three working days from the expiration date of the period specified in the second indent of this paragraph.

The submitted documents and information shall be deemed reliable until the contrary is established.

24. Within three working days from the date of the applicant's submission of the documents and information in full, responsible Department shall electronically send to the central customs authorities the application and registration forms regarding the claimed intellectual property.

If the application is withdrawn in accordance with paragraph 20 herein, the responsible Department shall inform the customs authorities about that within one working day from the date of receipt of the applicant's request.

25. Within 30 working days from the date of sending the application and registration forms by the responsible Department, the central customs authorities shall check the information indicated in fields 5 and 8-10 of the registration forms and, if there are grounds for refusal to include intellectual property into the Common Registry, shall send to the responsible Department an electronic refusal using the form in Annex 5 hereto.

The ground for the central customs authority's refusal to include intellectual property into the Common Registry shall be false information provided by the applicant.

26. In case the responsible Department receives a refusal to include intellectual property into the Common Registry from one or more central customs authorities, intellectual property shall not be included into the Common Registry. In this case, within three working days from the expiration date of the period specified in the first indent of paragraph 25 herein, the responsible Department shall take a decision to refuse to include intellectual property into the Common Registry that shall be prepared by the authorized employee and signed by Director (Deputy Director) of the responsible Department.

This decision shall contain the reference number and date, the names of the intellectual property items and grounds for refusal.

27. Within three working days from taking the decision specified in the first indent of paragraph 26 herein, the applicant shall be sent a notification about the refusal to include intellectual property into the Common Registry corroborated with copies of refusals from the central customs authorities.

28. In case within the period specified in the first indent of paragraph 25 herein, the responsible Department does not receive a refusal from any central customs authority, within three days from the expiration date of this period, the applicant shall be sent a notification about the possibility of including intellectual property into the Common Registry indicating that the applicant shall provide a security.

29. Within 30 working days from the date of sending the notification specified in paragraph 28 herein, the applicant shall send to the responsible Department the security or a copy thereof certified by the applicant.

The security amount shall be equivalent to not less than 10,000 euro at the exchange rate effective on the date of concluding the agreement(s) or making amendments to such agreements.

The security shall contain its validity period, names of intellectual property items to be included into the Common Registry and details of the documents submitted to confirm intellectual property rights.

Lowering the security amount below that stipulated in the second indent of paragraph 11, Article 385 of the Code caused by an exchange rate fluctuation shall not be a ground for removing intellectual property from the Common Registry.

30. If there is a duly executed power of attorney (powers of attorney) to represent the interests of the rights holder (several rights holders) before the customs authorities of the Member States or another document confirming such authority, agreements specified in the second indent of paragraph 29 herein may be drawn up by a person representing the interests of the rights holder (several rights holders).

31. Within three working days from the date of presenting the Commission with the security, the responsible Department shall take a decision to include intellectual property into the Common Registry that shall be

prepared by the authorized employee and signed by Director (Deputy Director) of the responsible Department.

32. The decision to include intellectual property into the Common Registry shall contain the reference number and date, names of intellectual property and the maximum period for which intellectual property is included into the Common Registry.

The maximum period for which intellectual property is included into the Common Registry shall be one of the following periods that expires earlier:

two years from the date of inclusion of the intellectual property items in the Common Registry;

the period indicated in the application;

the period of legal safeguarding of intellectual property;

the validity period of the security or another document attached to the application.

33. In case of the applicant's non-submission of the security within the period specified in the first indent of paragraph 29 herein, the responsible Department shall take a decision to refuse to include intellectual property into the Common Registry; the applicant shall be notified thereof within three working days from the date of such a decision.

This decision shall be prepared by the authorized employee and signed by Director (Deputy Director) of the responsible Department.

IV. Inclusion of Intellectual Property into the Common Registry

34. Within three working days from taking the decision stipulated by paragraph 31 herein, the responsible Department shall ensure the inclusion of intellectual property into the Common Registry, publication of the information

stipulated by paragraph 53 herein on the Union's official website and send a notification to the applicant.

Inclusion of intellectual property into the Common Registry shall be free of charge.

35. The Common Registry shall include the information on the list in Annex 6 hereto.

36. The Common Registry shall be maintained by authorized employees electronically using software excluding the possibility of unauthorized inclusion of information into the Common Registry as well as changing or removing information from the Registry.

37. When including intellectual property into the Common Registry, it shall be assigned a registration number as follows:

00000/XX-NNNN-DDMMYY,

where:

00000 is the 5-digit sequence number given to intellectual property regardless of its type;

XX is the type of intellectual property ("C" means a copyrighted item, "RR" means subject matter of related rights, "TM" means a trade mark (service mark));

NNNN is the reference number of the decision to include intellectual property item into the Common Registry;

DDMMYY is the date of inclusion of intellectual property into the Common Registry (the day, month, two last digits of the year).

V. Making changes (additions) to the Common Registry, including extension of the period of protection

38. In case of changes in the information indicated in the application or submitted documents, the applicant shall take measures to make changes

(additions) to the Common Registry in terms of this information within five working days from the date of changes according to the procedure provided for herein.

39. Changes (additions) including those related to extending the protection period shall be made to the Common Registry on the following grounds:

upon the applicant's request;

the need to make technical corrections.

The applicant's requests to make changes (additions) to the Common Registry, including to extend the period of protection shall be drawn up taking into account the requirements for drawing up applications stipulated by the first to third indents of paragraph 14 herein.

Changes (additions) to the information about intellectual property included into the Common Registry shall be made in accordance with paragraph 45 herein.

40. Changes (additions) including those related to extending the protection period shall be made to the Common Registry based on a decision prepared by the authorized employee and signed by Director (Deputy Director) of the responsible Department.

41. The decision to make changes (additions) to the Common Registry shall be taken within 10 working days from the date of emergence of grounds specified in paragraph 39 herein.

42. The period of protection may be extended an unlimited number of times but every time not more than for two years provided that the applicant's request is received not less than 45 working days prior to the expiration of the period of protection.

The period for which intellectual property protection is extended shall depend on the period indicated in the applicant's request but may not exceed

the validity period of the security submitted to the Commission or the period of legal protection of intellectual property in the Member State where this period expires earlier.

43. If the rights holder is changed, the information on the Common Registry may not be changed accordingly and intellectual property shall be removed from the Common Registry.

44. Within three working days from taking the decision to make changes (additions) to the Common Registry, the authorized employee shall make relevant changes (additions) to the Common Registry and send a notification thereof to the applicant.

45. The rights holder of intellectual property items included into the Common Registry or the rights holder representative shall make changes (additions) to the following information related to these items using the services of the account on the Union's official website:

information regarding circulation of the original goods;

information regarding circulation of goods that have signs of infringement of intellectual property rights;

information regarding exceptions to the measures applied by customs authorities to protect intellectual property rights;

address for correspondence, email address, telephone numbers of points of contact authorized to apply to the authorized authorities of the Member States on matters of protecting intellectual property rights as well as to file the application requesting the customs authorities to repeal the decision on suspending the goods release period as stipulated by subparagraph 1, paragraph 9, Article 124 of the Code.

VI. Removal of Intellectual Property from the Common Registry

46. Intellectual property shall be removed from the Common Registry on the following grounds:

- upon the applicant's request;

- detection of false information provided by the applicant;

- early termination of legal safeguarding of intellectual property in any of the Member States;

- receipt of information from government authorities (organizations) of the Member States that the persons indicated in the Common Registry as the rights holders are stripped of intellectual property rights or such rights are restricted for them in any of the Member States in accordance with the legislation of the Member States;

- receipt of information about the change of the rights holder in any of the Member States;

- security expiration.

The applicant's requests to remove intellectual property from the Common Registry shall be drawn up taking into account the requirements for drawing up applications stipulated by the first to third indents of paragraph 14 herein.

47. If the applicant's request to remove intellectual property from the Common Registry is filed by a representative of the rights holder, attached to the request shall be the document confirming the rights holder's granting the authority related to removing intellectual property from the Common Registry.

48. Intellectual property shall be removed from the Common Registry based on the decision prepared by the authorized employee and signed by Director (Deputy Director) of the responsible Department.

49. A decision to remove intellectual property from the Common Registry shall be taken within 10 working days from the date of emergence of grounds specified in paragraph 46 herein.

50. In case false documents and/or information is notified, the rights holder (rights holder's representative), the government authorities of the Member States, organizations and other persons may be sent a request to present documents confirming the information that is the ground for removing intellectual property from the Common Registry.

In this case the period for taking a decision to remove intellectual property from the Common Registry shall be extended for 30 working days.

51. Within three working days from taking the decision to remove intellectual property from the Common Registry, the authorized employee shall make the relevant changes to the Common Registry and send a notification to the applicant and the central customs authorities.

VII. Access to the Common Registry and Publishing Information from the Common Registry on the Union's Official Website

52. The central customs authorities shall ensure access of the authorized persons of customs authorities of the Member States to information contained in the Common Registry.

53. The responsible Department shall ensure the publication of the following information from the Common Registry on the Union's official website:

- registration number of the intellectual property item;

- name (description, image) of the intellectual property item;

- name and details of the document submitted to confirm intellectual property rights;

names and classes of goods in accordance with the International Classification of Goods and Services for the Purposes of Registration of Marks;

codes of goods in accordance with the EAEU CN FEA;

information on the rights holder;

contact Information;

protection expiration date.

Seal: FOR DOCUMENTS * EURASIAN ECONOMIC COMMISSION

ANNEX 1

to the Regulation for Maintaining the
Common Customs Registry of Intellectual
Property of the Member States of the
Eurasian Economic Union

FORM
**of the application on inclusion of intellectual property in the common
customs registry of intellectual property of the Member States of the
Eurasian Economic Union**

Eurasian economic commission

Application

(name of the rights holder (representative of the rights holder))

I hereby request to include into the Common Customs Registry of Intellectual Property of the Member States of the Eurasian Economic Union the following intellectual property items, the registration forms for which are attached to this application:

1.

(name of the intellectual property item)

...

n.

(name of the intellectual property item)

I am aware of the consequences of providing false information.

Please send correspondence on the matters of including intellectual property into the Common Customs Registry of Intellectual Property of the

Member States of the Eurasian Economic Union to the following email address: _____.

In case of changes to the information indicated in this application and the documents and registration forms attached to it, I undertake to immediately take measures stipulated by the Regulation for Maintaining the Common Customs Registry of Intellectual Property of the Member States of the Eurasian Economic Union, approved by Decision No. xxx of the Eurasian Economic Commission's Board dated xxx.

I consent to automated or non-automated processing of the submitted information in the Eurasian Economic Commission and customs authorities of the Member States of the Eurasian Economic Union.

Annexes:

1. Registration forms on __ sheets.
2. Power(s) of attorney (if any) on __ sheets.
3. Obligation on __ sheets.
4. Documents submitted to confirm intellectual property rights, on __ sheets.
5. Other documents _____ on __ sheets.
(specify)

_____ (title)	_____ (signature, stamp (if any))	_____ (surname, name, patronymic)

ANNEX 2

to the Regulation for Maintaining the
Common Customs Registry of Intellectual
Property of the Member States of the
Eurasian Economic Union

LIST of fields of the registration form for intellectual property

1. Intellectual property
 2. Number of rights holders
 3. Intellectual property type
 4. Key words
 5. Rights holder
 6. Representative of the rights holder
 7. Power of attorney
 8. Confirmation of the right
 9. Information regarding circulation of the original goods
 10. Information regarding circulation of goods that have signs of
infringement of intellectual property rights
 11. EAEU CN FEA codes
 12. Exceptions
 13. Validity period of intellectual property rights
 14. Points of contact
 15. Signature and date
-

ANNEX 3

to the Regulation for Maintaining the
Common Customs Registry of Intellectual
Property of the Member States of the
Eurasian Economic Union

LIST

documents submitted to confirm intellectual property rights in the Member States of the Eurasian Economic Union

1. For subject matter of copyright:

documents confirming registration of copyrighted items;

documents on depositing copyrighted items;

agreements on the alienation of exclusive rights to copyrighted items;

documents confirming the transfer of exclusive rights to copyrighted
items to other persons without an agreement;

employment or other contract between the employer and the author
regarding a work for hire.

2. For subject matter of related rights:

documents confirming registration of subject matter of related rights;

documents on depositing subject matter of related rights;

agreements on the alienation of exclusive rights to subject matter of
related rights;

documents confirming the transfer of exclusive rights to subject matter of
related rights to other persons without an agreement.

3. For trademarks (service marks):

documents confirming registration of trademarks (service marks);

extract from state registries;

documents on legal safeguarding of trademarks (service marks) in the Member States of the Eurasian Economic Union in accordance with international treaties.

Notes:

1. Attached to the application shall be the documents stipulated by this list available to the applicant due to the distinct character of legal safeguarding of certain intellectual property.

2. The applicant may submit other documents stipulated by the legislation of the Member States of the Eurasian Economic Union.

ANNEX 4

to the Regulation for Maintaining the
Common Customs Registry of Intellectual
Property of the Member States of the
Eurasian Economic Union

FORM **obligations to compensate for property damages**

OBLIGATION

to the application No. _____ dated _____ on inclusion of
intellectual property in the Common Customs Registry of Intellectual Property
of the Member States of the Eurasian Economic Union

in accordance with Article 385, paragraph 9 of the Customs Code of the
Eurasian Economic Union _____

(name of the rights holder)

undertakes to compensate damage to property caused to the declarant, owner,
recipient of goods or other persons due to suspension of the release period of
goods containing intellectual property indicated in the application if no
infringement of intellectual property rights is identified according to the
procedure established in the legislation of the Member State of the Eurasian
Economic Union.

(date)

(signature)

(surname, name,
patronymic)

ANNEX 5

to the Regulation for Maintaining the
Common Customs Registry of Intellectual
Property of the Member States of the
Eurasian Economic Union

(form)

REFUSAL
of the central customs authority to include intellectual property in the
Common Customs Registry of Intellectual Property of the Member
States of the Eurasian Economic Union

Name of the central customs authority _____

Reference number of the application _____

Applicant _____

We hereby inform you that intellectual property indicated in the registration form may not be included into the Common Customs Registry of Intellectual Property of the Member States of the Eurasian Economic Union.

Reference number of the registration form: _____

Grounds for refusal: _____

Surname, initials and title of the authorized person of the central customs authority _____

Surname, initials, title, telephone number and email address of the point of contact at the central customs authority _____

ANNEX 6

to the Regulation for Maintaining the
Common Customs Registry of Intellectual
Property of the Member States of the
Eurasian Economic Union

LIST **of information included in the Common Customs Registry of Intellectual** **Property of the Member States of the Eurasian Economic Union**

1. Registration number of the intellectual property item.
 2. Name (description, image) of the intellectual property item.
 3. Name and details of the document submitted to confirm intellectual property rights.
 4. Names and classes of goods in accordance with the International Classification of Goods and Services for the Purposes of Registration of Marks.
 5. Codes of goods in accordance with the EAEU CN FEA;
 6. Information on the rights holder.
 7. Contact information.
 8. Protection expiration date.
 9. Information regarding circulation of the original goods.
 10. Information regarding circulation of goods that have signs of infringements of intellectual property rights.
 11. Exceptions.
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