



## **Fact sheet on the provision of assistance by the Federal Office for Customs and Border Security (FOCBS) in the area of intellectual property**

### **1. Legal framework**

- Federal Act of 28 August 1992 on the Protection of Trademarks and Indications of Source (Trademarks Act, TmA; [SR 232.11](#)) and the associated ordinance
- Federal Act of 5 October 2001 on the Protection of Designs (Designs Act, DesA; [SR 232.12](#)) and the associated ordinance
- Federal Act of 9 October 1992 on Copyright and Neighbouring Rights (Federal Copyright Act, CopA; [SR 231.1](#)) and the associated ordinance
- Federal Act of 9 October 1992 on the Protection of Topographies of Semiconductor Products (Topographies Act, TopoA; [SR 231.2](#)) and the associated ordinance
- Federal Act of 25 June 1954 on Patents for Inventions (Patents Act, PatA; [SR 232.14](#)) and the associated ordinance
- Federal Act of 21 June 2013 on the Protection of the Swiss Coat of Arms and Other Public Signs (Coat of Arms Protection Act, CAPA; [SR 232.21](#)) and the associated ordinance

### **2. Application for assistance from the FOCBS**

The authorised natural persons or legal entities in accordance with the aforementioned legislation must submit the written application for assistance to the Federal Office for Customs and Border Security:

Federal Office for Customs and Border Security FOCBS  
Policy  
Non-Customs Legislative Instruments  
Taubenstrasse 16  
3003 Bern  
[nze@bazg.admin.ch](mailto:nze@bazg.admin.ch)

### **3. Content of the application**

The application must contain the following information/documents:

- Precise address of the property right holder, licensee, professional or business association or other entitled party or representation based in Switzerland
- If a representative files the application, a corresponding power of attorney must be submitted (only persons and companies domiciled or headquartered abroad are obliged to appoint a representative)
- Copy of the registration certificate or filing certificate from the Swiss Federal Institute of Intellectual Property or the World Intellectual Property Organization, or information that furnishes prima facie evidence of authorship

- An original accountability statement form 19.59 signed by the applicant (right holder)
- Specific evidence that the introduction of goods that violate a property right into or out of the Swiss customs territory is imminent
- Evidence of how IP rights are violated (court ruling, report from a recognised patent expert)
- Information regarding
  - the IP rights for which the application is made
  - the transport directions for which the application is made (importation, exportation or transit)
  - the goods for which the application is made or the goods which customs offices should retain
- Detailed description of the original goods (if possible including photos, drawings, etc.; in electronic format in French, German, Italian)
- Checklist with features for distinguishing between the genuine and counterfeit goods (in electronic format in French, German, Italian)
- Any information on possible forgery methods
- Information on companies acting as forwarders, carriers, importers or consignees of counterfeit goods, as well as on expected consignments of goods
- Any list of authorised importers of patented goods
- Any application for delivery of specimens, samples and/or photos
- Any application for destruction of the goods
- Information as to whether commercially produced goods for personal use should be stopped also in tourist traffic.<sup>1</sup>

#### **4. Accountability statement**

In order to cover any claims for damages from third parties, a signed accountability statement must be enclosed with the application (form no. 19.59). In justified cases, the FOCBS may require a security payment.

#### **5. Fees**

A fee of between CHF 1'500 and CHF 3'000 is charged for processing applications. If customs offices retain goods based on an application, further fees apply (see Ordinance of 4 April 2007 on Federal Office for Customs and Border Security Charges; [SR 631.035](#)).

#### **6. Validity**

Provided a shorter period of validity is not requested, the application is valid for two years. A renewal can be requested from the FOCBS before the period of validity expires.

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<sup>1</sup> Tourist traffic goods are those which someone personally brings over the customs border without the goods being intended for trade (Art. 16 para. 2 of the Customs Act of 18 March 2005; [SR 631.0](#)).