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Federal Department of Finance FDF

Federal Office for Customs and Border Security FOCBS
Policy

Bern, 09.07.2025

Factsheet

Assistance provided by the Federal Office for Customs and Border Security (FOCBS) in the area of intellectual property

1 Legal basis

- Federal Act of 28 August 1992 on the Protection of Trademarks and Indications of Source (Trademark Protection Act, TmPA; 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 individuals or legal entities entitled to do so in accordance with the aforementioned legislation must submit the application for assistance in writing 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

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 established 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 (property right holder)
- Clear indications that goods that violate a property right are about to be brought into or out of the Swiss customs territory
- Evidence of the extent to which property rights are violated (court decision, expert opinion from a recognised patent expert)
- Information regarding
    - the property rights for which the application is being made
    - the transport directions for which the application is being made (importation, exportation or transit)
    - the goods for which the application is being made or the goods which customs offices should withhold
- 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)
- If applicable, information on possible forgery methods
- Information on companies acting as consignors, carriers, importers or consignees of counterfeit goods, as well as on expected consignments of goods
- If applicable, a list of authorised importers of patented goods
- Any request for the simplified destruction of small consignments[1]
- Any request for the destruction of the goods under the normal procedure
- Any request for the unsolicited delivery of photos
- Any request for the unsolicited delivery of specimens and samples
- Any request for the withheld goods to be handed over for independent destruction by the applicant after the procedure has been concluded
- Notification as to whether the rights holder agrees that photos of counterfeit goods withheld by the FOCBS may be used in the media for information and awareness-raising purposes
- Information as to whether commercially produced goods for personal use should be stopped also in tourist traffic[2]

[1] A small consignment is a consignment that contains a maximum of three units and whose gross weight is less than five kilograms

[2] 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)

4 Accountability statement

In order to cover any claims for damages from third parties, a signed accountability statement (form 19.59) must be enclosed with the application. In justified cases, the FOCBS may require that surety be provided.

5 Fees

A fee of between CHF 1,500 and CHF 3,000 is charged for FOCBS processing of applications.

The Swiss Federal Institute of Intellectual Property (IPI) carries out all assistance procedures concerning small consignments. The fees for small consignment procedures are based on the IPI Ordinance of 14 June 2016 on Fees (SR 232.148). They amount to CHF 80 for the simplified procedure and CHF 120 for the ordinary procedure.
These are flat-rate fees. Applicants who apply the simplified procedure also pay the reduced fee if an ordinary procedure is initiated due to the owner of the goods refusing destruction.

For consignments other than small consignments, the FOCBS carries out the assistance procedure. If customs offices withhold goods based on an application, further fees are due (see the Ordinance of 4 April 2007 on the Fees Charged by the Federal Office for Customs and Border Security; SR 631.035).

6 Validity

Unless a shorter period of validity is requested, the application is valid for two years. A renewal request can be submitted to the FOCBS before the period of validity expires.

July 2025