



## **DESIGNATED OWNERS**

The Australian Border Force (ABF) has seized your goods under the *Major Sporting Events (Indicia and Images) Protection Act 2014* (MSEP Act). You have received the enclosed Notice of Seizure as you are the designated owner of the seized goods marked with protected indicia and/or images.

## **WHAT ARE YOUR OPTIONS?**

### **1. CONTACT THE OBJECTOR**

If you believe you are authorised to import goods bearing protected indicia and/or images held by the Objector, you should contact the Objector. If the Objector agrees with you and notifies ABF of their agreement, the seized goods will be released to you subject to all other import requirements being met.

### **2. VOLUNTARILY FORFEIT THE GOODS**

If you wish to forfeit the goods to the Commonwealth, you need to complete the attached **Notice of Consent to Forfeit Seized Goods** form and return it to the address listed on the form **within 10 working days** from the day you were given (or taken to have been given) the Notice of Seizure. Even if you have made a **Claim for Release of Seized Goods** (see point 2 below), you are able to voluntarily forfeit the seized goods at any point prior to the Objector seeking an injunction against release of the goods to you.

### **3. MAKE A CLAIM FOR RELEASE OF THE SEIZED GOODS**

If you wish to have the seized goods released to you, then you may make a claim for their release. You can make this claim if you consider there are suitable grounds for release of the seized goods. If you choose to submit a **Claim for Release of Seized Goods** form it should be submitted **within 10 working days (Claim Period)** from the day you were served with (or taken to have been given) the Notice of Seizure. The **Claim for Release of Seized Goods** form (B1228) and further information regarding the importation of branded goods is available on the Department of Immigration and Border Protection (DIBP) website at [www.border.gov.au](http://www.border.gov.au). – About Us – Corporate Information, Fact sheets and Forms. Please note: Further action by an Objector or Police authority may still be possible if the goods breach the MSEP Act and are presented for sale or exhibition in Australia.

Making a claim does not mean the goods will be automatically returned to you. If you submit a **Claim for Release of Seized Goods** form (B1228) the person objecting to the import of the goods into Australia (Objector) will be notified and will have **10 working days (Action Period)** to commence court action against you. If the Objector seeks an injunction under s45 of the MSEP Act you may be liable for their costs (e.g. court costs, storage costs and damages for infringement of the Objector's intellectual property rights). If the Objector does not commence court action against you within 10 working days the seized goods may be released to you subject to all other import requirements being met.

Please note: For information regarding a Claim outside of the Claim Period see Point 4 below.

### **4. DO NOTHING**

If the claim period expires and the ABF has not received a **Claim for Release of Seized Goods** form or a **Notice of Consent to Forfeit Seized Goods** form, the seized goods will be deemed as forfeited to the Commonwealth and will be disposed of after 30 days. If you have been unable to make a **Claim for Release of Seized Goods** within the claim period you may be able to submit a late claim. A late **Claim for Release of Seized Goods** may be considered by ABF where court action against you has not been commenced by the Objector, there are reasonable circumstances for the late claim and the goods have not been disposed of. We strongly recommend that you provide evidence of the reasons for your late claim, where available as this will assist ABF in assessing whether your late claim is 'reasonable in the circumstances'.

**\*\*Contact details for the Objector can be found on the Notice of Seizure\*\***

**RETURN COMPLETED FORMS TO: The address indicated on the Notice of Seizure.**

**DISCLAIMER:** The information in this document is general in nature. Although every effort is made to keep this information accurate, the information is only intended to be a basic guide. It is made available to you on the understanding that we are not providing professional advice. You should obtain appropriate professional advice relevant to your particular circumstances. We recommend that you exercise your own skill and care with respect to the use of the information given in this document.



## **OBJECTORS**

The Australian Border Force (ABF) has seized goods under the *Major Sporting Events (Indicia and Images) Protection Act 2014* (MSEP Act). You have received the enclosed Notice of Seizure as you have lodged a Notice of Objection for certain protected indicia and/or images.

### **WHAT ARE YOUR OPTIONS?**

#### **1. CONSENT TO THE RELEASE OF SEIZED GOODS TO THE DESIGNATED OWNER**

The ABF can release the seized goods to the designated owner at any time provided that you give written notice to the Comptroller-General of Customs consenting to the release of the seized goods, and the seized goods have not been disposed of.

#### **2. COMMENCE COURT ACTION AGAINST THE DESIGNATED OWNER**

If the designated owner makes a **Claim for Release of Seized Goods** within the 10 working day Claim Period, you will be notified by the ABF. You then have **10 working days (Action Period)** after receiving notification to apply for an injunction under section 45 of the MSEP Act and give the Comptroller-General of Customs written notice of that application.

If no injunction is applied for and the Comptroller-General of Customs is not notified in the Action Period the goods will be released to the Designated Owner.

If at the end of 20 working days commencing on the day an application for an injunction was made, there is not in force an order of the court preventing the release of the goods, they must be released to the designated owner. The ABF requires a copy of the court order to give effect to any orders made.

As part of an injunction, the courts may make certain decisions about the goods through virtue of section 34 of the MSEP Act. The courts may order that the seized goods be released to the Designated Owner or forfeited to the Commonwealth for disposal. Determinations about compensation may also be made by the courts.

The ABF may recover any storage, transportation or destruction costs incurred in accordance with your Deed of Undertaking.

#### **3. DO NOTHING**

If after 10 working days after the Notice of Seizure has been received the designated owner has not returned a **Claim for Release of Seized Goods** form or **Notice of Consent to Forfeit Seized Goods** form the goods will be deemed forfeited to the Commonwealth and will be disposed of after 30 days.

Any storage and destruction costs may be passed on to you as they have been incurred as a result of seizure.

A late **Claim for Release of Seized Goods** form may be submitted by the Designated Owner where they meet certain criteria. A late **Claim for Release of Goods Seized** may be considered by the ABF where court action has not been commenced by you, there are reasonable circumstances for the late claim, and the goods have not been disposed of. The ABF will determine if the Late Claim will be accepted. If a Late Claim is accepted you will be notified and your 10 day Action Period will begin.

**\*\*Contact details for the Designated Owner can be found on the Notice of Seizure\*\***

**RETURN COMPLETED FORMS TO: The address indicated on the Notice of Seizure.**

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