Prepared by DigitalTrade4.EU

Requests for Customs Enforcement of Intellectual Property Rights – Update of Application Forms for Businesses

Feedback on the Draft Commission Implementing Regulation Amending Implementing Regulation (EU) No 1352/2013

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About Us

The **DigitalTrade4.EU consortium** envisions a **seamlessly interconnected Europe** and **neighbouring regions** powered by harmonized standards for the digitalisation of trade documents and processes. By fostering the digital transformation of trade, we aim to promote economic integration, enhance cooperation, and ensure long-term trade facilitation across borders.

Our consortium is made up of **experts in their field**, including **108 full partners**—trade associations, logistics providers, shipping lines, banks and insurances, technology innovators, etc.—**from 17 European Union countries** (*France, Belgium, Netherlands, Austria, Estonia, Finland, Italy, Latvia, Spain, Germany, Sweden, Poland, Luxembourg, Lithuania, Slovenia, Denmark, Bulgaria*) and **22 non-EU countries** (*United Kingdom, Switzerland, Montenegro, Japan, Singapore, Hong Kong, Australia, New Zealand, India, Nepal, Canada, United States of America, Cameroon, Morocco, Egypt, Kenya, Pakistan, Nigeria, Brazil, Uzbekistan, Turkey, Ukraine*).

Our consortium is already **aligned with the fundamentals** of the **EU Competitiveness Compass**. Learn more:

1. How DigitalTrade4.EU Can Help Achieve the Objectives of the EU Competitiveness Compass (February 2025) https://www.digitaltrade4.eu/how-digitaltrade4-eu-can-help-achieve-the-objectives-of-the-eu-competitiveness-compass/

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1. Executive Summary

DigitalTrade4.EU welcomes the European Commission's initiative to revise Implementing Regulation (EU) No 1352/2013 in light of evolving legal frameworks and technological opportunities. The proposed amendments to the application forms for customs enforcement of intellectual property rights (IPRs) provide an essential opportunity to modernise procedures, reduce administrative burdens, and align customs practice with the Union's broader digital and green transition objectives.

This feedback document presents a consolidated set of recommendations across ten priority areas, including interoperability with EU-level systems such as eFTI, COPIS, the Customs Single Window, and the Digital Product Passport (DPP). The proposals also call for improved user accessibility for SMEs, the acceptance of qualified electronic signatures and digital identity (eIDAS 2.0), and the integration of structured data from trusted registers like EUIPO, EPO and national IP offices.

Furthermore, we highlight the potential of IoT-based data and eSeals as emerging tools for customs verification and recommend incorporating those into the revised framework. The overall goal is to make customs enforcement of IPRs more secure, efficient, and future-proof by linking legal rights to verifiable digital and physical indicators.

2. Introduction

The implementation of Regulation (EU) No 608/2013 and its corresponding Implementing Regulation No 1352/2013 has provided a structured basis for protecting IPRs at the border. However, since its adoption, the regulatory and technological environment in the EU has significantly evolved. The Union has adopted key legislative frameworks such as eIDAS 2.0 (Regulation (EU) 2024/1183), the Ecodesign for Sustainable Products Regulation (ESPR), the Data Act, and sector-specific instruments like the Digital Product Passport (DPP) and the electronic Freight Transport Information (eFTI) Regulation.

Customs enforcement must adapt to this new context, where goods circulate with digital identifiers, traceability requirements, and increasingly automated documentation. A revision of the application forms should not only comply with the formal changes introduced by new IP regulations (e.g., the EU Designs Regulation and GIs for craft and industrial products) but also operationalise the digital infrastructure that now underpins trade, logistics, and IP management in the EU.

DigitalTrade4.EU represents a cross-sectoral consortium advocating for an integrated digital trade ecosystem. We see this revision as a timely and strategic opportunity to align IP customs procedures with broader innovation, sustainability, and data-sharing goals.

Note: *In this document, the terms* ***Small and Medium-sized Enterprises (SMEs)*** *and* ***Micro, Small and Medium-sized Enterprises (MSMEs)*** *are used interchangeably and carry the same meaning and weight. This clarification is important because different sources and contexts may refer to these groups using either acronym, but both encompass the full range of smaller business categories critical for economic development.*

3. Expectations from the Commission's Side: The Objectives

The Commission has rightly recognised that customs enforcement of IPRs must be adapted to the realities of digitalised trade flows and emerging legal instruments. In its broader digital strategy ***Strategy for making the Single Market simple, seamless and strong (COM(2025) 500 final)***[1], the Commission has consistently promoted interoperability, end-to-end digital processes, and the use of secure digital identities. The proposed revision of Implementing Regulation 1352/2013 aligns with the following key objectives:

- **Legal alignment:** Ensuring the customs enforcement framework reflects updated definitions and protected rights under new Regulations (e.g., 2024/2822 on designs, 2023/2411 on GIs for industrial products).
- **Digital-by-default implementation:** Supporting seamless, electronic interactions between right-holders and customs authorities.
- **Interoperability:** Enabling integration with systems such as COPIS, the Customs Single Window, DPP registries, eFTI platforms, and public IP databases (EUIPO, EPO).
- **SME access and simplification:** Providing accessible, multilingual, and user-friendly forms.
- **Trust and security:** Leveraging tools like LEI/vLEI, eIDAS 2.0, and eSeals to improve the authenticity and traceability of data submitted to customs.

DigitalTrade4.EU supports these goals and believes that more can be done to ensure technical coherence with other EU legislative pillars such as the Data Act and the Digital Governance Act. Customs processes must not only be legally sound but also technically interoperable and economically inclusive.

[1] European Commission, Internal Market, Industry, Entrepreneurship and SMEs. The Single Market: our European home market in an uncertain world (May 2025) https://single-market-economy.ec.europa.eu/publications/single-market-our-european-home-market-uncertain-world_en

4. Proposed Amendments

4.1. Add Legal Entity Identifier (LEI) and Verifiable LEI (vLEI) to the Application Form

Proposed amendment, Annex I – Section 1 (Applicant information) and Section 3 (Status of applicant):

Add two optional fields:

- ***'Legal Entity Identifier (LEI)':*** *a globally unique, ISO 17442-compliant identifier for legal entities, governed by a global, accredited operating entity.*
- ***'Verifiable Legal Entity Identifier (vLEI)':*** *ISO 17442-3, is a digitally signed credential compatible with eIDAS 2.0, enabling secure and automated entity identification and authorisation, issued by an authorized global operating entity within the LEI ecosystem.*

Justification: The LEI and vLEI enable globally trusted and verifiable identification of legal entities. Their use strengthens anti-fraud safeguards, supports cross-border verification of IPR holders, and enhances the reliability of digital customs risk assessments. These identifiers are already used in EU financial and ESG frameworks and should be integrated into customs IP workflows.

4.2. Allow Qualified Electronic Signatures and eIDAS 2.0 Digital Authentication

Proposed amendment, New Article 1a; Annex I – Section 30 (Signature):

Add a provision:

Where an application or procedural act under this Regulation is submitted electronically, qualified electronic identification or electronic signatures in accordance with Regulation (EU) 2024/1183 (eIDAS 2.0) shall be considered valid for authentication and signature purposes.

Justification: This enables secure cross-border digital submissions using the European Digital Identity Wallet or national eIDs. It ensures equivalence with handwritten signatures and prevents identity fraud. It also brings the customs IPR process into alignment with broader EU digital trust services infrastructure.

4.3. Improve User-Friendliness and Accessibility for SMEs

Proposed amendment, Recital – insert new Recital (8a):

> *The application forms should be designed to be user-friendly and digitally accessible, especially for small and medium-sized enterprises. They should include multilingual instructions, clear examples, and real-time support features where possible.*

Justification: SMEs often struggle with complex administrative procedures and typically have fewer resources to dedicate to IP protection. Ensuring usability and guidance helps them benefit from IPR enforcement measures, which is particularly important as SMEs represent approximately 99% of European businesses and are increasingly vulnerable to counterfeiting in digital marketplaces. It also reduces input errors and improves the quality of submitted applications, leading to more effective border enforcement of intellectual property rights.

4.4. Support Interoperability with the EU Customs Single Window and COPIS (Counterfeit and anti-Piracy Information System)

Proposed amendment, Article 1 – new paragraph; Article 2 – implementation section:

> *The application form and all associated data shall be machine-readable and compatible with EU customs systems, including the Customs Single Window and the COPIS (Counterfeit and anti-Piracy Information System) database.*

Justification: Enabling direct integration with the EU's customs data environment reduces duplication, enhances efficiency, and supports automated risk assessment. It also ensures consistent application of enforcement rules across Member States and simplifies information sharing with competent authorities.

4.5. Enable Structured References to EUIPO, EPO, or National IP Registers

Proposed amendment, Annex I – Section 5 (Type of right) and Section 11 (List of rights)**:**

Add optional fields:

- ***Register identifier (e.g. EUIPO, WIPO, national):*** *A unique registration number as assigned by the competent IP office (e.g., EUIPO trademark number, WIPO design ID, national patent reference)*
- ***Public register URL:*** *A direct link to the public-facing entry in the official intellectual property register, enabling real-time verification of status and ownership.*

Proposed amendment, Recital – insert new Recital (8c):

Applicants are encouraged to provide, where available, the official registration identifier assigned by the competent intellectual property office (such as EUIPO, WIPO, EPO or national offices), together with a public URL leading directly to the record in the corresponding registry. These elements support efficient verification and enforcement of rights under Regulation (EU) No 608/2013.

Justification: Structured references allow customs authorities and automated systems to validate the legal status of the rights cited in the application quickly and efficiently. This reduces the burden on applicants to submit additional documentation and enables seamless cross-verification through EUIPO tools like TMView and DesignView, or EPO/national equivalents. By including both the register ID and a verifiable URL, the system supports automation and risk analysis in line with Single Window and **COPIS integration goals**[2].

[2] European Commission, Taxation and Customs Union. Defend your Rights https://taxation-customs.ec.europa.eu/customs/prohibitions-restrictions/counterfeit-piracy-other-ipr-violations/defend-your-rights_en

4.6. Link IP Rights to Digital Product Passport (DPP) Data

Proposed amendment, Annex I – Section 5 (Type of right) and Section 12 (Goods details):

Add optional fields:

- ***Digital Product Passport (DPP) Identifier:*** *A unique identifier associated with the product's Digital Product Passport, as defined under Regulation (EU) 2024/1781 on Ecodesign for Sustainable Products (ESPR). This may include a product-specific QR code, serial number, or digital reference code assigned by an authorized DPP service provider.*
- ***DPP Link (if available):*** *A direct URL to the publicly accessible or permissioned section of the Digital Product Passport, allowing customs authorities to retrieve structured product data, including legal, environmental, and design protection metadata.*

Proposed amendment, to be included as guidance under Annex I or in the recitals:

Where applicable, applicants may provide the Digital Product Passport (DPP) identifier and, if accessible, a URL link to the DPP record. This allows customs authorities to verify the identity, authenticity and sustainability attributes of the goods, and to cross-reference these with the associated intellectual property rights.

Justification: The DPP framework contains product-specific data on materials, circularity, and legal identity. Connecting this with IPR enforcement allows customs to validate goods more effectively. This also supports traceability, anti-counterfeiting, and sustainability goals under the Ecodesign for Sustainable Products Regulation (EU) 2024/1781.

4.7. Ensure Interoperability with eFTI Platforms and Service Providers

Proposed amendment, Recital – insert new Recital (8b); Annex I – Sections 5 and 12–14:

The application form should be structured to support interoperability with freight and logistics systems, including those certified under Regulation (EU) 2020/1056 on Electronic Freight Transport Information (eFTI).

Justification: Providing customs-relevant IP data in a format readable by eFTI platforms improves visibility and enforcement across the supply chain. It enables real-time risk assessment based on IPR status and supports integration into digital transport flows. This also strengthens alignment between trade facilitation and enforcement objectives.

4.8. Apply a Digital-by-Default Communication Principle

Proposed amendment, New Article 13a or within Article 2:

> *All communication and submissions related to this Regulation shall be conducted electronically by default. Exceptions may be granted only in justified circumstances, subject to prior approval by the competent authority.*

Justification: Defaulting to electronic communication enhances processing speed, reduces paper use, and improves data integrity. It also aligns with the EU's Digital Single Market strategy and broader paperless administration goals. Only allowing paper forms in exceptional cases keeps the process efficient and future-proof.

4.9. Add Optional Reference to DPP-Enabled Anti-Counterfeiting Measures in Annex I

Proposed amendment, Annex I – Section 13 (Goods distinctive features) and Section 20 (Infringing goods):

Add optional field:

- ***DPP-verifiable feature (e.g. hologram, NFC chip, QR code linked to IP profile):*** *A physical or digital marker embedded in or attached to the product or packaging, such as a QR code, NFC chip, hologram, or RFID tag, that links directly to the product's Digital Product Passport or an official intellectual property record.*

Justification: DPP-linked identifiers (such as serialized QR codes or embedded digital signatures) help customs verify product authenticity. Referencing these directly in the IPR application improves targeting and inspection capabilities. It also supports the integration of physical and digital enforcement measures against counterfeit goods.

4.10. Allow Customs to Accept IoT-Generated Data and eIDAS 2.0 Qualified eSeals

Proposed amendment, New Article 13b (or added under Article 2); Annex I – Sections 13, 18, 20, and 26 (Goods distinctive features, packages):

> *Customs authorities may accept data transmitted in structured machine-readable form via secure channels, including data originating from certified Internet of Things (IoT) devices and accompanied by qualified electronic seals (eSeals) compliant with Regulation (EU) 2024/1183 (eIDAS 2.0). Such data may include product identity, packaging metadata, shipment movements, or authenticity indicators.*

Justification: IoT devices are increasingly used to track product movement, tamper evidence, and packaging status. When paired with qualified eSeals under eIDAS 2.0, this data can offer trustworthy, tamper-proof evidence of goods' integrity and identity. Accepting such machine-generated data reduces the need for manual declarations, supports automation, and strengthens real-time customs enforcement capabilities.

5. Interoperability Ecosystem for EU Digital Trade and Customs Integration

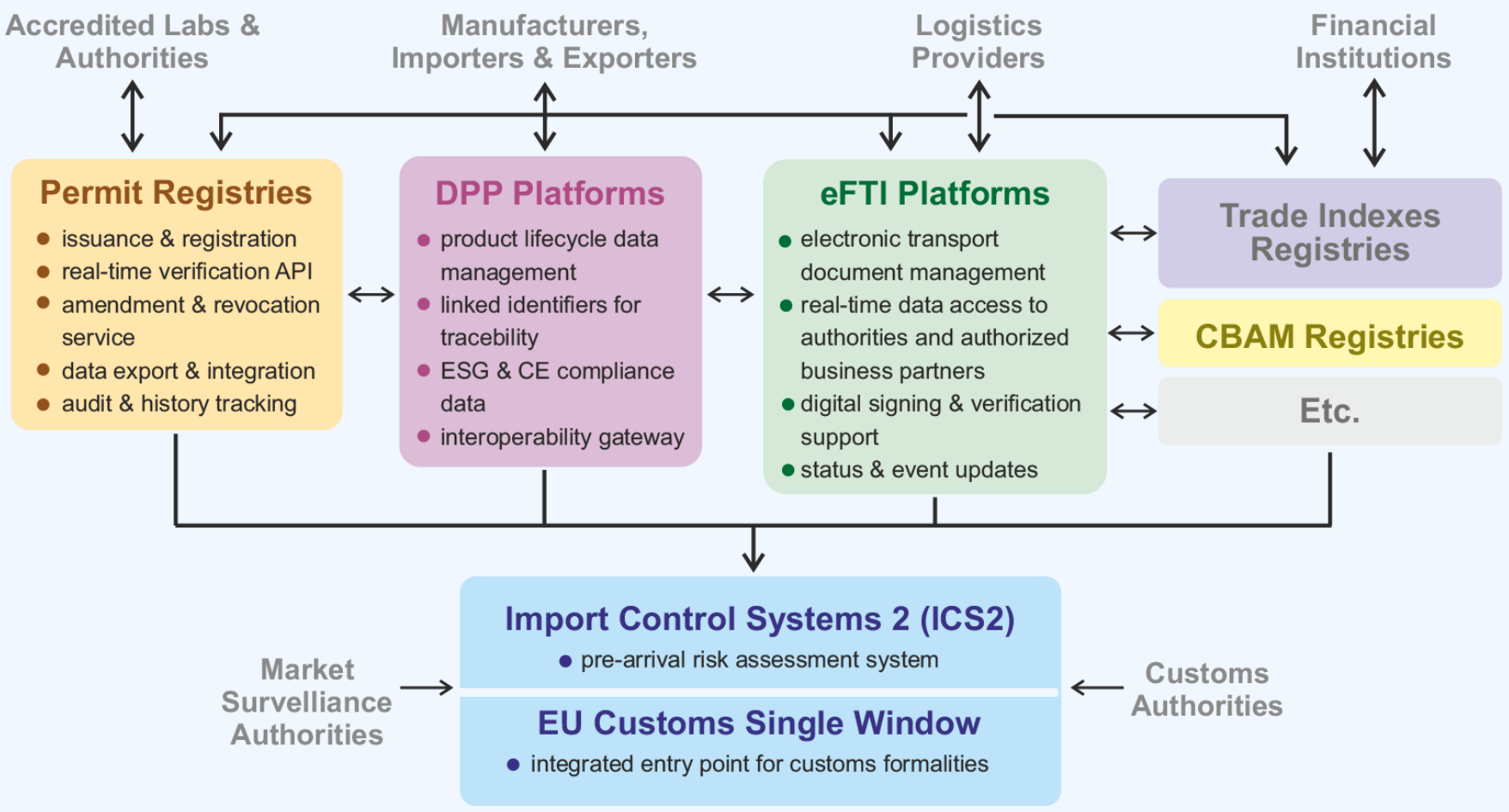

Figure 1. Vedler, R. This diagram illustrates the key platforms, data flows, and stakeholder interactions across the EU's digital trade and customs ecosystem. It highlights how manufacturers, logistics providers, and regulatory systems connect through structured data platforms—such as eFTI, Digital Product Passport, and EU Customs systems—while integrating with trusted external sources including TRACES, REACH-IT, EUDAMED, and digital identity services. All data exchange and processing within this ecosystem strictly adhere to the principles of the General ***Data Protection Regulation (GDPR)****, ensuring lawful, transparent, and purpose-limited handling of personal and sensitive data.*

5.1. Platform Functions and Trust Roles in the EU Digital Trade Ecosystem

#	platform	core function	key actors	interoperability role	trust features
1	**eFTI Platform**	Structures and exchanges electronic freight transport information in accordance with EU regulation.	Logistics providers, freight forwarders, customs brokers, software vendors	Connected to ICS2, Customs Single Window, DPP	Signing-enabled, eIDAS/vLEI, traceable submission logs
2	**DPP Platform**	Digitally represents product lifecycle data, compliance (CE, ESG), and traceability information.	Manufacturers, importers/exporters, ESG auditors, platform providers	Linked to eFTI, permit registries, eInvoicing, CBAM Registries, and customs declarations.	Verifiable ESG/CE data
3	**EU Customs Single Window**	Single EU-wide gateway for customs and regulatory documentation (incl. permits).	National customs authorities, inspection agencies	Receives data from eFTI, DPP, ICS2, CBAM Registries; pushes to national systems.	Integrated with risk analysis
4	**ICS2**	Performs pre-arrival cargo risk assessments using Entry Summary Declarations (ENS).	EU customs administrations, transport carriers, EU security agencies	Pulls eFTI/permit info	Real-time validation
5	**Permit Registries**	Hosts and validates official permits and certificates (e.g. veterinary, phytosanitary, chemical).	National competent authorities (e.g. TRACES, ECHA), EU agencies	Linked from DPP & eFTI	Real-time verifiability
-	**Business Wallet**	Decentralised environment for securely holding and sharing credentials and electronic documents (data sets) under user control.	Traders, SMEs, logistics operators, authorised representatives, identity providers	Interacts with all above	vLEI identity, eIDAS 2.0
6	**Trade Indexes Registry (TDR)**	Anchors and registers metadata (e.g. hashes, signatures, timestamps) of trade documents (e.g. eFTI, eBL, invoices), enabling full document traceability across platforms. Tracks document origin, versioning, and linkages without exposing content.	Registry operators (EU or delegated), customs, logistics integrators, financial institutions	Reference point for document verification and linking across eFTI, DPP, CBAM, and Customs SW.	Tamper-proof identifiers, issuer verification, MLETR compliance, supports traceable audit trails
7	**CBAM Registries**	Record and manage embedded carbon emissions data for imported goods subject to the EU Carbon Border Adjustment Mechanism. Provide CO_2 reporting, verification and certification infrastructure aligned with customs and sustainability frameworks.	Importers, customs authorities, national CBAM authorities, accredited CO_2 verifiers, ESG auditors	Linked with DPP for product-level emission data, Customs Single Window for compliance validation, and trade finance systems for tariff adjustments.	Verified emission declarations, EU-accredited verifier network, secure transmission to customs

6. Conclusion and Next Steps

We commend the Commission for taking the initiative to modernise IPR customs enforcement tools and strongly support the direction of the current draft. However, the context in which customs operate is changing rapidly, and there is a need to adopt a broader, more interoperable, and future-oriented framework that reflects both technological progress and legislative developments across the Union.

The ability to verify goods using IoT sensors, traceability tags, and DPP-linked identifiers will enable customs authorities to act faster and more effectively. The use of structured, verifiable data—authenticated via eIDAS 2.0 electronic signatures and eSeals—can transform the reliability and automation of enforcement workflows.

DigitalTrade4.EU remains fully available for ongoing consultation and technical engagement with the Commission. We can support the creation of implementation guidance, test model fields, and contribute to pilot environments in coordination with customs authorities and DPP or eFTI service providers. A technical annex could be developed in collaboration with stakeholders to ensure that all newly proposed fields, identifiers, and authentication mechanisms are operationalised in a harmonised way.

We further recommend that the Commission initiate a dedicated SME guidance stream and multilingual onboarding toolkit to accompany the new application process. This would help smaller companies engage with customs protection procedures and ensure that the benefits of stronger IPR enforcement are felt across the Single Market.

Ultimately, the revised Regulation should not only meet the legal obligations of Regulation (EU) No 608/2013, but also embody the strategic priorities of the European Union in building a digitally sovereign, resilient, and competitive economic area. We encourage the Commission to seize this opportunity to shape the future of IPR enforcement at the border through a modern, interoperable, and user-centric framework.

Appendix 1. EU Green-Digital Trade Leadership Roadmap (DigitalTrade4.EU, 2025)

#	activity	objective	indicative metrics	tools/enablers
1	EU-Singapore DTA & Expand DEPA Partnerships	Strengthen digital trade diplomacy in Asia through high-standard agreements.	- 5+ new digital trade agreements with key Asian partners (e.g., Japan, India, ASEAN) by 2030 - 15% increase in EU-Asia digital services trade by 2028	DEPA framework, EU-Singapore DTA, Global Gateway Initiative, eIDAS 2.0
2	Implement Digital Product Passports (DPPs)	Ensure traceable, sustainable supply chains aligned with EU Green Deal.	- 50% adoption of DPPs by 2030 - 20% reduction in supply-chain carbon intensity by 2030	EU Sustainable Products Initiative, CBAM incentives, UNECE Recommendation 49
3	Fund Secure Digital Corridors in Asia	Build interoperable digital infrastructure for EU-Asia trade.	- ~€2B allocated via NDICI-Global Europe - 10+ blockchain-based traceability pilots by 2027	NDICI-Global Europe, ASEAN digital customs systems, EU Customs Data Hub
4	Harmonize Digital Standards (MLETR/eIDAS 2.0)	Enable cross-border recognition of e-documents and digital identities.	- 90% mutual recognition of e-signatures by 2028 - 70% SME adoption of eIDAS wallets	MLETR framework, eIDAS 2.0, EU Transport Law updates, UN/UNECE protocols
5	Implement LEI and vLEI for Supply Chain Trust	Harmonise and simplify legal entity identification across borders	- 90% entity coverage with LEI by 2030; 50% vLEI use in customs and eFTI transactions	ISO 17442, vLEI, eIDAS 2.0, UNECE UID
6	Launch Green-Digital Trade Academy	Upskill SMEs and officials on DPPs and carbon accounting.	- 40% increase in SME participation by 2027 - 60% cost savings for SMEs	Erasmus+ grants, COSME programme, tiered compliance thresholds
7	Integrate ESG into Trade Finance	Link trade finance to sustainability metrics for cheaper capital access.	- €10B/year unlocked for green trade finance - 30% lower Scope 3 emissions by 2030	InvestEU guarantees, CSRD-aligned reporting, FinTech platforms
8	Enforce Platform Interoperability	Prevent vendor lock-in and empower SMEs.	- 100% compliance with CJEU rulings by 2026 - 50% reduction in platform dominance	Court of Justice of the European Union (CJEU) Case C-233/23, DEPA, eIDAS 2.0, Digital Markets Act (DMA)
9	Global Digitalisation Projects with EU Standards	Extend EU digital infrastructure and norms globally.	- 20+ co-funded projects by 2030 - 80% interoperability with EU systems	Digital Europe Programme, CEF funding, EU-Asia Digital Standards Taskforce
10	Advance UNECE Transparency Protocols	Globalize EU sustainability standards for supply chains.	- 100% alignment with UNECE Rec. 49 by 2028 - 30% reduction in greenwashing claims	UNECE CEFACT, W3C Verifiable Credentials, EU CBAM registry
11	Pilot CBAM-DPP Corridors	Link trade finance to verifiable ESG metrics for tariff incentives.	- 20% CBAM compliance cost reduction - 50% DPP adoption by 2030	IoT carbon trackers, CBAM rebate schemes, EU Customs Single Window

Table 2. The following EU Green-Digital Trade Leadership Roadmap demonstrates how the specific IPR enforcement improvements proposed in this document fit within DigitalTrade4.EU's broader vision for digital trade. Activities 4, 5, and 9 particularly support the implementation of the IPR enforcement recommendations by establishing the necessary digital infrastructure, standardization, and global interoperability that would enable the proposed customs enforcement mechanisms to function effectively across borders.