
Border control measures - New Zealand



A significant portion of counterfeit goods on sale in New Zealand are imported from overseas.

The best way to prevent such goods entering the New Zealand market is to lodge a Customs Notice with the New Zealand Customs Service.

A Customs Notice details your New Zealand registered trade marks and/or copyright and asks Customs to detain any goods infringing your trade mark or copyright rights.

Our observation is that New Zealand Customs are active in enforcing Customs Notices meaning these are useful tools for brand owners.

How to lodge a Customs Notice

To lodge a Customs Notice you need to provide Customs with the following:

- details of your trade mark or copyright rights,
- a NZ\$5,000 bond (this sits across all Customs Notices in your name),
- an indemnity authorising Customs to draw on the bond if required (we are not aware of any cases where the indemnity has been called on by Customs in recent times, if at all), and
- an authorisation of agent (if we are acting for you in lodging the Notice).

Details of the bond and the indemnity form can be found at: www.customs.govt.nz/news/utilities/Pages/copyright.aspx.

Detention of goods – process and time frames

Once a Customs Notice is in place, New Zealand Customs will detain any goods it suspects infringe the rights set out in the Notice.

Customs will then notify us of the detention and provide 10 working days (extendible to 20 working days) for us to commence legal proceedings against the importer. If proceedings are not commenced by the deadline (or the goods forfeited by the importer) the goods are released.

In the majority of cases the goods at issue are forfeited by the importer before the deadline and there is no need to commence legal proceedings.

Standing instructions

Given the short time frames involved, it is advisable to have processes in place around the following:

- what you want to be reported on (e.g. any volume or importer triggers),
- what steps you want taken automatically, if any (e.g. extend the deadline and/or send a cease and desist letter seeking forfeit), and
- provide us with guidelines to help us to determine whether the goods detained are likely to be infringing goods or parallel imported ones.

Life of a Customs Notice

A Customs Notice is renewable every five years, or at the same time as a relevant trade mark registration is due for renewal if it is during those five.

Costs and next steps

We don't charge to lodge Customs Notices for our clients. Costs relating to detained goods and the renewal of Notices are charged on a time basis.

If you are interested in lodging Customs Notices or wish to discuss the process further let us know.

Contact us



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