

Effective Date: 30 September 2025



COUNTERFEIT GOODS

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TABLE OF CONTENTS

| | | |
|----------|---------------------------------|----------|
| 1 | PURPOSE | 3 |
| 2 | POLICY STATEMENT | 3 |
| 3 | REFERENCES | 4 |
| 3.1 | Legislation | 4 |
| 3.2 | Cross References | 4 |
| 4 | DEFINITIONS AND ACRONYMS | 4 |

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1 PURPOSE

- a) The purpose of this document is to detail how Customs protects Intellectual Property Rights (IPR) on behalf of IPR Holders upon:
 - i) Obtaining approved registration status by submitting an IPR Registration application for prevention of counterfeit goods movement to Customs for such protection; and
 - ii) Providing an indemnity to the Commissioner against any liability that may be incurred pursuant to the detention in terms of the Act.
- b) Furthermore, this document describes the measures taken by Customs in protecting IPR, which includes the detention of suspected counterfeit goods, the seizure and disposal of confirmed counterfeit goods.

2 POLICY STATEMENT

- a) The IPR holder must submit an application to the IPR Coordinator, using SC-CC-28-A01, to:
 - i) Register with Customs for protection of their IPR against the importation and exportation of counterfeit goods;
 - ii) Deregister with Customs; or
 - iii) Change their representative and submit proof that the IPR holder has notified the existing representative (e.g. Attorney X) of the termination of their power of attorney and any other authority granted to act on behalf of the IPR holder.
- b) The IPR Holder is notified by email regarding the outcome of their application.
- c) Customs conducts physical inspection of the goods found to determine compliance with the Act or any other law in respect of such goods.
- d) Customs detains and seizes counterfeit or suspected counterfeit goods found during the physical inspection.
- e) Customs notifies the IPR Holder and the importer whenever counterfeit or suspected counterfeit goods have been detained or seized.
- f) The IPR Holder may approach and request Customs, using the Request for detention letter (SC-CC-28-A02), to detain or seize specific suspected counterfeit goods, which to their knowledge are being imported.
- g) The IPR Holder confirms, with an affidavit, if goods are found to be counterfeit within the period stipulated in SC-CC-01-A05, and whether they will take any legal action should the goods turn out to be counterfeit.
- h) Where the IPR Holder requires an extension to confirm whether the goods are counterfeit or not, he/she must apply for an extension using SC-CC-28-A03.
- i) The Customs Officer and the IPR Holder must sign the original inventory for the goods.
- j) The IPR holder moves the counterfeit goods to the counterfeit depot. For a list of counterfeit depots, visit the Department of Trade, Industry and Competition website.
- k) The IPR holder must make arrangements for the destruction of the counterfeit goods and request Customs to be present for the destruction, refer to Special and Extra Attendance - SC-CF-22.

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3 REFERENCES

3.1 Legislation

| TYPE OF REFERENCE | REFERENCE |
|---|--|
| Legislation and Rules administered by SARS: | Customs and Excise Act No. 91 of 1964: Sections 18(1A), 43, 88(1)(a), 90 and 113A |
| Other Legislation: | Counterfeit Goods Act No. 37 of 1997: Sections 1, 2, 4, 5, 8, 9 and 15 |
| International Instruments: | None |

3.2 Cross References

| DOCUMENT # | DOCUMENT TITLE |
|-------------|--|
| SC-CA-02 | Internal Administrative Appeal - External Policy |
| SC-CC-26 | Alternative Dispute Resolution – External Policy |
| SC-CF-22 | Special and Extra Attendance – External Policy |
| SC-CO-01-02 | Offences and Penalties - External Policy |

4 DEFINITIONS AND ACRONYMS

Link for centralised definitions and acronyms: [Glossary A-M | South African Revenue Service \(sars.gov.za\)](#)