



**Australian  
BORDER FORCE**

**For Official Use Only**

**Guide to lodging a  
Notice of Objection under the  
*Major Sporting Events  
(Indicia and Images)  
Protection Act 2014***

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## 1. Requirements to lodge a Notice of Objection under the Act

1.1. This guide provides information to assist owners and /or authorised importers of major sporting event indicia and images to complete the required information for a Notice of Objection (Notice) to be lodged with the Australian Border Force (ABF).

1.2. For a Notice of Objection to be registered, the following must be provided:

- A completed Major Sporting Events (Indicia and Images) Protection Act 2014 Notice of Objection – Section 23 form B1474,
- A letter of authorisation, if required (see section 4), and
- A completed *Major Sporting Events (Indicia and Images) Protection Act 2014 Security Under Section 25(3) - Deed of Undertaking* form (B1274).

**PLEASE NOTE: ORIGINAL DOCUMENTS ARE NO LONGER REQUIRED.**

## 2. Completing the *Major Sporting Events Protection Act 2014* Notice of Objection form (B1474)

2.1. Details for completing the Notice of Objection form B1474

2.1.1. Full name of the company lodging the Notice

- When completing the Notice, the name of the owner should be the full name of the company or individual who is claiming the indicia or image related to the major sporting event.
- When completing the Notice, the name of an exclusive licensee or authorised user should reflect the name that appears in the authorisation letter/s issued for the indicia or image related to the major sporting event owner.
- Completed documents should be emailed to [IPRights@abf.gov.au](mailto:IPRights@abf.gov.au).

2.1.2. Full address of the company lodging the Notice must match the address registered:

- Against the ABN with the Australian Taxation Office.

2.1.3. Indicate if the company lodging the Notice is the registered owner, or authorised user of the indicia and images related to the major sporting event being covered by the Notice:

- Place an X in the box/es which accurately reflects the ownership status of the indicia and images related to the major sporting event. The Notice may cover indicia and images the objector owns as well as indicia and images that they are authorised to use. In these instances both boxes should be selected.

2.1.4. Signature, title and full name of an appropriately authorised person on behalf of the company lodging the Notice:

- This may be the legal representative or company representative.

2.1.5. Details of the legal representative for the company lodging the Notice:

- Name of the company and contact name of the person to be notified by the ABF for any legal issues relating to the Notice. The address provided must be the physical address, not a Post Office Box number.
- Provide a current/valid email address.

2.1.6. Contact details for the person and company for any seizures made on behalf of the company lodging the Notice:

- Name of the company and contact name of the person that should be notified by the ABF of any seizures made.
- The address provided must be the physical address, not only a Post Office Box.
- Provide a current/valid email address.

2.1.7. Authorised importers:

- If there are businesses that are authorised importers of the goods incorporating the indicia and images covered under the Notice the details of these importers should be provided in a separate document. Be sure to include:
  - Name of the business
  - Street address
  - Phone number

This information will assist the ABF to target any alleged infringements on your behalf more effectively.



**Australian  
BORDER FORCE**

**Major Sporting Events (Indicia and Images) Protection Act 2014  
Notice of Objection - Section 23**

**To: Australian Border Force  
PO Box 25  
BELCONNEN ACT 2616**

**Attention: Intellectual Property Rights**

Please open this form using Adobe Acrobat Reader. Either type in the fields provided or print this form and complete it using a pen and BLOCK LETTERS.  
Tick where applicable

Full name of person or company	
Address	
Event Name	Protection Period (for office use only)

*(tick applicable)* Official User under *Major Sporting Events (Indicia and Images) Protection Act 2014* (the Act), being

the Authorising Body,

another Event Body\*, or

an Authorised Person, with the required consent to give this Notice

of certain Indicia and Images described in the schedule overleaf hereby notify you, pursuant to subsection 23(1) of the Act, that I object to the importation of the Indicia and Images without my authorisation and request that you seize any such goods and cause action to be taken under the Act.

*\*(Note: Please indicate whether you are lodging this Notice either in your capacity as an Event Body, or as an Authorised Person)*

Signature	Title/Position
Printed Name	Date / /20
<b>Legal Representative</b> (provide person and company name)	Email
Address	Phone Number
<b>Contact for Seizures</b> (provide person's name)	Email (provide generic email if possible)
Address	Phone Number

**General Privacy Notice**

To object to the importation of goods, for which you or your organisation is the official user, the Australian Border Force may need to collect personal information in this form and on the accompanying Deed of Undertaking to ensure that your objection is suitably administered. If you do not provide your personal information in this form, the Australian Border Force may not be able to contact you should unauthorised goods bearing your protected Indicia or Images be imported. Information that you provide on this form will be provided to any designated owner(s) who import unauthorised goods, as well as other law enforcement agencies to assist with enforcing your Notice of Objection, as required. Some information you provide will also be published on the Australian Border Force website to publicly acknowledge acceptance of your Notice of Objection.

Your personal information will be collected, used, stored and disclosed by the Australian Border Force in accordance with the Australian Privacy Principles in Schedule 1 of the *Privacy Act 1988* (the Privacy Act). Further information regarding how the Australian Border Force handles personal information can be found in the Privacy Act available on the Australian Border Force website at [www.abf.gov.au](http://www.abf.gov.au).

For the Authorising Body or another Event Body only: List any Authorised Persons authorised to use some of the Indicia and Images, and indicate which Indicia and Images are subject to that authorisation.

Authorised person's name and ABN/Owners Code	Indicia and Images

### SCHEDULE

This list of Indicia and Images covered by this Notice may be provided by way of a catalogue or on an electronic medium subject to prior consultation with the Australian Border Force. This list must not extend beyond the Indicia and Images listed in the Event Schedule within the Act.

In all cases, to assist with the detection of infringing goods, additional material, where appropriate, can be annexed separately.

If the information on the Indicia and Images is not to be presented in the above form please set out hereunder all the information which fully identifies the Indicia and Images covered by this Notice.

### 3. Major Sporting Events (Indicia and Images) Schedule

3.1. The Schedule should be listed on page 2 of the Notice (B1474).

3.1.1. Information regarding the indicia and images to be covered by the Notice should be listed including a detailed description of the material.

### 4. Authorisation letter/s

4.1. For any indicia and images related to major sporting events that are not owned by the company lodging the Notice, a letter authorising the representative to file the Notice on the owner's behalf must be provided to the ABF. In some cases, this may require several letters from various indicia and image owners.

### 5. Completing the Security under Section 25(3) – Deed of Undertaking (B1274)

5.1. The company must provide a Security Under Section 25(3) – Deed of Undertaking form (B1274) (Deed). The Deed must be executed by the company lodging the Notice.

5.1.1. The Deed is a formal undertaking from the company acknowledging that they will pay any costs incurred by the ABF while enforcing the Notice of Objection.

5.1.2. Details for completing the Deed (B1274) (please refer to example on pages 8 and 9):

- the date the Deed is signed (executed),
- full name of the company providing the Deed, and
- full address of the company providing the Deed.

5.1.3. There are four options in which to execute the Deed:

- Option 1: If an individual is lodging the Notice of Objection and Deed (a natural person),
- Option 2: If the company lodging the Notice has a sole director who is also sole company secretary,
- Option 3: When the company lodging the Notice has two company directors or one company director or and one company secretary, or
- Option 4: When the company lodging the Notice has a common seal or the company is Proprietary Company with a seal and has a sole company secretary.

**NOTE:** Under Section 123 of the *Corporations Act 2001* (Cth) (the Act), a company may have a company seal (or common seal) to execute documents. The common seal is, in its physical manifestation, a rubber stamp carrying the words 'Common Seal' and the name and business number of the association or company.

5.1.4. All signatures must be witnessed.

- Persons witnessing the Deed of Undertaking cannot in any way be a party to or have any financial or other interest in the agreement except in the circumstance where the Deed is executed by a Proprietary Company with a common seal (option 4).

**NOTE:** If the signatory is not a company director or a company secretary, a letter of authorisation signed by an appropriately authorised person, must be provided stipulating who is nominated as Power of Attorney to sign on their behalf



**Australian  
BORDER FORCE**

*Major Sporting Events (Indicia and Images) Protection Act 2014*

**SECURITY UNDER SECTION 25(3)  
– DEED OF UNDERTAKING**

Please open this form using Adobe Acrobat Reader.

Either type in the fields provided or print this form and complete it using a pen and BLOCK LETTERS.

For the event \_\_\_\_\_

**THE DEED IS MADE**

On the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

BY \_\_\_\_\_  
(Company)

Of \_\_\_\_\_ hereinafter referred to as the Undertaking Giver.  
(Address)

**Recital**

- A. The Undertaking Giver is the Authorising Body, or other Event Body, or Authorised Person for Indicia and Images for the above mentioned event.
- B. The Undertaking Giver has given to the Comptroller-General of Customs a written Notice, under s23 of the *Major Sporting Events (Indicia and Images) Protection Act 2014* (the Act), objecting to the importation of goods that are infringing goods in relation to this major sporting event.
- C. Pursuant to s25(3) of the Act, the Comptroller-General of Customs may decide not to seize goods unless the Objector has given a written Undertaking to repay the Commonwealth the expenses that may be incurred by the Commonwealth for seizing the goods.

**The Deed witnesses**

1. Where, after the date of the execution of this Deed, the Comptroller-General of Customs seizes goods pursuant to s25(1) of the Act, the Undertaking Giver undertakes upon demand to pay to the Commonwealth the expenses of seizing the goods.
2. The expenses of seizing the goods are the expenses that may be incurred by the Commonwealth if the goods were seized.
3. Any demand made under this Deed upon the Undertaking Giver shall be deemed to have been duly made if it is in writing and signed by the Comptroller-General of Customs, or a delegate, and sent by prepaid post as a letter to the Undertaking Giver, or their nominated legal representatives, or left by hand, at the address set forth in this Deed or at the address last notified to the Australian Border Force under clause 5 of this Deed. Any such demand sent by prepaid post shall be deemed to have been received by the Undertaking Giver, at the time when such demand could in the ordinary course of post have been delivered.
4. An amount not paid under this Deed is a debt due by the Undertaking Giver to the Commonwealth and may be recovered by an action taken in a court of competent jurisdiction pursuant to s38 of the Act.
5. If there is an alteration to the name or address of the Undertaking Giver or their nominated legal representative, or the Undertaking Giver ceases to carry on business then the Undertaking Giver shall give to the Australian Border Force written notice of the fact within seven working days after the date on which the alteration or cessation takes place.
6. If the Undertaking Giver is a body corporate and there is an alteration to the ownership or control of the Undertaking Giver, then the Undertaking Giver shall give to the Australian Border Force written notice of the fact within seven working days after the date on which the alteration takes place.
7. A reference in this Deed to a provision of the Act shall be read as a reference to that provision as in force from time to time.





## 6. Information on suspected infringing goods

6.1. If any information comes to hand which may assist the ABF to enforce the Notice (e.g. companies or individuals importing alleged infringing goods into Australia, including any particulars of shipments due to arrive), please complete the form B253 'Intellectual Property Commerce and labelling Referral Details' and email to [IPRights@abf.gov.au](mailto:IPRights@abf.gov.au).

6.2. To access the B253 form, use this link: [Form B253](#)

## 7. Additional assistance

7.1. If you require assistance or information regarding the lodgement of Notices, please contact the IPRights team at [IPRights@abf.gov.au](mailto:IPRights@abf.gov.au).