

COMMERCIAL

jmw
SOLICITORS

You are unique. Make sure you stay that way



Anti-Counterfeiting

IP Enforcement and Anti-Counterfeiting

The Problem

Counterfeiting is big business. According to the US Chamber of Commerce, counterfeiting costs the world economy an estimated \$650 billion per year. This problem has been growing and will only get worse with the increasing ease with which both goods and monies can be transferred around the globe. As a result, counterfeiting is now a greater threat to brands than market rivals. It is not just the cost to brand owners or the loss in sales due to the sale of counterfeit goods which concerns brand owners but also the more unquantifiable damage to their reputations. The trade in counterfeit versions of an exclusive item can threaten to destroy any kudos in the genuine item such that those who can afford to buy the genuine item will not buy it any more.

What can be done?

Counterfeiting has increasingly become a sophisticated international criminal activity. Goods are typically made in the far east and shipped on to western markets. Having an effective programme in place to deal with this trade is essential for any brand. The first line of defence will be the national customs authorities. By registering appropriate details with the relevant customs authority a brand owner can ensure a higher rate of interception of counterfeit goods before they are able to be distributed onto the market. It is also increasingly possible to deal with counterfeits at source, either for example by organising raids of factories in countries such as China or by cutting off the supply lines of the capital that funds these enterprises by dealing with the banks through whom counterfeiters pass their ill-gotten gains. Law enforcement authorities such as the Police and the Serious Organised Crime Agency also have their part to play.

Working in conjunction with such authorities it is possible to ensure that the assets of counterfeiters are seized and in doing so this acts as far more of a deterrent than the possibility of imprisonment. Being a global problem the response has to be global. We have relationships with chosen law firms throughout the world in order to ensure a co-ordinated approach. Our aim is to ensure a cost-effective response for each client. Thus, where action can be taken through a law enforcement authority or other state entity which will be effective and save on costs, this will be the route which we will advise.

Intellectual Property Registration

Having the right intellectual property protection in terms of patents, trade marks and registered designs is critical in the fight against counterfeiters. As such, we regularly conduct intellectual property audits for clients in order to assess, on an international basis, those areas where further registrations are necessary.

For brand owners it is crucial that their intellectual property registrations are kept updated as their brand and product ranges evolve. If brand owners fail to do this they will find that counterfeiters will be quick to exploit such failures and the ability of brand owners to stop them will be severely curtailed.

Our clients are both UK and international brand owners. Our Intellectual Property department is headed by Roy Crozier, who has many years of experience in representing many of the world's largest brands with regard to anti-counterfeiting matters. **Roy can be contacted on: 0845 402 0001** or by email at: **roy.crozier@jmw.co.uk**