

2014 Update: Protect your brand and customers

Counterfeiting—the second oldest profession—is thousands of years old and still continues today to plague intellectual property rights (IPR) holders. Rather like that old fairground game whack-a-mole, each time an infringer is caught and whacked up pops another one.



IPR holders spend a vast amount on their products, only to find them copied by unscrupulous infringers. Statistics show that in 2012 alone EU Customs authorities seized no less than about 40 million individual fake articles valued at around €1 billion. More recently in October 2013 in just one city—Manchester—50 tonnes of dodgy items were detained, having a street value of around £2m.

Fortunately the EU is not resting on its laurels: as of 1 January 2014 the new Regulation 608/2013 with its extended powers offers even greater protection against counterfeit and pirated goods than did its now-repealed 2003 predecessor.

In a nutshell—

- ✓ There's a new procedure for small consignments (up to 2 kg.) of phony items. With the consent of the importer Customs can now destroy these without the IPR holder having to confirm the merchandise is counterfeit.
- ✓ Destruction of suspect goods will be much easier and, with the IPR holder's and importer's agreement, can be done without the time and expense of court action.
- ✓ As well as taking action against consignments of counterfeit or pirated products Customs can also act in cases involving trademarks and trade names confusingly similar with others.
- ✓ Early in 2015 Customs authorities in each EU member state will need to exchange information via a new centralised electronic database.

I have been assisting IPRs to protect their valuable rights since 2005: please feel free to contact me for further information.