

Counterfeiting

Counterfeiting is the practice of manufacturing goods and selling them under a trade mark without the trade mark owner's permission. Counterfeit goods are normally of a substandard quality and can easily become faulty, thereby damaging the brand owner's reputation.

An example of this can be children's car seats which may not provide adequate protection. Sadly, counterfeiting has been able to thrive in recent years, due to the rise of the internet, which has enabled counterfeiters to reach a wider consumer audience whilst maintaining anonymity. In some of the worst cases counterfeiting can help fund child labour, organised crime, money laundering and terrorism activities.

How can I prevent my products from being counterfeited?

Currently, the main prevention method many brand owners adopt is educating their consumers on how to spot a potential counterfeited product. Awareness is key in the fight against fakes and most brand owners encourage their consumers to check for the quality and consistency of a product. Many brand owners advise consumers to avoid products with prices that seem uncharacteristically low.

Technology brand Apple Inc. lists the exact trade marks it has registered on its website, so that consumers can familiarise themselves with the particular fonts and terms used.

What about forged tickets to events?

In addition to merchandise, counterfeit tickets can also be a real problem in the sporting industry. The rise of technology allows forgeries to look increasingly like the real thing. To help try and prevent this, it is recommended that tickets contain a significant level of detail, such as watermarks, micro-printing, holograms, magnetic strips, microscopic tags or infrared inks.

An example of these methods in action can be seen in the USA by the Major League Baseball (MLB), where all tickets to games are issued with a hologram and a unique code that is scanned through a computer. The Premier League website also lists all the websites which they know that sell fake tickets and merchandise, so fans can check the legitimacy of the website before they buy.

It is also worth noting that using a paperless system can also make it harder for tickets to be counterfeited. This can be achieved by ensuring that ticket purchasers present a credit card or ID to gain entry into an event, as seen in the USA at the 2013 National Collegiate Athletic Association (NCAA) Men's American Football Finals.

Are there any legal measures in place to prevent this?

Yes, counterfeiting is illegal and, as such, there are a number of laws in place to help brand owners protect their products. Launched on the 12 September 2013, the UK's first specialist police unit for intellectual property crime (known as PIPCU) often deals with cases of counterfeiting and forgery. Not only do they offer advice to consumers on avoiding forged products, they also seek to collaborate and liaise with brand owners in order to clamp down on counterfeiting in the UK. Furthermore, from 1 January 2014, new regulations came into force. Customs are given the authority to destroy small arrivals of counterfeit goods (up to three items or less than 2kg in weight) without seeking the brand owner's permission. Although brand owners can opt out of this scheme, it can prove very useful for those who struggle to keep track of small consignments of counterfeit goods entering the country.

What should I do if someone has counterfeited my products?

While preventative methods can strongly limit forgeries, it is also important to have a set of systems in place in case counterfeit products are still being sold. We can assist you in setting up strategic solutions for tackling these issues. Having trade marks registered and recorded with local customs offices is vital in this respect. Once proven that you have a legitimate claim that your products have been counterfeited, you may be eligible to conduct raids in collaboration with local authorities and seize fake products. We can advise you in filing civil actions against those responsible.