

Anti-Counterfeiting Group

Counterfeiting and piracy are major global concerns, costing brand owners up to an estimated \$600 billion annually. The presence of counterfeit goods in the local market not only impacts on sales of genuine goods but can also significantly damage the reputation of a brand, particularly if it becomes associated with poor quality imitation products.

In 2009 alone the Australian Customs Service (Customs) seized a total of 906,527 counterfeit products in 3,775 shipments, with an estimated retail value of \$37 million. Despite the best efforts of Customs, large quantities of counterfeit and pirated goods are imported into Australia and sold on the local market each year.

However, due to Australia's well developed intellectual property protection and enforcement regime, brand owners in Australia are well placed to take effective action against counterfeiting at a local level.

Griffith Hack has a dedicated anti-counterfeiting team with extensive experience in acting for brand owners against counterfeiters and importers and distributors of counterfeit goods. Our team works with a wide network of external law enforcement agencies to identify, prevent and, where necessary, initiate proceedings against counterfeiters and others involved in their operations.

Our expertise covers a broad range of industries including entertainment, automotive, high fashion, athletic apparel, footwear, accessories, sporting goods, cosmetics and beauty, toys, food and beverages and other fast moving consumer goods. Our team is backed up by international expertise from around the world, supporting major multinational companies to protect their branded products from counterfeiters.

Our services include:

- Developing and implementing anti-counterfeiting and anti-piracy strategies;
- Advising in relation to copyright, trade mark infringement, passing off and breaches of competition and consumer legislation;
- Working with Customs to stop counterfeit goods entering the Australian market, including lodging copyright and trade mark Notices of Objection, managing seizures and forfeitures of counterfeit goods by importers and providing training to Customs officers to recognise counterfeit copies of our clients' products;
- Managing enforcement campaigns for clients, including preparing and issuing letters of demand, obtaining written undertakings from infringers and organising the delivery up or destruction of counterfeit goods;
- Negotiating the payment of damages or an account of profits by infringers, where appropriate;
- Acting for brand owners in civil proceedings in the Federal Court of Australia against counterfeiters and importers and distributors of counterfeit goods;
- Applying to the Federal Court for Anton Piller orders (search and seizure orders) and organising and conducting search and seizure operations against suspected counterfeiters;
- Advising in relation to the "grey area" of parallel imports.

Our recent achievements include:

- Successfully commencing and resolving ten separate Federal Court proceedings relating to the infringement of rights in a popular item of exercise equipment and achieving in excess of 60 out of court settlements, resulting in financial compensation of in excess of \$1.5 million and the destruction of more than 3,000 counterfeit products;

- Achieving a 100% forfeiture rate of goods seized by Customs for a large multinational brand owner; and
- Obtaining Anton Piller orders from the Federal Court and conducting a search and seizure operation against a suspected counterfeiter.

Key contacts

For more information, please contact one of our anti-counterfeiting experts:

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