

SNB - REACT

European Anti – Counterfeiting Network

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Summary

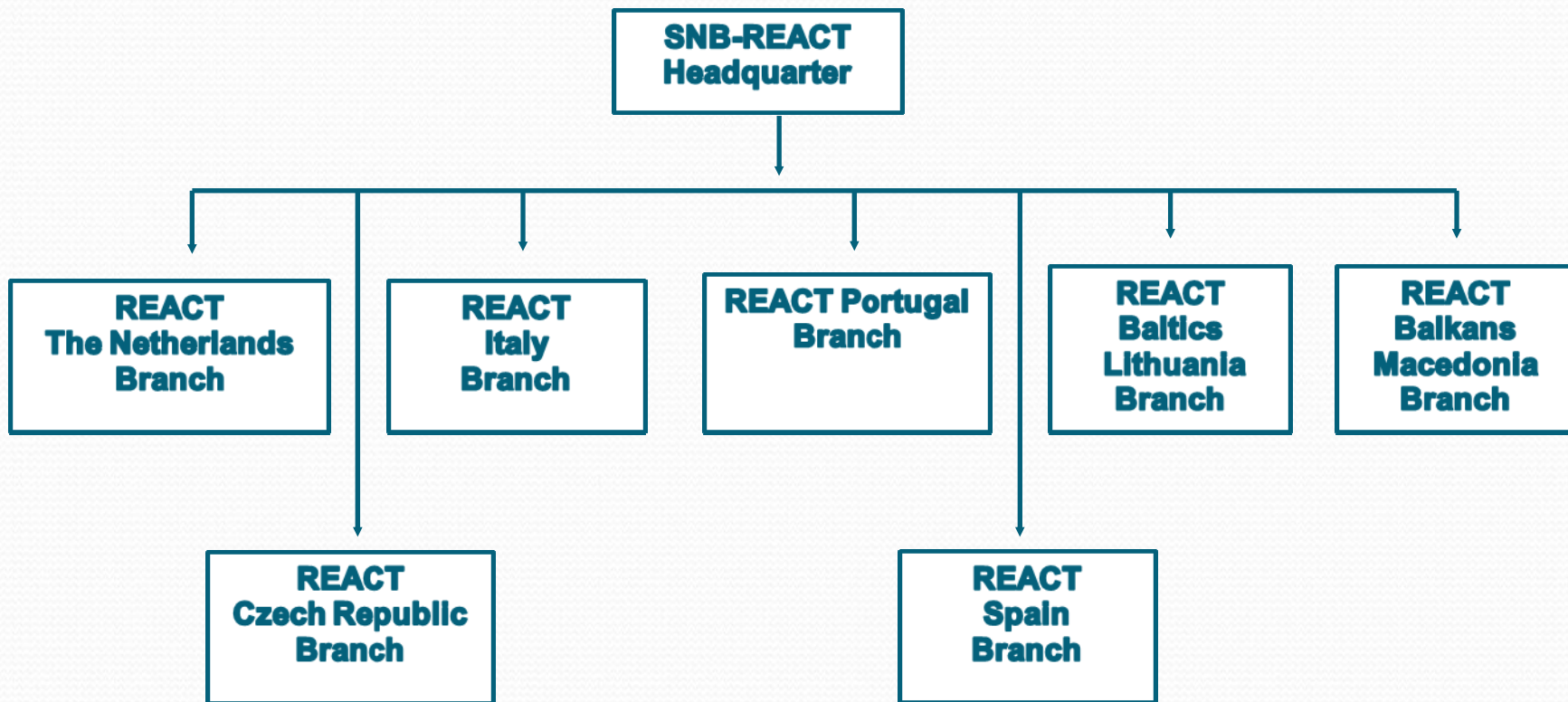
1. Foundation
2. Organigram (national units / partners)
3. General services provided and objectives
4. Lobby issues
5. Border enforcement
→ liability transporter
6. Market protection
→ liability landlord
7. Internet service provider
8. Members
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10. Operational activities
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Contact

1. Foundation

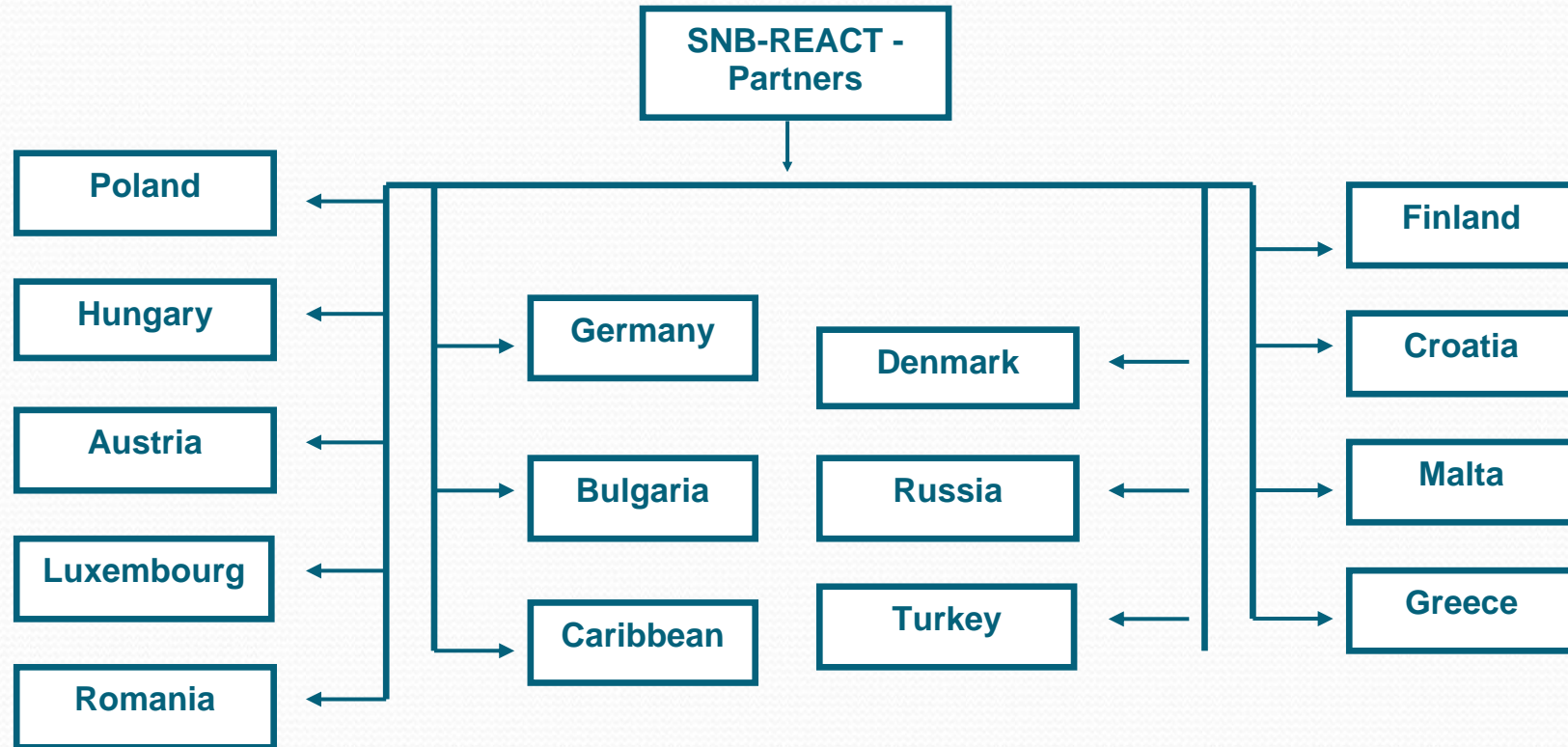
- **Dutch Anti-counterfeiting Group, now called SNB-REACT:**
- **Non profit coalition created in April 1991 at the initiative of the Amsterdam Chamber of Commerce**
- **Its objective is to actively fight the counterfeiting trade;**
- **With the support of the European Commission, React Italy was founded and in 2002 the two organizations merged into the business association SNB-REACT.**

2. National Units



React's anti-counterfeiting national units act by swiftly undertaking seizures on behalf of its member companies in order to protect their intellectual property rights.

2. Partners



SNB-REACT has partnership agreements with specialized intellectual property law firms, investigators and sister organizations, working together as part of an informal network operating under the name REACT.

3. SNB-REACT-operational

- Efficiency: to keep fees at low level
- Operate at non profit basis:
- Standard legal actions,
- Monitoring markets, event and The Internet
- Joint actions

3. SNB REACT

Training efforts:

- National training with enforcement
- Asia Pacific region
- Either as REACT or jointly with WIPO, UNECE or other intl. organisation

Technical assistance:

- digital camera's
- containers/ storage of counterfeits

4. Lobby issues

- Efficient border enforcement
 - Simplified procedures
 - Shift of liability to intermediaries:
- Efficient IPR protection on the market
- Disposal of counterfeit goods

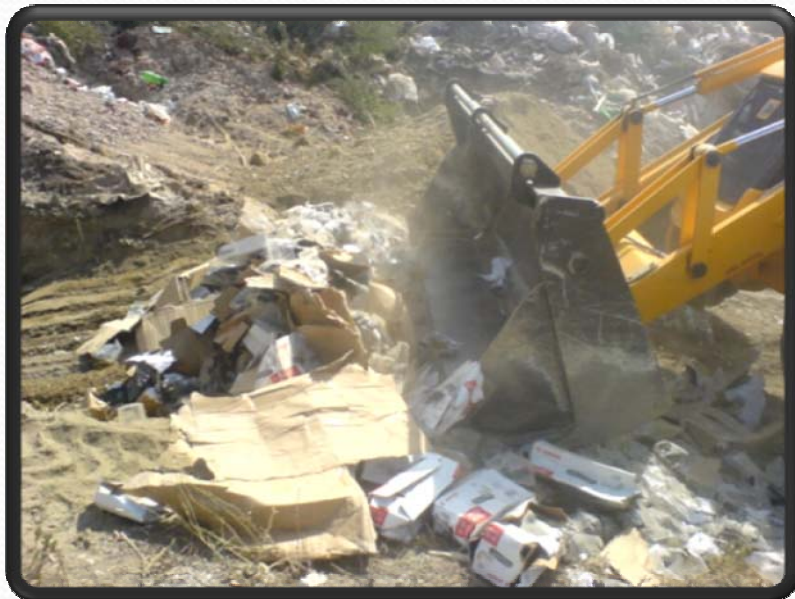
5. Border Enforcement

- Border enforcement: most important tool to prevent the circulation of counterfeited goods
- Has to be a quick and simple procedure
- Right Owner submits a Customs Application
 - Should be less formal (POA not notarized and apostle in all countries separately); they sign indemnity letter anyhow

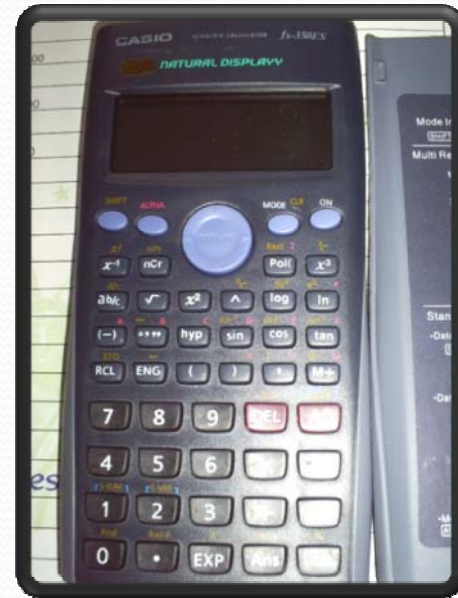
5. Border Enforcement

- Simple: counterfeit goods =infringement
- Therefore long court procedures should be avoided!!
- Why go to court; counterpart rarely challenges counterfeit nature
- Effect: more costs, legal, storage...a.o.
- **For budgetary reasons, right owners drop cases when they are long and costly**

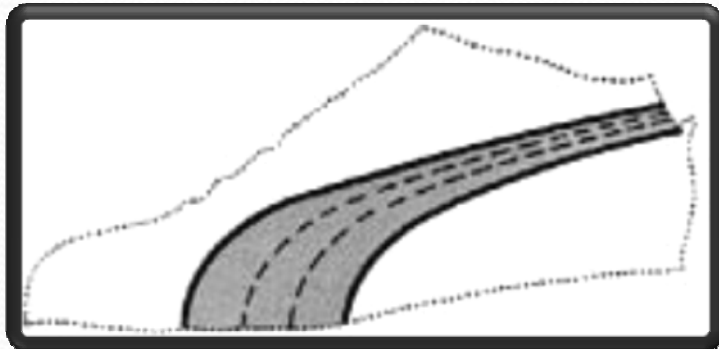
Destruction of fake goods



Example of counterfeits



Infringement of trademarks



WIPO TM no. 426712



WIPO TM no. 730835

Liability Transporter

- Vital role – movement of counterfeit
- Targets:
 1. Impose costs on the shipper/consignor
 2. Immediate surrender of goods/documents
 3. Pro-active approach with obvious infringing consignments

Liability Transporter

- Costs / Surrendering
- TRIPS – infringer liable for costs
- Anti Piracy Regulation 2003/1383 – unclear wording right holders pay for the costs; will be repaired in the future
- In absence of infringer – costs should stay in contractual chain (confirmed by Dutch Summary Judge (China Shipping 22 august 2006))

Liability Transporter

- Carriers – General Freight Conditions:

1. Do not transport counterfeit
2. Right to surrender counterfeit goods
3. Shipper liable for damages

Liability Transporter

- Pro -active approach
- Bill of lading – general obligation to inspect goods
- Actual obligation to check when shipper is notorious for sending counterfeit goods – risk analysis

Liability Transporter

- To achieve our targets:
 - Promoting with organizations the amendment of freight conditions
 - Lobbying for better legal conditions on costs
 - If the right case comes up – legal proceedings

6. IPR Protection on the market

Approach depends on national legislation:

- Market inspection
 - Economic police
 - Ministry of Finance (Revenue's)
 - Ministry of Health (Consumer Protection)
 - Custom officers (!)
-
- Important: the infringing goods are seized and destroyed

Liability landlords

- Landlords of markets / fairs
- Responsible for their tenants when informed about illegal activities
- Base EU Enforcement Directive

Liability landlords

- Targets:
 1. Inclusion in general condition/lease agreement
explicit prohibition of trade in counterfeit
 2. Disclosure of traders details
 3. Pro-active approach towards obvious
infringements

7. Internet Service Providers

- Internet: perfect platform
- Targets
 1. Immediate removal
 2. Disclosure of personal data
 3. Pro-active approach

8. Members

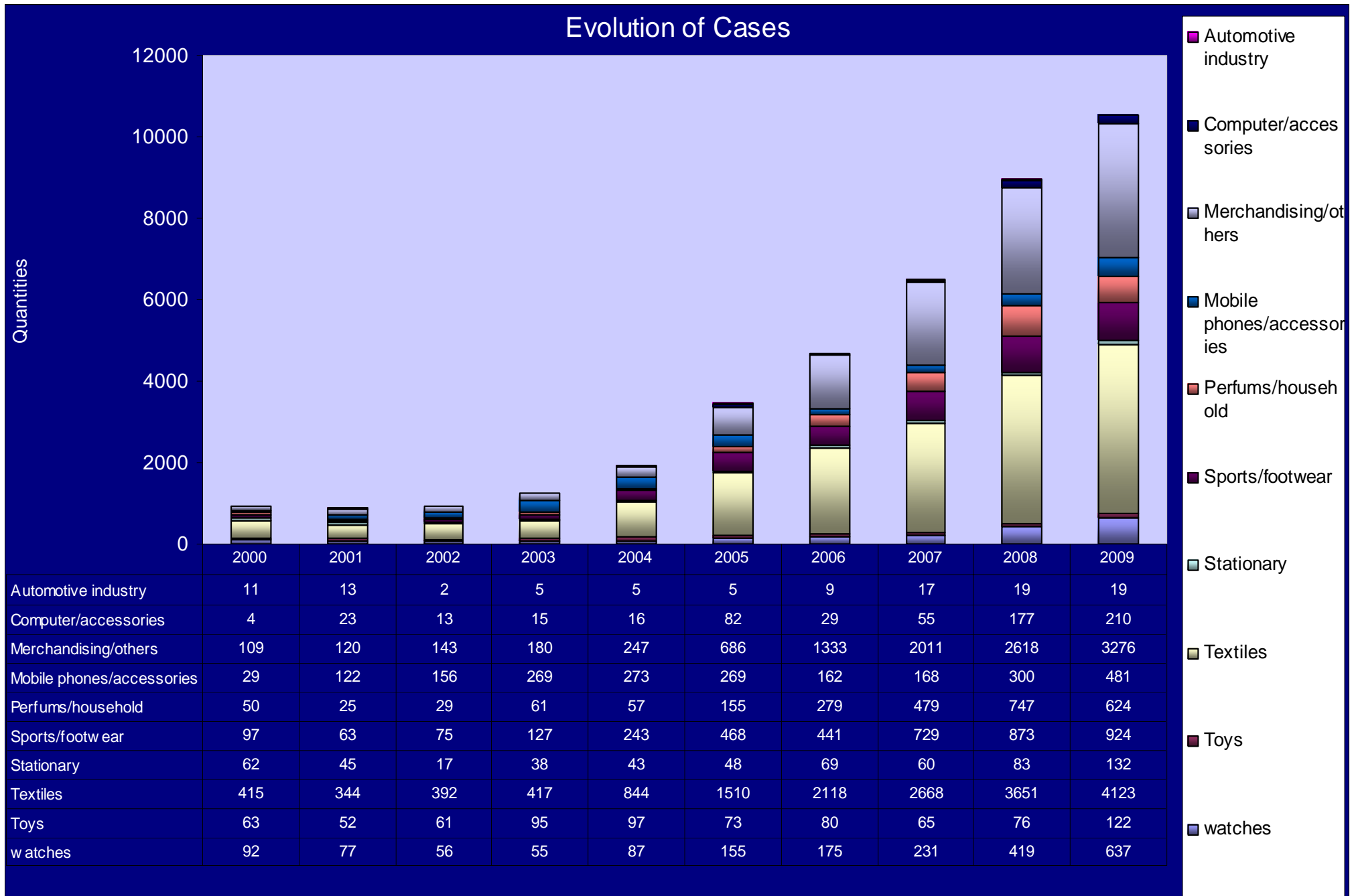
A●All activity sectors :

- (fashion, sports, car/moto, technology, toys, health, spirits, video/audio, Tobacco, Cosmetics, merchandising, shoes, football, etc)

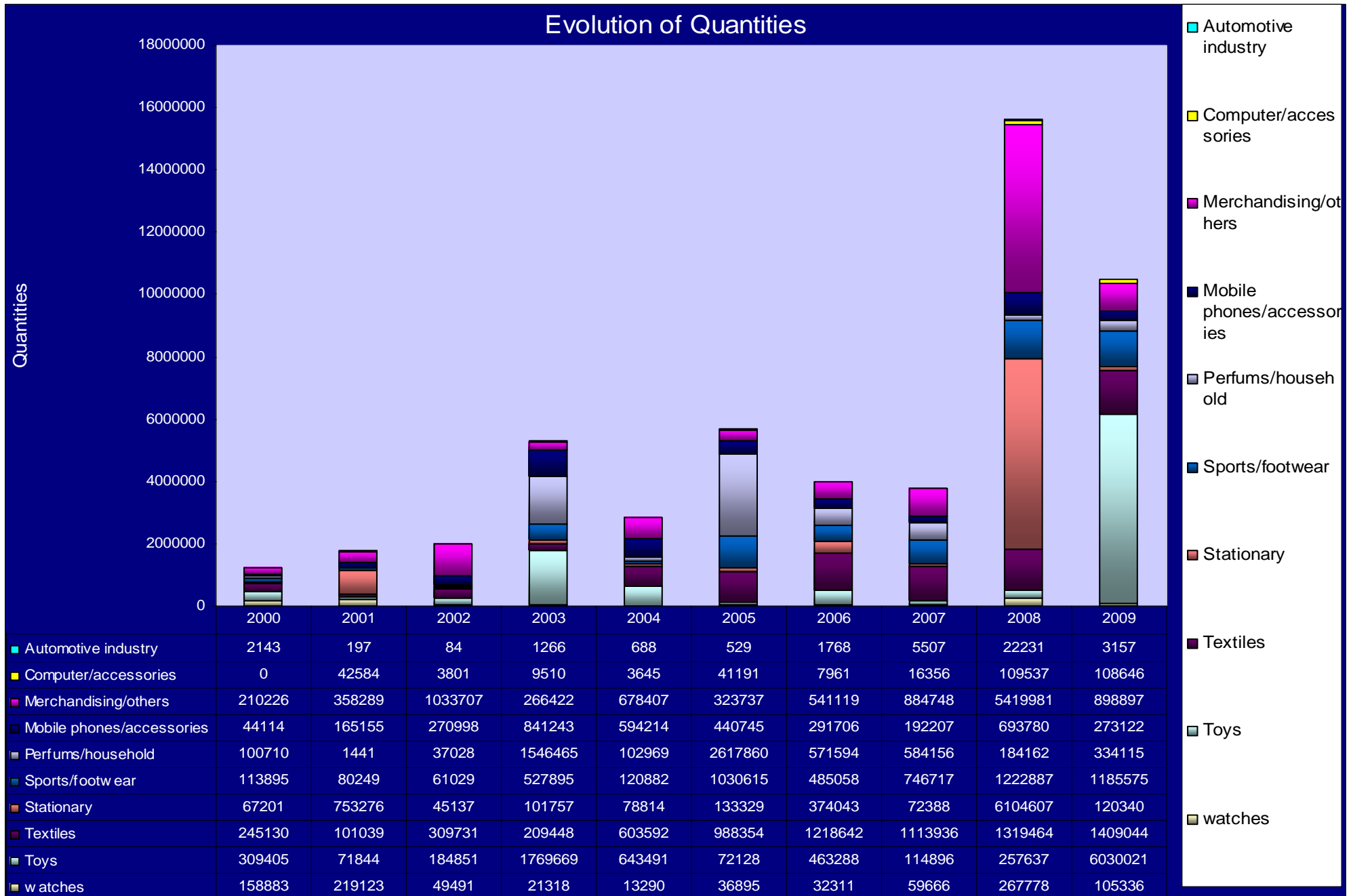
1●160 members

M●membership : requires enforceable rights.

9. Figures (Cases)



9. Figures (Quantities)



10. Operational activities

- Follow up notification enforcement officers
- Legal actions: civil, criminal
- Investigations
- Monitoring of markets, fairs
- Monitoring of the Internet
- Storage, destruction of goods

11. CONCLUSION

- Work on legislation
- Strengthening the system
- Offer more assistance in the area to the authorities
 - Practical with enforcement
 - Training, storage, destruction eo
 - Legislation



Thank you for your attention

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