

Public-Private partnership and customs enforcement

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SNB-REACT

SNB-REACT

- Non-profit coalition
- Objective - to actively fight counterfeit trade on behalf of its members
- Europe wide operational support to 175 members
- Over 1.000 actions per month
- National representation

Network

- Offices in Amsterdam, Duren, Milan, Lisbon, Vilnius, Prague, Skopje, Madrid and Istanbul
- Agencies and partners in all other EU, FYR countries, Russia, Caribbean, Maghreb
- Continuously working on extension
- Internet Monitoring team operating worldwide

Aim and strategy

- Efficient and effective
- Operational level
- Available package of legal and practical services to member
- Burden of costs to infringing party, incl. shippers, landlords, internet service providers

Activities

- Customs enforcement - applications for actions, response 24/7
- Market control in co-operation with law enforcement agencies
- Market monitoring and investigations
- Internet Monitoring
- Storage and destruction/recycling
- Trainings

Challenges Rights holders

- IPR enforcement costs intensive
 - registration rights
 - legal actions for enforcement: civil-criminal
 - engage special services
 - employ brand protection management
- **Heavy burden: next to losses and reputation damage**

Issues

- Application for protection
- Identification and communication with business
- Follow-up procedure
- Storage and destruction

Customs provisions

System must contain:

- Simple application procedure
- Provide LEA with necessary powers to intervene
- Allow LEA and rightsholder to communicate swiftly
- leave room for out of court settlement/destruction
- Impose costs on infringer: directly or indirectly
- safeguard customs from costs

Scope of customs provisions

- – Transit
- – individual consignments
- – post consignments
- – ex-officio powers customs

Application for protection

- Validity - 1 year
- Area – one, several or all EU countries
- Liability – indemnity letter
- Formal requirements (notarisations, legalisations, etc.)
- Electronic applications on line
- Also by foreigners

Identification and communication

- 24/7 response to customs enquiries
- Exchange of information – immediate information to declarant and applicant
- Technical support and training
- Access to SNB-REACT online brand identification database

Follow-up

- Civil/criminal/administrative case vs. simplified procedure
- Requirement of court proceedings
- Definitely not going to work!
- What when counterpart agrees
- Or not responds
- Who liable for cost

Storage – destruction

- Major issue
- Warehouses piling out – waste issue ..
- The Netherlands: system runs well
- After id to SNB REACT warehouse at expense intermediary
- Workshops dismantle and offer to industry
- Waive costs on infringer
- Advantages: minimal costs, infringers often pay, LEA no costs, re-use of resources

Conclusions

- Fighting counterfeiting is costly
- Frustrating for rights owners and LEA
- Seeking regress with simplified proceedings
- Each legal system find balance civil-public
- When LEA intervenes and what to manage by private parties
- What powers are needed for that