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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11. Conclusion
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.
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 int'l. 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. 730835

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)

### Evolution of Cases

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</table>
| Watches | 92   | 77   | 56   | 55   | 87   | 155  | 175  | 231  | 419  | 637  

### Quantities

- **Automotive industry**
- **Computer/accessories**
- **Merchandising/others**
- **Mobile phones/accessories**
- **Perfums/household**
- **Sports/footwear**
- **Stationary**
- **Textiles**
- **Toys**
- **Watches**
9. Figures (Quantities)

![Graph showing the evolution of quantities for various categories](image)

- **Automotive industry**
  - 2000: 2143
  - 2009: 3157

- **Computer/accessories**
  - 2000: 0
  - 2009: 108646

- **Merchandising/others**
  - 2000: 210226
  - 2009: 895957

- **Mobile phones/accessories**
  - 2000: 44114
  - 2009: 273122

- **Perfums/household**
  - 2000: 100710
  - 2009: 334115

- **Sports/footwear**
  - 2000: 113895
  - 2009: 1185575

- **Stationary**
  - 2000: 67201
  - 2009: 6104607

- **Textiles**
  - 2000: 245130
  - 2009: 1409044

- **Toys**
  - 2000: 309405
  - 2009: 6030021

- **watches**
  - 2000: 158883
  - 2009: 105336
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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