

COUNTERFEITING AND PIRACY

Counterfeiting and piracy are a world-wide threat for the competitiveness of innovative industries, the livelihoods of creative artists and workers, and the health and safety of consumers. All sectors of the economy are concerned by this plague since counterfeiters no longer focus on products with a high added value, but also on basic consumer products such as tea, toothpaste, condoms, shoes, brake pads...

GEVERS has a reliable team in the fight against counterfeiting and piracy that is in close contact with Brussels based institutions such as the European Commission and the World Customs Organization. Following the projects and regulatory work of these organizations, the Anti-counterfeiting Team has also established good relationships with the different customs and police authorities in the Benelux and strengthened their relationship with customs authorities throughout the European Community and beyond. Training seminars are regularly organized in order to familiarize the law enforcement authorities with trade marks that enjoy border protection.

ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS THROUGH BORDER MEASURES

Border measures are a very important tool in the fight against counterfeiting and piracy, as they allow right-holders to take action against infringing products at the borders of the European Union and thus before such products are distributed on the market.

Under EC Regulation 1383/2003 customs authorities are entitled to suspend the release into free circulation of products presumably infringing an intellectual property right in order to allow the right-holder to initiate an action determining whether an intellectual property right has been infringed or to resolve the matter under the "Simplified Procedure".

For customs to work in the best conditions, it is recommended that right-holders file an **application for action**. This application for action should include information such as the intellectual property rights claimed, an accurate technical description of products, contact details and, insofar as known, indications on the type or pattern of fraud. No tax or bond is due for filing of the application for action. Furthermore, the owner of a 'Community right', such as a Community Trade Mark or a Community Design, can file one single application for action valid in all Member States of the EU.

GEVERS directly represents clients in border measure matters and highly recommends the filing of this application for action. We prepare the application, complete the necessary administrative steps and compile information material for customs administrations. Upon request, we also take care of storage, destruction or recycling of infringing products.



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THE “SIMPLIFIED PROCEDURE”

Since October 1, 2007 the Belgian legislation incorporates the alternatives offered by the EC Regulation 1383/2003, i.e. the voluntary surrender and destruction of infringing products (with or without financial compensation), and the so-called “Simplified Procedure”. Pursuant to this “Simplified Procedure” customs may presume that the declarant, the holder or the owner of the infringing products agrees to their destruction unless they specifically oppose the same within the prescribed period.

GEVERS recommends using the alternatives offered by the EC regulation as these are efficient, fairly inexpensive and merely administrative procedures which enable right holders also to seize and destroy small quantities of infringing products.

GEVERS

The main objective of GEVERS is the development of your innovation, by activating and enhancing your intellectual property rights. The integrated group we work in offers flexible services throughout the whole process, from innovation to valorisation.

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