



Anti-Counterfeiting in China

Counterfeiting in China: Combating Effectively and Sustainably

Product and brand piracy continues to grow - quantitatively and qualitatively. The number of cases is on the rise and the theft of intellectual property by Chinese companies is becoming increasingly intelligent. Chinese counterfeiters and imitators now have a very good understanding of IP, and their strategies are becoming more refined. The spectrum ranges from circumventing patents, aggressively exploiting legal loopholes and forging certificates through to building a Great Wall of Patents in order to block foreign competitors.

The following Trends are currently visible:

- Digitalization: massive increase in the distribution of counterfeits via Internet
- Globalization: counterfeiters are targeting wholesalers worldwide
- Atomization: splitting of the market into numerous small manufacturers
- Growing demand: customers deliberately exchange expensive originals for cheap copies of good quality
- IP push: IP rights are used as competitive weapon
- Diversion: strong growth of gray markets/parallel imports

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Undercover Investigations on Site:

- Engagement of own ACF business detectives
- Methods: sham business, undercover interviews, surveillance in target companies, screening of employees, monitoring of communication
- Trade fair monitoring

Securing Evidence:

- Obtaining documents
- Collecting photos and videos
- Recording of statements
- Purchase and analysis of counterfeit products
- Notarization of evidence

Legal Actions:*

- Warning letters directed to counterfeiters, traders and buyers
- Deletion of counterfeiters' websites
- Cutting off distribution channels
- Raids (AIC/TSB/PSB)
- Opposition and cancellation proceedings, administrative proceedings (AIC/SAIC)
- Civil and criminal proceedings including compensation
- Management of proceedings, lobbying
- Litigation on the basis of unfair competition
- Application and enforcement of Well-known trademark status
- ACF-public relations in China

Set-up of ACF Systems:

- Creation of ACF-strategies
- Planning of relevant measures
- Implementation of ACF-instruments
- ACF-budgeting and controlling
- Development of case databases

FAST FACTS

Product Piracy Study 2020

*Product piracy causes **billions in damage** to German companies every year - and the trend is on the rise. The number of companies affected is also steadily increasing. **Three out of four companies** surveyed stated that they were victims of product piracy.*

CONTACT

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