

Logistical and operational challenges in fighting piracy



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Intellectual Property, International

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Fighting piracy

Given trademarks' undeniable importance to their owners, investments to protect them are understandable. Any damage to a trademark's image could ruin a reputation built over several years.

There are several ways in which trademarks can lose their power, the most malicious of which is unauthorised use by third parties, known as 'piracy'. Fighting piracy is challenging and requires significant effort from trademark owners. Various phases are involved, including:

- alerting consumers to the problem;
- identifying violators;
- mobilising competent authorities; and
- putting a plan into action effectively.

Fighting piracy requires integrated actions. It is impossible to measure the importance of each step individually.

Professionals who dedicate themselves to fighting piracy must face numerous difficulties, including:

- legal challenges in police stations, courts and federal revenue departments; and
- logistical and operational barriers.

Retrieving counterfeit products

Logistics

Once parties have identified counterfeit products and the violators and chosen an appropriate legal strategy, they must prevent the products from getting into the hands of consumers.

In this regard, parties should identify the amount and location of the counterfeit products and establish whether they are in a public place (eg, a store, shopping mall or street market) or a private place (eg, a factory or warehouse). Parties should also analyse the locations' surroundings, either in person or using satellite images, to estimate the size of the location and the estimated amount of counterfeit products.

Based on this information, parties should define how many people will participate in the operation to recover the products. There must be sufficient manpower to separate and transport the goods. Once the goods are located and the seizure effected, the goods should be removed as quickly as possible. Therefore, parties should ensure that a transport vehicle is ready nearby. Parties should also establish the products' destination (ie, the place at which they will be stored safely until the process is finished).

Documentation

Parties must also complete the documentation that formalises a seizure, which must include:

- a detailed description of the products found;
- the respective quantities of the products found;
- pictures of the goods and the seizure; and
- any notes relating to possible incidents.

Safety

Parties must guarantee police presence during the entire operation to ensure the safety of the professionals involved. If this is impossible, parties may hire private security guards to perform this function.

Wellbeing

An operation may last a whole day. Therefore, parties should adopt measures relating to the involved professionals' wellbeing, including the provision of:

- comfortable attire;
- adequate safety equipment;
- proper nourishment; and
- hydration.

Professional competence

Equally as important as all of the aforementioned measures and precautions is the professionals' competence. Experienced and qualified professionals should:

- be able to remain calm when faced with stressful situations;
- be skilled enough to improvise different strategies in case of sudden changes in plans; and
- have integrity, as they may be offered corrupt deals when performing such tasks.

Further, professional experience can offer knowledge, versatility, resilience, coldness and various other qualities that no university, article, course or lecture can teach.

For further information on this topic please contact David Fernando Rodrigues at Montauray Pimenta, Machado & Vieira de Mello by telephone (+55 21 2524 0510) or email (david.rodrigues@montauray.com.br). The Montauray Pimenta, Machado & Vieira de Mello website can be accessed at www.montauray.com.br.

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David Fernando Rodrigues