

International IP SME Helpdesks

@ Torino Fashion Match

Federica De Curtis

Stakeholders Manager

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INTELLECTUAL PROPERTY ADVICE FOR YOUR BUSINESS



Six EU-funded helpdesks offer free resources to your small or medium-sized business to help you manage your intellectual property.

<https://ec.europa.eu/ip-helpdesk>

Our services

- **Helpline**
- **Training & Events**
- **Publications**
- **Website**
- **Ambassadors**



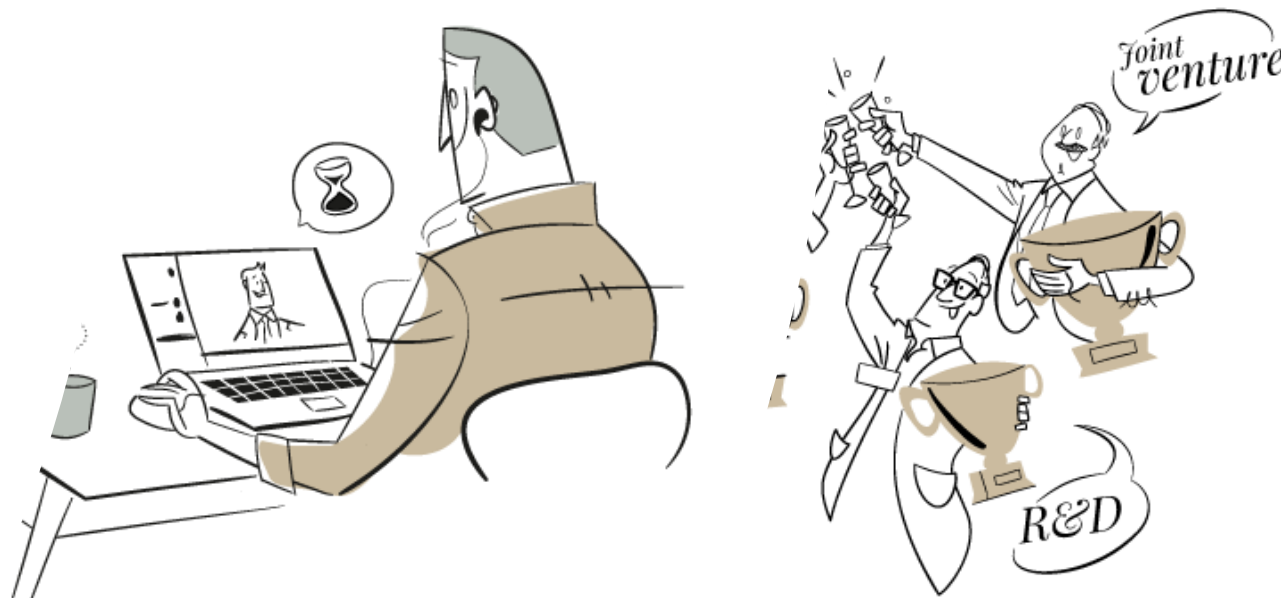
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1 Free of charge

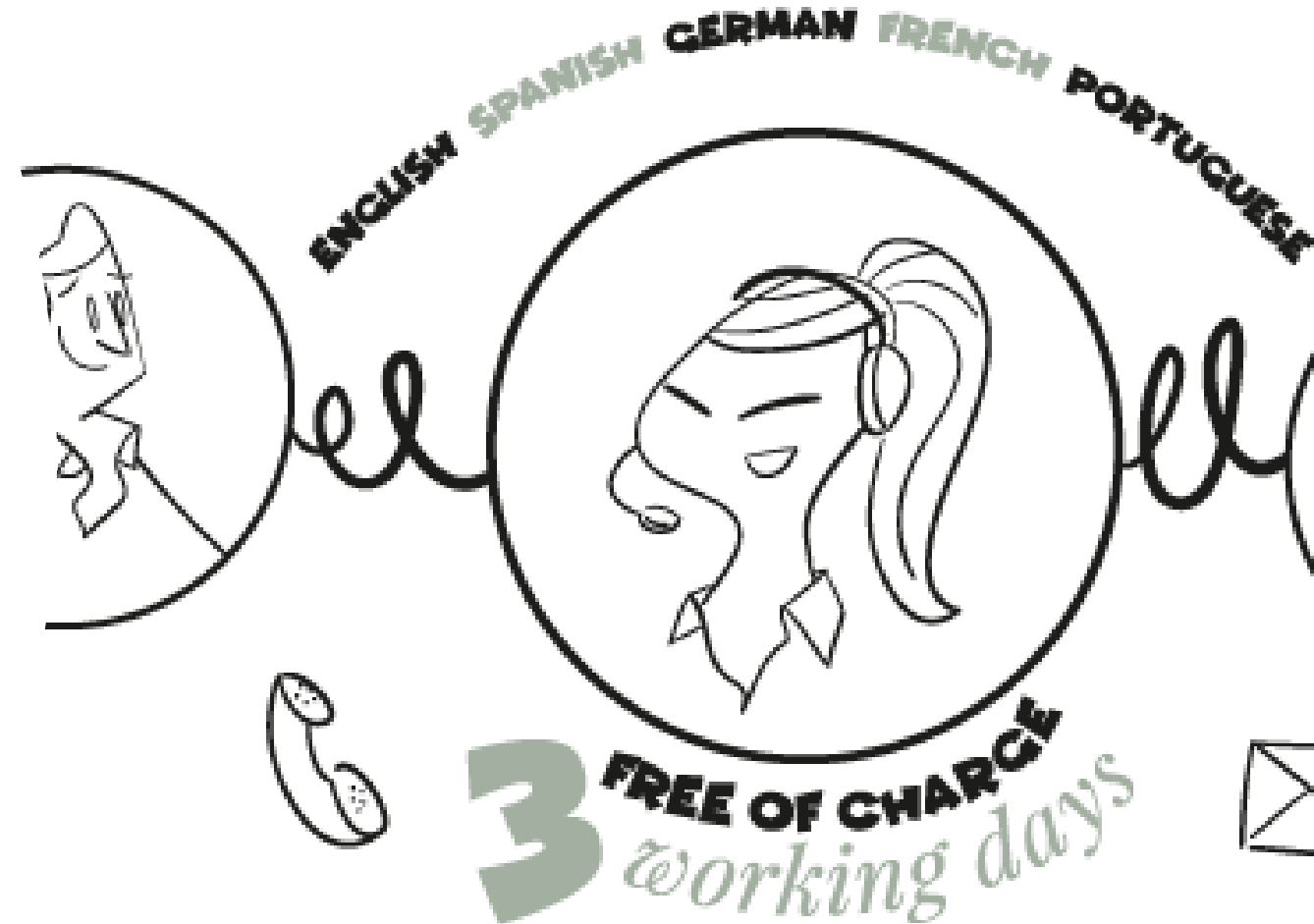
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3 Jargon-free



The Helpline

- **Free of charge** first-line IP support
- Confidential, personal and “to the point”
- The Helpline answers within 3 working days - Email, phone and web
- 1:1 consultation session with our IP Business Advisors, tailor-made for your client’s sector, needs and strategy



Website & social media

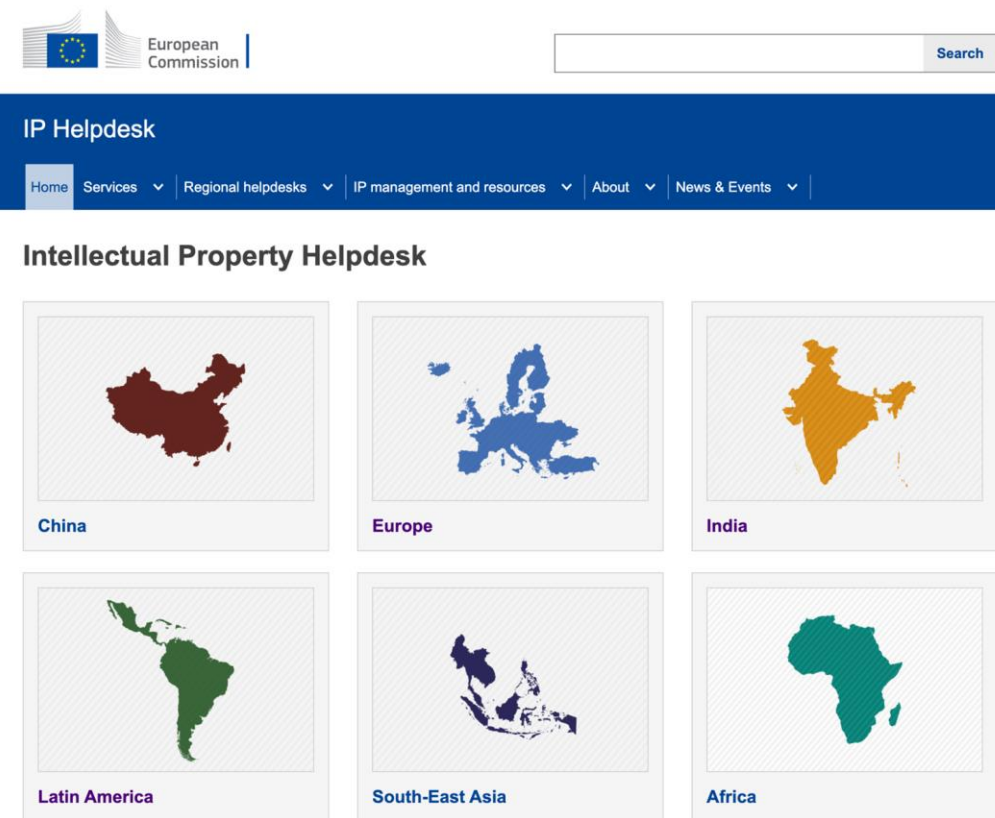
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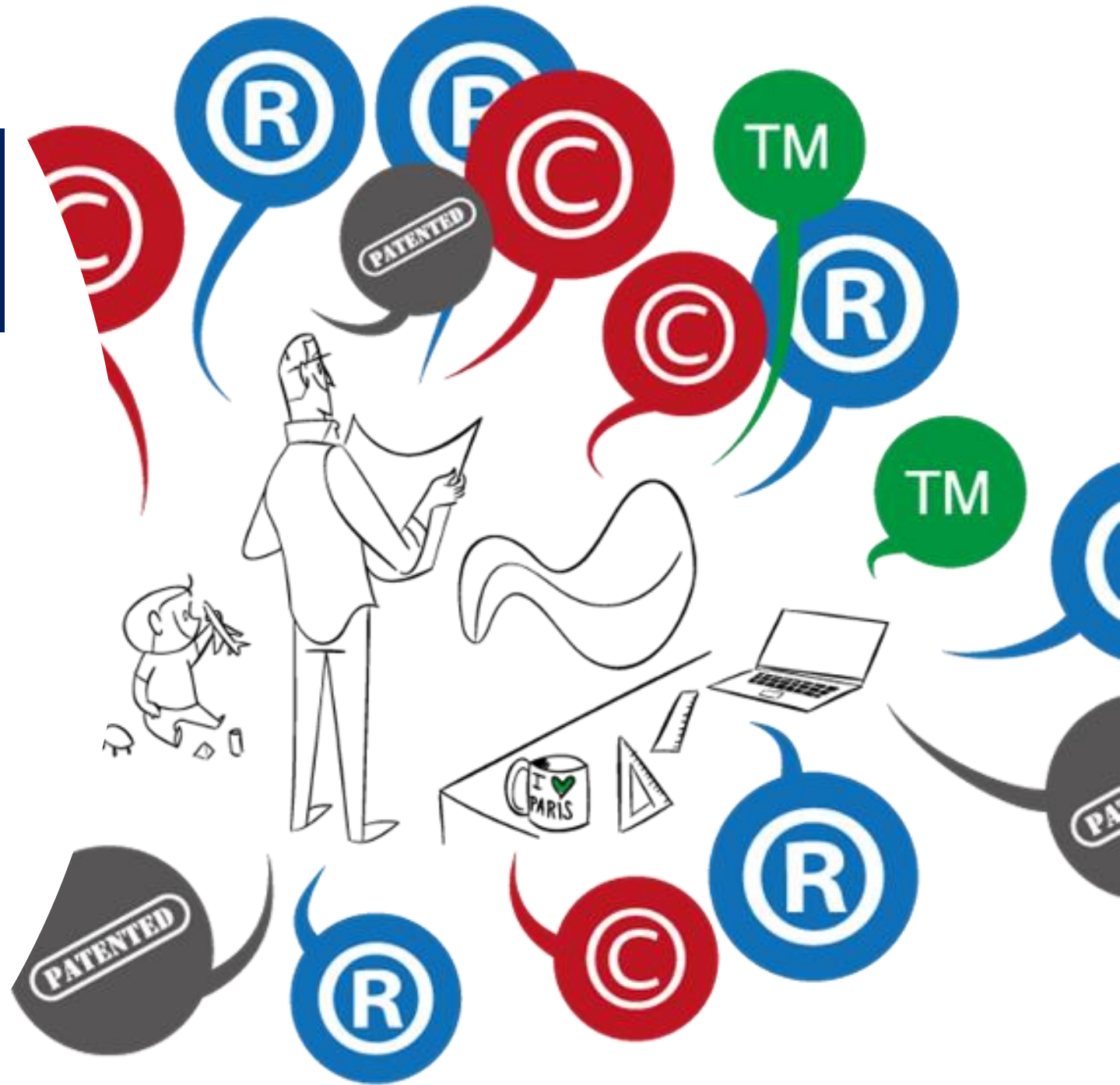


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Why Intellectual Property matters?

- **IP is one of your key business asset!**
- Protect your competitive advantage get exclusive rights
- Attract investments
- Freedom to operate
- Increased control and decreased risk when outsourcing
- Can be (the) key to enter new markets → attractiveness to develop partnerships + secure your position on a new market (e.g. JV)



SMEs have used HDs services for

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- Establishing TM availability in their desired destination territory
- Assessing IPRs registration problems
- Understanding the potential risks they are running either by not having their IPRs registered or having a weak IPR
- Assessing contractual problems in their supply chain
- Dealing with IPRs infringement

What do we need from you?

→ Engage in Joint Activities

Let's co-create value across industries through shared initiatives

- ◆ **Helplines**
- ◆ **Training**
- ◆ **Matchmaking**
- ◆ **Online visibility**

→ Promote Our Services

We provide expert support in legal strategy, cross-border transactions, and dispute prevention—helping businesses in your network navigate complexity and scale responsibly. Make these services more accessible to your stakeholders

Thank you

HELPLINE

free, fast & confidential

***3** working
days*

China and South-East Asia IP SME Helpdesk

Torino Fashion Match

03 July 2025

Elio De Tullio

External expert China and South-East Asia IP SME Helpdesk

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China & SEA / What to do before filing

**Involve an EU IP
Attorney**

**Study of the
market**

**Investigation on
competitors**

**Assessment of
legal
requirements and
inherent
protectability**

**Importance of
preliminary
searches before
filing**

**Study of
classifications for
searching
purposes**

**Prepare
international
protection**

**Priority period:
use and abuse**

**Verify grace
period**

**Check possible
protection of non
conventional
trademarks**

**Preliminary
assessment of
design protection,
its scope and
duration**

**Verify the
possibility to file
utility models**

**Duration of each
IPR and scope of
protection**

- Titled and untitled rights
- First-to-file and First-to-Use system
- Protection of unregistered rights
- Use IP tools for identifying the proper classification
- Subclassification in some countries
- Two filing paths: national vs international filing
- International conventions
- Priority period: use and abuse
- Allocate resources for prosecution
- Translations and transliterations
- Substantive examination of patents and prevision of office actions
- Duration of IPRs and scope of protection
- Fast Track (PPH)



China & SEA / Understand how strong IP Portfolios

Test IP rights before IP offices and before Courts

Check distinctive capacity, inventive step and individual character in single jurisdictions

Check chances of success in countries of destinations

Study jurisprudence and case law for specific cases

Due diligence

Preparation of documents and reports for investors' purposes

Valuation and evaluation of IP portfolio

Valuation and evaluation of each single IP right



China & SEA /Challenges

**Mistakes in filings
and poor protection**

**Undervaluation of
problems connected
with weak legal
requirements**

**Lack of protection
(and registration) of
trademarks in local
languages**

**Office actions and
provisional refusals**

**Trademark hijacking
& bad faith
applications**

**Non-registered
trademarks:
protection according
to the common law
tort of passing off**

Unregistered design

Compulsory license

**Copyright
registration, not
available
everywhere**

**Administrative
enforcement not
available
everywhere**

**Registration
certificate in each
country of the
international
registration**

Case study: trademark and copyright infringement

- Company X is an Italian company that owns a trademark in the textile sector, registered in classes 25, for products such as clothing; the trademark is registered in China using Latin characters. Subsequently, the company decided to register the Chinese transliteration of the same trademark. The application was rejected by CNIPA because an identical figurative trademark had already been registered earlier by a Chinese individual for the identical products.
- At the same time, the Italian company realized that a Chinese website was offering online similar products under the same identical trademark. It started an investigation and found out that the assignee of the domain name (owner of the website) – and the applicant of the application that was obstructing the registration of its transliterated trademark – were connected. Yet, it was not possible to prove this connection and file a cancellation action against the counterparty's trademark.
- At this point, Company X decided to change strategy and, since the photos on the website had been taken from its website, started a legal action before the Chinese Court, claiming copyright infringement (about the “stolen” photos from the website and the identical figurative part of the TM), requesting an order to cease illegitimate behaviors and compensation of damages. Finally, Company X was successful and obtained the order, as well as the right to register its trademark in Chinese characters.

China & SEA / Best practice and Take-Away messages



- Notification to the public of the existence/registration of IPRs
- File copyright application
- Collection of evidences during trade fairs
- Civil actions, criminal actions, administrative procedures
- Protection and enforcement of trade secrets
- Collection of documents and database with relevant material
- Surveillance system, monitoring registers and e-commerce platforms
- Monitor partners' and competitors' behaviours
- Verification of the compliance of contracts providing the local legislation as applicable law
- Use customs and administrative enforcement



Inês Monteiro Alves

B2B Torino Fashion Match 2025

IP Vulnerabilities

in African Fashion Supply Chains

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Context Matters – Fashion in Africa

- **Africa's fashion industry is booming, driven by:**
 - **Youth demographics**
 - **Cultural richness and global interest**
 - **Cross-border trade (AfCFTA)**
- **Informality still dominates value chains**
- **IP protection is often overlooked or underused**

What Can Go Wrong?

- **Unauthorized manufacturing: Designs copied without consent**
 - **Subcontracting without control: Loss of quality and brand dilution**
 - **Counterfeiting: Imitations damaging reputation and consumer trust**
 - **No registration: No legal ground to enforce rights**
- **These issues are intensified when IP is not embedded into the business model from the start.**

Key Vulnerabilities in African Supply Chains

Stage	IP Risk	Example
Design	No copyright or design registration	Loss of ownership
Production	Subcontracting without contracts or NDA	Fabric diverted for replicas
Branding	Unregistered trademarks	Brand hijacking
Distribution	No control over points of sale	Grey market & counterfeits

Real Case Patterns

- **Trademark hijacking**

Registering a known or reputable mark (especially in jurisdictions with first-to-file systems)

- **Parasitic registration**

Filing a similar mark to ride on the goodwill of an established brand

Trademark hijacking

Angola

INVESTIMENTO INTERNACIONAL (ANGOLA), LDA. – filed the trademark “MARC JACOBS”, in classes 18 and 25

MARC JACOBS TRADEMARKS, L.L.C.

INVESTIMENTO INTERNACIONAL (ANGOLA), LDA.



Trademark hijacking

Angola

BSTRADING, LDA. – filed the trademark “MASSIMO DUTTI”, in class 35 for “Wholesale services relating to clothing”

GRUPO MASSIMO DUTTI, S.A.

BSTRADING, LDA.

Massimo Dutti

MASSIMO DUTTI

MASSIMO DUTTI

=

MASSIMO DUTTI

Parasitic registration

havaianas

Angola

Alpargatas, S.A., owner of trademark

– filed trademark oppositions against several trademark applications and was able to prevent the registration of the following trademarks (all in class 25):

- HAVANAISA
- HEWAINAS
- HAIAVANAS
- ANGOVAIANA

Parasitic registration

Mozambique

Industria de Diseño Textil, S.A. (Inditex S.A.) – filed trademark oppositions against several trademark applications and was able to prevent the registration of the following trademarks:

- **ZARA’S – classes 29 and 30**
- **SUPER BAZARA – class 35**
- **ZAHARA – class 35**

Why Is This Happening?

- **Cost perception: IP is seen as expensive or secondary**
- **Limited enforcement in some jurisdictions**
- **Lack of awareness of IP's role in commercial growth**
- **Fragmented legal landscape: OAPI, ARIPO, and national laws**

What Businesses Should Do

- ✓ **Integrate IP early: Register trademarks, designs, contracts**
- ✓ **Use NDAs and supplier agreements**
- ✓ **Train local partners on IP rights and obligations**
- ✓ **Monitor marketplaces (offline & online)**
- ✓ **Seek support from IP professionals and local helpdesks**

What Policymakers Can Improve

- ✓ **Encourage affordable and simplified IP registration**
- ✓ **Invest in IP education for MSMEs and designers**
- ✓ **Foster IP enforcement partnerships with customs and courts**
- ✓ **Incentivize creative industries with IP-based support schemes**

Final Reflection

“IP is not just a legal shield - it’s a business enabler.”

Building IP into the fabric of the business is essential to scale sustainably and ethically.

Thank you



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**On behalf of the Africa IP SME
Helpdesk**

Let's connect and protect creativity.

Latin America IP SME Helpdesk

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Luca Valente

IP expert Latin America IP SME Helpdesk

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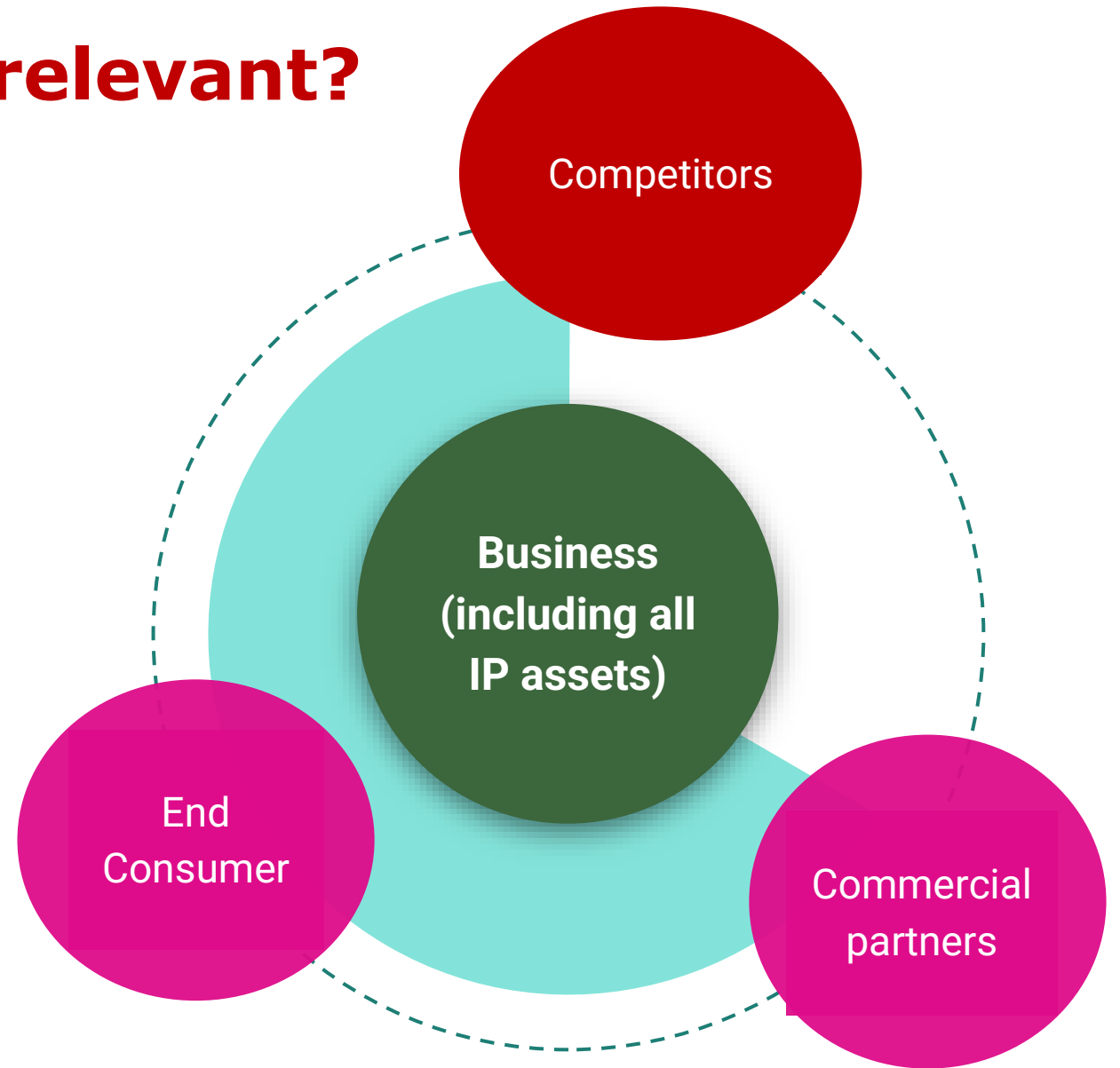
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When do IPRs become relevant?

- Enabling consumption
- Enabling commercial relationships
- **Enabling competitive advantage**

through exclusivity
(today's focus)



Exclusivity in IP means

Control over a proprietary right.

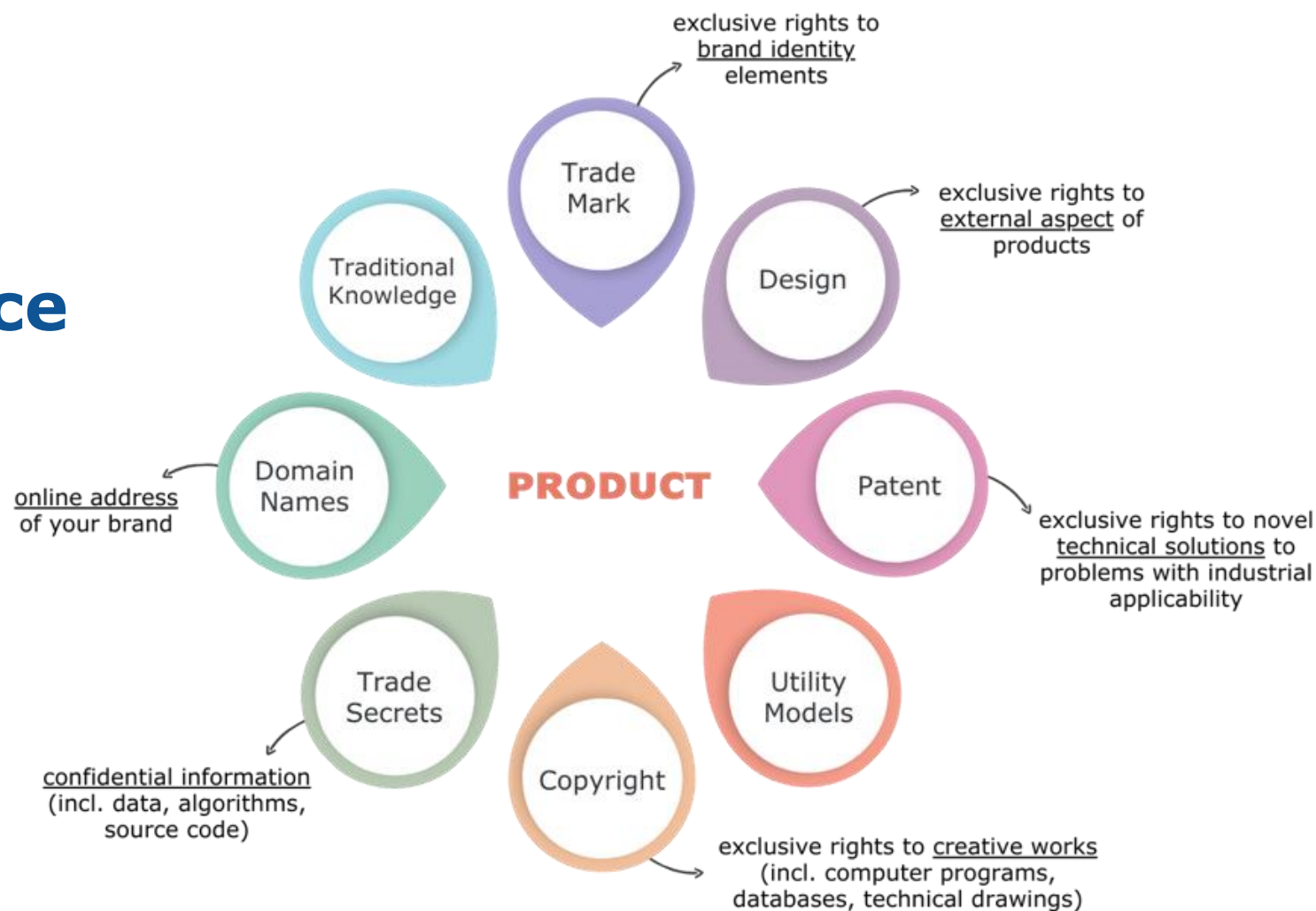
- ***others cannot use IPR without owners consent***
 - ◆ **make, use, sell, import, export, reproduce, distribute, display**

Exclusivity may need to be defended

When an the **infringer** (some that may be a party to a contract with the IPR holder, a competitor, or a total stranger) **uses** owned **IPR** **without authorisation** in the relevant territory of commercial interest where the relevant IPR exists.

“defence”

requires the existence
of right, **generally**
through registration

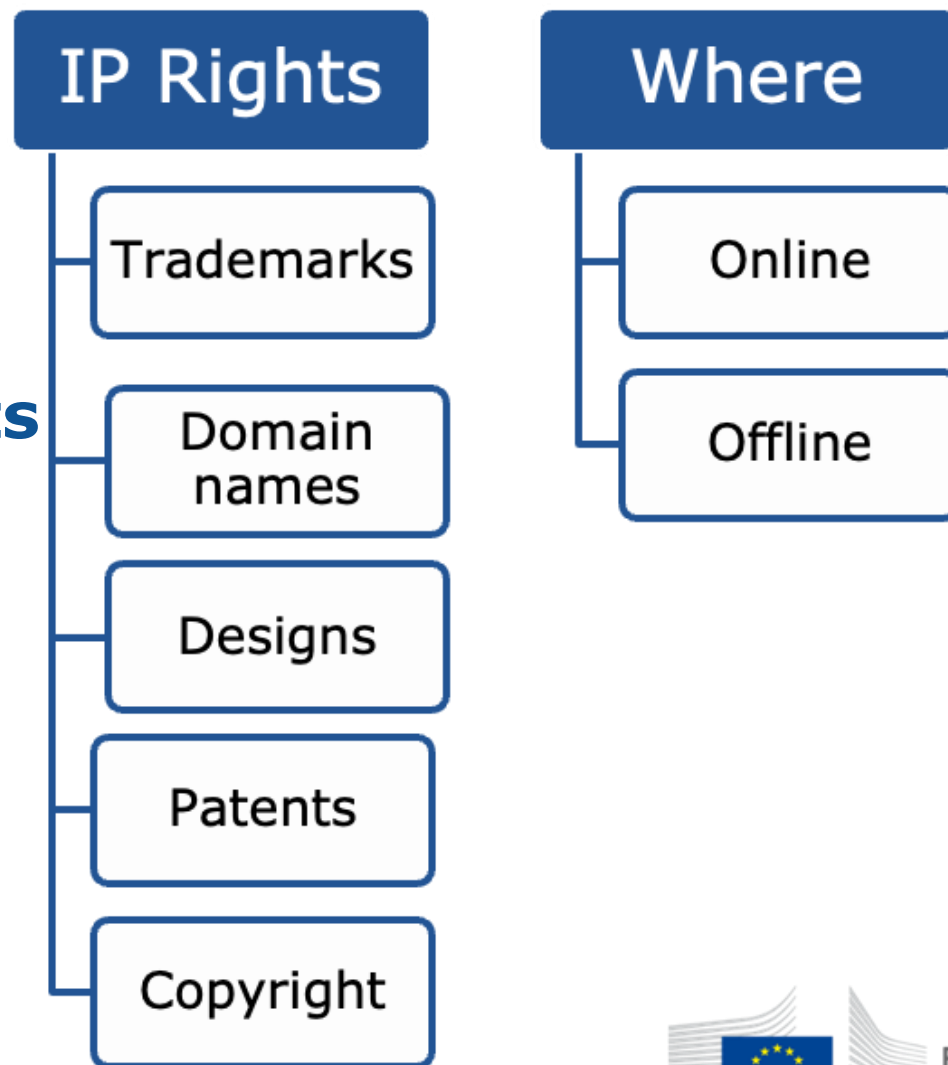


Registration may not be enough for the existence of the relevant IPRs

- Renewals***
- Obligations of use***
- Declarations of use***

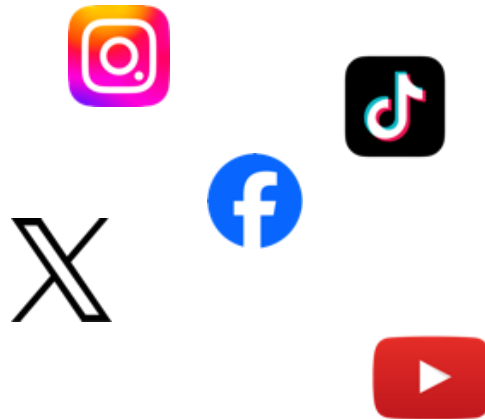
Keeping an eye open

By monitoring what is happening with proprietary rights



Market watch (online)

Monitors mentions, keywords, hashtags and uses of your IPRs on social media, marketplaces, and search engines



Market watch (offline)

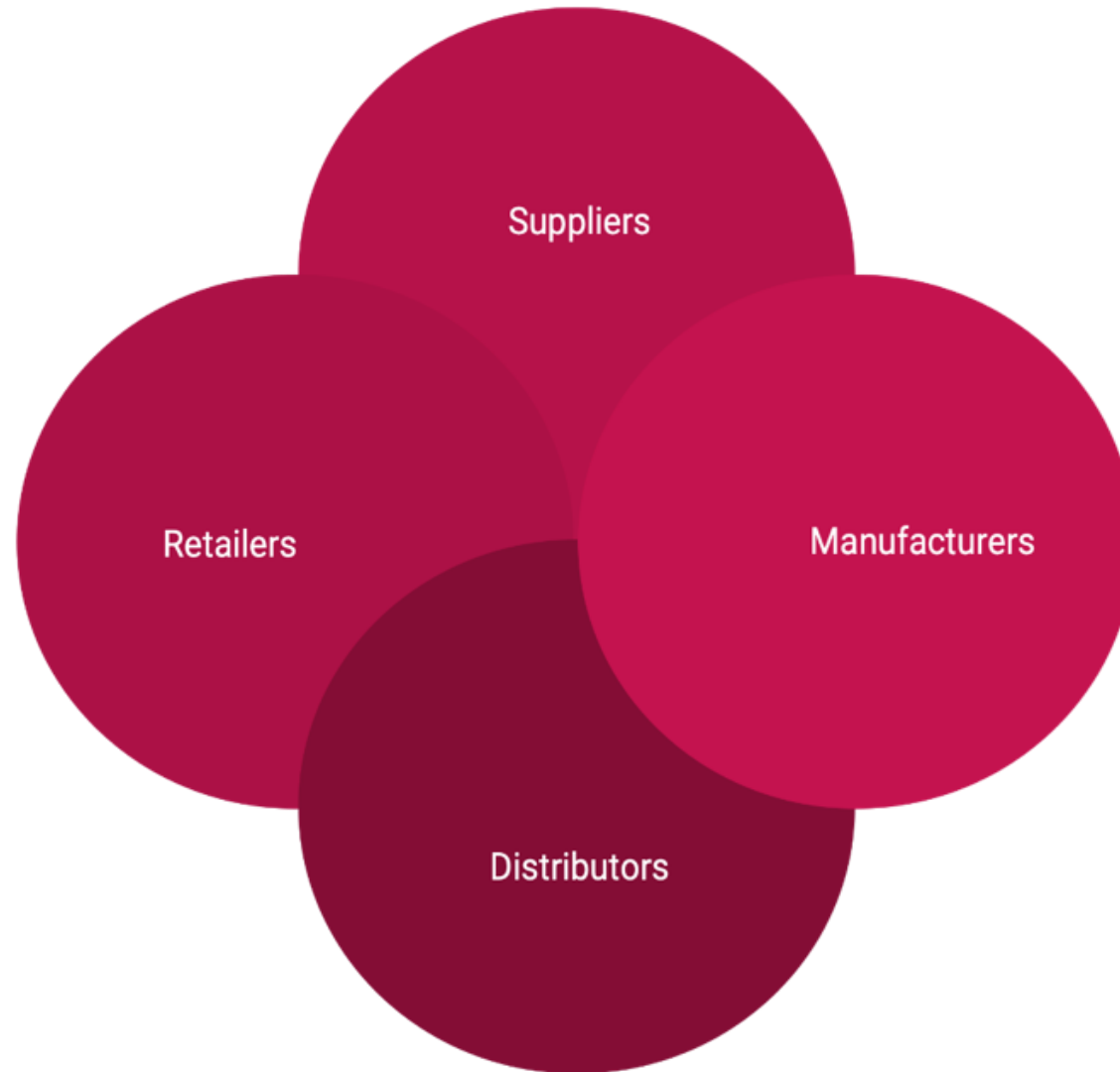
Monitors unauthorised use of your IPRs in the physical world

- *More challenging to do*
- *IP firms offer detective or inspection services*
- *Customs (only TM & ©, including software)*



Keep an eye out for the supply chain

- FORMAL RELATIONSHIPS
- CONTRACTS
- SPECIFIC CLAUSES



- Product design and assembly.
- Quality control.
- Inventory management during production.

(formal) relationships in practice



ZARA havaianas



Barbour x Crocs

- Sales of goods (ecommerce, retailers, etc)
- Distribution agreements
- Agency agreements
- Franchise agreements
- License agreements
- Manufacturing agreements
- Supply agreements
- Joint Ventures
- Collaborations (other companies, influencers)

(informal) relationships in practice

- **Negotiations**
- **Commercial agreements not contractually formalised**
- **Deals that fell through**

How?

- *Subscription services (**IPRs monitoring**)*
- *Through your IP lawyer*
- *Marketplace registration (e.g. **Amazon Brand Registry**)*
- *Social media management tools*
- *Google ads*
- *Customs registration*

Unauthorized use detected?

Where?

- **INPI registry** → *opposition (reputed®/well-known mark?)*
- **Social media, marketplace** → *complaint with platform*
- **Domain names** → *UDRP; .BR Policy*
- **Google ads** → *trademark, counterfeit, copyright complaints*

Unauthorized use detected?

Next steps:

- ***Pre-litigation*** → *cease-and-desist*
- ***Litigation*** → *Courts*
- + *Preliminary Injunctions*



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FACTSHEET

1. Customs in Brazil:
An overview
2. Protecting your trade marks:
First step
 - A. Benefits of trade mark registration
 - B. Registering your trade mark in Brazil
 - C. Identifying your registered trade mark in the course of trade
3. Prior steps: Informing authorities
 - A. Inspection request to COANA
 - B. Registering your IPR with the NDCC
4. Border measures
 - A. Administrative proceedings
 - B. Judicial proceedings
5. Enforcing your unregistered trade marks
6. Glossary
 - A. Unfair competition
 - B. Famous and well-known and marks
7. Related links and additional information

Using Customs to Enforce Your IPRs in Brazil



1. Customs in Brazil: An overview

Customs and border protection are essential and useful tools to fight counterfeiting (see Glossary) throughout the Latin American region. Due to its geographical extension, which covers borders with 10 countries in South America, Brazil is unsurprisingly a key country in the international route of counterfeit products in South America. In 2019 alone, the Brazilian authorities managed to retain and seize over € 575 million in counterfeit goods, which mostly comprise: tobacco (35 %), electronics devices (11 %), clothes (7 %) and toys (4 %).

In 2019, the National Council for Combating Piracy and Crimes against Intellectual Property (CNCPI) attended various international meetings in order to exchange experiences, achievements and goals related to the combat of piracy, and signed memorandums and treaties with various public authorities and private sector organisations.

The CNCPI also provides educational campaigns and Brazilian society has begun to accept the idea that piracy is illegal and that it results in losses and a high social cost to Brazil. However, in spite of such efforts, a report made in 2015 estimated that 69 % of Brazilians admit to having bought fake products. The most desirable counterfeit goods in the Brazilian market are clothes (39 %), accessories (24 %), footwear (22 %), electronics (17 %) and fragrances (14 %) (source: SPC Brazil report 2015).

Most counterfeits available in Brazil come from Asia, Paraguay and Argentina. To prevent these products from being imported and subsequently distributed in Brazil, the National Customs Office plays an essential role in representing the first obstacle to the entry of counterfeits in the national market.

The effectiveness of customs measures in Brazil strongly relies on the proactivity of right holders: this guide will provide you with practical information, methods and strategies to protect you from counterfeiters.

Counterfeiting is well-known and broadcast in the media due to the volume of seizures and cases brought to justice. In Brazil, this activity affects mostly trade marks, and to a lesser but also relevant extent, it affects industrial designs, as well as other intellectual property rights, including patents. For this reason, the Brazilian procedure to register a trade mark and its importance are specifically detailed below.

Case-study

Points to remember

- Why IPRs?
- How to acquire IPRs ownership in the country of destination?
- How to use IPRs to create economic value?
- How to defend and enforce IPRs in the face of an unauthorised use?



A Belgian fashion company was launching a new collection incorporating monograms into textiles. They entered into negotiations with a Peruvian company to distribute said new collection in Peru.

What type of exclusive rights could it have to attract the interest of potential local partners and end consumers in the destination?



The design as an exclusive right

*An exclusive right to the aesthetic features of a product or its packaging or ornamental arrangement of lines and colors that may be applied to a product, provided it results in a **new and original visual appearance** that has industrial applicability.*



Registered

In the UE



Non-registered

*An unregistered design in the EU is very **time-sensitive**, as it is only valid for three years from the date of its first public disclosure.*

¿How to acquire this IPR (design) in Peru?

- *Formal Registration request to National IP Office*

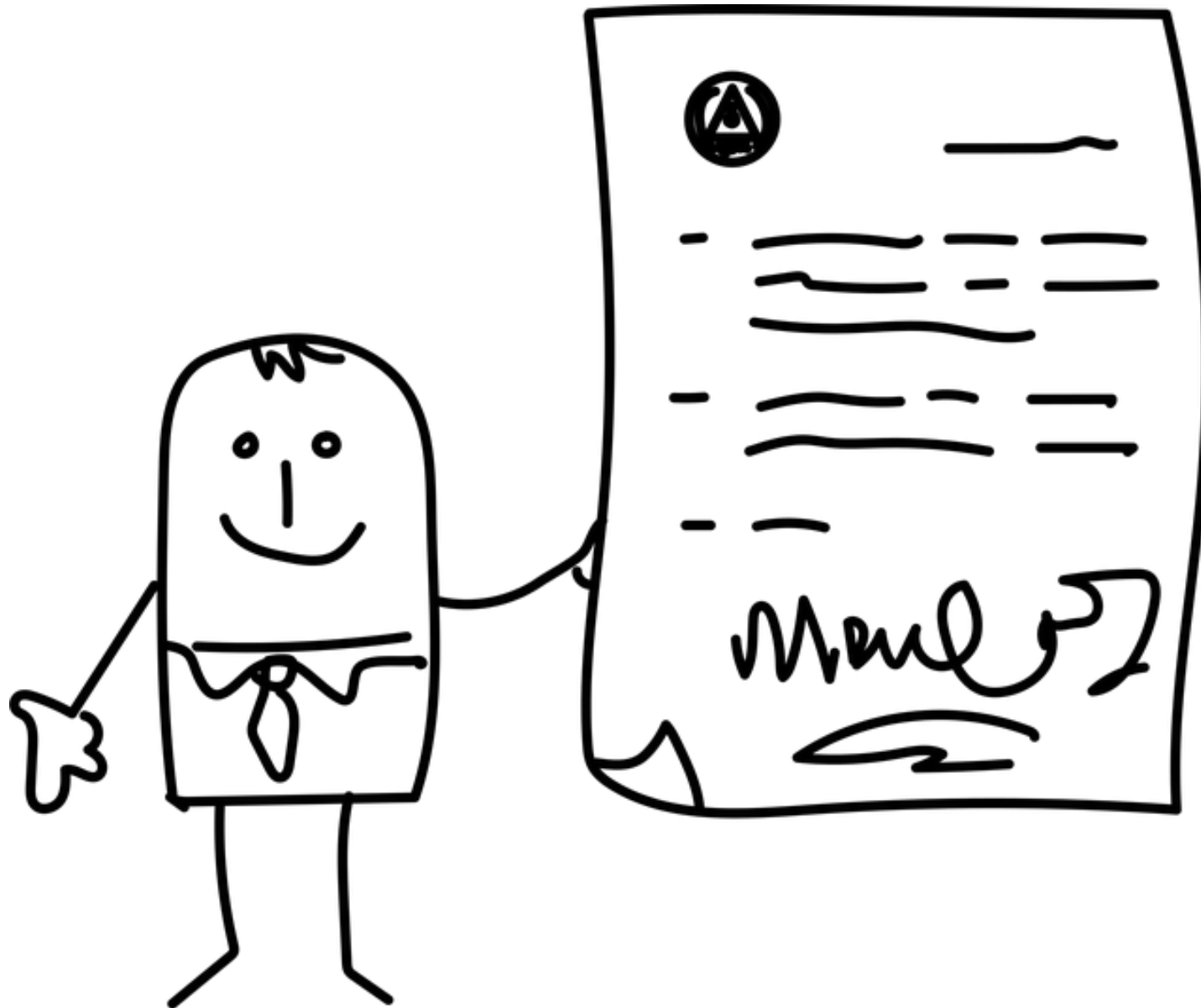
Internationalization of the Design - time-sensitive (12 months from first disclosure)
Specific features of the country of destination - territoriality (no rights for unregistered designs)

- *Legal Requirements:*

- External appearance,
- novel,
- Original
- Industrial applicability
- Not excluded by law (Designs that are purely functional (no ornamental value)).

- *The Peruvian company, with which they negotiated, launched a collection with a **very similar monogram**.*

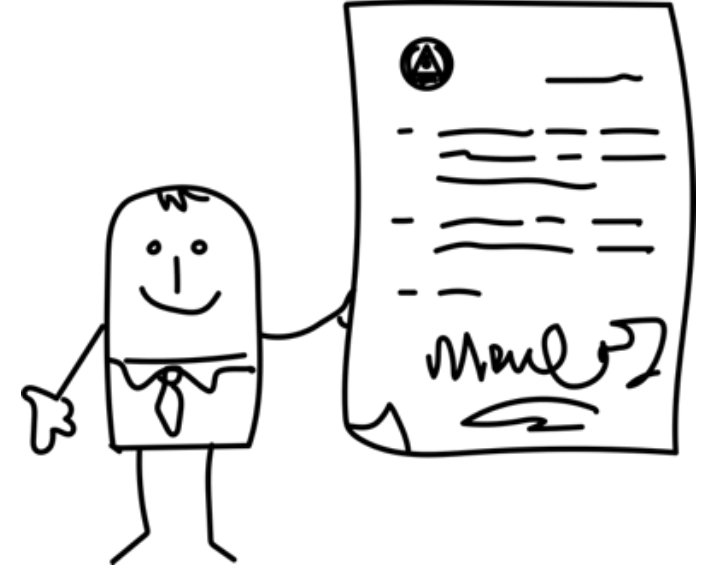
***Is there a violation of the Belgian company's
(design) right?***



No formal contract has been signed, although that is not the biggest problem here.

- **Registration and Defense** - *There is no infringement where the right does not exist.*
- **Registration and Commercial Use** - *Where there is no right, there is no incentive for potential business partners (distributors in this case) to enter into a contractual relationship (since the contract is not able to grant them exclusivity against third-party infringements/unauthorised uses).*





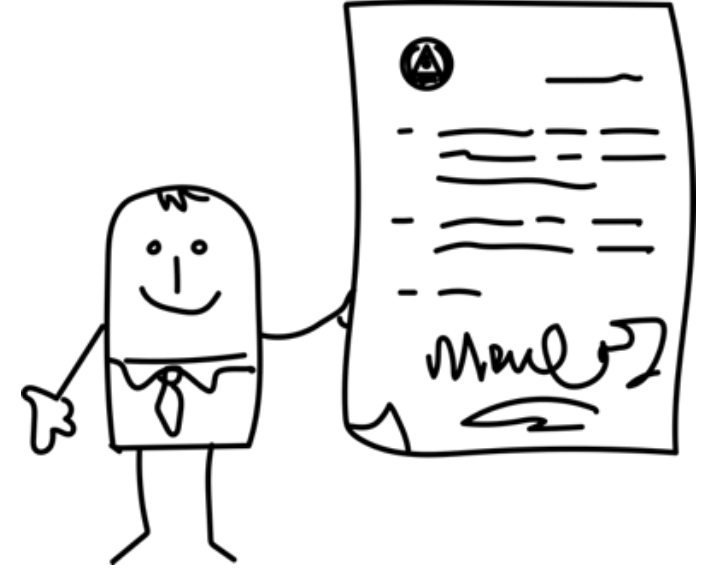
Italian company register a word trademark and a figurative trademark (logo) in Colombia, where they signed a Franchise agreement with a local partner.



¿How to acquire this IPR (TM) in Colombia?

- ***Formal Registration request to either National IP Office or WIPO***
- ***Legal requirements***
 - **Distinctiveness**
 - **Legality and Morality** - Marks that are contrary to public order, morality, or misleading (e.g., about origin, quality, or characteristics) are not allowed.
 - **Availability** - The trademark must not conflict with prior rights, including: Earlier registered trademarks, Well-known or famous marks (even if not registered), Commercial names or trade names in use, Appellations of origin or geographical indications
 - **Lawful Use of Signs** - The sign must not: consist of flags, coats of arms, or symbols of states or international organizations (Art. 135, Decision 486); Include names or likenesses of individuals without authorization; Be identical or similar to religious or official symbols

- **Use Intent - The applicant must declare an intention to use the trademark in commerce. Actual use is not required at filing but becomes relevant for maintaining the registration (non-use for 3+ consecutive years may lead to cancellation).**



*Franchise agreements are governed under **general contract law** and **commercial law**, particularly under the **Commercial Code** and **Civil Code**.*

*Although the franchise agreement itself is not subject to registration, the **trademarks licensed through the franchise must be duly registered** with the **Superintendence of Industry and Commerce (SIC)**.*

It seemed like everything was in place ...

*Colombia company decides to give the **logo a makeover** without asking the trademark owner.*

Italian company calls for mediation as stipulated in the contract with the local partner.

*Colombian company argues the contract **is not enforceable as it was not registered with the local authority.***

Is there a violation of the Italian company's right?

The use of a registered trademark in a way that has not been authorised in the contract constitutes an infringement of said right.

*Although it is **recommended** to record the **franchise/license agreement** with SIC for opposability against third parties, it is also **recommended not mandatory for it to be enforceable between the signatories.***

Key Lessons for IP Strategy Success

Align your IP strategy...

- **Register:** Secure IPRs in target markets to establish legal rights.
- **Use:** Ensure consistent use of the registered IPR to maintain exclusivity.
- **Monitor:** supply chain and market to reveal unauthorised uses.
- **Defend:** enforce IPRs to protect against infringement.

Takeaway

- A cohesive IP strategy drives business success and safeguards brand value.

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Luca Valente

IP expert Latin America IP SME Helpdesk

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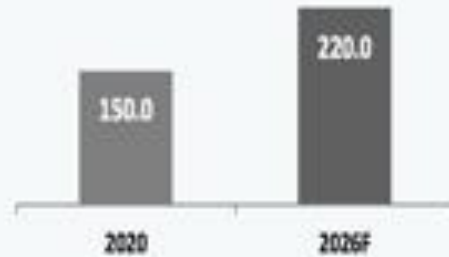
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MARKET SIZE

Textiles and Apparel Industry (US\$ billion)



Key Facts as of FY20



Contributes 2% to India's GDP



Employs over 45 million people

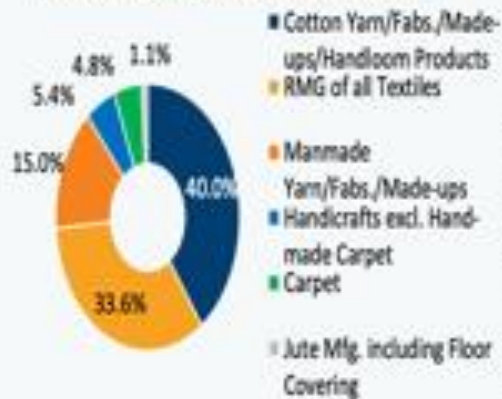


Contributes 12% to India's export earnings



SECTOR COMPOSITION

Textiles Export Break-up (June 2021)



Fabric Production in FY20*(million square metre)



1. One of the largest in the world with a large raw material base and manufacturing strength across the value chain.
2. Indian is the **2nd largest** producer of **Fibres**. India is the **6th largest exporter** of Textiles & Apparel in the world.
3. **The second-largest producer of silk** in the world
4. **Largest consumer** and the second-largest producer of **cotton**
5. The industry contributes to 7% of industrial output in value terms, **2% of India's GDP** and 12% of the country's export earnings.



But there are risks, and managing IP correctly is an important step towards making the best of these opportunities!

- **Intellectual Property SME Scorebaord 2022 (EUIPO)**
- **Only 10% of SMEs in the EU own registered intellectual property rights such as national and European trade marks, designs and patents.**
- **93% of SMEs with registered IP rights experienced a positive impact**
 - Improved reputation of the company (60%)
 - Better IP protection (58%)
 - Better long term business prospects (48%)

Counterfeiting is rife in India

- **Estimated at between 25-30% of all products sold in India**
- **Apparel and clothing is the industry where it is most prevalent, reaching up to 31% of products found on the market**
- **IPR protection is the best tool against this!**

STRATEGIC USE OF IP IN TEXTILE INDUSTRIES & FASHION

Source identifier

Guarantor of origin of exotic and unique fabrics

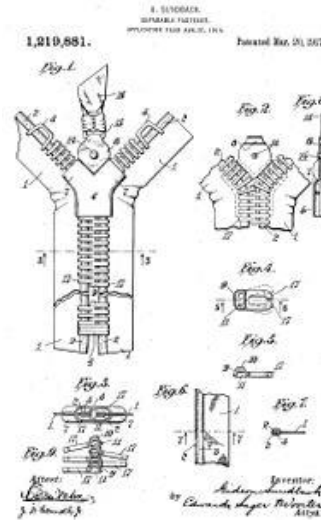
Protecting your address in the online space

Protector of your unique selling propositions

Protector of a novel and industrially useful idea

Protector of your artistic works and designs

Protector of novel surface patterns



European
Commission

DESIGNS & COPYRIGHTS

- **Designs In India:**
 - To protect the shape, design, ascetics.
 - Should meet the **novelty** threshold and be **reproducible** via industrial process
 - **Registration Of Design Mandated** In India For Protection (limit: 15 years)
 - **No** international design registration procedure
 - Must be registered within 6 months of international filing or first disclosure

Copyright protection for In India

- **Original Creative Works.**
- **No requirement for registration**



DESIGNS vs COPYRIGHT

If design must be registered (with the costs that go with it) and copyright, which casts a very wide net, why not simply go with copyright protection and forego design registration?

Copyright Act:

“Copyright in any design which is capable of being registered (...) but which has not been registered, shall cease as soon as any article to which the design has been applied has been reproduced more than fifty times by an industrial process”.

Artistic creations vs industrial processes

CASE I - COPYRIGHT OR DESIGN ?



- *EU Boutique Designer recognised market demand in India for High fashion.*
- *They opened their Indian subsidiary.*
- *India - signatory to Berne convention, they did not register their designs in India and relied on copyright protection.*
- *A local Indian brand started to copy their designs and sell look-alike clothes for lower prices.*

CASE I - Steps taken

1. *Hired a Risk consulting firm to carry out investigation to identify the scope of operation and infringement by the local brand*
2. *Obtained Photographs and sample purchases*
3. *Issued Cease and Desist Letter.*
4. *Filed a civil suit against the local Indian manuf*

The local brand denied allegations and contested copyright ownership !!!



CASE I - No Infringement

Court Decision -

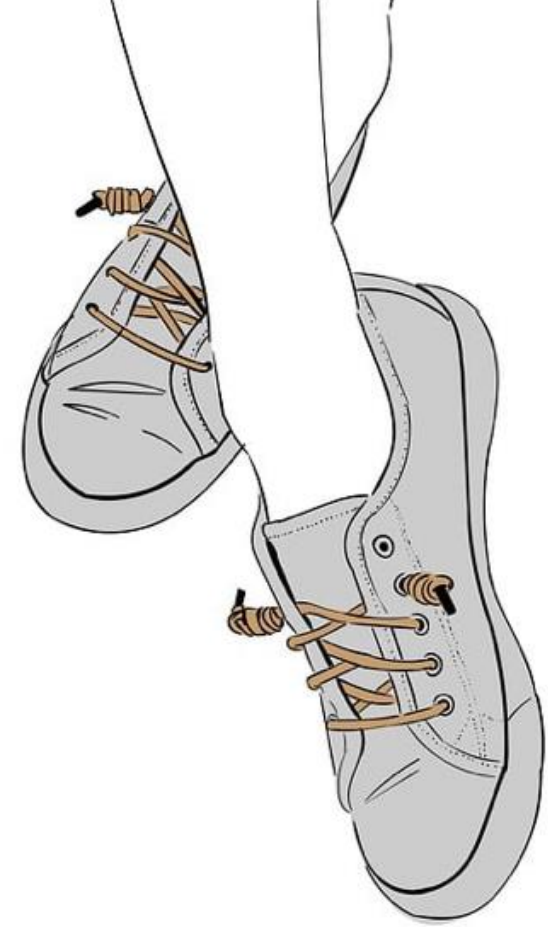
1. Copyright protection seized to exist as designs were used in an industrial scale to produce > 50 articles.

2. Design protection should have been claimed, which was not done by the EU Boutique.



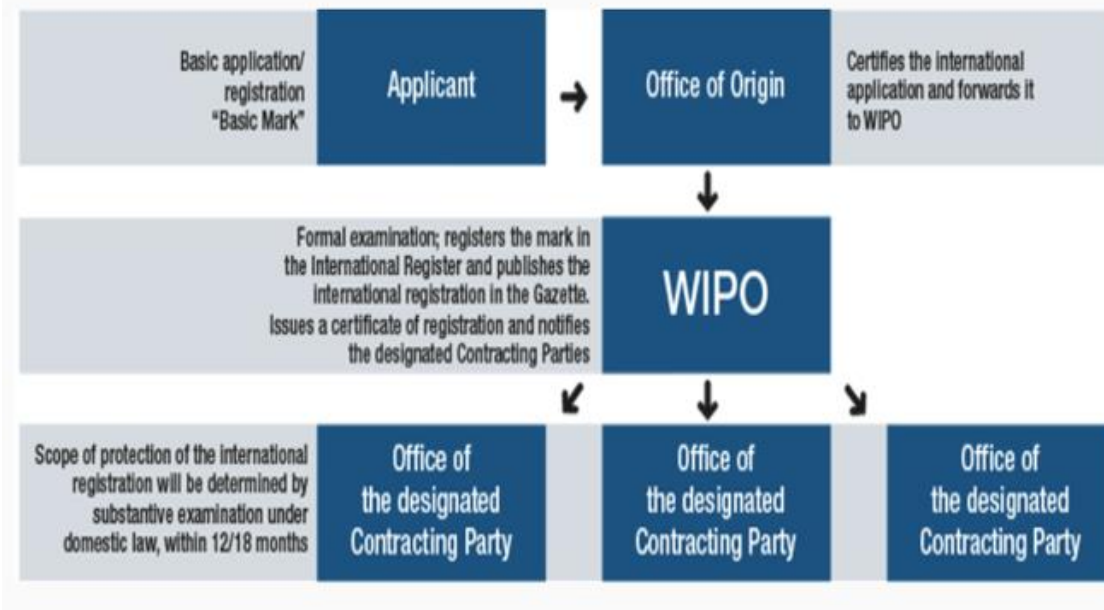
CASE II - CUSTOMS AUTHORITY

EU footwear company registered its trademark and designs in India. But soon found out that counterfeit goods were being imported to the Indian market.



TRADEMARKS

The International Trademark Registration Process



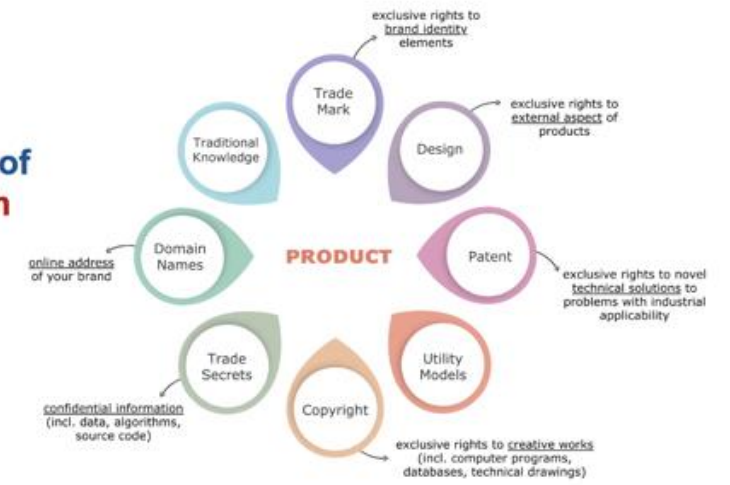
Source- World Intellectual Property Organisation

- A distinguishing mark or sign, should link to the **origin (product/ enterprise)**.
- **Duration - 10 years and can be renewed indefinitely.**
- **Limited protection for unregistered trade marks... but registration is always preferable**
- **First to use principle**
- **Sourcing from India, make sure proper contracts are entered into with manufactures.**

Defending IPRs

“defence”

requires the existence of
right, generally through
registration



To prevent counterfeit products from entering the Indian market, SME EU decided to register its rights with customs authorities.



CASE II - Everything was in place

Customs authority notified EU SMEs of counterfeit goods.

- **EU SME ´s legal representative assisted customs officials in examining the products.**
- **Provided a bond and bank guarantee to safeguard customs authority from any obligations or changes that may arise.**

Requested samples - legal representative filed a report with the Customs authority declaring the goods to be counterfeit, infringing on both their trade mark and their industrial design

- The Customs authority sent a notice to the importer requiring it to justify the legality of its imports, as well as an appointment to the oral hearing for both the importer and the EU company.
- Customs authority determined that the importer had indeed imported counterfeit goods, thereby infringing on the EU company's IP rights.
- The Customs authority ordered that the products be confiscated and destroyed, and levied a penalty on the importer.
- After the case was closed, the Customs authority returned the bond and bank guarantee to the EU company.

Lessons to Learn

Registration of the relevant asset in the territory of commercial interest

+



Registration of the assets registered with customs

+



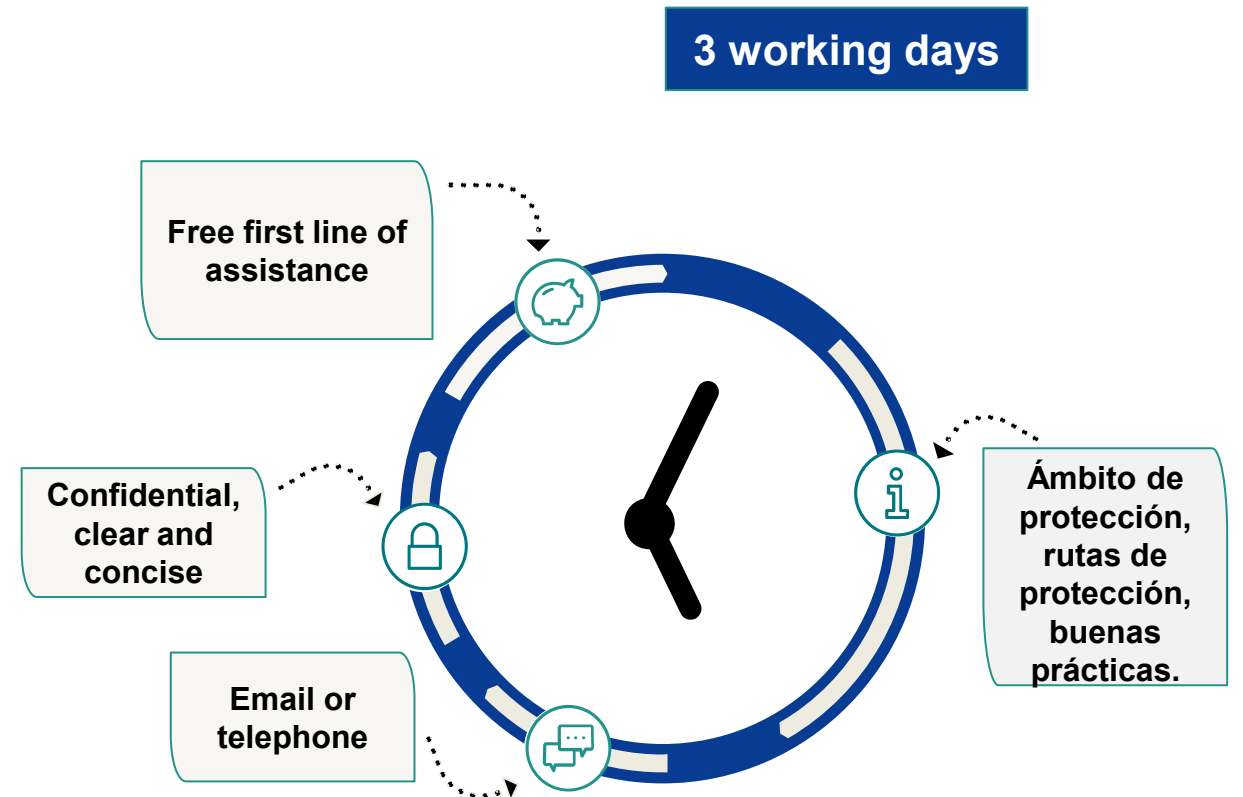
Actions (Examination of the products to determine the violation, posting a bond, Filing a report reporting the violation)

Consequences in India... and beyond

- *Copyright, designs or trade mark protection anywhere in the world: careful with lack of novelty and therefore no protection*
- *Patenting in India: if invention is based or uses Indian biodiversity, prior authorisation must be obtained before filing a patent application*
- *The protection of traditional knowledge and cultural expressions is a growing phenomena, which impacts the fashion industry... keep this in mind!*

LATIN AMERICA IP SME HELPDESK

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Thank you

HELPLINE

free, fast & confidential

***3** working
days*