

Direct Brand Owner-Law Enforcement Interaction: Key to effective Anti-counterfeiting

by Munir Suboh - m.suboh@tamimi.com -

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The ever growing significance of cooperation between brand owners and law enforcement agencies is well recognised now as it appears to be a very effective tool for all parties, including IP attorneys, involved in anti-counterfeiting joint efforts.

Over the last few years, the IP practice of Al Tamimi & Company has played a key role to lead such initiatives and has built bridges between brand owners and local officials working in anti-counterfeiting duties. This strategy appears to be very effective as a means to:

1. Increase the level of awareness of protected trademarks and equip officials with basic knowledge to distinguish genuine products;
2. Enhance the inspection skills of law enforcement officers and capability to distinguish counterfeited/infringing goods; and
3. Most importantly, assist brand owners to exchange ideas, discuss the obstacles they face and voice their commercial concerns to governmental decision makers.

In return, officials have become more skilled to address counterfeiting and improve the administrative enforcement procedures and formalities. In this instance, we emphasise the recent progress made in cooperation with officials and we anticipate that there will be promising developments in the regulations, level of seizures and efficiency of procedures that IP enforcement officials are willing to implement and adopt.

In March 2014, a number of our clients and brand owners based in Europe, in coordination with Al Tamimi & Company, hosted a delegation of officials from the Sharjah Economic Development Department (SEDD), who participated in a program educating them on anti-illicit procedures and training them in respect of products' identities and manufacturing standards. The delegates from the Commercial Compliance and Control Department at SEDD, who oversee anti-counterfeiting actions within Sharjah, were able to receive practical training to empower their products analytical skills. Furthermore, delegates were able to visit factories and speak directly to the management of brand owners about the IP enforcement and commercial protection formalities and learn about the brand owners' priorities and issues in local the market. On the other hand, brand owners had the opportunity to convey technical knowledge which will assist officials to be familiar with elements of genuine products, exchange their business risks and highlight the commercial challenges that result from illicit trade activities in the Middle East region. In addition, officials were also able to briefly hear about enforcement experiences in other countries and consider proposals to improve the procedures of fighting the counterfeiting trade.

The Dubai Customs and its IPR department is another good example of direct dialogue with brand owners. This is evident in several visits made between senior officials to brand owners' factories and offices overseas to exchange knowledge and experiences. The IP department of Dubai Customs had imposed a requirement on IP attorneys to include information about the brand owner's contact details while completing the recording process of all trademarks. This enables direct interaction between brand owners and officials for the benefits of improving knowledge, awareness and brand protection.

This new strategy of interacting with the private sector was recently led by His Highness Sheikh Mohammed Bin Rashid Al Maktoum, UAE Vice President, Prime Minister and Ruler of Dubai, when he urged decision makers and governmental departments to closely interact with the public and private sectors while setting up future plans and goals. His Highness gave a great example of transparency and inspired officials and governmental officers to be more involved with the public and companies, in order to maintain open communication, the sharing of ideas and to consider creative ideas to overcome obstacles at the brainstorming stage in planning for the upcoming year's goals and priorities.

We urge all IP owners to consider such initiatives and take further steps to closely interact with officials at all levels of law enforcement agencies and governmental departments, to clearly share their objectives and challenges while protecting or enforcing their Intellectual property rights in the UAE.