Anti-Counterfeiting & Gray Markets

Knock It Off

Fueled by worldwide consumer demand, counterfeiting is now a multibillion-dollar problem for brand owners. Enforcement can be difficult, requiring a targeted and well-planned strategy. As counterfeiters move off the streets and onto the internet — frequently changing and updating their tactics — it's critical to have guidance from experienced enforcement attorneys who understand this unique environment. Similarly, gray market goods, which sometimes travel through the same illicit channels as counterfeits, are on the rise, and also necessitate sophisticated counsel with relevant business and legal strategies.

Reach

Protection & Enforcement

Our attorneys successfully design and implement sales policies for well-known brands to protect brand standards, prevent transshipping, and establish unilateral resale price maintenance programs. Understanding that these policies can act as a double-edged sword, our trademark, brand protection, transactional, and competition attorneys work closely with our clients to devise policies that achieve their strategic goals within acceptable amounts of legal risk. We also customize cost-effective anti-counterfeiting programs to skillfully combat online and other sales of counterfeits, including:

- Recording intellectual property rights with customs authorities
- Training personnel and enforcement authorities to recognize counterfeits
- Building anti-counterfeiting databases and collecting and preserving evidence
- Establishing an enforcement network and coordinating with private investigators and law enforcement
- Prioritizing appropriate targets and avenues of entry
- Sending demand letters and pursuing settlement with infringers

When necessary, our attorneys aggressively litigate against counterfeiters, including obtaining expedited and preliminary relief — including *ex parte* seizure actions — to successful trial and appellate practice.

Approach

Strategically Connected

We work closely with our clients to develop anti-counterfeiting and gray market strategies that match their business needs, utilizing our excellent network of investigators and law enforcement contacts. Always at the forefront, our attorneys also participate in many brand owner groups and dedicated anti-counterfeiting organizations, through which our clients can take joint actions against counterfeiters to further reduce costs.

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