

Anti-Counterfeiting Litigation

Counterfeiting is a moving target. As a criminal activity, it is constantly evolving in response to perceived vulnerabilities. For example, counterfeiting was once found only in a bricks-and-mortar environment. Now, it is often a largely online occurrence – and not limited to dark corners of the web. Counterfeits can be found on mainstream platforms like Amazon and Etsy.

Counterfeiting strikes directly at a business's most valuable assets – their brand, reputation, and exclusivity. For over thirty years, Rothwell Figg's lawyers have helped clients around the world successfully battle counterfeits, for a wide range of products. Often counterfeits target luxury goods and cosmetics but our work has also included a full range of consumer and industrial products, as well as food products.

We help our clients investigate and understand counterfeiting problems and develop programs and innovative solutions to help them protect the unique and desirable character of their brands. We bring a uniquely bottom-line orientation to our work, developing solutions to address the full spectrum of challenges, from those presented by small-scale counterfeiters to large sophisticated and coordinated counterfeit operations.

Few firms in the United States have our combination of knowledge and experience with federal court counterfeiting enforcement, including securing temporary restraining orders and preliminary injunctions. Where the law allows, we have obtained federal court orders permitting us to work with the U.S. Marshall's office to conduct on-site raids of businesses and even residences to seize counterfeit goods, and other evidence of counterfeiting, including banking records and records of other commercial transactions. Over the years, we have developed relationships with law enforcement to facilitate street-level enforcement and brought lawsuits against counterfeiters and those that facilitate their activities, such as landlords of buildings where counterfeit goods are being sold.

Our experience has also taken us to enforcement efforts against factories abroad, where, with the help of our deep network of non-U.S. law firms, we have worked with colleagues overseas to institute civil and criminal litigation actions.

Rothwell Figg lawyers were pioneers in online counterfeiting enforcement. We filed some of the earliest action against the sale of counterfeit, so-called "replica goods". Our court actions have resulted in seizure of large numbers of infringing websites, and termination of financial accounts connected with those sites. We were among the first to secure control over domains used by counterfeiters online and to even redirect those domains to messages which warned visitors that the sites were taken down due to unlawful activity. Instead of just trying to take down a site, we have successfully worked to terminate the underlying payment processing needed to run it, and gone further to terminate the merchant's foreign bank account tied to these sites – even when such accounts are maintained by anonymous counterfeiters located outside of the United States.

We developed programs that have successfully defeated counterfeiters without the cost and time demands of litigation. For example, we built relationships with credit card processors to create proactive programs to terminate financial transactions tied to counterfeit websites. Our lawyers have also been active on professional organization committees aimed at attacking counterfeit goods.

Importantly, we have consistently partnered closely with clients and their own in-house efforts, vendors, and resources to identify and monitor counterfeiting in the marketplace and coordinate action plans based on all available information.

What does this add up to? *Results.* At Rothwell Figg, we are very proud of our decades of successful anti-counterfeit experience and relationships with law enforcement and other key players to develop customized enforcement programs and solutions tailored to each client's needs.