



Counterfeit Goods

A Guide for Traders

What are counterfeit goods?

Counterfeit goods are “fake” goods, normally copies holding logos or brand names which are registered as trade marks. Examples include: designer clothing, alcohol & tobacco, branded electrical items including mobile phone chargers and hair straighteners, perfumes, cosmetics, watches and jewellery, CDs, DVDs and computer games.

Want a criminal record? Know the offences?

If you are involved in selling, making, advertising, distributing fake goods which infringe a registered trade mark or breach copyright you are committing a criminal offence.

If you have not had the permission of a trade mark holder or copyright holder to use a mark, symbol or a piece of work, you commit an offence when you use it.

Where you stand to make a financial gain from selling fake goods and as a result cause a loss to the legitimate owner of the trade mark or work, you commit an offence.

The Legislation: Trade Marks Act 1994, Copyright, Designs & Patents Act 1988 and The Consumer Protection from Unfair Trading Regulations 2008



Is it worth it? Penalties and punishment

It is your responsibility to ensure the goods you supply are accurately described.

You must be aware that if Trading Standards find any counterfeit goods in your possession they will be seized and you may find yourself liable to prosecution.

The maximum penalty on indictment for selling counterfeit goods is an unlimited fine and/or 10 years imprisonment. Further to this, confiscation orders can be made under the Proceeds of Crime Act (POCA) following conviction for selling counterfeit goods. This targets the criminal lifestyle of the defendant by seeking confiscation of their assets. This can even lead to the loss of your house and vehicles owned by you. If payments to the Court are not met within a deadline they can then impose a prison sentence for non-payment.

In addition, the trade mark holders may also sue for damages in the Civil Courts.

What checks should you conduct?

If you sell goods which bear a logo or brand name which is a registered trade mark you must confirm the items are genuine and you are authorised to sell them.

You can ensure that these items are genuine by:

- Only purchase goods from conventional sources, avoid buying from the “man in the pub” whose full name you do not know, whom you have never met before and who you are unable to contact again.
- Ask your supplier for a written assurance that the goods you are buying are genuine, licensed products and comply with the relevant legislation. If they cannot or will not give a written assurance you have to ask yourself “could this be counterfeit”?
- Contact the Brand holder for the registered trade mark, for example Disney, Nike, G star etc. and check that you are not misdescribing the goods or supplying the goods without their authorisation
- Being able to provide evidence that these checks have been carried out eg receipts; letters etc. from suppliers, trade mark or copyright holders.
- Be suspicious of any branded goods sold at unreasonably low prices.

If in doubt - Do not sell

Reporting counterfeit goods

If you believe you have been sold counterfeit goods please contact in confidence or anonymously:



Citizens Advice Consumer Service on **0808 223 1133**



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