

TIPS FOR CONSUMERS

BOUGHT A COUNTERFEIT? WHAT TO DO JANUARY 2010

1. Complain

Do not accept being palmed off with fakes. They are of inferior quality and can put you or others at risk. The counterfeiting industry does not care about your health or safety - it only cares about profits.

- If your contractual partner can still be contacted, attempt to cancel the purchase. If the seller is not prepared to reverse the transaction, consult a lawyer. You can find a lawyer with the help of the lawyers search engine at <http://www.swisslawyers.com/> (search under the practice area "Intellectual property law").
- Online sales platforms such as eBay and Ricardo offer consumer protection programmes that help you in such situations.
eBay's helpline: 0844 566 000 (daily from 9.00 - 22.00 at the local rate of 7 Rp./min.).
Ricardo's helpline: 0900 950 950 (Monday - Friday 9.00 - 17.00 at CHF 1.00/min.).

2. Report the incident

Report the incident with as accurate a description as possible, as well as evidence. This is an important contribution towards the fight against counterfeiting and piracy. The following is a list of recommended places to report the incident:

- **Police:** every police station is obliged to register your complaint. If the seller has acted commercially, the police are also obliged to clarify this further on their own initiative. If the seller is considered 'small fry', the police require a request to be made by the affected right owner (e.g. LACOSTE, Rolex, etc.) in order to be able to take further action.
- **The right owner concerned:**
 - For watches: info@fhs.ch, or for internet cases such as SPAM: net@fhs.ch or online form <http://www.fhs.ch/en/reportabuse.php>.
 - For Microsoft products: <https://www.microsoft.com/howtotell/reports/report.aspx>.
 - For films and games: antipiracy@safe.ch.
 - For music: suisa@suisa.ch and info@ifpi.ch.
 - For brand-name consumer goods: info@promarca.ch.
 - You can often find further contact details in the Swiss Central Business Names Index at www.zefix.ch or through search engines.
 - In addition, online forms for reporting incidents for various branches can be found at: http://www.markenpiraten.de/hinweis_geben.php.
- **Sales platforms concerned such as eBay and Ricardo** should be informed using the above-mentioned contact details so that they can block the seller in question.
- **For counterfeit medication** and its side effects, the Swiss Agency for Therapeutic Products should be urgently informed via market.surveillance@swissmedic.ch. Immediately contact a doctor or pharmacist if you suspect side effects from taking medication.
- Please also inform **STOP PIRACY** about incidents of counterfeiting: info@stop-piracy.ch.

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3. Can I not just sell the fakes on to somebody else?

No! It is prohibited to sell counterfeit goods. By doing so, you risk receiving a heavy fine or even imprisonment.

Ignorance of the law is generally no excuse. Therefore, it is worth checking that rights affecting trade marks, designs, patents or copyright are not being infringed before purchasing.

4. What should I do if customs confiscate my counterfeit goods?

Relinquish the goods unless you are convinced of their authenticity. If you do not give them up and the opposing party can convince a court that your goods are counterfeits, you risk having to bear the court costs and those of the opposing party, as well as your own costs. If your goods are genuine and as a result the opposing party cannot convince a court that your goods are counterfeits, you will, of course, have your property returned to you (and the opposing party will have to bear your costs).

If the right owner makes demands in addition to relinquishing the goods (e.g. compensation, negative obligations including conventional fines) and you consider these ungrounded, we recommend that you involve a lawyer (see point 1 above for searching for a lawyer).

5. What should I do if the worst comes to the worst?

If, despite all clarifications and reports, it looks doubtful that you are going to get your money back, then put the incident down to experience and take more precaution next time you make a purchase (see the leaflet "[Recognising counterfeits](#)").

This leaflet has been produced by

STOP PIRACY

in cooperation with kf



STOP PIRACY, the Swiss platform against counterfeiting and piracy, is a common initiative between Swiss commerce and the Swiss administration, to which kf also belongs. STOP PIRACY aims to fight counterfeiting and piracy through stronger cooperation and coordination between the members and inform the public about the damaging consequences of counterfeiting and piracy. STOP PIRACY was founded in 2005 on the initiative of the Swiss Federal Institute of Intellectual Property and the Swiss International Chamber of Commerce.

www.stop-piracy.ch