



Combatting Counterfeits in Alcohol/Beverage Industry

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Facts: An EU alcohol brand (hereinafter “A Company”) encountered CFT challenges in China.

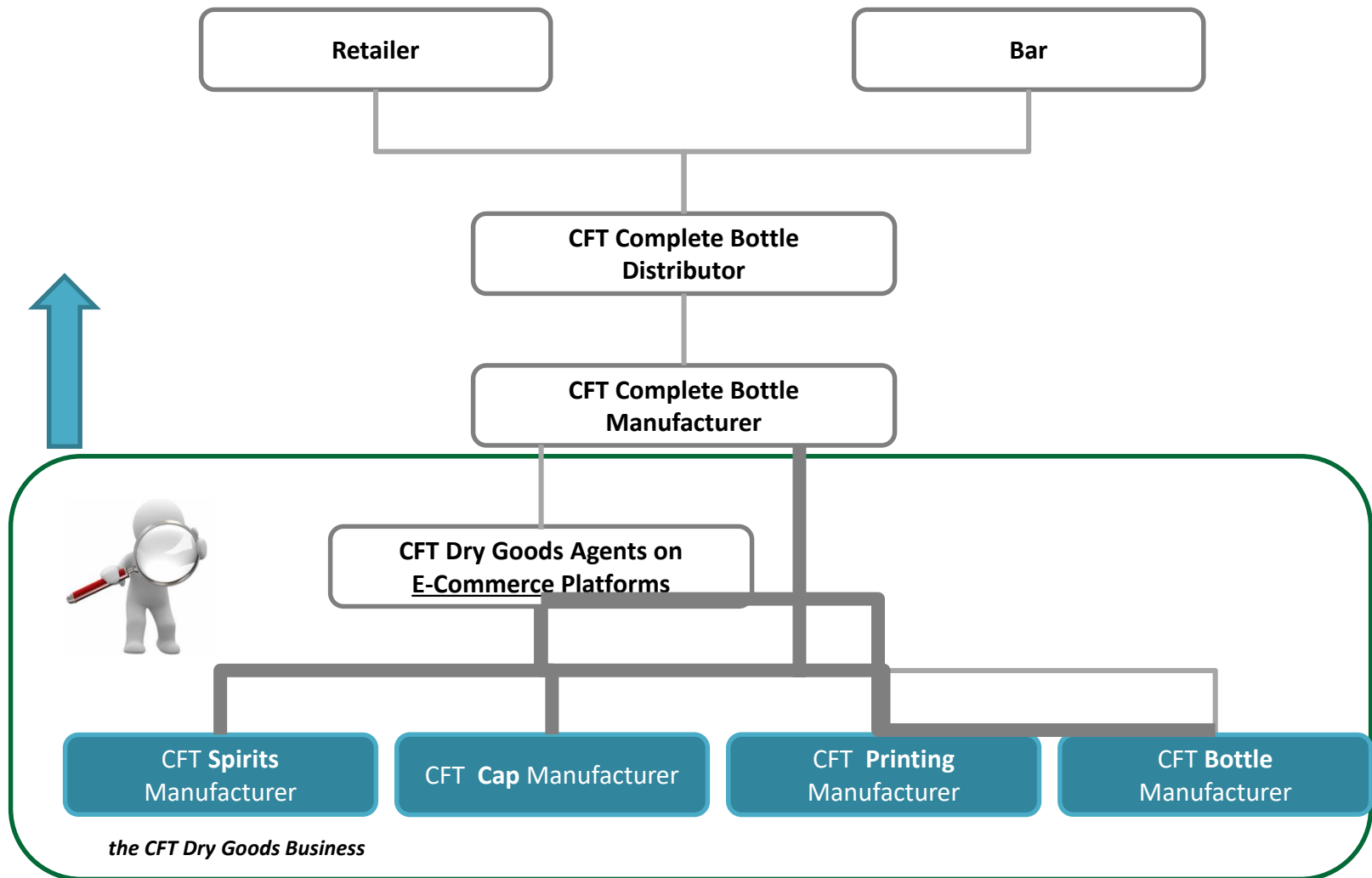


(A bottle of wine consists of an external container and an internal liquid. An external container includes a bottle and a cap, collectively known as dry goods.)

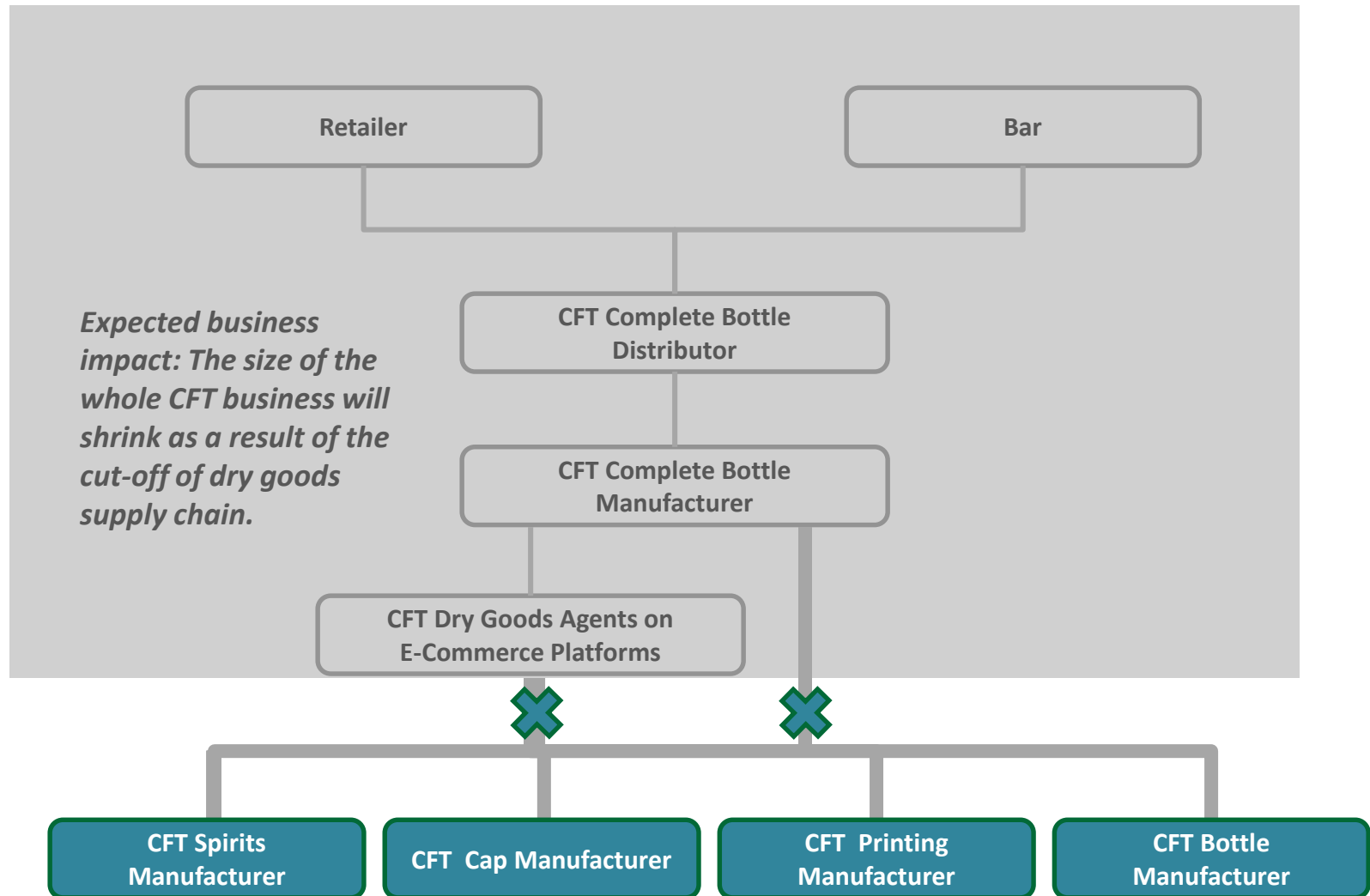
Why?

- Flowcharts of counterfeiting spirit
- Data analysis in four years
- Why more dry goods counterfeits: economic reason?
- What if we do not stop counterfeit bottles or cap now?
- Why civil litigation?

Flowchart of the counterfeiting business



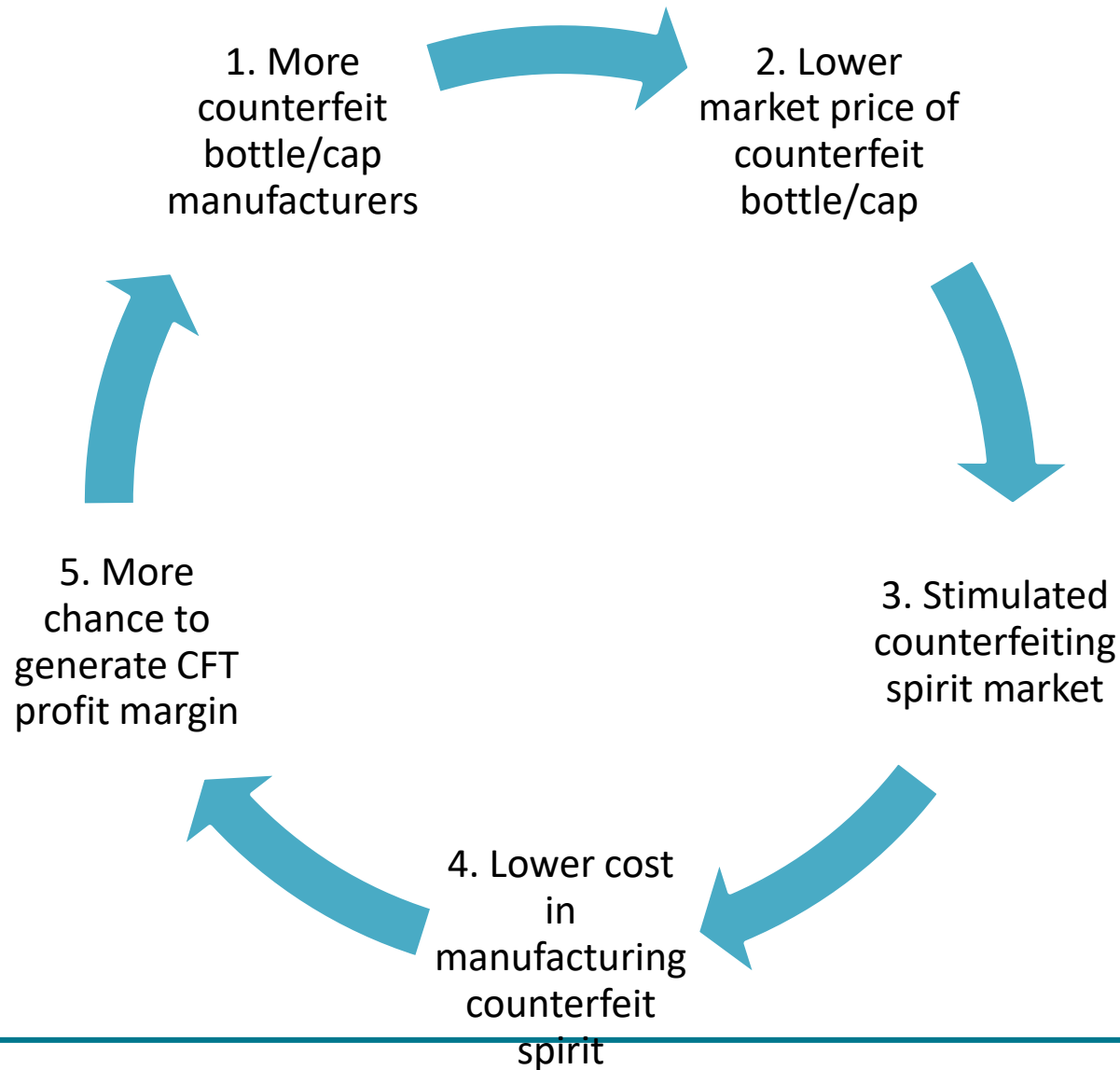
Flowchart of the counterfeiting business





Average price of recycled bottle:
RMB 10/bottle

Average price of counterfeit bottle:
RMB 2/bottle



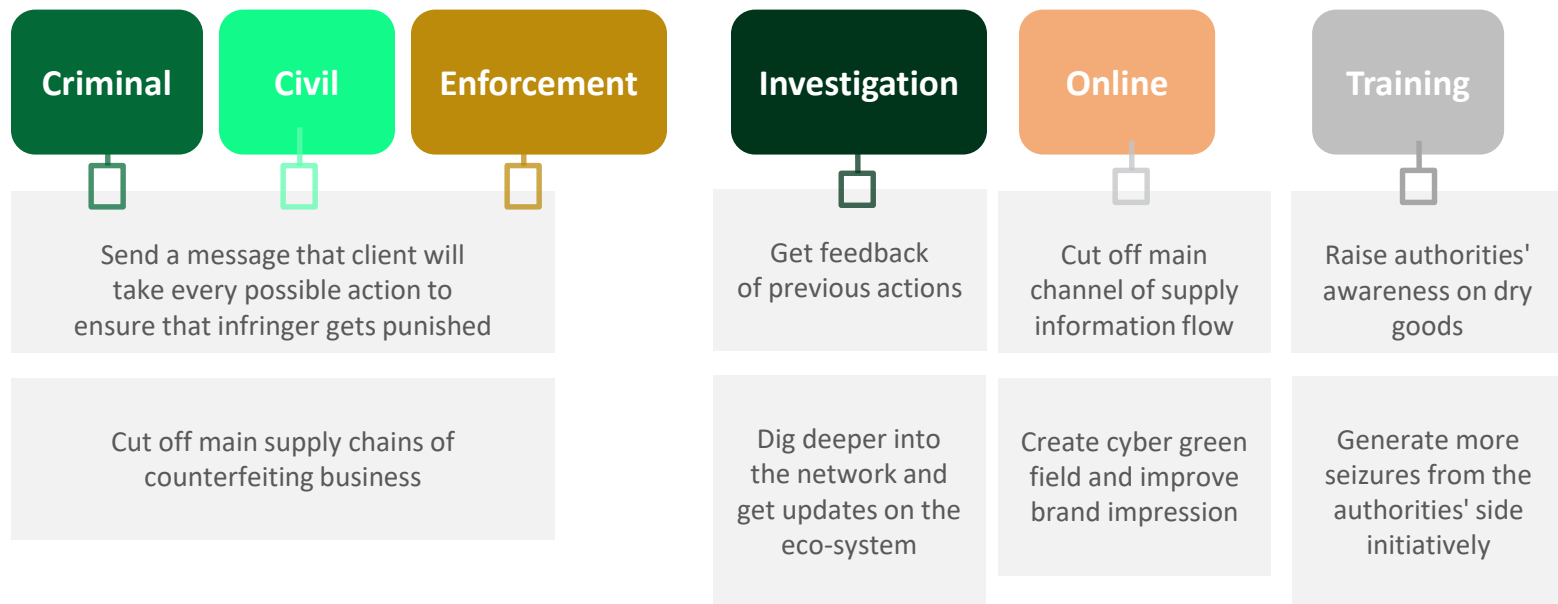


- Sending a strong message to the CFT industry to curb the rampancy
- Putting a complete stop against the most aggressive dry goods manufacturers
- Thorough understanding of the glass bottle/cap industry in the dry goods counterfeits' hot spots

MAIN PURPOSE

To cut off the supply chain of counterfeit production and thereby bring the counterfeit rate down

MEASURES & EXPECTED EFFECTS



Step 1: Enforcement options



• Criminal prosecution

- Strong deterrent effect
- High threshold and not transparent
- No substantial monetary penalty



• Administrative enforcement

- Swift
- Local protectionism is a barrier
- Minimum penalty
- The deterrent effect is limited



• Civil litigation

- High transparency
- Cause monetary and reputational damages to the infringer

- The penalty set in the PD is too light and the local AIC did not set specific date to destruct the bottles.
- Three defendants were all granted probation in the criminal judgment. is too light and the local AIC did not set specific date to destruct the bottles.
- The PSB dropped the criminal procedure.

Step 2: So many targets, but which target is our “lucky boy”?

1

- Infringing activity is clear and straight forward. Either the target was raided before, or we can manage to arrange notarized purchase or another administrative enforcement against them.

2

- Infringing history and scale: repeated infringer, or production volume of counterfeits is comparatively big.

3

- Assets: have reasonable assets to enforce, including car, real estate, reasonable deposit in bank. IP assets will also be considered.

4

- Position in the local industry: if they are a leading company, our action against it will exert a bigger influence on the local industry.

5

- Other considerations: such as the consistent business name and address, etc.

Evidence collection

such as previous enforcement records, notarized purchase, etc

Assets information collection

to ensure the targets have assets to be enforced

1

Investigation shows that nearly all dry goods businesses apply **production-on-order-only pattern**.

2

Investigation shows that nearly all dry goods businesses **only accept orders from "acquaintance"**.

3

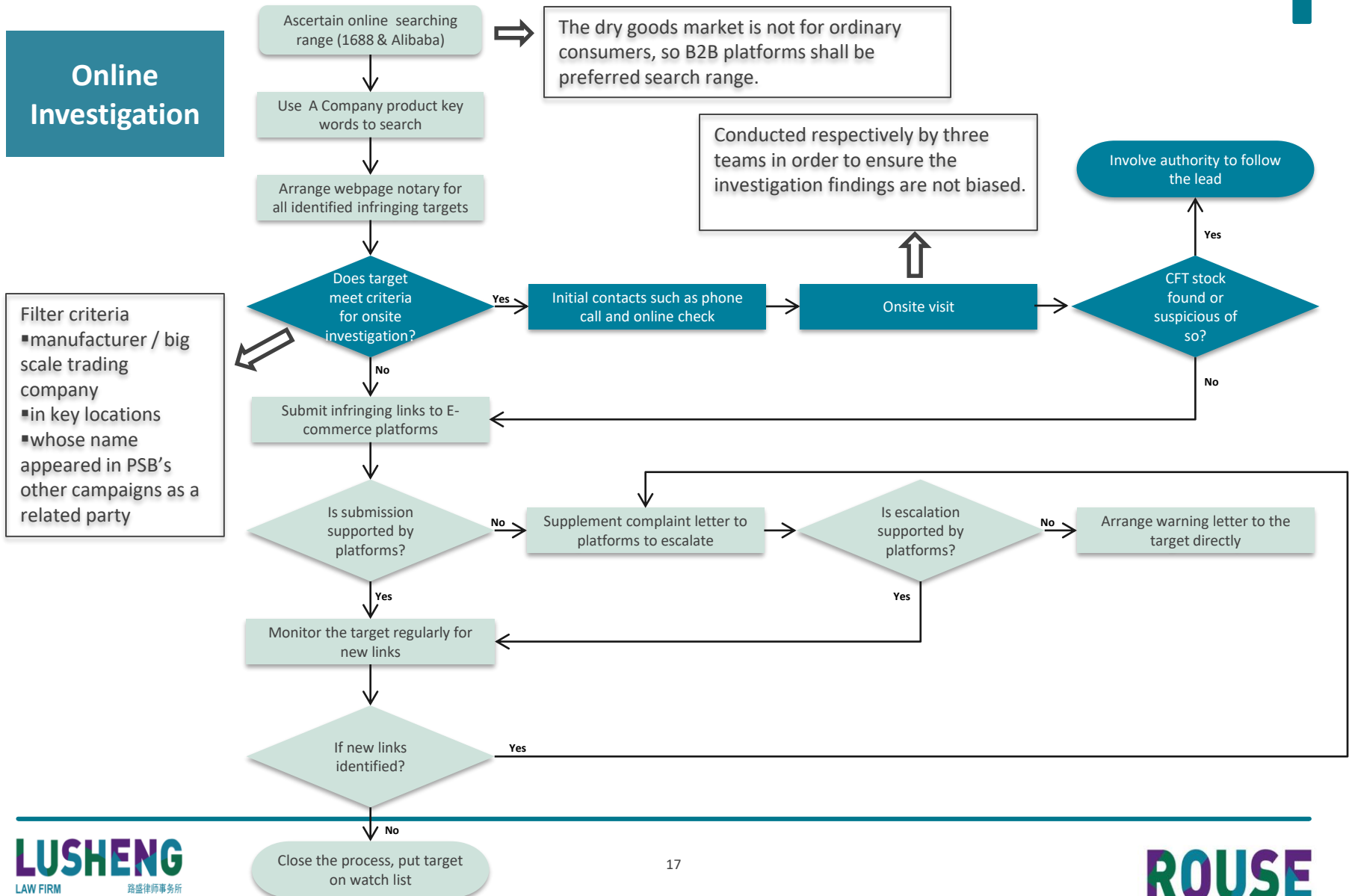
Online monitor and investigation shows that a common pattern of the O2O dry goods business is that several companies (factories) in the same area hire **a same sales agent** who posts listings for all factories.

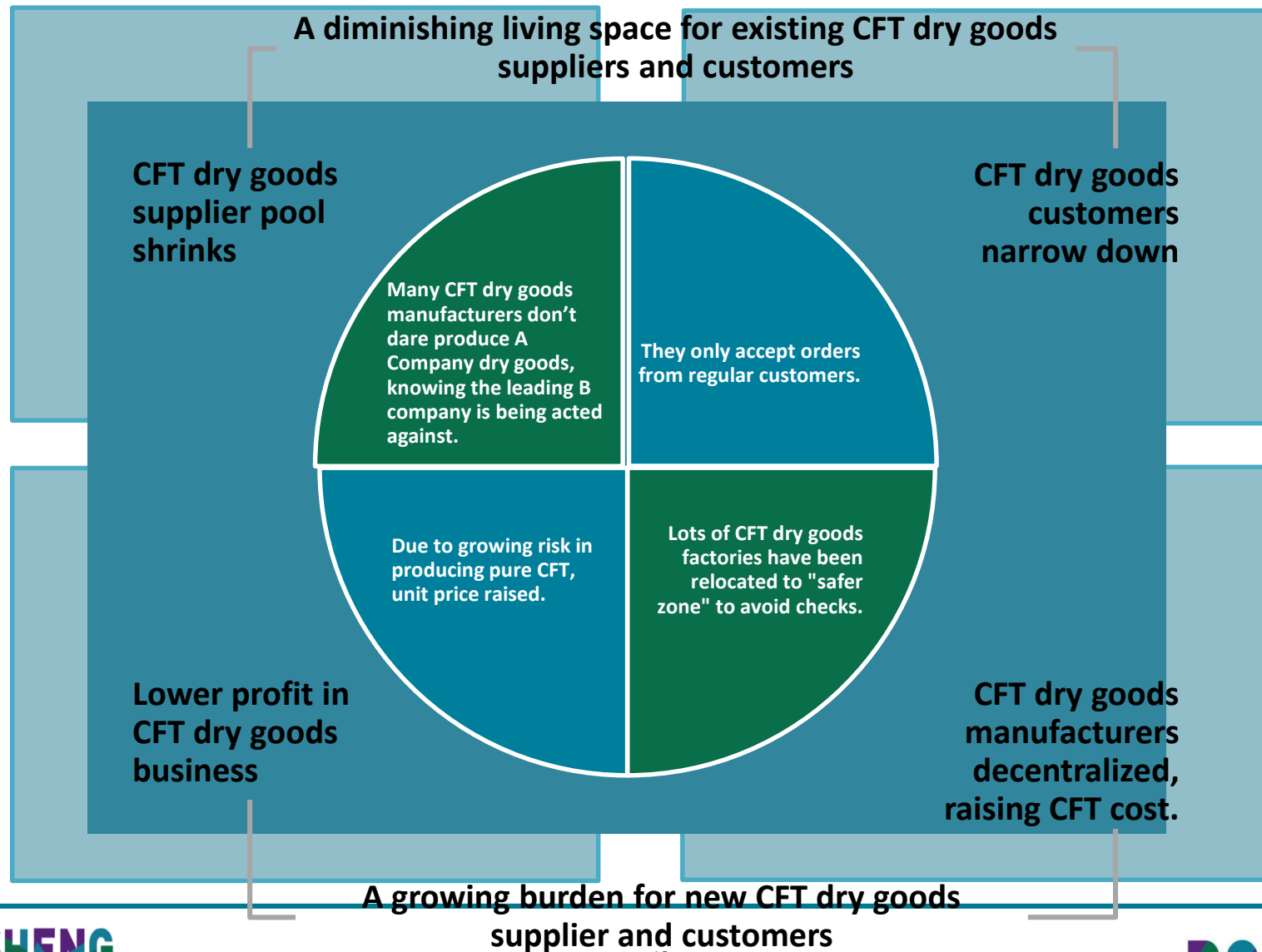
4

Criminal case files reveal that dry goods business transaction is often originated from **online contact** (such as joining a QQ group).

Work flow of online action and investigation

Online Investigation





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E-Commerce law

The new E-Commerce Law has brought a positive impact on intellectual property protection. The most related Articles are as follows:

Article 10 E-commerce business operators shall complete market entity registration formalities pursuant to the law, except for individuals selling self-produced agricultural products and home-made handicraft products, and individuals using their own skills to engage in convenient labour activities and sporadic small transactions for which licensing is not required by law, as well as e-commerce business operators who are not required to register pursuant to the laws and administrative regulations.

Article 15 E-commerce business operators shall display, prominently and continuously on their homepage, their business licence information, administrative licensing information relating to their business operation, and information that they are not required to complete market entity registration pursuant to the provisions of Article 10 of this Law, or hyperlinks of the aforesaid information. Where there is any change to the information stipulated in the preceding paragraph, the e-commerce business operators shall promptly update and announce the information.

Article 15 of the new E-Commerce Law will make it easier for right holders to target infringing manufacturers.

Because Article 15 requires e-commerce operators to publish business license information and administrative licensing information related to their business, which greatly alleviates the difficulty to locate the defendant's information that right-holders may encounter in the process of locating the target.

Taobao

卖家信息

企业店铺



和我联系

创店时间: 2014-02-05

卖家信用: 67031



店铺服务



卖家已向消费者承诺:



消费者保障

卖家当前保证金余额 ¥5000 元

若卖家未履行上述承诺, 淘宝使用保证金进行先行赔付。 [了解赔付流程](#)

公司基本信息

经营类型: 经销代理/代购

营业执照注册号: 9

公司简介

CN潮牌, 经营VANS范斯、NIKE耐克、ASICS亚瑟士、CONVERSE匡威等品牌鞋、服装、背包等, 专柜渠道货源, 正品有保障

CN潮牌, 经营VANS范斯、NIKE耐克、ASICS亚瑟士、CONVERSE匡威等品牌鞋、服装、背包等, 专柜渠道货源, 正品有保障

Tmall

天猫网店经营者相关资质信息

根据相关法律法规要求，经营者相关资质信息公示如下：

企业注册号：[REDACTED]
企业名称：[REDACTED]
类 型：有[REDACTED]
住 所：上[REDACTED]
法定代表人：[REDACTED]
成立时间：2012-06-28
注册资本：210万欧元
营业期限：2012-06-28至2042-06-27
经营范围：男装、女装、童装、婴儿装、内衣、服饰、泳衣、家用饰品、针纺织品、服装面料及辅料、太阳镜、香水香料、护肤产品、化妆品及相关用品、皮革制品、手表、人造首饰、鞋类、眼镜、婴儿车、纤维制品、厨房用具、卫生洁具、五金交电、文化用品、钟表、箱包、日用百货、床上用品、工艺品（文物除外）、文具用品、布艺产品、洗涤用品、精油、芳香类制品、室内除臭剂、灯具、花卉、干花、纸制品、陶瓷制品、金属制品（钢材除外）、竹木制品、橡塑制品、玻璃制品、卫生用品、玩具、婴儿用品及上述产品零部件的批发、网上零售、进出口、佣金代理（拍卖的除外），提供相关的配套业务、售后服务和咨询服务。（不涉及国营贸易管理商品，涉及配额、许可证管理商品的，按国家有关规定办理申请）。【依法须经批准的项目，经相关部门批准后方可开展经营活动】
登记机关：上海市工商局
核准日期：2012-06-28

注：以上营业执照信息来源于卖家自行申报或工商系统数据，具体以工商部门登记为准。

经营者需确保信息真实有效，平台也将定期核查。如与实际不符，为避免违规，请联系当地工商部门或平台客服更新。

JD



官方旗舰店

» 首页 » 品牌简介 » 放入收藏夹

卖家：

卖家资质：

综合评分：★★★★★

网店经营者资质信息公示

京东商城网店经营者营业执照信息

根据国家工商总局《网络交易管理办法》要求对网店营业执照信息公示如下：

企业名称：

营业执照注册号：

刘飞

营业执照所在地：辽宁 / 沈阳市

企业注册资金：3000万元

营业执照有效期：2001-10-24 至 2031-10-24

营业执照经营范围：
药品、医疗器械、食品、消毒消杀用品、化妆品、计划生育用品、日用百货、家用电器、通讯器材、电子产品、钟表眼镜、五金交电、酒店用品、卫生洁具、家具、体育用品、音响器材销售；普通货运；货运代理；房地产...

公司地址：辽宁沈阳市铁西区保工北街15号



Thank you!

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