

# GET REAL

BY  
THE INTERNATIONAL ANTICOUNTERFEITING COALITION

## Message from the President

### IP taskforces: an alternative organizational model to combat IP crime

By Bob Barchiesi

Counterfeit products and IP theft have real-world consequences. Not only are they threats to a nation's economy, but certain types of IP crimes also endanger the public. The United States builds on human innovation and creativity. People, inspired by new ideas or artistic visions, create books for us to read, music for us to listen to and products that improve our lives. Whether they produce movies, design fashion or develop chemical compounds, these individuals all contribute the creations of their intellect for the nation's benefit. As the volume of IP crime continues to grow, both the number of prosecutors and the number of investigators must also increase. With limited resources and expanding priorities, federal, state and local law enforcement must combine resources and talent to combat the insidious growth of IP theft.

On December 8 2009 Mississippi Attorney General Jim Hood announced the first statewide law enforcement taskforce dedicated to fighting counterfeiting and copyright infringement. The new Mississippi IP taskforce builds on the IP enforcement models created in major cities such as New York and Los Angeles by enhancing enforcement capabilities throughout an entire state.

The concept of taskforces has been around for many years and has proven to be quite successful. The ability of multi-agency operations to investigate effectively drug trafficking and other crimes that cross jurisdictional boundaries has led to other applications. Today, police departments across the country pool personnel and resources to address concerns ranging from automobile theft and asset forfeiture to juvenile gangs and serial murders. The use of taskforces in law enforcement has grown steadily over the last decade. According to data from the Bureau of Justice Assistance, over 1,000 multi-jurisdictional anti-drug taskforces exist in the United States. This figure does not include operations that focus on other offences, such as organized crime or stolen vehicles, but it does suggest the extensive use of taskforces by law enforcement agencies and the value placed on them in addressing widespread problems and enhancing the effectiveness of police in general.

Traditional taskforces have consisted primarily of law enforcement personnel to the exclusion of other parties which could make significant contributions. The International AntiCounterfeiting Coalition has developed a new approach to increase the resources, skills and vision by which private industry works alongside state and local law enforcement to maximize what each has to offer, in an effort to combat IP theft. By forging new relationships with private sector entities, law enforcement opens itself up to a wealth of information and communication lines with limitless potential. The first IP trademark taskforce based on this concept was developed in New York City in 2002, with subsequent taskforces rolling out in Los Angeles, Newark, New Jersey and now Mississippi. Since the inception of this model, these taskforces have been highly successful in combating the growing threat of IP crime.

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**The New York IP Trademark Taskforce model**

New York City (NYC) developed the IP Trademark Taskforce in June 2002. This innovative effort emphasizes partnerships over mere membership. The IP Trademark Taskforce provides a productive framework and collaborative environment in which the resources of its participants are combined effectively and efficiently to have a significant impact on IP crimes. Multiple city agencies bring additional criminal enforcement jurisdiction and resources to the taskforce, while representatives from private industry bring a wealth of technical expertise. This taskforce approach has generated unprecedented partnerships among trademark holders and NYC government partners. The taskforce's membership continues to grow and includes over 40 private sector representatives, as well as a broad section of NYC government members such as:

- the NYC Police Department Office of Civil Enforcement;
- the NYC Police Department Trademark Unit;
- the NYC Police Department-Manhattan South Peddlers Taskforce;
- the Criminal Justice Coordinator New York City;
- the Mayor's Office of Special Enforcement;
- the NYC Department of Finance;
- the NYC Fire Department;
- the Manhattan District Attorney's Office;
- the NYC Department of Buildings;
- the NYC Department of Consumer Affairs; and
- the NYC Department of Sanitation.

The taskforce has a zero-tolerance policy against counterfeit distribution warehouses. Raids are conducted by the New York Police Department with the support of the other city agencies. The search, seizure and arrest component is complemented by other city agencies, which look for violations such as building code, fire, sanitation and tax. This adds a dynamic that holds landlords accountable and subjects them to fines and possible nuisance abatement closure orders.

So far, the raids have broken records in both size and scope. Recent raids have netted tens of millions of dollars in counterfeit goods and resulted in the closure of numerous buildings in mid-town Manhattan. These buildings were the epicentre for the flow of millions of dollars' worth of counterfeit goods throughout the United States.

The taskforce model has offered many benefits to both trademark holders and city agencies, and has successfully addressed several larger issues, such as duplication of services, coordination of effort and economies of size. It has presented opportunities for stakeholders to share intelligence and costs, coordinate investigative and enforcement efforts, and provide enhanced technical expertise and logistical and financial support to law enforcement partners in a collaborative and cost-effective manner. In addition, this collaborative partnership expanded the capability of law enforcement to address the problem of counterfeit goods by developing a comprehensive strategy based on shared intelligence. The taskforce actions also focused the city on the cost of counterfeit goods to its economy, prompting a study by the NYC Comptroller's Office entitled "Bootleg Billions" which quantified the economic impact of the sale of counterfeit goods to the city's coffers and services.

**The Los Angeles Trademark Taskforce model**

In early June 2006 private industry leaders met with Los Angeles (LA) government officials to discuss the feasibility of an IP taskforce, as well as the development of a study to measure the economic impact that counterfeit goods have had on the LA economy. In February 2007 the LA Economic Development Corporation concluded a study titled "A False Bargain" which, like the "Bootleg Billions" study, detailed the economic impact of the proliferation of counterfeit goods.

On November 30 2007 a police anti-piracy taskforce hit vendors on Santee Alley in downtown LA and confiscated some \$8 million of counterfeit goods. Twenty-six people were arrested during the raid and some 50,000 counterfeit items were seized. This action was the culmination of several months of meetings between police, political and other government representatives, along with private industry representatives from a broad sector of industries that have long been the victim of counterfeiters. NYC officials also attended and shared best practices with the group.

On May 6 2008 the LA City Council passed an ordinance adding Chapter 13.90 to Title 13 B Public Peace, Morals, and Welfare of the Los Angeles County Code to establish the Counterfeit Goods Nuisance Abatement Law, which addresses problems associated with properties used for the manufacture, distribution and sale of counterfeit goods in unincorporated areas of the county of Los Angeles.

#### **The Newark, New Jersey Trademark Taskforce model**

In late 2006 private industry met with Newark police and government officials to explore the possibility of an IP taskforce to combat the open sales of counterfeit goods in downtown Newark. The taskforce has conducted numerous raids in the downtown area, resulting in scores of arrests and the seizure of hundreds of thousands of dollars' worth of counterfeit goods.

#### **Action plan for developing trademark taskforces in major US markets**

The success of the IP taskforces described above has been historic in the IP enforcement environment in terms of private industry cooperation, as well as in external partnerships with government agencies. This model has focused on the economic impact that counterfeit goods have on municipalities and has resulted in enhanced legislation, changes in strategy and changes in how industry and government approach this issue in terms of both criminal and civil enforcement. The foundation for each IP trademark taskforce is the same, but the blocks differ – from the most complex model in New York to the simplest in Newark. The fundamental principal remains the same: collaboration across a broad spectrum of private industry partners, working alongside a wide range of government resources. The statewide IP taskforce in Mississippi is a new and exciting development that brings with it expanded coordination on a state level. Looking forward, the International AntiCounterfeiting Coalition is hopeful that the final phase of the taskforce model will include the injection of federal resources, assets and expertise to complement fully these already successful taskforces. ■

## **IACC COMMITTEE UPDATES**

### **Investigator's Committee Update**

The recently re-established Investigator's Committee of the IACC got off to a roaring start at the IACC meeting last October in Atlanta. Over 20 investigators attended the committee meeting, which included an excellent presentation by Judy Powell from IACC member law firm Kilpatrick Stockton on effective testimony. Following that, the Chair-persons, Heather Holdridge and Steve Kirby discussed the plans for the upcoming year with those in attendance. The committee will be meeting by phone prior to the Boston meeting and in person in Boston.

IACC investigator members Andrea Powers, Heather Holdridge and Shari Escher were presenters at IACC sponsored seminars for the general membership. Andrea & Heather gave an impressive dissertation on the art of gaining restitution for clients and Shari provided an excellent case study of the synergy of public law enforcement and private investigators. Andrea Powers has also taken the responsibility of compiling enforcement statistics from investigative members. So far, even with only seven firms

reporting, 2009 was a banner year. The seven reporting firms removed almost 650,000 pieces of counterfeit product out of circulation. There were over 211 criminal cases generated resulting in 192 convictions in which the defendant received probation, supervision, and/or fines. Only 4 cases were reported dismissed and the remaining cases are pending. This calculates to a 97% conviction rate. Well done! We do need the rest of the investigators to provide their statistics so that we can better measure our progress in the ongoing battle against fakes. If anyone has any questions, comments, or suggestions on how the IACC investigator committee can serve you or the members of IACC, please contact either Heather Holdridge at 213-975-0007 or Steve Kirby at 630-941-1700. ■

### **Customs Committee Update**

On December 7, 2009 IACC President Bob Barchiesi joined many of his colleagues for a CEO luncheon hosted by ICE at the IPR center. Below are the major points that were discussed on behalf of the IACC membership:

### **ISSUE 1: Federal State and Local IP Task**

#### **Force**

The Mississippi AG announced the launch of the first statewide IP Task force in the nation. This comes on the heels of some very successful actions by IP task forces in NYC and Los Angeles.

#### **The IACC position is :**

To add a federal component to the IP task force model. It is our belief that the injection of federal resources, assets and expertise will fully compliment these already very successful task forces, help maximize resources, avoid duplication of efforts and enhance ability to prosecute cases and get to the source.

**Conclusion:** Secretary Morton and DAG Lanny Breuer agreed in principal that the concept makes sense and they would follow up with a plan to implement it, possibly as a model in one city.

### **ISSUE 2: Disclosure of Information to Rights Holders**

IACC members often include unique product codes on each item that they manufacture. The inclusion of such codes has been used effectively by legitimate manufacturers, as well as by CBP personnel, in determining whether a suspected counterfeit is in fact an illicit product.

**(Customs Committee Update Continued)**

CBP's current policy is to not release information to brands under the theory that releasing that information would violate the Trade Secrets Act (18 U.S.C. 1905).

**The IACC position is:**

- I. Customs Regulations Do Not Prohibit the Release of the Information
- II. The Trade Secrets Act is Inapplicable
- III. Disclosure Would Not Be Prosecuted Under the Trade Secrets Act
- IV. A Plainly Visible Code Appearing on Products or Their Packaging is Not a Trade Secret

**Conclusion:** Assistant Commissioner Winkowski stated that he would continue to discuss the matter internally. The importance of resolving this issue and our support for legislation to be included in the Customs Reauthorization bill to address this problem was strongly emphasized. Bob also left the IACC position paper on this issue for his review and comment.

**ISSUE 3: Partnership on Anti-Counterfeiting and Anti-Piracy messaging**

This campaign is designed to diminish the insatiable appetite of the consumer to buy these harmful knockoffs.

We have had great success partnering up with Mayor Bloomberg in NYC, Sheriff Lee Baca in Los Angeles; we've done it in Mexico City, and have successfully partnered with French Customs having our message placed in customs areas throughout France, Belgium and other European countries

**The IACC position is:**

To place the IACC ads throughout secure customs areas throughout the airports and ports of entry here in the US.

**Conclusion:** Assistant Commissioner Winkowski stated that he would take the proposal under consideration and discuss the matter internally. ■

**Legislative Committee Update**

As the US Congress and state legislatures recessed or adjourned at the end of 2009, a number of bills on which the IACC has taken an active role remained unpassed. Though we're less than two months into the new year, we've already seen quite a bit of legislative activity that should be of interest to members of the IACC.

Following the Pennsylvania Supreme Court's decision in the Omar case last October, the IACC pressed the legislature for rapid action to enact House Bill 727 – a bill based on the IACC's Model State Criminal Counterfeiting Statute. HB 727 had already passed the House of Representatives at the time of the Court's decision, and was awaiting action by the Senate Judiciary Committee. The IACC worked closely with representatives from the Pennsylvania Attorney General's Office and the Philadelphia District Attorney's Office to draft amendments to the legislation to overcome the Supreme Court's reasoning in striking down the existing statute. The Senate Judiciary Committee has since favorably reported the bill, as amended, with a unanimous vote; and we expect the full Senate to pass the measure in the coming weeks. Following passage in the Senate, the bill will move back to the House for concurrence on the amendments. Based on conversations with Committee staff, we do not expect any opposition to the bill as it moves forward. We will keep you apprised of the upcoming votes, and will continue to work to ensure final passage of the bill, and enactment by the Governor.

Last June, the New Hampshire legislature enacted a new law against trademark counterfeiting, part of an effort to combat a significant increase in sales of infringing goods at flea markets around the state. Those provisions were included as part of bill focused primarily on retail fraud, and at the urging of local law enforcement and the IACC, the legislature has chosen to revisit the issue this session, and is currently seeking to pass a more comprehensive bill based on the language of the IACC Model. In late January, IACC Director of Legislative Affairs, Travis Johnson, and IACC member Andrea

Powers (Powers & Associates) testified in favor of the bill before the New Hampshire Senate Judiciary Committee.

The bill was subsequently passed out of committee, and on February 3<sup>rd</sup>, was passed by the a vote of the full Senate. Senate Bill 394 is now under consideration by the House of Representatives, where we are hoping for swift passage. No hearings have yet been scheduled in the House, but we welcome any members who might be interested providing written testimony, or who would be interested in testifying in person at the hearing, to contact Travis Johnson, 202.223.6667 or [tjohnson@iacc.org](mailto:tjohnson@iacc.org), for further information.

Moving to the federal arena, Customs Reauthorization remains the IACC's single greatest priority for 2010. In August of last year, Senate Finance Committee Chairman Max Baucus and Ranking Member Chuck Grassley introduced a reauthorization bill for customs facilitation and trade enforcement functions, S 1631. The IACC and a number of other rights-holder organizations have been lobbying the Committee to include provisions necessary to address Customs personnel's refusal to provide essential information to rights-holders regarding shipments of goods that have been detained as suspected counterfeit products. As you are no doubt aware, the Office of Counsel at CBP determined that providing such information violates federal law, and that CBP personnel could face criminal prosecution for divulging information to rights-holders.

While we had hoped for prompt action on this issue by the Committee, a number of other Administration and Congressional initiatives within the Committee's jurisdiction (e.g., healthcare reform) were considered to be a greater priority. While the Committee held a hearing late last year, no major legislative action was taken. Recent discussions with Committee staff indicate that further consideration of the bill is likely this Spring. Near the end of this month, we will begin reaching out to IACC members to facilitate direct contact with the Committee and their staffs, to encourage both the movement of the legislation, and the inclusion of our desired amendment language. ■

## Member Spotlights



[Anderson Kill's](#) anti-counterfeiting practice fields a team of criminal and IP litigators led by former federal and state prosecutors, experienced in handling matters relating to counterfeiting, piracy and parallel imports. We represent clients whose products are manufactured and sold globally, and we have a proven track record defending our clients' brand value worldwide.

Our practice has assisted clients in devising and implementing internal protocols and best practices; overseeing investigations of the sources and methods of counterfeit activity; working with government agencies to protect client interests; and pursuing infringers through criminal and civil remedies.

We also assist clients in conducting IP audits, helping them to inventory and trace the ownership of IP assets; determine the worldwide registration status of each asset; review all contracts that have a bearing on IP assets; review threatened and ongoing litigation; and identify vulnerabilities arising out of ownership ambiguities or weak branding.

Our former prosecutors, who include a former elected District Attorney and Deputy District Attorney of Ventura, CA and a former Assistant U.S. Attorney in the Southern District of New York, have oriented the team toward close cooperation with key state and federal agencies and built strong working relationships with private investigative agencies in the United States and abroad. These relationships enable us to help clients identify counterfeiting before it becomes endemic and to work with law enforcement agencies to pursue counterfeiters before a public crisis arises. We know how to sort through the wide array of state and Federal agencies that may focus on a given counterfeiting matter and determine which is likely to pursue the matter actively. When appropriate, we help clients partner with other Victim IP holders to share efforts and costs.

For more information about Anderson Kill's Anti-Counterfeiting practice, please contact Phillip England at (212) 278-1483 or [pengland@andersonkill.com](mailto:pengland@andersonkill.com). ■

# townsend.

## **Townsend & Townsend & Crew LLP**

Protecting identity and expression requires skilled expertise in trademark, anti-counterfeiting, copyright, design patent, right of publicity, and Internet-related law. At Townsend and Townsend and Crew LLP, our dedicated trademark and copyright attorneys focus exclusively on brand protection and enforcement, allowing us to counsel at a broader level and plan strategies to reach the best solution for each of our clients, big or small, new or established, at home or abroad – all with the goal of maximizing the value of the trademark and other intellectual property assets that you create or acquire.

Townsend has developed a thorough understanding of our clients and their business objectives through years of service to loyal clients including Apple Inc., Levi Strauss & Co., Dolby Laboratories, Inc., Sony Computer Entertainment America, LeapFrog Enterprises, Restoration Hardware, Clif Bar, Williams-Sonoma, Sun-Maid Raisins, Guittard, Oracle Corporation, Moet Hennessy, Benziger Winery, Sennheiser, Aliph (Jawbone), Zappos.com, Dreyer's Grand Ice Cream, and Micrus Endovascular, among others. As one of the oldest and most respected trademark practices in the U.S., clients benefit from our institutional memory and experience in building, enforcing and defending some of the world's leading brands.

Our trademark and copyright team is backed by the collective strength of a law firm comprised of more than 200 intellectual property lawyers and legal professionals, with the time-tested and well-established infrastructure and experienced staff necessary to effectively manage and police large brand portfolios.

Townsend provides comprehensive enforcement services, including litigation, to leverage the value of your trademark or license, along with anti-counterfeiting, anti-parallel trade and other programs to assure the continued validity and value of trademarks, copyrights and trade names.

Our policing efforts involve a thorough understanding of U.S. enforcement mechanisms, including working closely with Customs and local law enforcement to identify and seize counterfeit goods, in addition to a strong network of worldwide associates for overseas enforcement and investigation. Our

network of associates in virtually every nation can also assist our clients involved in trademark disputes in other countries – this means knowing who to call if something needs to be done quickly, virtually anywhere in the world; knowing what your options are; and knowing how reliable your enforcement efforts will be.

For more information about Townsend, please contact Laurie H. van Löben Sels at 415-273-4702 or [LHV@townsend.com](mailto:LHV@townsend.com), or visit us on the Web at [www.townsend.com](http://www.townsend.com). ■



SIDEMAN & BANCROFT LLP

## **Jeffrey Hallam & Richard Nelson**

Jeffrey Hallam and Richard Nelson are partners in the Business Crimes Group at the San Francisco law firm of Sideman & Bancroft LLP ([www.sideman.com](http://www.sideman.com)). Sideman & Bancroft was founded more than 30 years ago by two federal prosecutors from the United States Attorney's Office from the Northern District of California, and has enjoyed a national reputation in the Business Crimes area. The 28 lawyer firm currently has 5 former Federal prosecutors and 1 former New York State prosecutor in its ranks.

Mr. Hallam and Mr. Nelson (a former Federal prosecutor in Washington, D.C.) represent Fortune 100 companies that are victims of counterfeiting and other intellectual property crimes, and victims of gray market and warranty fraud. Their work in this area has resulted in the referral of criminal intellectual property and gray market fraud matters to federal and state prosecutors and law enforcement agencies (including the FBI, ICE, DCIS, NCIS, USPI, IRS, GSA-OIG) in more than 25 jurisdictions in the United States, resulting in numerous prosecutions, convictions, sentences and restitution orders.

They also advise their clients on how best to work with CBP, which has resulted in numerous seizures of counterfeit products at our nation's borders. One of their most significant representations in this area is for the network hardware company Cisco Systems, Inc., in which they advised Cisco in connection with an ongoing multijurisdictional and international enforcement effort against traffickers in counterfeit network hardware, as jointly announced on February 28, 2008 by the Departments of Justice Homeland Security, and the FBI, ICE, and the RCMP ([www.justice.gov/criminal/cybercrime/Intl-Initiative.pdf](http://www.justice.gov/criminal/cybercrime/Intl-Initiative.pdf)). ■

# **Leveraging DMCA to Remove Counterfeit Websites from Search Engine Listings**

By Mary Roach, MarkMonitor

Not only are counterfeiters brash enough to setup e-commerce sites to sell fake goods, but they often use copyrighted product images on their sites in doing so. That's actually good news for trademark owners, as it provides them an opportunity to leverage the Digital Millennium Copyright Act (DMCA) to remove websites selling counterfeit goods from natural search results of the big 3 search engines – Google, Yahoo! and Bing. And if consumers can't find sites peddling counterfeit goods via the search engines, they're less likely to come across them at all.

Under Section 512(d)(3) of the DMCA, "information location tools" such as search engines and directories are not liable for infringement of copyright-protected materials they may link to, as long as they follow the DMCA's takedown procedures when they receive complaints from rights owners. These are essentially the same conditions that apply to ISPs who may unknowingly host counterfeit websites containing copyrighted photos. In submitting a complaint to the search engines, rights owners must identify the search result or directory page which links to a webpage containing the infringing image, in addition to specifying the copyrighted image infringed upon. For example, this would include providing the keyword or keyword phrase used in a search or directory query, plus the URL(s) which point to the infringing websites in the DMCA complaint.

Some search engines make it easier than others to submit this information to them. Google, for example, requires DMCA notices to be sent via fax or snail mail, with a couple of exceptions; complaints of copyright infringement found on Blogger can be submitted via an [online form](#), and only brand owners with a prior agreement with Google may submit complaints via email. Both Yahoo! and Bing allow brand owners to submit complaints via email in addition to via fax and mail; however, it appears that the first submission to Yahoo! and Bing must be submitted by mail or fax so that they have a legal copy of the brand owner's signature on file.

Once the DMCA notice has been received by the search engines, they will "expeditiously" remove the website listing from its search engine index, although no timeframe is provided. Anecdotal information suggests that removal takes on average 10 days. Furthermore, both Google and Bing will provide copies of the DMCA notice to the website owner in case they would like to file a counter notification, whereas Yahoo! may do this at its discretion.

One important item to note is that both Google and Yahoo! may provide copies of the DMCA notice to [Chillingeffects.org](http://Chillingeffects.org), with personal identification information removed, where it may be posted and annotated. (Apparently, with Google's Blogger, *all* DMCA notices are forwarded to Chillingeffects.org.) Google goes one step further and indicates at the [bottom of the relevant search engine page](#) that certain listings have been removed due to copyright infringement and provides a link to Chillingeffects.com for consumers to view the actual DMCA notice.

Of course, trademark owners can always submit DMCA notices directly to ISPs hosting counterfeit websites to have the copyrighted photos removed or to disable access to the websites. Trademark owners can also leverage the ISPs' Terms of Service (TOS) to takedown counterfeit websites, as many ISPs have provisions that allow them to remove or deny access to any material that facilitates unlawful conduct, including counterfeit selling. While these tactics are indeed effective, trademark owners may find themselves sending multiple enforcements to multiple ISPs to cover all infringement associated with their brands. By submitting DMCA notices to just the top 3 search engines, in contrast, brand owners can effectively block access to [92%](#) of infringing websites accessed through U.S.-based search. Submitting to Google alone gets you 67% of the way there. Of course, the one drawback with sending DMCA notices to the search engines is that while links to the counterfeit sites are removed, the actual sites remain.

Perhaps the best approach is to take a one-two punch. By sending DMCA notices to the major search engines and notices to the ISPs hosting the counterfeit sites, brand owners can practically guarantee that consumers will not be able to find, or access, these infringing sites. That's not a bad place to start for protecting a company's most valuable asset.

For more information on the Search Engines' DMCA Policies, visit:

[Google](#)  
[Yahoo!](#)  
[Bing](#)

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## IACC US Investigators Activity Report: January – December 2009

Reporting Companies: A Action Investigations; AED Investigations; Brand Security; Jim Duff Investigations; Kirby Investigations; Powers & Associates; Rosario Investigations

Item Description	Total Number of Counterfeit Items Seized
Apparel	41,573
Apparel Accessories (Includes: Belts / Scarves / Socks/ Hair Clips/Etc.)	17,696
Automotive Parts	132
Aviation Parts	0
CD's	30,964
Cell Phones and Accessories	2,743
Computers	92
Computer Accessories	107
Consumables	0
Cosmetics	161
Duffle Bags / Suitcases / Briefcases / Backpacks	457
DVD's	99,249
Electronics (Includes: mp3 players / Handheld Gaming Devices / Etc.)	752
Footwear	70,514
Handbags	40,220
Handbag Accessories (Includes: Wallets / Key Rings / Fobs / Etc.)	14,432
Hardware / Heat Transfers / Decals / Labels	672
Headwear	12,598
House Wares (Includes: Linens / Mirrors / Etc.)	57
Jewelry / Watches	29,362
Lighters	76
Medical Devices	0
Office Supplies & Equipment	228,196
Perfume	0
Pharmaceutical	0
Silk Screens	2
Software / Gaming Titles	30,244
Sunglasses	1,635
Tobacco	0
Toys	24,712
Umbrellas	307
Other: Yards of Fabric	2,600
Pipes	67
Gaming Systems	2
<b>Totals</b>	<b>649,622</b>

Additional Information:	Amount
C & D Letters Served	454
Court Proceedings (arrests/summons)	131
Federal Seizure Orders Served	2
Federal Charges / Arrests	18
Felony Charges	53
Internet Sites Removed	7
Misdemeanor Charges	148
Number of Items Removed from the Site	1500

Search Warrants	49
Vehicles Seized	5
Civil Judgments	3
Civil Seizures	4
Factory Closures	0
Domains Confiscated	0

<b>Court Results:</b>	<b>Amount</b>
Amount \$ of Restitution Awarded by the Court (but may not yet be collected)	\$161,592
Community Service Hours or Cases	4 cs + 1230 hrs
Continued Without a Finding (CWOFF)	5
Court Fines \$ or cases	7 cs + \$16,444
Default Warrants	6
Dismissed Cases	4
Guilty	98
Probation	48
Supervision	46
Other: Pending Cases	15

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## Recap of IACC's Annual Fall Conference in Atlanta, GA

The IACC's annual fall conference was held at the Westin Buckhead Atlanta, in Atlanta Georgia on October 14-16, 2009. The Conference was a success with just under 200 intellectual property professionals from around the world in attendance, including rights holders, attorneys, private investigators and technology suppliers.

Some highlights from the conference include a session on counterfeiting in China after the Olympics, Brand protection the college way, Internet liability issues in the US and Europe, a year in review session highlighting relevant IP cases, trends, and legislation, and a session called Pinching Pennies, which covered trademark management in an economic downturn, to name a few of the many insightful sessions held at the fall conference.

The Conference co-chairs included Lisa Uriguen Armstrong from Coalition to Advance the Protection of Sports Logos, Jim Aronowitz from IMG College/The Collegiate Licensing Company, Bill Brewster from Kilpatrick Stockton LLP, and Michael Drucker from IMG College/The Collegiate Licensing Company. Conference sponsors included IACC Members MarkMonitor, Gibney, Anthony, & Flaherty LLP, Kilpatrick Stockton LLP, and Kroll.

The IACC would like to thank everyone who attended the Fall Conference in Atlanta for their insight and support, and looks forward to seeing you at the upcoming spring conference in Boston, Massachusetts this May! ■

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## Congratulations

The IACC wishes to recognize Andy Coombs, who served as Plaintiff's counsel for IACC member Louis Vuitton, in their recent case against *Akanoc Solutions Inc.*, in the Northern District of California. The \$32.4 Million dollar verdict was the fifth largest jury award in the state of California in 2009, as reported by VerdictSearch.

Congratulations to both Andy, and Louis Vuitton, on this victory!

For a complete listing of the Top 10 jury verdicts in California last year, please refer to:

<http://pdfserver.amlaw.com/ca/exhibits1222.pdf> ■

## **Announcing New IACC Chair, Donna Schmitt**

We are pleased to announce that beginning on January 1, 2010, Donna Frazier Schmitt from Energizer became the new Chairperson for the IACC.

Donna is currently the Senior Trademark Counsel with Energizer and has held that position since 2002. Donna is responsible for all trademark, trade dress and copyright Intellectual Property matters, clearance, filing, maintenance and enforcement worldwide for the Energizer House Hold Products Division. She is also in charge of Energizer's licensing program and internet IP filings and enforcement. Donna has been on the Board of Directors for the IACC since 2005 and is active in commenting on US and global Intellectual Property legislation and policy through committee service with the International Trademark Association.

We'd like to thank Dave Simpson from Nike, Inc. for doing a spectacular job as Chairperson over the past two years, and although he is stepping down from this position he plans to remain quite active with the IACC and also remain on the Board of Directors.

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## **IACC President Bob Barchiesi's Itinerary for Upcoming Japan/China Trip**

### **March 17 – Meetings and Presentations Tokyo, Japan**

- 1) Union des Fabricants Tokyo-Presentation to their study group

### **March 18- Meetings and Presentations Tokyo, Japan**

- Clearance Division, Customs and Tariff Bureau, Ministry of Finance
- Office for Intellectual Property Right Infringement, Manufacturing Industries Bureau, Ministry of Economy, Trade and Industry
- Consumer and Environmental Protection Division, Community Bureau, National Police Agency
- Enforcement Section, International Affairs Division, Japan Patent Office
- Telecommunications Consumer Affairs Office, Telecommunications Business Department, Ministry of Internal Affairs and Communications
- Council for Intellectual Property Protection on Internet (CIPP)
- The Anti Counterfeiting Association
- Secretariat of Intellectual Property Strategy Headquarters, Cabinet Secretariat

### **March 19 - Meetings and Presentations Tokyo, Japan-Locations and Times TBD**

- Meeting with Chairman PRAT and James Moynihan will be at 2:30 p.m. at the Louis Vuitton Japan One Omotesando offices.
- Meeting and Presentation-Tokyo OSAC Group's at 4:00 p.m. at the US Embassy/Tokyo.

### **March 22 - Meetings and Presentations Guangzhou, China**

- Meeting with IP Attaché Conrad Wong

### **March 23 - Meetings and Presentations Shenzhen, China**

- Meeting with Investigators/Raids

### **March 24 - Meetings and Presentations Beijing, China -Locations and Times TBD**

- Meeting with 7 QBPC working committees who will give members a briefing on their 2010 projects.

### **March 25 - Meetings and Presentations Beijing, China -Locations and Times TBD**

- Presentation to QBPC Members

# **Welcome New IACC Members!**

The IACC would like to welcome the following members to the IACC. The below list of new members have joined since the start of 2009. The companies with an asterisk (\*) by them indicates that they have joined the IACC since the last publication of the IACC Newsletter in September 2009.

## **Brand Owners**

Colgate-Palmolive Company\*  
DTS, Inc.  
Fox Entertainment Group  
Fox Head, Inc.  
Johnson & Johnson\*  
New Era Cap Company, Inc.  
Research In Motion  
Sony Electronics  
WMS Gaming, Inc.

## **Law Firms**

Al Shaali & Company Advocats & Legal Consultants  
Anderson Kill & Olick, P.C.\*  
Cervieri Monsuarez & Associates  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
Harris Beach PLLC  
Olshan Grundman Frome Rosenzweig & Wolosky LLP  
Sideman & Bancroft LLP  
Townsend and Townsend and Crew LLP\*

## **Associations/Government Agencies**

Beaverton Police Department  
Derry Police Department\*

## **Product Security Firms**

ATL Security Label Systems  
Envisional  
The Label Printers

## **Investigative Agencies**

Advanced Investigative Services  
Bezpeka-Service Ukraine  
Chinabrand Consulting\*  
Edward R. Kirby & Associates  
Hi-Hope Consulting, Inc.  
Intellectual Property Associates, Inc.  
Internet Crimes Group, Inc.  
Investigations Services Company  
Jim Duff Investigations LLC  
Junction IP Consulting Company  
Powers & Associates  
Prudence Investigations  
Southeastern Investigations  
Woodside Investigative Services

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If you have any questions or concerns, Please contact Meghan George at [meghang@iacc.org](mailto:meghang@iacc.org) or by calling 202-223-6667. We look forward to seeing you in Boston!

**The International  
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