



A Customs officer examines a recent seizure of counterfeit goods

Customs leads the fight against counterfeiters

Strong working relationships and cooperation between Australian Customs and intellectual property rights owners continues to show positive results in the fight against counterfeit and pirated goods.

The latest statistics show that Australian Customs made almost 5000 separate seizures, comprising 2.38 million items, over a recent 12-month period. The types of goods seized include toys, trading cards, videotapes and DVDs, clothing, footwear and clothing accessories, handbags, sports and other bags, watches, computer games and software, jewellery, sunglasses and mobile phone accessories.

Customs works closely with intellectual property rights holders to identify and seize infringing goods. It does this through the provisions of the *Trade Marks Act 1995* and the *Copyright Act 1968* under what is termed a Notice of Objection scheme.

Intellectual property rights holders can protect their property by lodging a Notice of Objection. This identifies them as the owner, or authorised user, of the intellectual property and allows Customs to seize infringing goods at the time of importation. The notice is valid for up to two years and can be renewed when it expires. Altogether, some 190 firms are registered with Customs for action against counterfeit and pirated goods.

Customs does not release goods which it suspects infringe intellectual property rights covered by a Notice of Objection for a specified period (usually 10 working days but can be up to 20 working days), in which time the rights holder may initiate action in court against the importer.

If the rights holder does not initiate action in court then the goods are returned to the importer. However, at any time before court action being brought by the rights holder, the importer may voluntarily forfeit the goods to the Australian Government. Goods may also be forfeited as a result of a court decision. Forfeited goods are usually destroyed.

Among the latest seizures was a shipment containing more than 9000 tubes of cosmetic cream, claiming to be a brand manufactured by the international company, Procter & Gamble. This was the third such detection of fake Procter & Gamble products detected by Australian Customs within 12 months. The first two detections consisted of more than 53,000 plastic bottles of counterfeit shampoo.

Procter & Gamble's legal counsel, Nimalan Rutnam, said, "Please accept our thanks and our continued support in assisting Customs do what it does best, being to protect our borders including from the entry of counterfeit goods."

In 2003, Louis Vuitton Malletier SA also warmly congratulated Customs for its effectiveness in combating the trade in counterfeit goods, marking the occasion by presenting a plaque of appreciation to the Minister for Justice and Customs, Senator Chris Ellison.