



## Training Manual on IP Crime Prosecution

### 7. Reasonable suspicion

## Introduction

- Police, customs and prosecutorial action depends on a reasonable suspicion that a crime has been or may be committed.
- How does a reasonable suspicion arise justifying police or customs action?
- A number of pointers.

### Nature of goods: Counterfeiting

- Tobacco products, especially cigarettes
- Alcoholic beverages
- Branded clothing and footwear
- Luxury goods such as handbags, watches, pens and perfumes
- Pharmaceuticals and some foodstuffs
- Consumer electronics
- Critical technical components.

### Nature of goods: Piracy

- Computer programs
- Optical media such as DVDs and CDs
- Books and teaching materials.



### Trade source and outlet

- Typical legitimate trade sources:
  - Licensed importers, dealers and outlets.
  - Luxury goods: specialist retail shops located in upmarket shopping areas.
  - Motor parts: authorized motor dealers.
  - Pharmaceuticals: licensed pharmacists.
- Any trading elsewhere ought to give rise to a reasonable suspicion that they are fakes.

### Price difference





## Quality



## Packaging



## Documentation



## Timing

- Fake DVDs of films and the like tend to appear on the market before the official launch.
- Originals are usually released to the retail market some time after the official launch.



## Questioning the suspect

- Why he has multiple copies?
- How is it possible to sell so cheaply?
- What steps did the suspect take to determine whether the goods are genuine?
- Did the suspect have the permission of the owner of the trademark/copyright to make or distribute the goods?

## Country of origin and shipping routes



## Packaging and concealment methods

- Transparent vinyl film with no logo.
- Bundled in small batches in cheap boxes.
- Unboxed goods mixed in the same parcel.
- Hiding counterfeit items behind cover loads or deep inside a container.
- Domestic assembly. Labels and blank products imported separately.