

**GOLAB**<sup>®</sup>  
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PROPERTY**

13th Annual International Seminar

Intellectual Property Rights  
**Smart Solutions to Global  
Challenges**

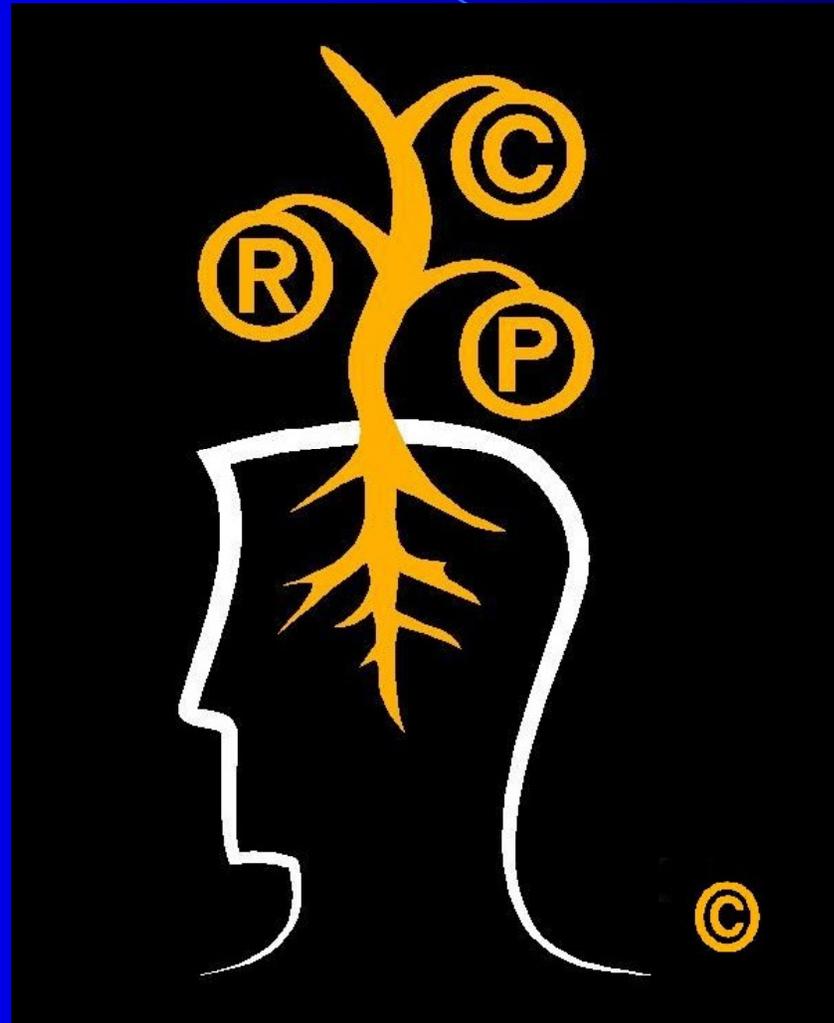
Dr. Ing. Mario S. Golab, MBA

**Business and Legal  
Anti-Counterfeiting Strategies**

Ahmedabad, Gujarat, India  
February 17 & 18, 2018

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## BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES



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## BRIEF HISTORY OF WEALTH

- ❖ Hunting/Fishing/Gathering
  - ❖ > 100% NR > Tribe
- ❖ Agriculture, Animal Breeding
  - ❖ > 95% NR/5% IP > Army
- ❖ Industry, Mining
  - ❖ > 40%NR/60% IP > Navy + Diplomacy
- ❖ Intellectual Property
  - ❖ > 5% NR/95% IP > Court of Justice



BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES

## SOURCES OF COUNTERFEITING

- ❖ Piracy/Forgery
- ❖ Gray Market/Diversion
- ❖ Re-Importation
- ❖ Original Manufacturer



## BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES

# GENERAL LEGAL STRATEGIES

- ❖ Register IP where you SELL
  - ❖ Evaluate all potential IPRs
  - ❖ Utility Patent
    - ❖ Product, Method, Product by Process, Chemical Composition, Plant Variety, etc.
    - ❖ Business, Software (US)
    - ❖ Utility Models
  - ❖ Design Patent, Industrial Design



## BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES

# GENERAL LEGAL STRATEGIES

- ❖ Trademarks: Text > Mixed > Logotype
- ❖ Copyright: Logotype, Pictures, Instructions, Manuals, Software,
- ❖ Trade & Industrial Secrets (Knowhow/Showhow)
- ❖ Denomination of Origin
- ❖ Protect with contract where you SOURCE

# **GLOBAL LEGAL STRATEGIES**

World TM vs. Domestic TM

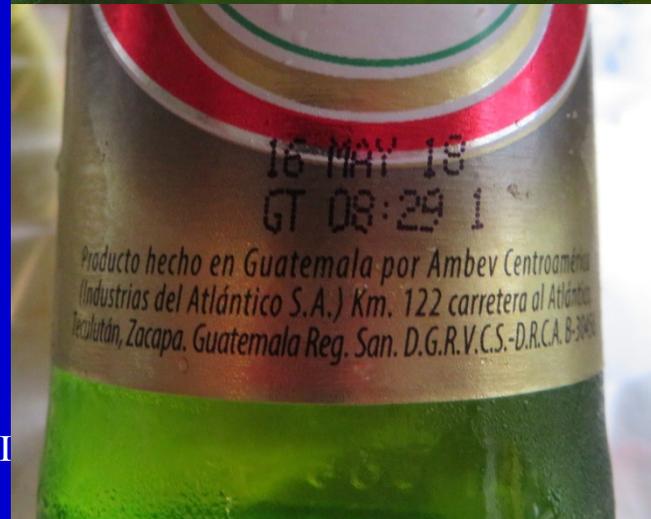


VS.



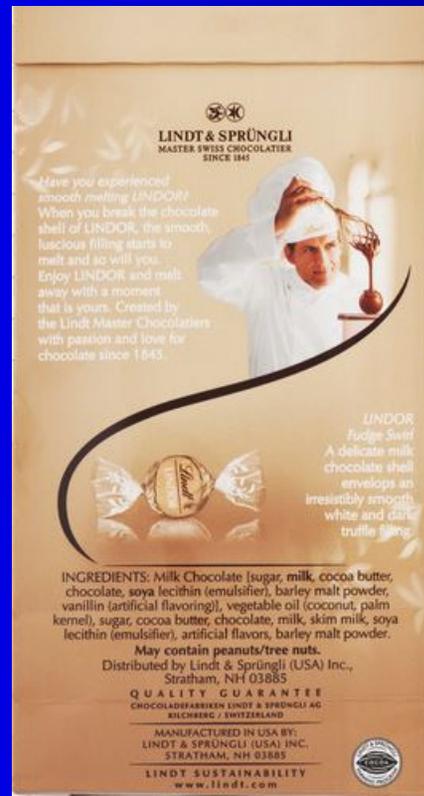
## BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES

# GLOBAL LEGAL STRATEGIES



# GLOBAL LEGAL STRATEGIES

## World TM Vulnerability





**BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES**

## **GLOBAL LEGAL STRATEGIES**

World TM vs. Domestic TM

- ❖ Recognition
- ❖ Advertisement
- ❖ Cross border promotion
- ❖ Transportation costs
- ❖ Local problems > Global effects
- ❖ Risk of TM cancelation



**BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES**

## **GLOBAL LEGAL STRATEGIES**

Trademark vs. Denomination of Origin

Mercedes (Labor)

San Francisco Sourdough bread (Air)

Cola (Formula, Water)

**Trademark Cancelation???**



**BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES**

## **GLOBAL LEGAL STRATEGIES**

- ❖ Cease and Desist letter
- ❖ Customs Enforcement
- ❖ e-Distribution blockage
- ❖ Litigation (Injunction)

# BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES

## CASE STUDY



## BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES

### CASE STUDY





## BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES

# CASE STUDY

- ❖ Where shall it be MADE?
- ❖ Where shall it be SOLD?



## BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES

# CASE STUDY

### ❖ IP Protection:

#### ❖ Patent

##### ❖ Utility

##### ❖ Design US Pat. D0669462

# CASE STUDY

### ❖ IP Protection:

#### ❖ Trademark

- ❖ Text BONDI®

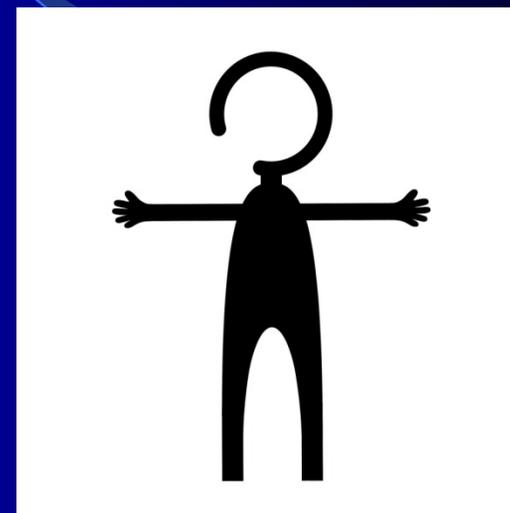
Registration 4,227,732

- ❖ Mixed

Registration 4,363,702

- ❖ Logo: (Body as Trade Dress)

Registration 4,844,901



## BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES

# CASE STUDY

❖ IP Protection:

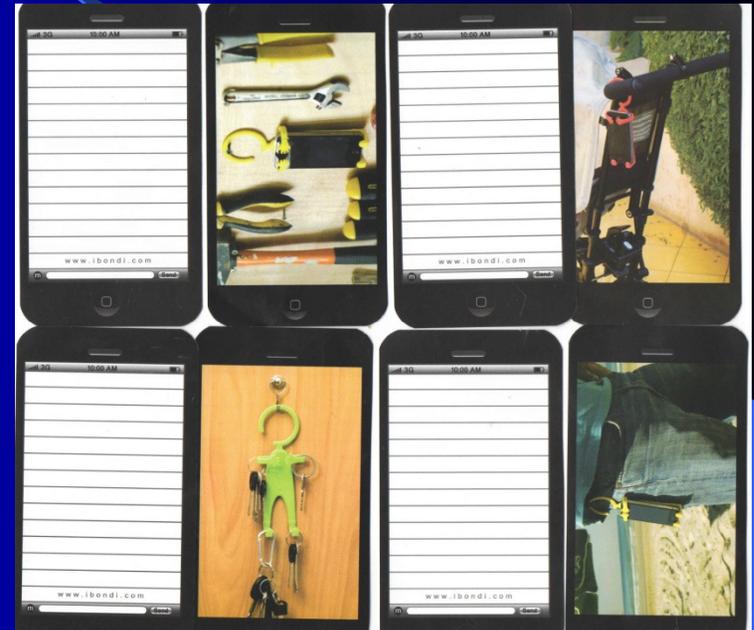
❖ Copyright

❖ Memo Pad

Registration:

VA 1-856544

❖ Front Cover



# CASE STUDY

❖ IP Protection:

❖ Copyright

❖ Sculpture:

Registration VA 1-942556



## **BUSINESS STRATEGIES**

- ❖ Sell original high \$\$\$
- ❖ Ensure highest quality
- ❖ Avoid Customer's confusion
- ❖ Maximize ROI
- ❖ Build legal war treasury



Bondi Plus Unique Flexible Cell  
Phone Holder For Car, Made of

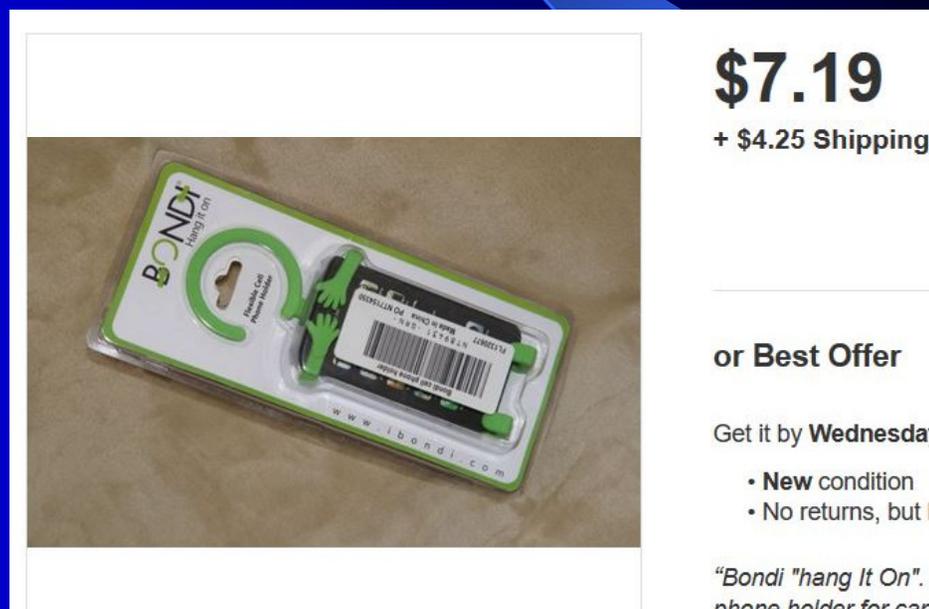
**\$24.80**

Free shipping

## BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES

# BUSINESS STRATEGIES

### ❖ Sell Cheaper “Copy” Cheaper





## BUSINESS & LEGAL ANTI-COUNTERFEITING STRATEGIES

◆ Conclusion

◆ Q & A

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😊 Ābhāra, Gracias, Thank You, Obrigado, Toda, Tak, Merci, Danke, Efjaristo, Shukran, Grazie, Spasiba, Shie Shie, Arigato, Maltiosh, Teshegur Eredim, Prasim, Mahalo