

REAL FAKES

You see them in street stalls and in the markets – and now in a museum. A law firm has put seized counterfeit goods on exhibit.

By Kreangsak Suwanpantakul

The first reaction is a gasp at the decadent luxury in the room. Fashionable Gucci watches in red and green lie alongside T-shirts bearing the logo of premier English football clubs and stacks of Levi's jeans.

[Edward J Kelly](#), deputy director of the Intellectual Property Division of Tilleke & Gibbins, is used to such a reaction. In spite of their sophisticated appearance, these products are all fakes and thus illegal.

All have been confiscated on charges relating to copyright infringement and they're on display in the law firm's Museum of Counterfeit Goods.

Tilleke & Gibbins International Ltd. decided to launch this global first--a showcase of fakes gathered from the Kingdom's forgers--not only to educate the public about just how major a problem piracy has become but also to prove that the clampdowns are showing signs of success. There's little doubt that the 1,500 fake exhibits reflect the widespread copyright violations in Thailand.

Kelly attributes the increased infringements to the current economic slump. Many of the forgers, he explains, are former employees of brandname factories and when they were laid off, they decided to use their skills to survive.

Most of the museum's collection comes from the warehouse of the police department, where seized items are destroyed twice a year.

The items range from apparel, leather products, electrical appliances, shoes, watches, car spare parts, machinery, liquor, pens and memorabilia.

It's virtually impossible to judge what's fake and what is genuine at a glance, so close are the designs and materials. Much deeper investigations are required and with a degree of expertise.

Also in the counterfeit collection, along with the cosmetics, cigarettes, alcohol and food products, is a more worrying product, fake Viagra. It's not stated what the pills actually contain, but anyone trying it is not only likely to disappoint himself and his partner, but also perhaps severely damage his health.

Such counterfeit goods are everywhere, with the heaviest concentrations found in such popular tourist shopping spots as Pratunam, Patpong and Chatuchak markets.

So why are we still seeing so many counterfeit items in the city?

“We intend to solve the problems from the root. Thus, we focus our resources on going after large-scale manufacturers and suppliers rather than small volume retail vendors or hawkers,” Kelly explains. Dealing with counterfeit goods may seem like an endless problem but if you look at the statistics from year to year, you will see that progress is being made and the number of fake production firms has dropped annually.

“The brand owners have resources and budgets, and they are very aggressive, so it’s up to us and our attorney counterparts to come up with effective strategies that will get them the best returns for their investments. Among other things, our staff members are strictly forbidden from buying any fake products”.

Yet despite these stringent measures, there are no yardsticks to judge how successful the crackdown on counterfeits has been.

Fake goods fall into two categories: copyright infringements and trademark counterfeits. The copyright issue receives more attention than trademark counterfeit for the simple reason that it carries more capital if regarded in its entirety. Tremendous pressure is being placed on the Thai government by multinational companies in the USA and Europe to bring the copyright enforcement procedures more in line with the expectations of those nations.

Kelly admits that it is extremely difficult to deal with counterfeit goods. The manufacturers are scattered around the country, on the Western border and inside Burma, which makes pirates harder and more complicated to investigate.

He is also realistic about the success rate, pointing out that there are just 58 officers covering the whole of Bangkok. The government needs to give considerably more resources to the police: the more officers there are, the better and faster the work.

Another major concern about buying counterfeit goods relates to safety.

Branding and registered trademarks are essential measures to guarantee to the customer that food and pharmaceutical products have passed all the quality control tests. Without these, consumers cannot be sure what they are ingesting when eating themselves or feeding their children. Who knows what nasty products are contained in fake medications? And lastly, it’s not much fun breaking down in the middle of nowhere only to find that the auto part you had fitted is a fake and that tracking down a bone fide replacement is going to be a problem.

It’s important that consumers ask if the products they are intending to buy are real and to insist that they only want genuine products. In the case of food and pharmaceuticals, you can’t necessarily tell by the price.

To add weight to its anti-piracy project, Microsoft offers a program called Microsoft Care. Since 1999 Microsoft has allocated a budget for the elimination of pirated software, with the reimbursements going to schools or for IT training.

Kelly says that one sign of success is that 35 shops in Pantip Plaza's have agreed to sell only authentic software.

And while this is a mere drop in the ocean when compared to the number of counterfeit product suppliers in the entire nation, it is at least a start – although one wonders where the dumped pirated goods are now being sold.

In the end, the decision remains with the consumer and how they measure price versus quality.

The Museum of Counterfeit Goods is located on Soi Tonson, Ploenchit Road. Telephone 02-263-7700 to inform the museum of planned visits. Office hours are 8 am to 5 pm Monday to Friday.



EDWARD J. KELLY, deputy director of the Intellectual Property Division of Tilleke & Gibbins law firm, shows off some fake Marlboros, part of a collection of 1,500 counterfeit goods in the law firm's museum.