



Wiramrudee (Pink) Mokkhavesa
Partner
wiramrudee.m@tilleke.com

Successful Raid Actions Targeting Counterfeit Goods in Thailand

One of our clients, a leading European manufacturer of automotive brake systems for high-performance cars and motorcycles, was plagued by counterfeiting problems in Thailand, substantially affecting their business in the jurisdiction. The client is well-recognized by consumers worldwide, including in Thailand, and once a brand has achieved a high recognition factor among consumers, there are always copycats in the market that will try to use the brand's well-recognized reputation to deceive consumers and gain profits from poor-quality imitations.

This particular brand owner has been faced with these same issues. There were many counterfeit brake parts copying our client's brand and being sold, both online and offline, for use in motorcycles and cars in Thailand. These copycat products are of poor quality and can affect the operational safety of the vehicles—and thus the lives of those who rely on them.

These infringing brake parts can easily fail. Testing of the infringing parts has shown that these products do not

operate as expected, and vehicles using the faulty parts will fail to stop in the proper manner, if at all. These infringing brake parts are very dangerous to the welfare of the drivers of the cars, as well as to their passengers and innocent pedestrians.

To address our client's concerns regarding the presence of these counterfeit parts in Thailand, our in-house investigation team was able to identify a number of shops selling goods infringing on our client's trademark rights, culminating in the conducting of raid actions against the infringers. We enlisted the assistance of the local police in Pathum Thani Province—a northern suburb of the Bangkok Metropolitan area—and led raid actions against three large retailers and one warehouse, ultimately seizing 5,841 infringing items in September 2019. After the successful raid action sweeps, the chief of the assisting police station held a press conference to display the infringing goods to educate the public about the risks of using these inferior counterfeit goods. Accordingly, the results of the raid actions were widely covered by many media outlets in Thailand. Based on the raid actions, the police filed criminal complaints against the infringers, noting that the estimated damages caused to our client were over THB 49 million (approximately USD 1.6 million).

These cases will be investigated and prosecuted by police officers and the public prosecutor respectively. The public prosecutor will consider the content of the criminal complaint and decide whether to file a prosecution order against the infringers. Once the cases reach trial, the Intellectual Property and International Trade Court will be responsible for considering the merits of the case. After these cases are finalized, these counterfeit goods will later be destroyed. 🚫

