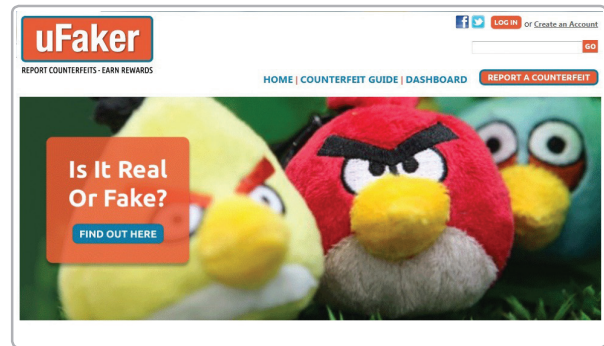


The fashion police

Jason M Drangel and Ashly E Sands introduce a new App to tackle 21st Century counterfeiting



The counterfeiting business is a highly profitable illegal worldwide epidemic very often run by criminal or terrorist organisations. Do you care? You should.

As a lawyer you should care because combating counterfeits drains resources you rely upon to do your job effectively, ie, judicial and law enforcement. As a brand loyal customer, you should care because one of the reasons that your 'it bag', professional sports fan gear, concert and movie tickets, and even the family car are steadily increasing in price, is because brand owners expend substantial human and financial resources enforcing their rights and combating counterfeiters to maintain brand integrity. As an IP attorney, you likely develop anti-counterfeiting strategies in your jurisdiction for your clients. However, given that counterfeiting is a cross-border problem, you and your clients must coordinate these efforts on a global level to report, manage and share investigation information with the brand owner (your client) and your international co-counsel and investigators. While most brand owners, many governments and a number of anti-counterfeiting organisations have links on their websites to educate the public about how to identify counterfeit products and/or dedicated email addresses or hotlines through which customers can report counterfeits; most people do not report them because they do not want to spend the time looking for the appropriate reporting venue, they do not recognise the extent of the problem or the benefits and/or they fear they will get dragged into a protracted legal matter. How can brand owners mobilise/motivate this enormous, but dormant and under-utilised group to help you, the IP attorney, and your client brandowners combat counterfeits?

Enter uFaker

On the consumer side, uFaker was designed as a means to encourage consumers to quickly and easily report counterfeits they come across in their daily lives for any and all brands worldwide. uFaker's user-friendly iPhone and Android apps and web-based reporting system at uFaker.com enable consumers to send reports directly to brand owners. To

incentivise reporting, uFaker grants immediate web-retail discount rewards to consumers for confirmed report submissions, and gives brand owners using the system the option to do the same for consumer reports that result in some measurable success against a counterfeiter. Report a counterfeit – earn rewards. Yes – now there is an app for that too.

uFaker is not just a solution to motivate the consumer. Private investigators also have the ability to report counterfeits to brand owners that they currently represent, as well as those that they do not. Quite often, we are asked by our own investigators if we represent, or if we know who does represent, a given brand, because in the course of conducting an investigation for one client, they have discovered knock-offs of multiple other branded products.

uFaker is also designed to be used by brand and licensee sales teams and employees to report counterfeits they see in their daily dealings with wholesale and retail customers. The sale of counterfeit goods directly affects the success of brand owners, licensees, sales teams, employees, wholesalers and retailers and uFaker streamlines the process of reporting it to those within the company that can take action. The key ingredient in any investigation is information. Information in anti-counterfeiting investigations is usually compiled from a multitude of sources: customs data, investigator research reports, corporate and business database background checks, and information received from third parties, ie, consumers, investigators, licensees, sales teams, employees and law enforcement. Previously, brand owners' anti-counterfeiting teams shared this information in the form of investigator reports, static spreadsheets, third-party database printouts, paper files, emails, and oral and written communications. The uFaker investigation management and case tracking database was born out of recognising the need for a tool to share and manage this information and collaborate on anti-counterfeiting investigations with clients, co-counsel, investigators, and law enforcement across time zones and in real-time.

With uFaker, members of your anti-counterfeiting team enter each and every counterfeit entity, owner and location that

they become aware of, into a proprietary database of counterfeiters during the course of an investigation and then link them to other counterfeit entities, owners, locations and reports. The result is an aggregation of global counterfeiting activities that enables brand owners to track the flow of counterfeit goods from manufacturer to wholesaler to retailer, providing a big-picture perspective with meticulous organisation and detail utilising advanced search functionality, cross tabulations and heat mapping. uFaker's linking and search features save countless hours of manually cross-referencing and piecing together these connections and it helps prevent missed connections.

On top of all this functionality, uFaker has partnered with a private supplier of compiled and intelligently organised customs data, to allow brand owners to monitor the importation of potentially counterfeit goods from entities and owners in their proprietary uFaker database, by cross referencing the information against US customs data. uFaker then notifies brand owners when a shipment of potentially counterfeit products arrives, increasing the odds of preventing the counterfeit goods from entering the marketplace.

With the introduction of uFaker, we have developed a way to leverage crowdsourcing and datamining, as a modern day anti-counterfeiting weapon to fight the global epidemic.

Authors



Jason M Drangel of Epstein Drangel, concentrates on instituting and effecting anti-counterfeiting programmes and trademark and copyright litigation. Jason is also the founder of uFaker and has been recognised as an intellectual property Super Lawyer for the past four years. Ashly E Sands is an associate with Epstein Drangel.