

# **COUNTERFEIT ACTIVITIES: ENFORCING THE LAW OF BORDER MEASURE**

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## ABSTRACT

In the past two decades, the issue of counterfeiting has risen vividly. Therefore, governments around the world are starting to pay attention to the issue. Most counterfeit goods are luxury goods bearing a well-known trademark. The international standards of Custom control were established under Section 4 (Article 51-Article 61) of the enforcement of Intellectual Property rights “Special Requirement Related to Border Measures” of TRIPs Agreement, as one of the most important enforcement provisions for combating counterfeiting. Nationally, Section 70(D) and 70(0) of the Malaysian Trademark Act 1976 are somehow similar to section 89(2) of the United Kingdom Trademark Act 1994 the enforcement in the United Kingdom has been effectively enforced as compared to Malaysia. Sadly, these provisions have not been effectively enforced in Malaysia unlike United Kingdom. Therefore, this research will highlight on the existence of the law in Malaysia that govern the admission of counterfeit products and its ineffectiveness. This was done by comparing with United Kingdom.

# TABLE OF CONTENT

Acknowledgement	ii
Abstract	iii
Contents	iv
List of Cases	vi
List of Codes and Statutes	vii

## CHAPTER ONE: INTRODUCTION

1.0 Introduction	1
1.1 Background	2
1.2 Problem Statement	3
1.3 Objectives	4
1.4 Significance of the Research	4
1.5 Scope and Limitation of the Research	5
1.6 Research Methodology	5
1.7 Provisional Plan	6
1.8 Conclusion	7

## CHAPTER TWO: COUNTERFEITING ACTIVITIES

2.0 Introduction	8
2.1 Introduction to Counterfeit Activities	8
2.1.1 Definition of Counterfeit	9
2.1.2 Counterfeiting in Malaysia	9
2.1.3 Counterfeiting in United Kingdom	15
2.1.4 Counterfeit in the luxury designer brands market	16
2.1.5 Officer involves in admission of Counterfeit Product	17
2.2 Preventive Measure of Counterfeiting in Malaysia and others countries	19
2.3 Conclusion	24

## CHAPTER THREE: LEGISLATION DEALING WITH COUNTERFEITING

3.0 Introduction	25
3.1 The Customs Act 1967	25
3.2 The Trademark Act 1976	27
3.3 United Kingdom Trademark Act 1994	33
3.4 Treaties	37
3.4.1 Directive Regulations of European Union	37
3.4.2 Trade-Related Aspects of Intellectual Property Right (TRIPs)	39
3.5 Conclusion	40

## **CHAPTER FOUR: THE ADEQUACY OF ENFORCEMENT ON COUNTERFEIT ACTIVITIES**

4.0 Introduction	41
4.1 Enforcement Using Local Law	42
4.1.1 Malaysia	42
4.1.2 United Kingdom	48
4.2 Enforcement Using International Law	50
4.3 Conclusion	64

## **CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS**

5.0 Introduction	65
5.1 Recommendations	65
5.1.1 Responsibility of Custom Officer	65
5.1.2 Responsibility of Trademark Owner	67
5.1.3 Educating The Consumers	68
5.1.4 Responsibility of The International Organizations	70
5.2 Conclusion	72
Bibliography	74
Appendices	
Appendix 1 (Sample of Counterfeit Product)	85
Appendix 2 (Contents of Legislations)	87
Appendix 3 (Authorization Letter)	94