

Hunting for a good bargain? Beware of dangerous fakes!

Counterfeit or fake goods are often found in physical and online spaces at lower prices to attract consumer attention. The trademark (name/logo), packaging and/or the authentic product itself are imitated and passed off to the consumer as an authentic product.

Dangerous fakes fail to comply with quality norms and standards, including adequate product material or content and labeling and post-manufacture handling requirements. When purchasing dangerous fakes, consumers possibly unknowingly expose themselves and others to health and safety risks associated therewith. For example, fake brake pads can lead to injury as they might fail to timely stop the car. Fake toys can cause digestion problems in children due to hazardous materials. Fake baby prams and toddler car seats often lack structural integrity and can cause them to collapse or break with the child inside causing injury. Fake electronics can cause electric shock and present fire hazards, while fake batteries can cause burns to the body and products to meltdown.

Harmful substances, such as aluminum, arsenic and mercury, have been found in fake cosmetics and lead to rashes, allergic reactions, and chemical burns. Fake foods and beverages often contain bacterial contamination, hazardous and/or toxic materials and inadequate or missing preservative systems. High levels of allergens and absent or decreased levels of drug and/or sanitizing/disinfectant active ingredients are often present in feminine care products, disinfecting/sanitizing products and pet products that are fake.

The lack of sufficient or too much active ingredient, hazardous and/or toxic ingredients, and bacterial contamination among other things in fake medication causes ineffective treatment of disease and even life-threatening situations.

Dangerous fakes pose a serious threat to public health and public safety, besides causing financial and reputation loss to the brand owner and can also be tackled based on administrative regulations (product safety and product labeling), besides intellectual property, criminal and civil regulations.



Consumers can avoid purchasing dangerous fakes by looking out for red flags, such as unusually low prices, product quality, product source, spelling errors on the product and/or product packaging and/or product label and product packaging material.

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Karyl D. Bertrand LLM is a lawyer and principal of Bertrand Legal & Intellectual Property in Curacao. Karyl is a former member of INTA's Anti-Counterfeiting Committee and coordinated Policy Dialogues between Curacao and Jamaica.

Karyl is a frequent speaker on intellectual property matters and served as legal expert Dutch Caribbean for COSME's research project on the use of Intellectual Property in the Caribbean OCTs.



Karyl D. Bertrand

Recap: Anti-counterfeiting & IP conference (September 29th – September 30th, 2022)

BIP SXM participated in the first Anti-Counterfeiting & Intellectual Property conference in Sint Maarten.

The Director, Rosen-Sandiford, talked about Intellectual Property and the importance of protecting these rights during her presentation.



From left to right Mrs. Karyl Bertrand (Attorney at Law), Ms. Anna E. Richardson (Minister of Justice), Mrs. Vincentia Rosen-Sandiford (Director BIP SXM)

BIP SXM invited Attorney at Law & former member of INTA's (the International Trademark Association) anti-counterfeiting committee, Ms. Karyl Bertrand from Curacao, who has vast experience and expertise from her law practice as well as her time with the INTA committee. Her presentation covered anti-counterfeiting practices and enforcement methods and laws in the Dutch Caribbean.

This event was hosted and organized by the Ministry of Justice Sint Maarten, which brought together relevant stakeholders from Sint Maarten, Latin America and Europe to raise awareness about the dangers of counterfeit and the importance of enforcement.



The Ministry of Justice will be hosting St. Maarten's First Annual Anti-Counterfeiting and Intellectual Property Conference on September 29th and September 30th, 2022. The conference aims to activate awareness of the manufacturing & trade of counterfeit products, and forms part of the Ministry's efforts in creating a resilient anti-counterfeiting strategy for St. Maarten together with DISOSA Brand Protection Services.

In addressing the trade of counterfeiting and the infringement on intellectual property in St. Maarten, the Ministry of Justice is assembling a panel of industry experts from around the world to discuss how counterfeiting and the infringement on intellectual property rights significantly harm the viability and stability of an economy.

Following the conference, a sophisticated strategy will be outlined on how St. Maarten can be redirected away from being labeled as a black-market territory and restore its position as an attractive jurisdiction for brands to establish their businesses. The conference is the start of efforts to shift the paradigm to attract authentic to high-end brands, while also offering an excellent opportunity for networking, knowledge exchange and collaboration.

Location: St. Maarten
Language: English

Cost: Participation is free for registrants & invited guests. Flight and hotel accommodation not included.

Sign Up: Use the QR code or visit www.ministryofjustice.sx/event Register today. Limited seating available. Registration closes on September 19th, 2022.

Invitation: This invitation is extended to all Brand owners/representatives, Industry Experts, Merchants, Government Officials, Financial Experts, Marketing and Brand Protection Experts, and other stakeholders. Register today to receive seating at the conference as a special guest or presenter.

Further information: After registration, you will receive a confirmation of your participation. In the coming period, you will receive more information about the speakers, participants, location, hotel specials & other logistical matters.

For more facts about counterfeit goods, kindly visit:
www.unrealcampaign.com.

Recap video:
[BIP SXM @Anti-counterfeiting & IP conference](#)

* To access the information, kindly click the links above.

Disclaimer

The Bureau is not a regulatory body and therefore does not have any law enforcing authorities. By law, the Bureau can only carry out tasks pertaining to the registrations of trademarks, provide information to the public regarding intellectual property, and thereto related matters. The Bureau's position is neutral. Given the fact that the Bureau must serve all entrepreneurs, it cannot take the side of one party in a conflict, since this would automatically result in no longer being able to serve all. The Bureau cannot act against any infringement of intellectual property rights or the suspicion thereof. Furthermore, the law does not provide for any instruments for the Bureau to conduct any procedures in relation to infringement or dispute settlement. In the event of any (suspected) infringement, a lawsuit should be filed with the civil court by the owner of the intellectual property rights.

IP Events Calendar		Location	Website
15/03/23	BIP SXM – Benelux Office for Intellectual Property – Ministry of Economic Affairs and Climate of the Netherlands: IP workshop for SXM trademark representatives <i>(details be pending)</i>	Sint Maarten	www.bip.sx
16/03/23 17/03/23	Wipr summit: World IP review summit 2023	Chicago, Illinois	www.inta.org
22/03/23 23/03/23	INTA: The business of data: innovation, regulation, security, and ethics	Virtual	www.wipo.int

* This list is not exhaustive.