



AKTI Anti-Counterfeiting Guidelines

Purpose

The purpose of this Anti-Counterfeit Guideline is to discourage the use of contract manufacturers who knowingly produce counterfeit product of an AKTI member. A “counterfeit product” is a product (including its packaging and valuable product-related information on the product and packaging) which bears a trademark or certification mark, for which authorization had not been obtained, that is either identical to, or substantially indistinguishable from, a trademark or certification mark that has been validly registered (15 U.S.C. §1127 defining “counterfeit” under federal trademark law), or one that remains unregistered but has been in continuous use. “Counterfeiting” then refers to the manufacturing and distribution of products bearing counterfeit marks, patented design or utility embodiments.

Guideline Statement

1. **Protect against Counterfeit Goods:** AKTI members can take various legal, technological and business steps to establish their rights to prosecute counterfeiters. These include:
 - a. Register your trademarks and filing patents in countries where you sell, manufacture, and ship or store products.
 - b. Record your trademarks and patents with national customs where possible;
 - c. Monitor and audit your company’s supply chains;
 - d. Add authentication devices to genuine products;
 - e. Set up a corporate brand protection program and training employees about anti-counterfeiting measures;
 - f. Monitoring brick-and-mortar and online stores;
 - g. Take legal action in civil court;
 - h. Provide training for local law enforcement personnel on your company’s brand protection program;
 - i. Assist and supporting law enforcement in the seizure of counterfeit goods and the arrest; and prosecution of counterfeiters, and
 - j. Monitor new and existing factories for your and other AKTI member brands to ensure a blanket approach to our guidelines.

AKTI members should also work closely with legitimate online and brick-and-mortar retailers to prevent inadvertent sales of counterfeit products.

2. **If Counterfeit Goods are Discovered:** If an AKTI member has good faith belief that any of its products or other AKTI members’ products are being counterfeited, it should take the necessary steps to learn the source of the counterfeit goods (as opposed to simply the sales outlets/distributors of the counterfeit goods, although these parties should also be identified). If the source of the counterfeit goods is discovered, the following action should be taken:
 - a. AKTI should be notified of the name, address, website, and any other identifying information of the counterfeit source so that AKTI can inform its members of the same.
 - b. Although it is the individual right of each AKTI member to enforce its trademark and/or other intellectual property rights, it is encouraged that appropriate legal action be taken against any entity reasonably believed to be engaged in the manufacture of counterfeit product causing damage to that AKTI member. The decision to pursue legal remedies is solely that of each AKTI member individually, as is the strategy employed.
 - c. Although it is the individual right of each AKTI member to do business with whomever they so choose, it is suggested that AKTI members refrain from conducting further business with any known source that has produced counterfeit goods of any other AKTI member.