



Action against counterfeit watches

Online purchases by consumers

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1. Introduction

The Federation of the Swiss Watch Industry FH (FH) is the umbrella association for the Swiss watch industry, one of the most important sectors of the Swiss economy with exports worth 21.2 billion Swiss francs, over 3% of Swiss GDP, in 2018. The FH has close to 430 members, including over 90% of Swiss watch manufacturers. Watchmaking accounts directly for over 57,800 jobs in Switzerland, and probably as many again indirectly.

Both foreign and Swiss consumers are very much alive to the values of know-how, innovation and tradition with which the Swiss industry is imbued and which are symbolised by the highly coveted "Swiss Made" label. Moreover, the Swiss manufacturing industry was generally considered one of the main drivers of growth in the Swiss economy in 2018.

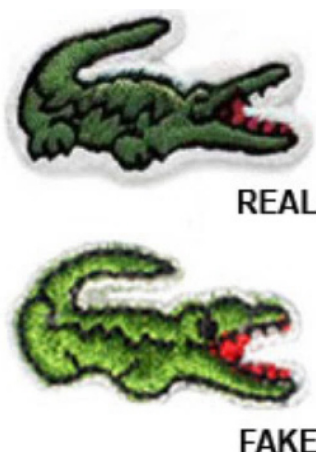
Finally, most of the brands represented by the FH have a strong identity, with iconic models which can be recognised at a glance. These are responsible for the success of the industry, currently a market leader.

While this reputation and success represent one side of the coin, the counterfeiting phenomenon unfortunately represents the other. The FH is working actively against this scourge of the sector, in every corner of the globe as well as in Switzerland.

2. The counterfeiting phenomenon

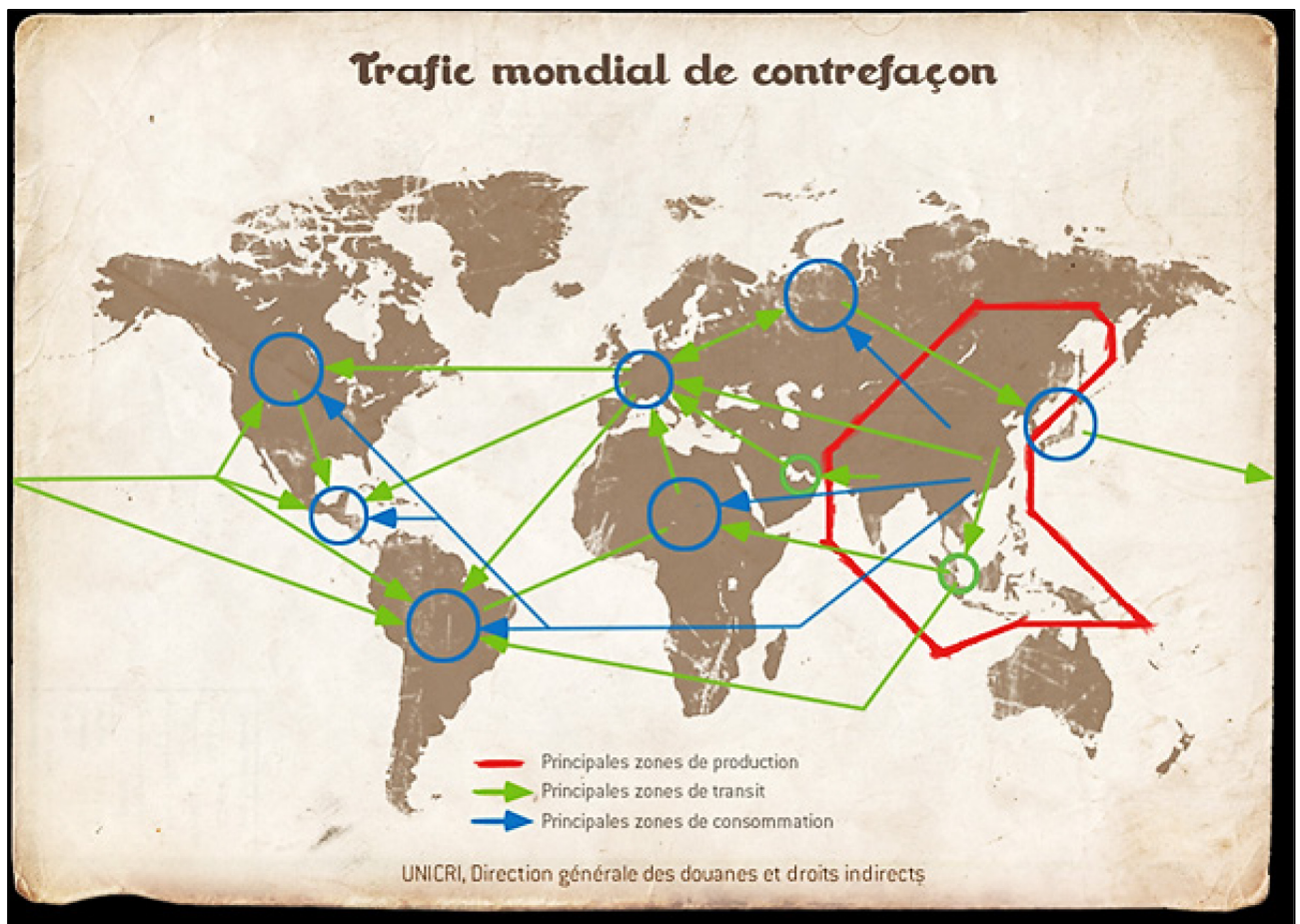
2.1. General

Counterfeiting is a global phenomenon. Barely any product or any country is spared.





According to numerous reports, including in particular US¹ and European² customs statistics, China (including Hong Kong) has for many years been the main source of counterfeit products.



All sorts of goods are manufactured there, often in dubious conditions, then sent out throughout the world. This state of affairs has long been reported in the media, including in Switzerland, and is very well known.³ According to estimates in the report "Trends in Trade in Counterfeit and Pirated Goods",⁴ based on 2016 data, the value of international trade in counterfeit and pirated goods could be as high as 509 billion US dollars or 3.3% of world trade.

Moreover, according to the joint EUIPO and EUROPOL "INTELLECTUAL PROPERTY CRIME THREAT ASSESSMENT 2019 " counterfeit and pirated products account for up to 6.8% of imports to the European Union, with a total value of 121 billion euros. This estimate dates from 2016, with the level rising continually in recent years.⁵ The same report highlights that luxury goods and accessories are generally among the categories of products most affected by counterfeiting and that they are always among the articles most likely to be seized by customs officials. This is due mainly to the large number of small purchases ordered online and delivered by post. This aspect will be considered in section 3 below.

¹ www.cbp.gov/trade/priority-issues/ipr

² ec.europa.eu/taxation_customs/sites/taxation/files/report_on_eu_customs_enforcement_of_ipr_2017_en.pdf

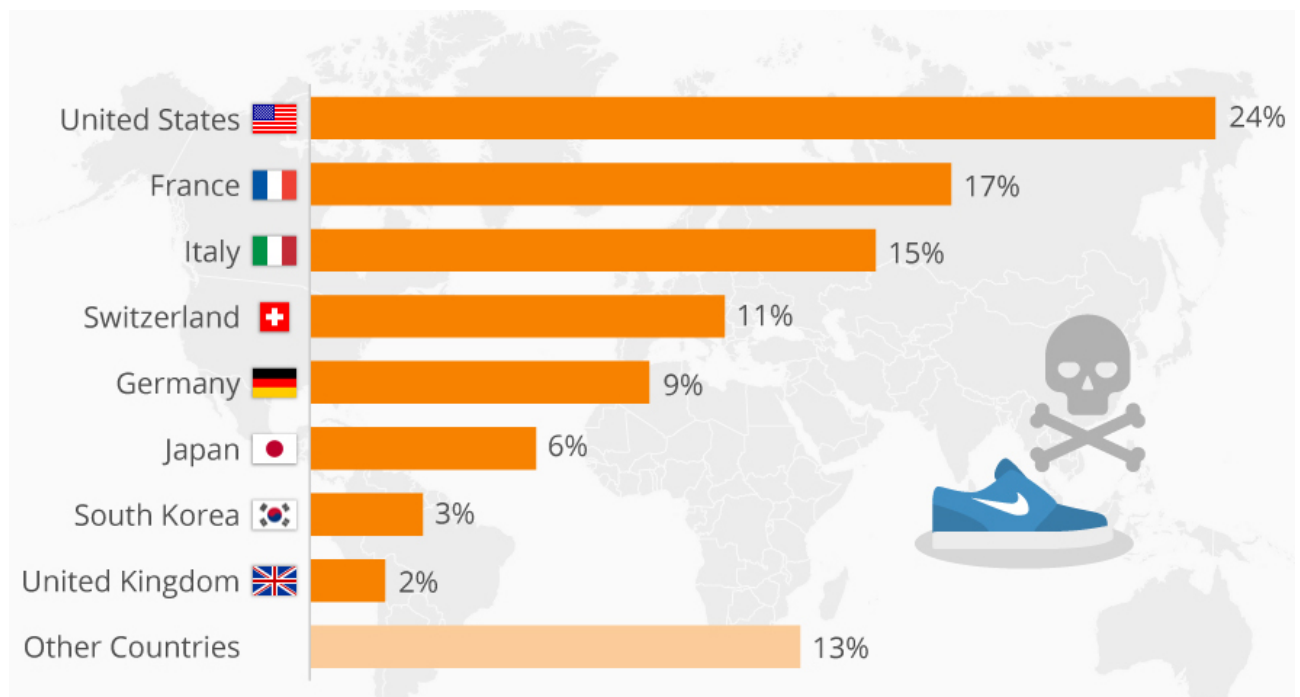
³ The terms "contrefaçon chine" [China counterfeit] generate 923,000 results on google.com

⁴ euiipo.europa.eu/ohimportal/fr/web/observatory/trends-in-trade-in-counterfeit-and-pirated-goods

⁵ euiipo.europa.eu/ohimportal/fr/web/observatory/observatory-publications



Furthermore, Switzerland is the country 4th worst affected by counterfeiting, following the United States, France and Italy.



Source: Statista

2.2. Losses for the watchmaking sector

The counterfeiting phenomenon has not spared the Swiss watchmaking industry. The total number of Swiss watches exported in 2018, at 23.7 million, remains far below the number of counterfeit watches manufactured in China. This is estimated as nearly double the figure for Swiss exports, or around 40 million items.

The watchmaking sector is therefore particularly badly affected by this problem, as confirmed by the 2017 European customs report, which shows that watches are fifth in the list of categories of products seized at borders and that in terms of value they are in fact at the top of the rankings.⁶

In addition, a report on "The economic cost of IPR infringement in the jewellery and watches sector"⁷ by the European Observatory on Infringements of Intellectual Property Rights found that:

- The legitimate watchmaking and jewellery industry loses around 1.9 billion euros in annual revenue as a result of the presence of counterfeit watches and jewellery on the EU market, corresponding to 13.5% of sales in the sector. (Total sales are estimated at 14.6 billion euros.)
- Counterfeiting in this sector causes a loss of sales worth around 3.5 billion euros to the EU economy, leading to the loss of 28,500 jobs and 600 million euros in government revenues.

⁶ Op. cit. 2

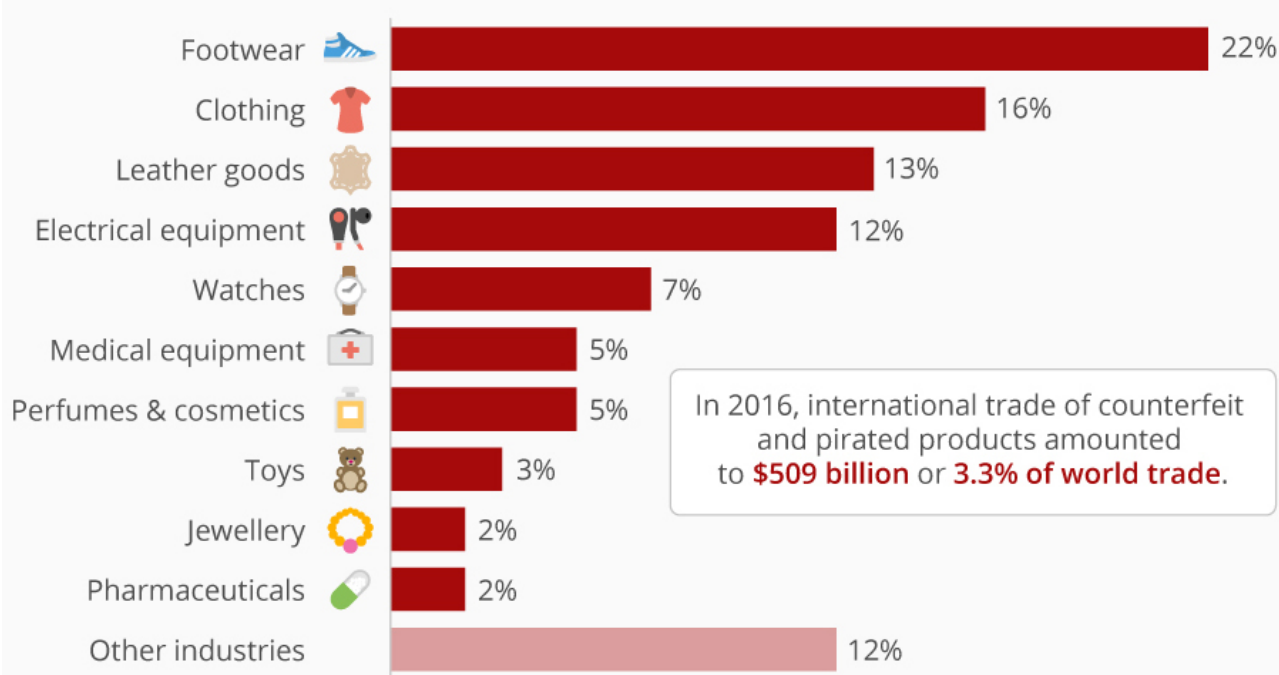
⁷ euiipo.europa.eu/ohimportal/fr/web/observatory/ipr_infringement_jewellery_and_watches



As a substantial majority of watches sold in the European Union are made in Switzerland (8 million items, with a total export value of 6 billion francs),⁸ it is reasonable to believe that a large proportion of the losses have a direct impact on the profits of the Swiss watch export sector and an indirect impact on the revenues of the cantons and federal government.

The Industries Most Affected by Counterfeit Products

% of total value of seized counterfeit and pirated goods worldwide in 2016, by industry



Industries worst affected by counterfeiting

Source: Statista

Finally, according to the EUIPO 2019 STATUS REPORT ON IPR INFRINGEMENTS,⁹ the total contribution to the EU economy of sectors which make intensive use of intellectual property rights is equal to approximately 42% of GDP (5,700 billion euros) and 38% of direct and indirect employment. These sectors, which include the Swiss watchmaking industry, are therefore essential to the overall economy and should be protected.

2.3. Action against counterfeit watches

The FH is required under its articles of association to work actively against infringements of intellectual property rights and acts of unfair competition such as slavish imitations. For this purpose, it has set up an Anti-Counterfeiting Group, bringing together some fifty brands most affected by counterfeiting. All these

⁸ www.fhs.swiss/pdf/regions_180112_f.pdf

⁹ euipo.europa.eu/ohimportal/fr/web/observatory/status-reports-on-ip-infringement



companies spend considerable amounts every year,¹⁰ both directly and working with the FH, to protect their intellectual property rights and particularly to combat counterfeit goods imitating their trademarks.

In pictures: some of the actions we have taken with the help of local public authorities:¹¹



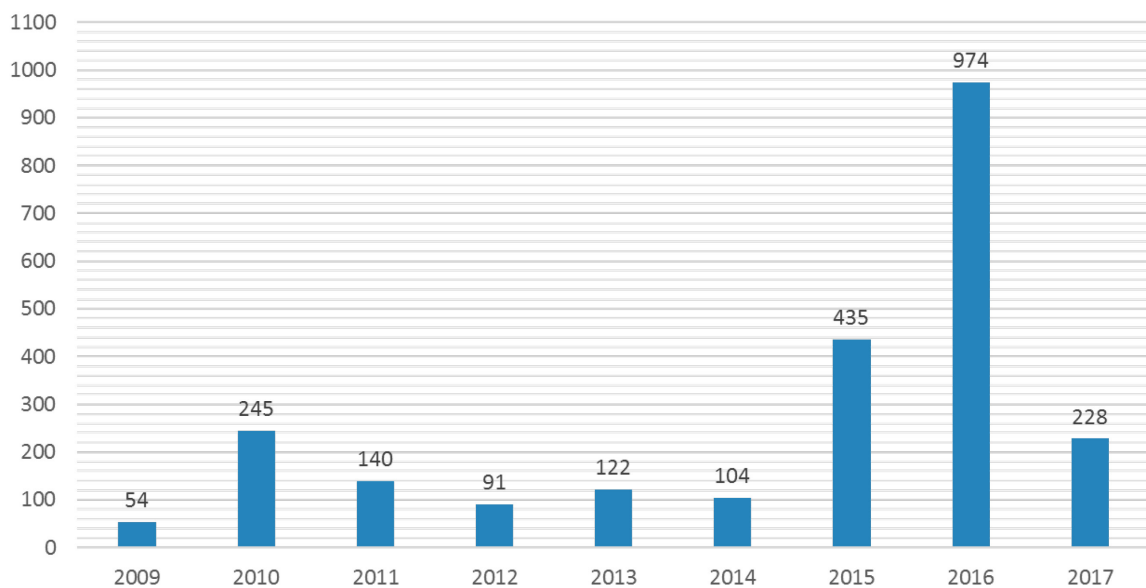
The FH oversees several thousand police and customs actions in total each year, with the help of partners and public authorities locally, leading to the confiscation and destruction of over a million counterfeit Swiss watches on average every year.

These actions are also taken in Switzerland, mainly working with the customs authorities, to which the FH has submitted applications for intervention on behalf of 25 of its members.

According to our statistics on the brands we represent in Switzerland, the number of seizures at the Swiss borders increased until 2016, at the same rate as the growth of e-commerce. The adoption by the Swiss Federal Council of an austerity programme for customs in 2017 led to a number of job cuts including in the field of defence of intellectual property rights, leading to a steep decline in the number of seizures.

¹⁰ www.valeursactuelles.com/clubvaleurs/economie/exclusif-lvmh-consacre-40-millions-deuros-la-lutte-contre-la-contrefacon-107869

¹¹ Seizures in China, South America and the United Arab Emirates



These figures, which nevertheless remain high for such a small country, show that there is a real demand in Switzerland for counterfeit watchmaking products and that (as there the Customs check on average only 2% of goods traffic) it is evident from the statistics that many fake watches slip through the net on a daily basis.

2.4. Links between counterfeiting and other criminal activities

Many reputable studies have recently established that there are links between counterfeiting and organised crime,¹² and even with terrorist organisations.¹³ There are two reasons for this. Counterfeiting enables rapid generation of profits, estimated as generally increasing sums invested by a factor of 10. The profit margins are therefore often better than those achieved through drug trafficking, prostitution or other criminal activities. In addition, counterfeiting is considered to be a minor offence in many countries, with convictions leading only to fines. In consequence, the risks run by counterfeiters are very low in comparison with the profits which can be generated. Counterfeiting has therefore already played a role in the financing of terrorist activities and is likely to have supported other types of criminal activities, as highlighted by EUROPOL in its prevention campaigns.

¹² www.unicri.it/in_focus/on/2013212_Counterfeiting
www.legalexecutiveinstitute.com/counterfeit-goods-money-laundering-part-1
a-capp.msu.edu/a-capp-center-product-counterfeiting-database-insights-into-converging-crimes
www.oecd.org/publications/charting-illicit-trade-9789264251847-en.htm
www.unodc.org/documents/counterfeit/FocusSheet/Counterfeit_focussheet_EN_HIRES.pdf
iipcic.org/documents/LD_INTERACTIVE_INTERPOL_CASEBOOK_EN_FINALE_pages.pdf
www.mil-news.com/wp-content/uploads/2016/10/3-Musumeci-unicri.pdf

¹³ www.unifab.com/wp-content/uploads/2016/06/Rapport-A-Terrorisme-2015_FR_42.pdf



Europol 
@Europol

Suivre



When you buy counterfeit goods online, you are funding organised crime 💰

Many criminals use the profits to fund other forms of criminality like [#humantrafficking](#), [#moneylaundrying](#) or labour exploitation.

Don't be an accomplice of crime! Don't buy fakes! 🚫





2.5. Dangers from counterfeit goods

According to the most recent EUIPO report, "Qualitative study on risks posed by counterfeits to consumers",¹⁴ there is evidence that enterprises involved in the production of goods which deliberately infringe intellectual property rights are not concerned about the quality, or even more important, the safety of their products. The study shows that these products may contain substances or components that do not meet European safety requirements and therefore present potential risks to the health and safety of consumers, thus going against the requirement that only safe products can be placed on the EU market.

These concerns were confirmed by research carried out by Ms Sarah Hochholding, at that time a postgraduate student at the University of Lausanne School of Criminal Sciences. Her report is titled "Elemental analysis for profiling counterfeit watches".¹⁵ Analysis of the chemical composition of a first batch of 97 watch bracelets demonstrated the presence of substances such as DBP (dibutyl phthalate), DEP (diethyl phthalate) and BHT (butylhydroxytoluene). These constituents, used as plastifiers, are considered as dangerous to human health (carcinogenic, allergenic and/or r). Analysis of a second batch, this time of 35 casebands, brought to light levels of lead and nickel significantly above the thresholds provided in Swiss and European legislation. The most direct effects include the triggering of severe allergies.

3. Counterfeit watches online

The increase in e-commerce means that it is easier for consumers to make purchases online, and they are consequently more inclined to buy counterfeit goods over the internet. In response to the increased online demand for counterfeit goods, the supply is also increasing and becoming more varied.

Infringements of intellectual property online are a low-risk crime for fraudsters and the anonymity of the web benefits them, both by reducing the risks and through the range and diversity of possible sales channels. We should note that the internet reduces obstacles, with low costs and minimal risk. Use of the internet for sale of products opens up borders and gives counterfeiters direct access to customers throughout the world.

Online sales of counterfeit products have long been of mass market proportions. Some counterfeiters earn enormous profits and incomes from this trafficking, and are even proud of their flourishing business (see below).

¹⁴ euipo.europa.eu/ohimportal/fr/web/observatory/observatory-publications

¹⁵ Forensic Science International, Volume 298, May 2019, Pages 177-185



Small parcels, each containing counterfeit watches ready for despatch, published by a counterfeiter, 2019

Counterfeit goods are increasingly often sold online and the goods are sent abroad using postal services or express couriers, often in small quantities which are more difficult to detect.

In addition, in most developed countries there are few “open markets” where counterfeit goods can be freely bought. Buyers therefore tend to make their purchases online from virtual marketplaces or specialised websites.

EMS 全球邮政特快专递		国际特快专递邮件详情单	
收寄局/ORIGINAL OFFICE 杭州		收寄日期/POSTING DATE & TIME 07月2月16日 时H	
寄件人/FROM [REDACTED]		收件人/TO [REDACTED]	
城市/CITY HANGZHOU		城市/CITY ZURICH	
国家/COUNTRY CHINA		国家(地区)/COUNTRY(REGION) SWITZERLAND	
地址/ADDRESS [REDACTED]		地址/ADDRESS DIETIKON	
邮政编码/POSTAL CODE 310016		邮政编码/POSTAL CODE 8953	
CN22 文件资料 物品 DOCUMENT PARCEL		体积/VOLUME 长L x 高H x 宽W = 立方厘米/cm ³	
内件名称及详细规格 BAG WATCH GIFT FOR FAMILY		费用/CHARGE 其它费用 /ADD CHARGE 费用总计 /TOTAL CHARGE ¥ 18.80 ¥ 3.00	
件名 数量 重量 申报价值 原产地 BAG 15 WATCH 500 GIFT FOR FAMILY 204 USD		交寄人签名 /ACCEPTED BY (SIGNATURE) 申孝荣	
I ASSURE THE TRUTH OF THE ABOVE DECLARATION AND GUARANTEE THAT THE SHIPMENT DOES NOT CONTAIN ANY DANGEROUS AND PROHIBITED GOODS.		收件人签名 /RECEIVER'S NAME [REDACTED]	
		日期 年 月 日 时 分 秒 07月16日	
		* EA785097284CN *	



Example of documentation in a case of a small parcel (Swiss Customs)

The problem of small parcels is therefore making detection at customs, checks and seizures of goods increasingly difficult. According to research by EUIPO and the OECD,¹⁶ during the period of study close to 63% of customs seizures of counterfeit and pirated goods were of small parcels. According to the European Commission, 76% of counterfeit goods intercepted in the EU in 2017 were in small parcels sent through the post and by courier.¹⁷



Examples of counterfeit goods hidden in reconditioned items to avoid detection at the border.

3.1. The FH Internet Unit

The FH responded to these developments as early as 2004 by establishing an Internet Unit which is principally concerned with action against counterfeit goods on the internet. In response to the scale of the problem, the Internet Unit has had to obtain new tools, aiming to develop a comprehensive and effective approach to tackling counterfeit goods online.

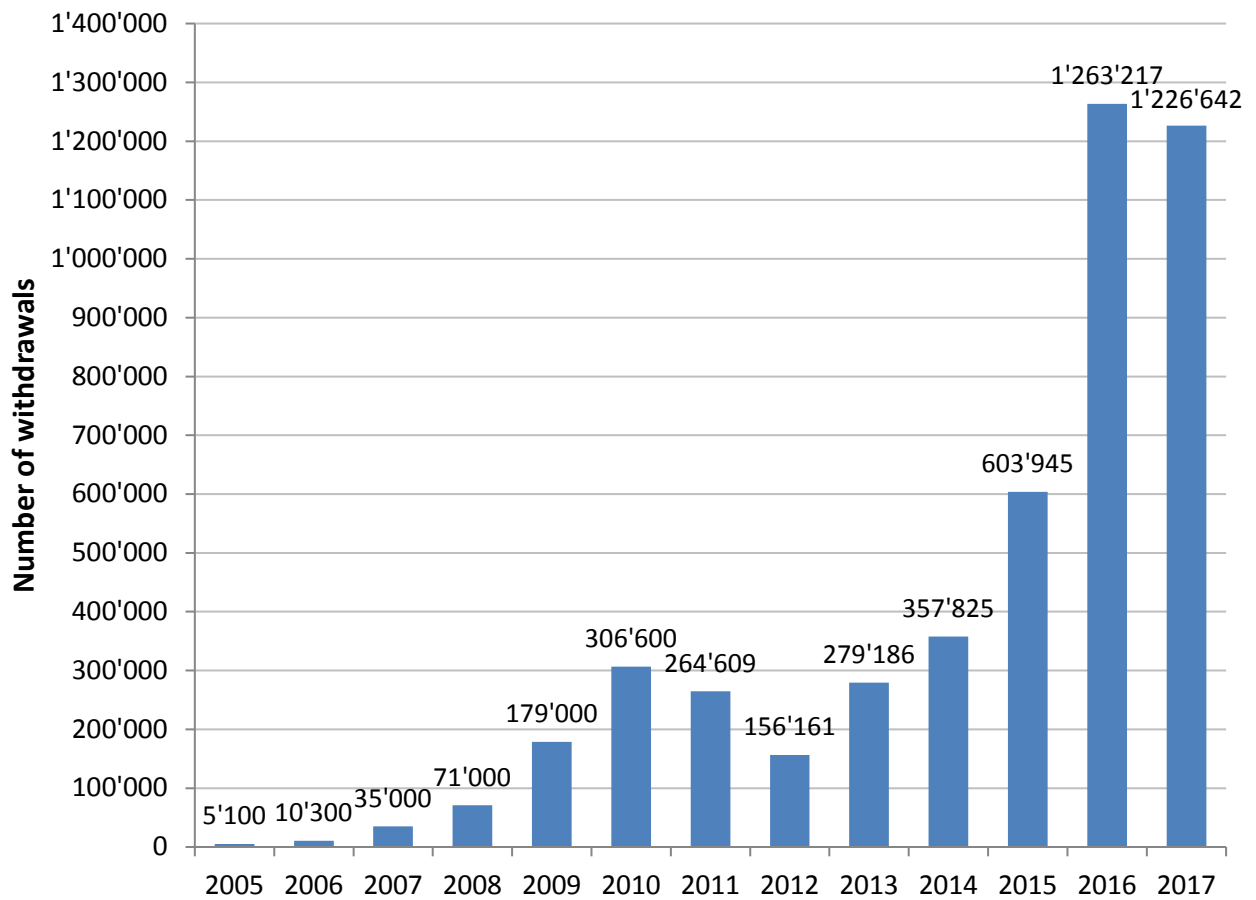
The Internet Unit works to reduce the visibility of counterfeit goods, detect offers of counterfeit goods, ensure that adverts are withdrawn, close down counterfeiting websites by sending them formal notices to desist, and monitor social media, blogs, forums etc. At the strategic level, it is possible to detect counterfeit goods automatically, leading to improved detection of networks. To refine action against counterfeit goods, contacts are required with technical intermediaries at all levels, including web hosts, registrars, financial intermediaries, sales platforms etc. Contacts have also been established with enforcement agencies, and with groups involved in prevention of counterfeiting.

Recognising the size of the counterfeiting problem, the FH Internet Unit employs a range of methods to tackle it worldwide:

- Development of analytical and monitoring tools.
- Seizure of domain names against strong and highly-ranked websites.
- Websites to raise consumer awareness.

¹⁶ OECD/EUIPO (2018), Misuse of Small Parcels for Trade in Counterfeit Goods: Facts and Trends, OECD Publishing, Paris, doi.org/10.1787/9789264307858-en

¹⁷ eupo.europa.eu/ohimportal/fr/web/observatory/trade-in-fakes-in-small-parcels#



Changes in number of adverts withdrawn

In 2018, the Internet Unit also used its tools to achieve the withdrawal of over a million adverts for counterfeit goods¹⁸ (see the chart above). The increasing number of withdrawals can be seen to follow a similar pattern to the increase in the use of the internet for the sale of counterfeit goods.

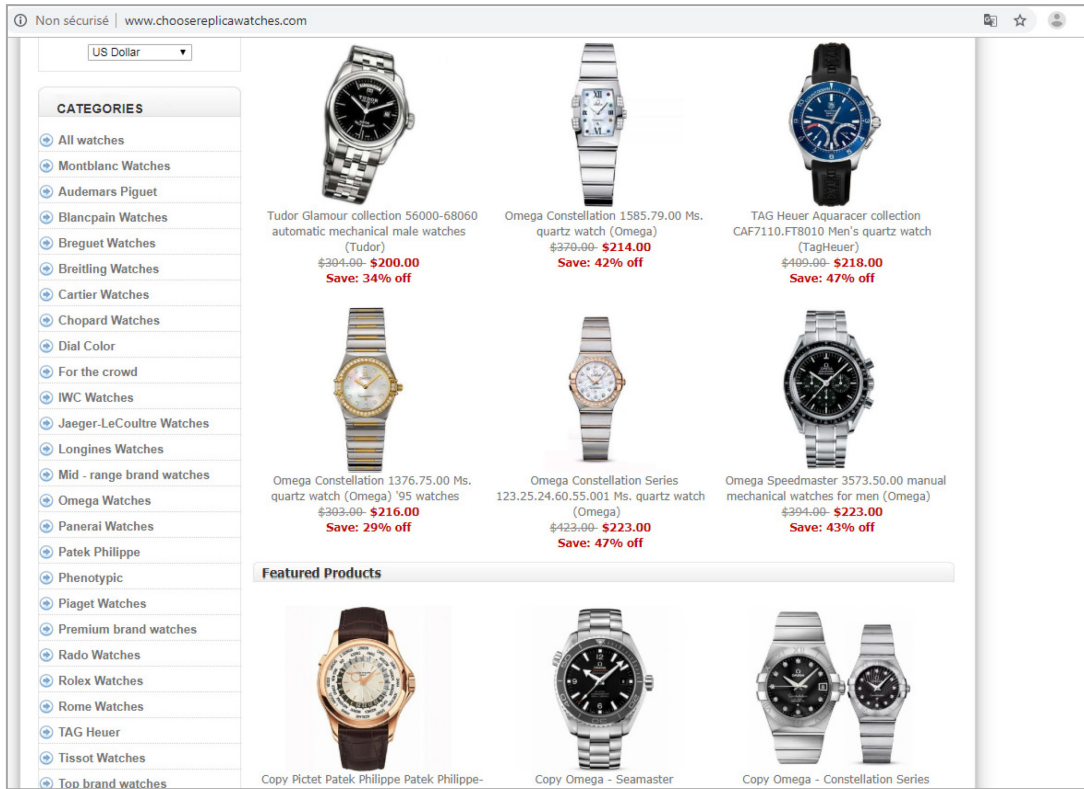
The Internet Unit works on all the sales channels and approaches available online, including specialised websites, online e-commerce sales platforms and of course mobile applications and social media.

It has noticed that, since it was set up, there has been a reduction in the use of specialised websites, while social media now play an important role in the sale of counterfeit goods online. As each distribution channel has its own features, the strategy for action has to be individually adapted to each of them.

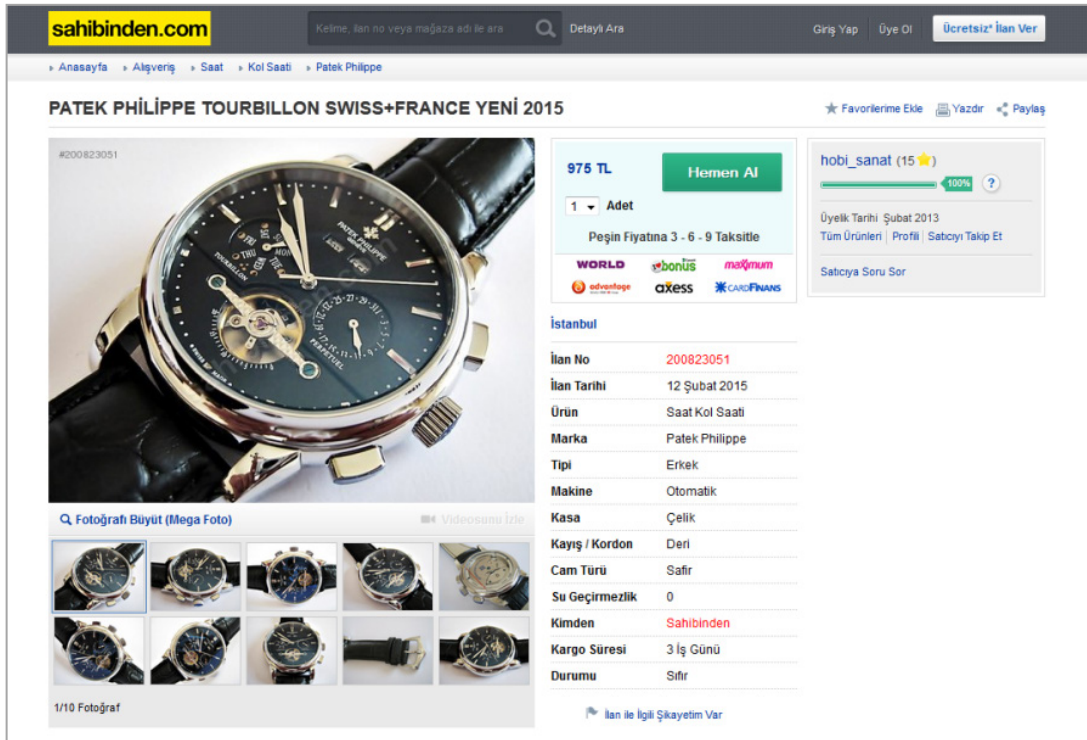
¹⁸ To be exact, 1.19 million adverts were withdrawn in 2018.



Some examples:



Example of a specialised website: www.choosereplicawatches.com



Example of an e-commerce platform: www.sahibinden.com



DHgate.com Buy Smart. Buy Direct. Shop by **Categories** ▼ I'm shopping for... All Categories ▼ 🔍 Hi, Sign in My DHgate ▼

Home > Watches > Wristwatches > Product detail

10% OFF **Free Shipping**

Hot Sale Luxury Eberhard&Co 18K Rose Gold 46mm Black Dial Swiss Movement Automatic Mens Watch Men's Watches

Store-wide Discount 10% OFF, 2 days left!

Discount Price: **US \$108.55 - 123.44** / Piece Reference Currency
US-\$120.64-137.15 / Piece

Wholesale Price (Piece):	1 +	3 +	9 +	42 +	83 +
	US \$123.44	US \$112.50	US \$110.21	US \$109.10	US \$108.55
	US-\$137.15	US-\$126.00	US-\$122.45	US-\$121.22	US-\$120.64

Quantity: Piece

Shipping Cost: **Free Shipping** to Switzerland Via EMS ▼
Estimated delivery time: May 20 and Jun 1 , ships out within 5 business days ?

Total Cost: **US \$123.44**

Buy it Now **Add to Cart**

Share on [f](#) [p](#) [t](#) [B](#) [g](#) [e](#) [m](#) [v](#)

♥ Add to Favorite Items ▼ (0)

Example of an e-commerce platform: www.dhgate.com

Longines Watches eu004 Sponsorisé · 🌐

Take a LOOK at these Watches from Longines online, You'll be spoiled for choice!

[Voir la traduction](#)

LONGINES MASTER COLLECTION MEN'S WATCH L2.673.4.78.3
+100000 & Buy **Acheter**

LONGINES Saint-Imier Chronograph Watch L27524533
Limited Offer!

👍👎 6 1 commentaire

👍 J'aime 🗨 Commenter ➦ Partager

Example of social media: www.facebook.com



wish Acheter en s'amusant Se connecter

S'inscrire avec Email S'inscrire avec Facebook S'inscrire avec Google

Téléchargez l'appli !

Téléchargez ça pour vos devices mobiles iPhone, iPod, iPad et Android

Example of a mobile application: Wish local (only available as an app)

Quick Search

Faces by WickedRacer

SEARCH & FILTER

- > KEYWORD
- > WATCH MODEL
- > FACE SHAPE
- > FACE FORMAT
- > FEATURES
- > SORT ORDER

SUBMIT

GAT CONCEPT by WickedRacer ☆☆☆☆☆ 1K+	Swiss Military by WickedRacer ☆☆☆☆☆ 500+	Jag lecou by WickedRacer ☆☆☆☆☆ 500+	Blue Gat by WickedRacer ☆☆☆☆☆ 250+	Airenap by WickedRacer ☆☆☆☆☆ 250+
EXPEDITION by WickedRacer ☆☆☆☆☆ 250+	Nascar by WickedRacer ☆☆☆☆☆ 250+	Formula 1 by WickedRacer ☆☆☆☆☆ 250+	Mikrotimer flying by WickedRacer ☆☆☆☆☆ 250+	Formula 1 by WickedRacer ☆☆☆☆☆ 250+

Example of virtual dials available for smartwatches: facerepo.com/app



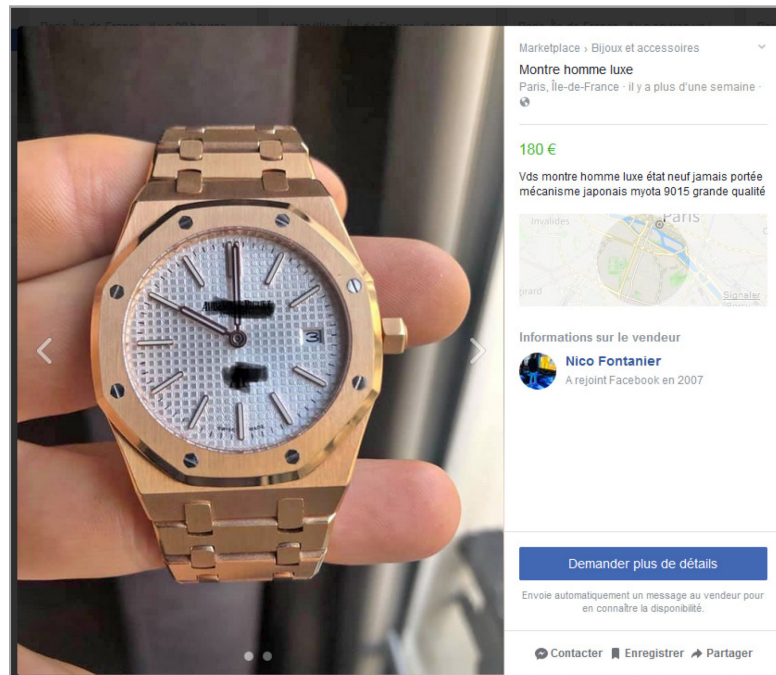
The Internet Unit finds itself faced increasingly often with new issues that make notification to platforms more difficult: logos are blurred or hidden by emoticons, or there is no trademark.

The screenshot shows a DHGate storefront for a seller named 'Goodwatch002'. The seller's profile includes a 'LOGO' placeholder, a 95% positive feedback rating, and 285 transactions. The main product is a 'Casual watch Famous Brand Quartz-Watch Men Women khaki Leather Band Wrist Watches Rejoes Montre Homme Erkek Kol Wristwatch CL18111'. The price is listed as US \$13.2 - 20.36 per piece. The page includes a navigation menu, a sidebar with store categories and top-selling items, and a main product area with a large image of the watch, a price table, and shipping information.

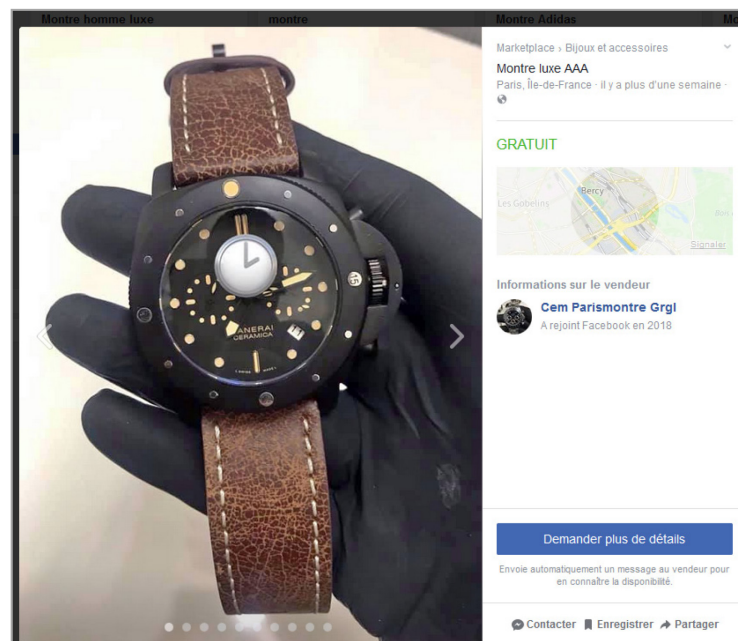
Wholesale Price (Piece):	1 +	2 +	18 +	30 +	76 +
	US \$20.36	US \$19.17	US \$17.03	US \$13.83	US \$13.20

Advert on DHGate, with no visible logo

However, the adverts often include coded language enabling the consumer to identify the article as counterfeit (e.g. "famous brand", "luxury men's watch"). The description sometimes also specifies that articles received will be engraved, even though there are no engravings shown on the photos advertising the articles in question.



Logo hidden on a Facebook advert



Logo hidden by an emoticon, on a Facebook Marketplace advert

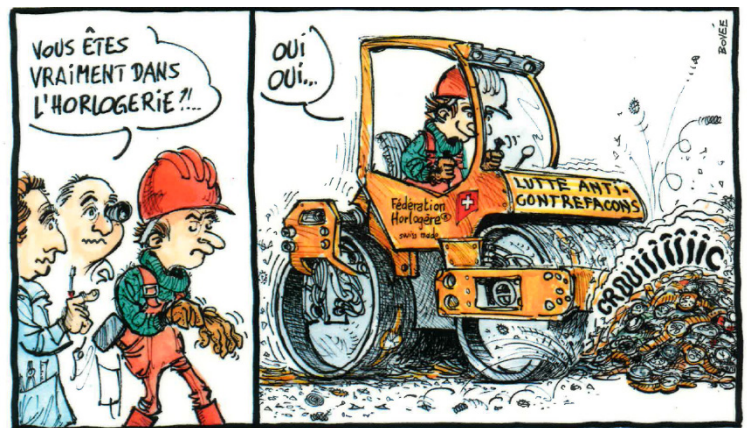
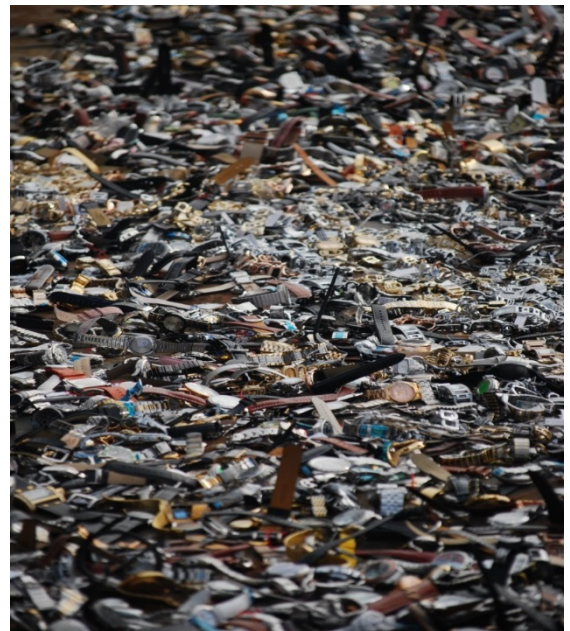
In this type of case, some platforms are however willing to cooperate and offer to withdraw notified adverts. Others are even trying to implement a proactive approach. There are nevertheless also some platforms with which it is very difficult to act in this type of case and, although customers may be tricked into believing that they are buying an unbranded watch, it is very often clear that the purchase implies the presence of the infringed trademark on the product in question.



4. Raising consumers' awareness

4.1. Destruction

From time to time, the FH, working with STOP PIRACY,¹⁹ organises the destruction of fake watches seized by the Swiss customs, with the aim of attracting media attention and raising awareness of the issues around the counterfeiting of watches.



¹⁹ www.stop-piracy.ch



4.2. Awareness-raising campaigns

The FH and STOP PIRACY organised Swiss Anti-Counterfeiting Day, an awareness-raising event held at ECAL in 2013. A number of Swiss artists and filmmakers were rewarded for creations related to action against counterfeiting.



This is a poster from STOP PIRACY's 2014 national advertising campaign.



STOP PIRACY also has an anti-counterfeiting stand, and was present in particular at Zurich airport to take prevention action with holidaymakers²⁰ and at the Jura careers fair to raise awareness of the problem among the younger generation. These two groups of people are known to be priority targets for counterfeiters.

²⁰ www.stop-piracy.ch/StopPiracy/media/_content/PDF/Medienmitteilung-Flughafenaktion-ZRH-2018-FR.pdf



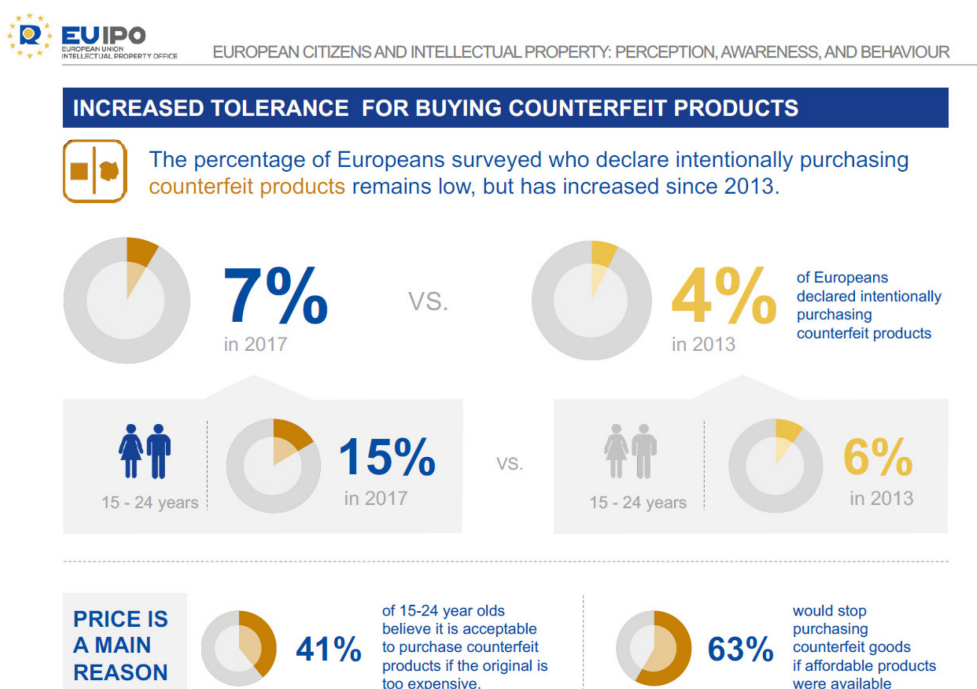
The dozens of programmes and reports broadcast by Swiss TV on the subject of counterfeiting,²¹ particularly of watches, and the many articles in the press reflect both a certain level of interest from the public and the efforts made by the FH and STOP PIRACY to make the issue more widely known.

There have also been many articles in the press in recent years about the dangers of buying watches online.²² The press have also informed the general public about the increased use by counterfeiters of photographs of products without trademarks or with blurred logos.²³

5. Consumers' role in counterfeiting

5.1. The act of purchase

The EUIPO survey of "EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOUR" published in 2017²⁴ (graphic), conducted with more than 26,000 people, found that, taking all ages together, the average percentage who had deliberately bought counterfeit products rose from 4% in 2013 to 7% in 2017, and that the level had more than doubled among those aged 15-24, rising from 6% to 15% over the same period.



²¹ www.rts.ch/play/recherche?query=contrfa%C3%A7on

pages.rts.ch/emissions/abe/9759510-a-bon-entendeur.html#timeline-anchor-segment-9853508

²² www.arcinfo.ch/articles/horlogerie/contrefacons-la-federation-horlogere-met-en-cause-des-pubs-de-facebook-475191

www.arcinfo.ch/articles/horlogerie/contrefacons-horlogeres-nombre-record-d-annonces-retirees-sur-internet-551596

www.tdg.ch/suisse/gare-aux-achats-de-contrefacons-sur-internet/story/16761696

www.bilan.ch/economie/un_milliard_de_francs_perdus_a_cause_des_contrefacons_de_montres_suissees

www.stop-piracy.ch/StopPiracy/media/_content/PDF/LeTemps-21-06-2018.pdf

www.lematin.ch/suisse/Gare-aux-achats-de-contrefacons-sur-Internet/story/16761696

²³ www.20min.ch/finance/news/story/Faelscher-hebeln-Schweizer-Uhrenbranche-aus-17895091

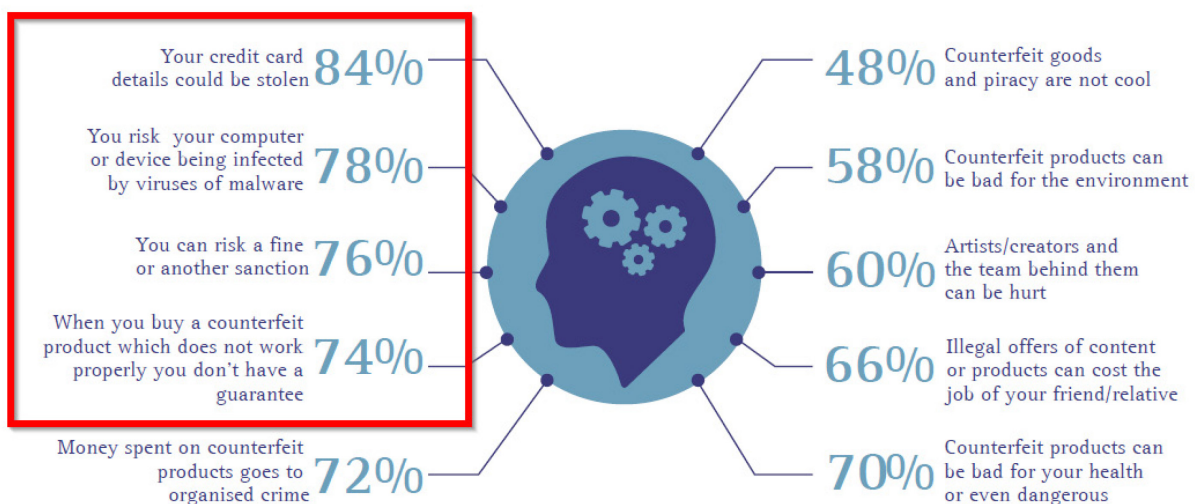
²⁴ euipo.europa.eu/ohimportal/fr/web/observatory/ip-perception-2017



Another survey conducted by EUIPO "INTELLECTUAL PROPERTY AND YOUTH: SCOREBOARD 2016"²⁵ also shows that the four main reasons which might convince a young person not to buy counterfeit goods are personal, not to say selfish (see below).

1.3 Communication on counterfeiting and piracy

ARGUMENTS RELATED TO PERSONAL SAFETY RATHER THAN MORAL VALUES ARE BETTER SUITED TO CONVINCЕ YOUNG PEOPLE TO THINK TWICE BEFORE USING ILLEGAL SOURCES OR BUYING COUNTERFEIT GOODS



These studies show that some consumers willingly and specifically seek to buy counterfeit goods. In addition, consumers are generally guided mainly by pecuniary motives when they decide to buy forgeries and it appears that only direct consequences for their rights or their assets could dissuade them.

²⁵ euipo.europa.eu/ohimportal/fr/web/observatory/ip-youth-scoreboard



5.2. From purchaser to seller of counterfeit goods

Nowadays there is only a single step between being a purchaser and a reseller, a step which it is becoming easier and easier to take. There is evidence for this in the ease with which adverts can be placed online with sites such as Ricardo.ch or Anibis.ch in Switzerland and the number of ephemeral online shops created very easily via e-commerce stores such as Shopify.com. One practice permitted by Shopify is "drop shipping",²⁶ which is becoming increasingly popular, as it avoids the need for sellers to maintain significant stocks. An investigation by the Zurich police in 2018 showed that unfortunately Switzerland has not avoided this development and private individuals are organising sales of counterfeit goods from Swiss territory.²⁷



6. Conclusion

In developed countries, the internet has become the principal conduit for orders for fake watches. Counterfeiters fully understand this and have substantially increased the numbers of offers of counterfeit products available through internet channels. They have begun to adapt their operating methods in response to the vigilance of some internet sales platforms, effacing unlawfully used trademarks in photos

²⁶ "Drop shipping" is a three way arrangement in which a customer places an order on the retailer's website, the retailer then passes it to the supplier, and the supplier arranges delivery and manages the stock (source: Wikipedia)

²⁷ www.20min.ch/ro/news/suisse/story/Contrefa-ons-en-ligne--dix-vendeurs-arr-tes-19357996



and product descriptions and making more use of coded messages which enable consumers to identify products as counterfeit.

The explosion of counterfeit products on offer on the internet has also led to a spectacular increase in imports of these products by private individuals. To combat this trend, manufacturers of authentic products, rights holders, honest consumers and indeed the Swiss economy in general need appropriate legislation to provide effective legal means to tackle counterfeiting. In recognition of this need, the Swiss federal assembly decided in 2005 to strengthen the various legal provisions on intellectual property rights. It introduced the new article 13 (2^{bis}) of the Trade mark Protection Act (TmPA) and article 9 (1^{bis}) of the Designs Act (DesA) specifically addressing the issue of individual imports for private purposes. By excluding exclusively and solely the possibility of criminal proceedings under article 65a of the TmPA, the Swiss legislation thereby allows victims access to all the other, civil, measures provided by the TmPA, even in the case of individual imports for private purposes. Swiss law therefore now offers appropriate and fair solutions, enabling more effective action to be taken against counterfeiting in Switzerland.