

Criminal Actions

“PHILIPS” Trademark

Koninklijke Philips Electronics N.V. vs. Mehmet Emin Altun

1st Criminal Court of Istanbul on Intellectual and Industrial Rights Case No.2003/811, Decision No.2006/1025 (November 6, 2006)

In the action¹ against shop keeper/retailer dealing with and selling counterfeit goods carrying the trademark “PHILIPS”, upon complaint filed by the plaintiff to the Public Prosecutor, the police raids effected upon his order resulted in the seizure of infringing goods in their premises upon which the Public Prosecutor instituted the criminal actions against him. In its decision, the Criminal Court, ruled, on the basis of an experts’ opinion and on the basis of the evidences gathered that the goods seized in the defendant’s business premises infringe the registered trademarks of the plaintiffs and ordered the definite seizure of the confiscated counterfeit goods found in the defendant’s business premises on the basis of the way the crime has been committed and seriousness of the crime and condemned the defendant to:

- The determination of trademark infringement,
- Imprisonment for one (1) year and eight (8) months,
- The closure of his premises for 10 months period,
- The ban of his trading activity for 10 months period.

The court has adjourned the imprisonment in the view of the fact the accused has not committed similar offences in the past with the proviso that he would not commit any similar offences specified in Article 95/2 of the Turkish Criminal Code during the following 5 years.