

Criminal Actions

“VERSACE+design”Trademark

Gianni Versace S.p.A. vs. Karali Deri Tekstil Sanayi ve Ticaret Limited Sirketi

2nd Istanbul Court of Intellectual and Industrial Rights Case No.2005/204, Decision No.2007/41(March 1, 2007)

Infringement

Upon the suspension of release by the Customs of goods bound for importation in the country on ground of infringement of the well-known trademark “VERSACE + design” Gianni Versace S.p.A. instituted an action against Karali Deri Tekstil Sanayi ve Ticaret Limited Sirketi (Karali) for preventing and stopping the trademark infringement, for determining that the goods held by the Customs are counterfeit and for destroying the counterfeits held by the Customs.

The defendant asserted that the sender firm forwarded erroneously to them goods which were apparently ordered by others and asked to return them to the sender with the consent of the plaintiff. The plaintiff having denied such request. The Court did not give further consideration to the assertions of the defendant in that they have not acted with the intent to infringe and that the counterfeits were erroneously forwarded to them on ground that the defendant did not submit any documentary evidence in support of their assertions and ruled, on the basis of an Expert’s opinion, that the goods held by the Customs being counterfeits infringe the plaintiff’s trademark right and constitute thereby an act of unfair competition and ordered their destructions while charging the defendant to pay all the expenses for their destruction.

Famous Marks – Criminal Actions

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