

Criminal Actions

“KAPPA” Trademark

BASIC TRADEMARK S.A.

vs.

HUSEYİN HAS

3rd Penal Court of Istanbul

(* Decision No. 1998/42 – 2000/662 (June 7, 2000)

In the action (*) against shop keeper/retailer dealing with and selling counterfeit goods carrying the trademark “KAPPA” upon complaint filed by the plaintiffs 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 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 and applied the penalties pursuant to the Article 61/A-(c) of the Trademarks Act No. 556 and condemned the defendant to:

- * 20 months years of imprisonment
- * 4.000.000.000. - Turkish Liras of pecuniary fine
- * The closure for 1 year of the business premise
- * Ban the exercise of professional activity for 1 year
- * The definite seizure of the confiscated counterfeit goods found in the business premises of the infringers

The court has suspended and remitted to the future the serving of the penalties as, on the basis of the behavior during the proceedings of the defendant, it has been convinced that the defendant is not likely to commit a similar offence in the future.