

Criminal Actions

“LONGCHAMP” Trademark

JEAN CASSEGRAIN (S.A.S.) vs. ERDAL ÖZ

Penal Court of Istanbul on Intellectual and Industrial Rights

(* Case no.2003/840 – Decision no.2004/1285 (October 21, 2004)

In the action (*) against shop keeper/retailer dealing with and selling counterfeit goods carrying the trademark “LONGCHAMP”, 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 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 and applied the “penalty of imprisonment” among the triple alternative penalties determined in amendment on the Decree-Law dated June 26, 2004 on the basis of the way the crime has been committed and seriousness of the crime and condemned the defendant to:

- * 2 years of imprisonment
- * 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.