

## Criminal Actions

### “BULGARI” Trademark Bulgari S.P.A. vs. Gökay Şimşek

(\*) **1st Criminal Court of Istanbul on Intellectual and Industrial Rights**  
**Case no. 2005/1397 - Decision No. 2007/1449 (October 17, 2007)**

In the action<sup>(\*)</sup> against shop keeper/retailer dealing with and selling counterfeit goods carrying the trademark “BULGARI”<sup>1</sup>, upon complaint filed by the plaintiffs to the Public Prosecutor, the police raids effected upon his order, resulted in the seizure of 33 infringing goods in their premises upon which the Public Prosecutor instituted the criminal action against him.

The defendant asserted that he has purchased the infringing goods as scrap material and he kept the said goods for melting but not for sale purposes.

The plaintiff having refused such request and asked the Court to convince the accused.

The Court has given further consideration to the assertions of the defendant in that the assertions of the defendant has not been refused and it has not been submitted sufficient documentary evidence in support of that the defendant knows/or has to know the products subject to the infringement are counterfeit goods. Therefore the Court has ruled;

- to acquittal of the accused since it has not been settled that the said crime (infringement) has been committed by the defendant,
- the confiscation of the counterfeits seized at their premises by the finalization of the decision of the court
- leaving all the litigation costs to the public.

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<sup>1</sup> Registration No.92205