

## Criminal Actions

### “LOVATO” Trademark

#### Offline Lovata S.P.A .v. Gunal Ozturk

#### 2nd Criminal Court of Istanbul on Intellectual and Industrial Rights Case No.2005/1668 Decision No.2006/944 (November 28, 2006)

In the action<sup>1</sup> against shop keeper/retailer dealing with and selling counterfeit goods carrying the trademark “LOVATO”<sup>2</sup>, 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 action 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,
- an amount of YTL.- 22.500 heavy pecuniary fine
- the closure of his premises for 10 months period,
- the ban of his trading activity for 10 months period
- Seizure of the confiscated counterfeit goods found in the business premises of the infringer.

The court 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.