

Trademarks & Counterfeiting: Eurojust Report on National Legislation and Court Practice



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News

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On 13 December 2022, Eurojust published a [report](#) on national legislation and court practice with regard to the counterfeiting of goods. It addresses the minimum requirements set out in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and other international and EU instruments in relation to the criminal offence of trademark counterfeiting.

After an introduction to trademarks and counterfeiting, the report presents national legislation from France, the Netherlands, and Poland. In addition, it explains how goods, including packaging, can be susceptible to the crime of counterfeiting.

The report finds considerable differences in national legislations in their definition of the crime of counterfeiting and its subjective elements. Similar differences are found for the infringement of trademarks. According to the report, prosecution of these cross-border crimes in such a diverse legal landscape is highly challenging for prosecutors. The low level of sanctions for these crimes also further derogates the will to pursue criminals outside of national borders.

The report is an outcome of the Intellectual Property Crime Project, which is carried out by Eurojust with the support of the European Union Intellectual Property Office (EUIPO). The project aims to enhance cooperation and deliver an efficient and coherent response to intellectual property crimes at the EU level.

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