

NEWS RELEASE

DON'T BUY INDIAN PREMIER LEAGUE COUNTERFEITS - LEGAL EXPERT

With cricket fever peaking as the Indian Premier League (IPL) starts in South Africa this week, the selling and buying of counterfeit memorabilia could dampen the spirit.

"Whilst registered vendors will be selling the rightful items, vendors with no respect for registered brands will obviously be out in full force, offering supporters illegal counterfeit items," says trade mark attorney Marilyn Krige, partner at Adams and Adams, leading attorneys in intellectual property law.

"By supporting trade in counterfeit goods, people encourage counterfeiters to enter the market.

"In such an environment, no trade mark rights are protected and the incentive to invest in South Africa will be put in jeopardy. The sale of counterfeit IPL items as well as, for example, Confederations Cup and Soccer World Cup items leading up to 2010 in South Africa, will definitely project negatively and force the brand owners to take strong action. This is publicity – and most probably legal costs – that South Africa can do without," says Krige.

The Indian Premier League takes place between 18 April and 24 May. It is the second biggest cricket tournament in the world, after the Cricket World Cup and will have an estimated television audience of more than 200 million people in India alone.

Registered vendors selling legal items can produce documentation to prove this and people wishing to buy memorabilia should demand to see such documentation if they are not sure about the authenticity of the items.

"Counterfeiters do not create their wares in factories that comply with ethical standards of production or labour conditions. Counterfeit IPL shirts may, for example, shrink after the first wash. Even worse, it may contain toxic and non-permitted dyes, which could cause serious skin allergies. While it may seem that the authorised manufacturer of the original product is liable, there is no recourse against this party in law. Even so, its reputation will be tarnished unjustifiably.

"To add insult to injury, counterfeiters operate illegally and do not declare their business operations to SARS, so no revenue and taxes are collected. Even worse, there is international evidence that counterfeit earnings have been used to support terrorist organisations, drug dealers, gunrunners and the like. The poor vendor that sells the counterfeit item also earns very little as most of the money goes into the crime bosses' pockets. Every time one buys a counterfeit item, one buys into crime."

Counterfeiting is a serious crime in South Africa with prison sentences of up to three years per item seized and/or a fine of R5 000 per item on a first offence. On a second offence, it goes up to five years and/or R10 000 per item.

"Let us all enjoy the cricket and respect the legal branding which cost brand owners vast amounts of money to develop and maintain. In doing so, we will show the world that we respect intellectual property," says Krige.

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Background to Adams & Adams

Adams & Adams is a top-ranked firm, both nationally and internationally, specialising in intellectual property and general commercial areas.

Founded in 1908, the firm has a professional complement of over 110 experienced attorneys and candidate attorneys, with more than 280 support staff members, with fields of practice including intellectual property law and a broad range of general law services such as general and High Court litigation, commercial and property law, arbitration and disputes, constitutional law, corporate and commercial law and matrimonial law, among others.