

MARKETS & CAR BOOT SALES

For nearly 30 years, ACG has fought for recognition of the real impact on society of the trade in fake goods. Bad enough that quality standards & guarantees don't apply to fake products, and that legitimate industry and retailers are undermined. Far worse, consumer health & safety is at stake, and fakes are everywhere.

IP CRIME

Just like physical property, intellectual property (IP) can be stolen. IP crime is committed when products are copied and/or marketed for profit, as if made by the genuine rights owners, without their consent.



Visiting markets and car boot sales is a major leisure activity these days in the UK and can make for a great family day out:

<http://www.carbootjunction.com>



Unfortunately, these are ideal venues for the trade in counterfeit goods, which has a high return with very low risk.

Markets and car boot sales are not uniformly regulated, so they offer easy opportunities to those who trade illegally, and are increasingly being infiltrated by racketeers and criminal gangs for whom IP crime is amongst a portfolio of illegal activities.

Independent research commissioned last year in the clothing and footwear sector alone found that over £750 million worth of such goods are sold at markets each year. This is the equivalent to each person in the UK over 16 spending £16 on fakes in such places.

Each weekend, all over the UK, many such venues are awash with fake sportswear, perfume, cigarettes, CDs, DVDs, computer games, and even fake household products such as batteries, disposable razors, soap and detergent.

33% of buyers of pirated DVDs purchase them at car boots sales and markets

29% of pirated CDs bought come from car boot sales or markets

criminals have made up to £378 million from DVD & CD copyright theft

Many shoppers who knowingly buy fake goods will be shocked to learn that their money is going straight into the pockets of organised criminals, whose activities are damaging local communities through their links to organised crime, anti-social behaviour and exploitation.

There is increasing evidence of children being used to front up market stalls in order to protect the counterfeiters, and of violence and intimidation in the enforcement of traders' patches. The link between the trade in counterfeit goods and organised crime such as people trafficking and the drugs trade is also well-established.

Shropshire TS and police targeted Worfield car boot sale near Bridgnorth at the weekend of 10 and 11 May 2008. Four arrests were made in addition to the seizure of a quantity of goods including pornographic DVDs, music CDs and items of fake clothing, footwear and watches.

Increasingly, law enforcement is carrying out multi-agency raids, netting benefit fraudsters, VAT evasion, stolen goods and illegal immigrants as well as counterfeiters.

But the problem is on such a scale that the criminals either simply move to another area, or return the following week, when trading standards and police will not be able to repeat their action because of other calls on their resources.



In the week before Christmas 2007, a huge haul of fake 'designer clothing worth more than £150,000 was seized in a raid on Dagenham Market.

Barking & Dagenham Council's trading standards team led the raid, supported by the police and street wardens, targeting two stalls suspected of selling counterfeit brands, and removing 10,000 items of clothing. Several test purchases had previously been made from the stalls, and both stallholders had already received warning letters regarding the sale of fake goods.

Charfleets, operators for the market, say that their officers have been forced to become more vigilant over the last year. Charfleets director Frank Nash explained that those stallholders involved in the sale of illegal goods were finding *'increasingly subtle ways of going about it.'*



Just to make life even more difficult for legitimate traders and law enforcement, car boot sales have gone into cyberspace

<http://www.ibootsale.co.uk/main/index.php>

There are two main ways to combat this huge problem in 'real' life:

- **Prosecution**
- **More regulation**

Successful prosecutions have been launched in the past against market organisers (1) for aiding and abetting and (2) for money-laundering (illegally benefitting from the sale of fakes by taking stallholders' rent), but the latter is still under appeal and cannot yet be cited as a success. The decision to prosecute cannot be taken lightly, as these cases involve lengthy evidence-gathering (e.g. to prove that the organisers knew about the illegal sales and did nothing to stop them) and are not guaranteed to succeed.

IP rights holders are campaigning for the third option, to introduce commonsense, light-touch regulation, so that, for example, market organisers have to register stallholders and their vehicles. The process is long and slow, but we continue to keep up the pressure!

Main Provisions of the Regulation of Markets and Occasional Sales Bill

Improved Notification Scheme

Organiser to notify the local authority 21 days in advance

Obligation on the organiser to note (on the day):

- names, address and vehicle licence details of all dealers
- the type of goods and services being offered

Age restriction on Traders

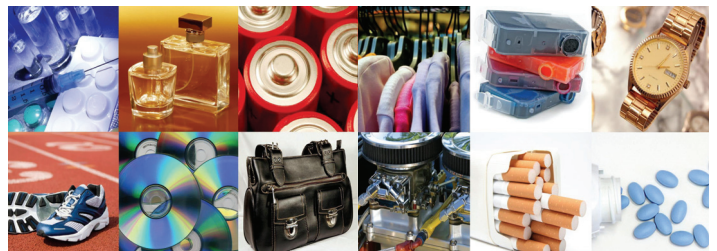
An adult to be responsible

- for renting stall
- to remain within the precincts of the sale while trading was taking place.

Prosecution of organisers after adequate warning

Trading standards to be able prosecute organisers of sales should they continue to allow known criminals to trade on their sites, provided organisers are given adequate warning of the illegal activities.

Better information-sharing and more collaborative action in the past few years have helped to reveal the truth behind the trade in fakes. Successive consumer surveys show increasing awareness of the real cost of all those so-called bargains. In fact, there is a very high price to pay. Counterfeiting is a massive fraud on the consumer, and a growing threat to social and economic stability worldwide. The remedy is in the hands of consumers - **don't buy fakes, anywhere!**



<http://www.a-cg.org>

For further information
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