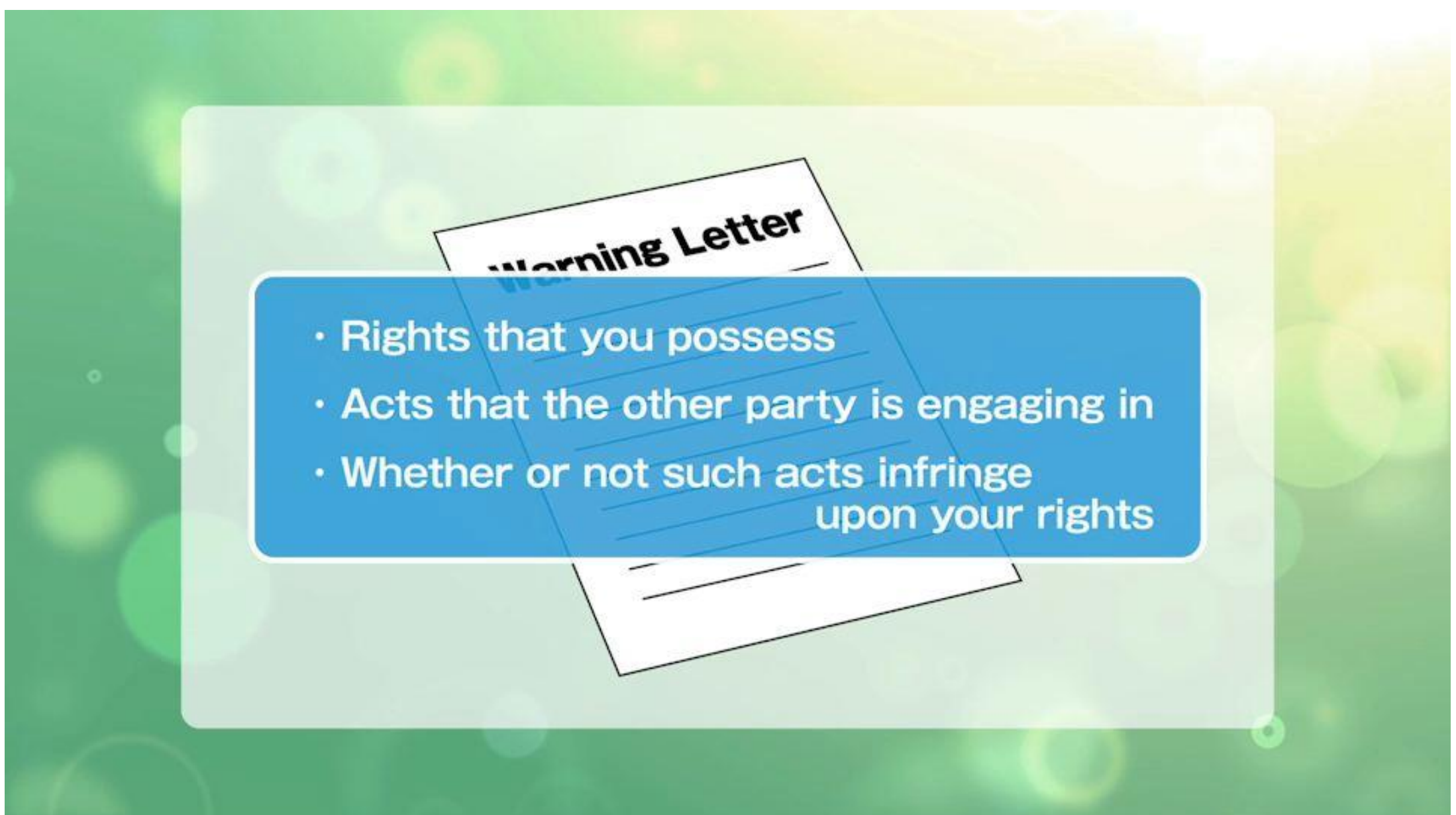


“Anti-Counterfeiting Measures”

Chapter 2. Anti-Counterfeiting Measures in Japan

Settlement negotiated between concerned parties (warning letter sent)





Reasons for first sending a warning letter

The infringing party is not always deliberately committing an infringement

Cases where an infringing party is not deliberately committing an infringement

- Selling counterfeits under the belief that they are parallel imports
- Being unaware that another person has rights (infringement by omission)

Send warning letter

Being made aware, some infringers will stop

Start with a warning letter

↓

If the offending party stops the infringing act, there is no need to waste money and time on legal or other measures



Possible responses to a warning letter

- ↓
- Admit fault and stop infringing
 - Deny fault and continue sales
 - Agree to negotiate
 - Ignore the warning





Recipient of warning letter agrees to stop
Damages are paid

Right holder



Infringer

Ignores warning letter
Denies infringement



Move to litigation or other measures



Right holder

The illustration shows a man in a light blue shirt and dark tie, labeled 'Right holder', holding a document titled 'Warning Letter'. He is looking towards a woman in a yellow shirt, labeled 'Infringer', who is looking back at him. The background is a soft-focus green and yellow bokeh.

Warning Letter

Infringer

Main reasons for denying infringing act

- Right holder does not have the right asserted
- Possesses license agreement
- Product is parallel import