

FOREO celebrates steady wins against counterfeiting

In 2019, an unprecedented ruling in Shanghai allowed FOREO to collect a compensation of RMB 3 million (US\$454,000), which was the largest counterfeit-related payout in design patent infringement in Shanghai Intellectual Property Court.

Since then, the Swedish beauty and tech giant has achieved continuous wins in court, setting the tone for the war against counterfeiters, and providing inspiration for other brands.

In Q1 2022, FOREO received favorable judgment in the first instance of the litigation against K.SKIN (科思美). Hangzhou Yuhang District People's Court stated in the judgment that the defendants are liable to indemnify FOREO for a total of RMB 4.3 million (US\$651,000) in economic losses.

The same court ruled again in FOREO's favor in March, in a case against Ofila (欧菲拉). The defendants are liable to indemnify FOREO for RMB 900,000 (US\$136,000) for the same cause.

As of April, FOREO celebrated another win, this time in the Zhejiang High People's Court. Feimooi was ordered to pay FOREO RMB 500,000 (US\$75,700) for economic losses.

In 2021, FOREO had yet another successful year in the war against counterfeiting. More than 13 cases were raided successfully, leading to four criminal and nine administrative cases. More than 50,000 infringing products were seized, alongside 530,000 pieces of packaging and 15,500 silicone molds. The case value for all amounted to RMB18.5 million (US\$2.8 million), with a total compensation of RMB1,065,000 (US\$161,000). Five suspects were detained, with one sentenced to three years and two months in prison without the possibility of parole.

Global Legal Director, Kelsay Tang, commented: "The Unfair Competition Law amended in 2019 has played an important role in the anti-copy actions we have taken in the past three years.

"This rang especially true in March 2022, when the Supreme People's Court of China released the interpretation on several issues concerning the application of the Anti-Unfair Competition Law. This will reward FOREO with an even better chance to take down copycats in the future."

Protecting customers

Global Travel Retail Director Gary Leong said: "These consistent wins in the war against criminal counterfeiting not only assists us in protecting the good name of our brand, but leads the way for other brands who are making the same efforts."

Fighting counterfeiting is not only to protect the brand, but also to protect its customer. Brands have no control over the quality of the counterfeits being produced, and with less-than-stringent hygiene standards and factory conditions, counterfeits can be harmful to those who purchase them.

This feat could not have been made possible without the support of the domestic China legal framework. On 1 January 2019, China's new e-commerce law came into effect, which applies to e-commerce operators such as Taobao, third-party merchants and online vendors with their own websites. The new law brings pressure on online retailers to fight counterfeit and copy-cat products, as well as giving protection to intellectual property.

“Counterfeit or pirated products create an enormous drain on the economy, and despite numerous and expensive efforts by legal bodies and companies themselves, the act still runs rampant. With FOREO’s efforts to stamp out such actions receiving promising results, the bar is no doubt set for other brands wishing to follow in their footsteps,” the company said.