

Luxury Goods Industry Working Group (IWG)

Fact Sheet

高档品牌行业小组情况说明书

Group Coordinator: Miller Wang, MCM

小组协调员：王淼，MCM

Group Members:

小组成员：

A&F	Apple	Burberry
Capri Holdings	Chanel	Calvin Klein
Coach	Daniel Wellington	Estée Lauder
Giorgio Armani	Hermes	HUGO BOSS
Kering	Lacoste	Luxottica
LVMH Asia Pacific	LVMH Fashion Group	Prada
Ralph Lauren	Richemont	RIMOWA
Salvatore Ferragamo	SAS Jean Cassegrain	Tiffany & Co
Tommy Hilfiger	Trias/MCM	Victoria's Secret
Zegna		

Key Objective(s) and Challenges:

Luxury IWG encompasses a number of world-famous brands, including leather goods, clothing, shoes, hats, timepieces, perfumes and relevant accessories. With their superior quality, elegant design and luxury shopping experience, they lure customers around the world into paying high premiums. Therefore, the industry where the IWG exists has been mostly threatened and harmed by counterfeit products.

Challenged by counterfeiting, parallel imports and copyright infringement, the members of the IWG continue to enhance their communication and frequently share information. The issues shared among them are as follows:

- Import and export via customs: a large quantity of counterfeits are imported via postal parcels to high-risk areas in Southeast Asia, Africa and South America, and even to North America and Europe, while Chinese customs can hardly guarantee inspection in time due to the shortage of staff and funds; failed access to exporter details hinders rights-holders from further investigation; the transparency of the steps following goods disposal has yet to increase at customs;
- Major strongholds of counterfeit products: the protectionism in some regions and limited means of investigation among rights-holders spare the whole network of producing and selling of many leather goods counterfeiting strongholds, giving rise to intractable counterfeiting;

- Notorious markets in circulation: in some big and mid-sized cities, due to mild punishments by market regulation administrations, and market lessors' connivance and protection, counterfeit wholesale markets have sprung up and cannot be uprooted; besides, the compensation in civil judgment is not high enough to be a deterrence.
- Online sales channel is the biggest threat: among all of the circulation channels for counterfeit items, online sales, characterized by mass transactions, separation of sellers and goods, and untraceable sales and physical address, have posed an unprecedented threat to brand protection; in the meantime, the fast-changing e-commerce in China has given rise to a myriad of innovative Internet models, like the booming live shopping, leaving rights-holders disoriented in the complex world of the Internet.

高档品牌工业组包括众多来自欧洲与北美的国际驰名品牌, 产品涵盖皮具、服装、鞋帽、钟表、香水、及相关配件, 基于其优越的品质、高雅的设计、奢华的购物体验让世界众多消费者为之痴迷并乐于付出高额的溢价。也正基于此, 该工业组也成为被假冒产品威胁和伤害最为沉重的行业。

在面临着共同的假冒、仿冒、平行进口、著作权侵权的挑战之下, 行业小组成员不断加强交流, 保持频繁信息共享, 面临共同难题如下:

- 海关进出口问题: 大量假冒产品通过邮包出口到高风险地区, 东南亚、非洲、南美洲等, 甚至覆盖北美和欧洲, 中国海关囿于人员和经费不足, 难以保证及时查验; 出口商的详细信息获取难度较大导致权利人难以及时展开深入调查; 海关货物处置的后续环节透明度亟需提高;
- 主要制假基地: 源于某些地区的地方保护主义之桎梏, 和权利人民间调查手段之局限, 导致很多皮具制假基地的制售假网络难以得到全链条打击, 假冒生产因此屡打不绝;
- 流通领域恶名市场: 由于市监处罚力度有限和市场出租方的纵容包庇, 导致某些大中城市中心的假冒批发市场销售层出不穷, 难以根治; 且民事判决赔偿金额往往难以起到足够遏制效果;
- 网络渠道销售方式威胁最大: 网络售假: 在所有假冒流通渠道中, 网络销售由于其海量交易、人货分离、销售额和物理地址难以确定等原因导致品牌保护受到前所未有的威胁; 同时中国的电子商务发展日新月异的特点催生出令人眩晕的网络创新模式, 例如目前如火如荼的网络直播带货, 对监控和调查提出艰巨挑战, 从而导致权利人面对如此纷繁复杂的网络世界无所适从、疲于奔命。

Solution and Efforts:

In the face of common challenges, Luxury IWG continues its exchanges and sharing in such forms as IP Salon, workshops and QBPC lunch party to draw from the wisdom of the industry so as to make breakthroughs;

In the wake of the thriving online shopping and online sale of counterfeit products, e-commerce platforms and social media have been making efforts to protect rights and crack down on counterfeit items, attracting high attention from the public. To address the pain point, the IWG frequently carries out internal discussions, collaborates with QBPC IC and keeps in touch with online platforms in search for a solution.

Meanwhile, the IWG organizes offline visits to or exchanges with the law-enforcing agencies, including customs, administration of market regulation and public security bureau, to build up the understanding of one another in favor of the intellectual property protection for brands.

面对共同挑战，Luxury IWG 通过 IP Salon, workshop, QBPC 午餐会等多种形式保持不断的交流与分享，以求凝聚更多的行业智慧，并取得突破；

随着网购方式的蓬勃兴起和持续不断的线上售假行为，电商平台和社交媒体的维权打假受到了大家高度关注。针对这个痛点，行业小组积极开展内部讨论并和 QBPC IC 协作与各个网络平台保持沟通交流，积极地研究解决方案；

同时，针对相关政府执法机关，例如海关、市场监督管理局、公安等，行业小组会适时地组织集体的线下拜访或者交流会以求增进了解，更好为行业小组各个品牌的知识产权保护工作贡献价值。