

## **WHAT WE DO | Intellectual Property and Anti-Piracy**

IGI has conducted numerous investigations regarding intellectual property issues, including of counterfeiting, piracy, copyright infringement, trademark infringement, patent infringement, as well as contraband smuggling and so-called ‘gray market’ product diversion.

Furthermore, IGI has worked with a number of its corporate clients to conduct internal and external investigations of suspected industrial espionage and theft of proprietary information and trade secrets, and to investigate former employees suspected of violating non-compete agreements. IGI also provides advice to clients on methods for protecting company trade secrets and minimizing loss of proprietary information.

IGI’s numerous investigations of piracy and counterfeiting of goods and products have involved computers, computer games, software, art, CDs and DVDs (of music and films), printer cartridges, pharmaceuticals, toys, designer apparel and accessories, watches, cigarettes, and sporting equipment.

The guiding strategy behind these investigations has been to identify and develop intelligence on those involved in the illegal operations, their methodology, their logistic support systems (including the counterfeit production of packaging materials), their export, import, distribution and sales channels, and – in cases where it applies – their corruption of law enforcement and customs officials.

IGI’s tactics include establishment of front companies and creation of credible, backstopped assumed identities to infiltrate the counterfeiting rings impersonating buyers and suppliers and the execution of ‘sting’ and ‘buy-bust’ operations to purchase products and collect evidence – both in-person and over the Internet, and at the retail and wholesale levels. IGI coordinates liaison with domestic and foreign customs and regulatory authorities to ensure the interdiction and impounding of the counterfeit goods.

### **Case Studies**

- A computer printer manufacturer whose U.S. market was flooded by counterfeit printer cartridges retained IGI to help it reassert control over its distribution and sales channels. IGI identified factories in China churning out the counterfeit cartridges, and traced their distribution through a network of middlemen in Tokyo, Singapore and Mexico. IGI undercover operatives, posing as wholesale buyers and working through multiple foreign and domestic front companies set up for the purpose, communicated and met with the sellers in Asia to negotiate and make import purchases in six-figure dollar amounts. IGI then worked with the U.S. Customs Service to interdict and impound the counterfeit goods upon their arrival at U.S. ports and, at the client’s behest, briefed federal law enforcement

authorities and provided them evidence and documentation collected in the course of our investigation.

- A large manufacturer of backpacks retained IGI to help address an increase of counterfeit products in the marketplace. After conferring with the client to understand the unique characteristics of their products, such as stitching and zippers, our investigators conducted a series of undercover purchases in strategic locations. We successfully purchased a number of counterfeit items from different locations. Through an analysis of the locations where our team purchased different counterfeit products, IGI was able to help the client identify where and how the counterfeits were inserted into the supply chain.
- IGI was hired to gather evidence in a large patent infringement action before the International Trade Commission. IGI investigators contacted the infringing companies, who were based in China but shipping a food additive to the United States, in violation of our client's patent. After lengthy dealings with the Chinese companies, IGI obtained samples of the food additive, as well as spec sheets of their ingredients. A strict chain of custody procedure was established, and the samples obtained by IGI were instrumental in helping prove the infringement before the ITC. In addition, IGI followed leads gleaned from packaging materials and from interviews of executives of the Chinese companies to determine identities of the U.S. players involved in the infringement. Our work helped lead to a favorable outcome for our client at the ITC.
- On multiple occasions over the past year, IGI has assisted a U.S. company defend its trademark from competitors. A company with a large U.S. footprint, IGI's client is frequently the victim of efforts by smaller competitors who appropriate and otherwise misuse the client's trademark in marketing and on the internet. When the client discovers new evidence or indicia of infringement, the client routinely turns to IGI researchers for "rapid response" investigative results. Our researchers quickly provide results of database and public records research on suspicious entities, phone numbers, IP addresses, domains, and individuals. In some instances, with the client's approval IGI investigators have moved quickly to conduct interviews of individuals identified by the researchers. The client's lawyers frequently incorporate and rely on our investigative work product in their court applications and filings