# **BOLOTOV & PARTNERS**

Trademarks. Patents. Copyright.

# **ARTICLE**

Contact us:

Bolotov & Partners LLP
Almaty Residence BC, 6 floor
60 Auezov St., Almaty 050008
Republic of Kazakhstan
+7 (727) 357 23 80
info@BolotovIP.com
www.BolotovIP.com

**August 2019** 

# Online protection of your brand. Threats are changing.



Yuri Bolotov

Managing
Partner
Trademark &
Patent Attorney
Member of the
Chamber of legal
advisers

Do you think the Internet is a safe place for trading, advertising and promoting goods and services?

Online resources offer companies vast opportunities to increase profits and simplify business models, however together with these opportunities it is necessary to take into account the unregulated and uncontrolled nature of the Internet. In particular, in addition to legal sales of goods, a significant percentage of the share of all purchases relate to illegal goods such as counterfeit, imitation, replica and others that infringe your commercial interests and trademark rights.

If you have an online store, your customers shall search your store on the Internet. When entering a trademark in a search line, they shall find not only your store of original goods, but also offers of counterfeit goods, possibly online copies of your stores or parallel/grey import goods, which may affect your trademark reputation and directly your profits, since costumers often get the impression that all sellers offer the same product and the only difference is pricing.

Main threats

Social networks, search systems

The offer to buy is an ordinary thing in every day life of users of social

 $\, \odot \,$  2019 Bolotov & Partners. All rights reserved.

The information contained in this Legal Alert is of a general nature and cannot be used as a legal advice or recommendation. In case of questions, please contact us.

networks, since it is very convenient due to the fast connection with the seller. Here we can encounter the most common use of a brand for commercila purposes by passing a trademark owner.

### o Internet platforms, auctions

B2B marketplaces are currently the main tools via which infringers can sell and supply counterfeit and grey market products directly to large number of customers. An online auction may seem insignificant for a global brand owner, however these auctions are quickly turning into a big issue since they are popular and are used by a large audience.

### Web-sites for e-trading

Internet sites that infringe to trademark rights have a similar appearance as the site of a brand owner.

It is reasonable to take care of protecting your brand in advance taking into account existing and anticipating threats to the brand's reputation.

Every day we do our best in order to share the best experience of our team and contribute to the development of our clients' and partners' businesses by protecting their intellectual property objects. Studying the needs and taking into account the real risks faced by entrepreneurs, we improve existing services and offer new ones. Now we would like to offer you protection of your brand online - this is not a novelty on the market, it is possible that you already know and heard about such a fight against infringements, however we believe that we have something to tell.

#### We offer:

- Monitoring of offers related to the sale of counterfeit and parallel imported products on the territory of Kazakhstan via Internet, their sorting, ranking and recommendations for further actions (if necessary);
- identification of other forms of illegal use of trademarks (including mobile apps of the third parties);
- exclusion of infringers' pages from the list provided by the search service:
- forwarding stop and decease letters, blocking websites and pages of the infringers;

#### © 2019 Bolotov & Partners. All rights reserved.

The information contained in this Legal Alert is of a general nature and cannot be used as a legal advice or recommendation. In case of questions, please contact us.

Prosecution/filing claims with the courts.

# How can we help you?

1. The main task is to eliminate the infringement. We apply our vast experience and various search tools; we search for how often a brand is mentioned and other use of a particular trademark. The search is carried out by professionals and experts using up-to-date software.

The selection is carried out from databases of various Internet resources: Yandex (yandex.kz) and Google (google.kz), product offers on Internet sites (including, but not limited to olx.kz, market.yandex.kz and satu.kz), social networks: instagram.com, facebook.com and vk.com; including the telegram messenger and other websites and applications agreed and approved by you.

- Based on a Power of Attorney from a trademark owner, we address
  the alleged infringer. We forward warning letters, the contents of
  which indicate what constitutes an infringement to trademark rights
  and we request to provide title documents or immediately remove
  the images of a trademark. If such documents are provided and the
  trademark owner's rights had been exhausted, this seller shall be
  transferred to the so-called "white list" and there shall be no other
  requests.
- If there are no title documents and in case of failure to meet requirement to remove the images of a trademark, we address the host/administrator of a website, in accordance with his internal policy and request to remove either the content or the page of an infringer, or block his website.
- If this does not help, we file applications with the Department of Justice of the Ministry of Justice of the Republic of Kazakhstan or/or initiate court proceedings with the court.

#### What is it for?

- Protection of market and your profits.
- Control over distribution of counterfeit products. You can better structure your marketing strategy and policy deal more effectively with infringers if you are aware where and how your goods are counterfeited.
- Protect your clients and fair customers. As a result, brand loyalty

#### © 2019 Bolotov & Partners. All rights reserved.

- and trust, business reputation and increased profits.
- Brand protection on the Internet. As a result, you shall receive an Internet space that is cleared off counterfeit products and illegal use of your trademark.
- Removing pirated sites. Increased traffic to your site, and as a result, increased volumes of sales.
- Significant reduction of search and finding of pirated sites by search engines.
- Cost savings related to court proceedings. A wide range of pre-trial settlement measures eliminate about 70% of infringements.

## What are our advantages?

As far as we know, firms offering similar services for the most part process the search data and forward notifications to alleged infringers in automatic mode. In this case, one notice may come to diligent seller several times or cause a blocking of diligent resellers, which creates a negative attitude towards the trademark owners.

We care about the quality of our work and the reputation of our clients, and, unlike such a purely automatic approach, we organize work to eliminate infringements by connecting both automatic search engines and taking the time to process information personally, which significantly increases work efficiency and does not underline reputation and business relations of our clients.

If you are interested in protecting your brand online, please call +7 727 357 23 80 or write an e-mail to <a href="mailto:info@bolotovIP.com">info@bolotovIP.com</a> with the subject "online brand protection". Upon receipt of your request, we shall contact you, make an appointment or a call and we shall be able to discuss in more details the existing opportunities and their potential significance, in addition we shall forward you samples of the necessary documents.

Talk to expert today!