What are the possible sanctions?

Counterfeiting and piracy are punished:

+ by a prison sentence of 3 months to 3 years,
+ by a fine from EUR 500 to EUR 500.000,
+ by the confiscation and destruction of the seized goods.

Do you want more information?

All necessary information about counterfeit and pirated goods can be obtained on:

www.contrefacon.be
www.namaak.be

In addition, you can contact us via our on-line form.

NB: the information in this sheet is given by way of indication. The regulations, laws, decrees and other provisions having force of law prevail over this information that can absolutely not be opposed to the Administration in case of lawsuit.
Suppose for a moment that:

✓ You buy medicines, not containing active principle and consequently being ineffective;
✓ Your car does not stop in time because the brake pads are counterfeit;
✓ You travel in a plane of which the windows, counterfeited as well, are three times less resisting than the standard requires;
✓ Your mobile phone explodes in your pocket because the battery is a counterfeit;
✓ By smoking your cigarettes, you inhale two to three times more nicotine and tar than indicated on the packet.

You probably did not buy this kind of counterfeit goods knowingly. But even the ordinary purchase of counterfeit textile is, most of the time, profitable to mafia-type organizations who can reinvest in these activities. Besides constituting a danger to you in everyday life, counterfeit and pirated goods are also a real plague for the national economies and a real menace to employment within the European Union. Counterfeiting, we are all concerned.

What are counterfeit / pirated goods?

Counterfeiting is an offence against an industrial property right. Brands, drawings and models, patents, etc... are subject to industrial property right and can therefore not be used without the agreement of the right holder. Pirated goods are an offence against a copyright. There are illegal copies of music, video, software, etc... Counterfeiting and piracy have thus something in common: they infringe intellectual property rights.

Some indications can help you to spot counterfeit and pirated goods:

✓ abnormally low prices;
✓ unusual place of sale, peddling, etc...;
✓ quality of the product and of the finish;
✓ spelling mistakes on the packaging;
✓ individual sale of products that are normally sold in packaging.

Furthermore, counterfeit and pirated goods concern furthermore every industry:

✓ clothes, perfumes, cigarettes;
✓ CD, DVD, software;
✓ toys, medicines, drinks and food;
✓ mechanical and electronic parts;
✓...

So, if we may give you one single piece of advice: buy in the official sales channels!

What is the role of the Customs?

Regulation (EC) No 1383/2003 gives the Customs an important role in the fight against counterfeiting and piracy. In most cases, this regulation makes provisions for the pure and simple prohibition of importing counterfeit and pirated goods into the European Community and of exporting or re-exporting such goods out of the Community. It follows that the customs services of the European Union control these goods both upon importation and exportation or re-exportation.

Since the 1st of October 2007, the Customs also have jurisdiction as far as the presence of counterfeit or pirated goods on the national territory is concerned thanks to the Law of 15 May 2007.