

# BRAND PROTECTION TEAMS I

STARTING FROM  
THE GROUND UP





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# AUDIENCE POLL & QUESTIONS



## Who Is In Attendance?

- Brand/Rights Holder
- Attorney/Law Firm
- Brand Protection Service Provider
- Law Enforcement/Investigator

## Brand/Right Holders: How early in its start-up is your team?

- Not started yet (planning phase)
- 1st year
- 2-3 years
- 3 years +

## What Is Your Most Pressing:

- Challenge/Struggle/Obstacle?
- Question?

# KNOWING YOU HAVE A PROBLEM



## Reactive indicators:

- Feedback from the field. Your resellers and distributors will alert you when they are competing with diverted goods or counterfeits
- Customer or consumer complaints about inferior product not consistent with your brand
- Sales in a territory or by a customer suddenly exceed forecast



## Proactive indicators to look for:

- Recordation with Customs in your largest markets will lead to seizure notices
- Regular monitoring of online marketplaces and domains
- Market surveys in high-risk areas by trained investigators



# DEFINING THE ROLE

## WHO IS THE IDEAL CANDIDATE?

Attorney? Law Enforcement? Product Development? Quality Control?

## WHERE SHOULD BRAND PROTECTION LIVE IN YOUR ORG?



GLOBAL SECURITY



SALES



QUALITY



PRODUCT



FINANCE



SUPPLY CHAIN



E-COMM



LEGAL

# CRITICAL SCOPE AREAS FOR A BRAND PROTECTION STRATEGY



Trademark Infringement  
Counterfeit Goods



Other IP Infringement  
Copyright/Trade Dress/Patents/Dupes



Product Diversion & Unauthorized Sellers

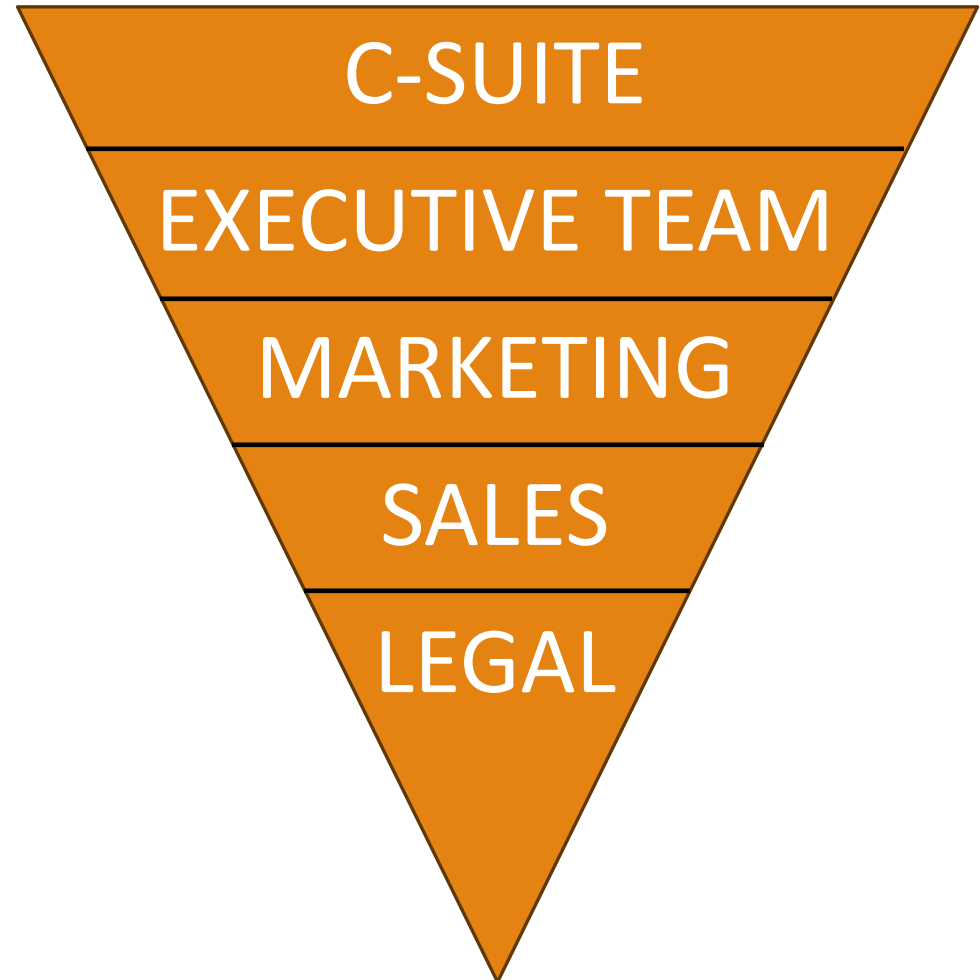


Online Scams  
Brand Impersonation & Phishing

# SUCCESSFUL PROGRAMS HAVE BUY-IN FROM THE TOP



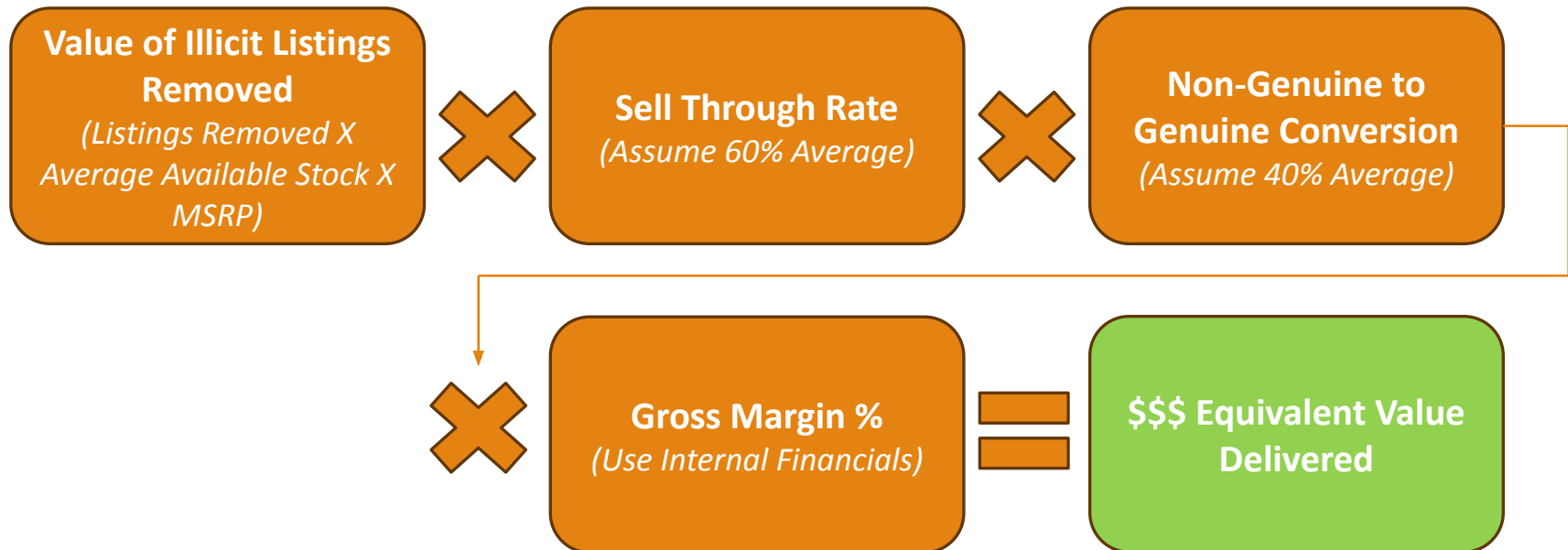
- Budget
- Headcount
- Alignment of Priorities
  - Avoid being pulled in too many different directions



# CALCULATING ROI OF BRAND PROTECTION

ROI can be based on many factors

- Number of infringements removed
- Qty or \$ value of seizures (consumers protected)
- Removal of non-authorized routes to market
- Increase in legitimate company sales





# STAGES OF A BRAND PROTECTION STRATEGY



## ASSESS NEEDS

Current State • Scope of Problem • Needs of the Company

## DEVELOP & DESIGN

Risk Mitigation Requirements • ROI Goals • IP Registration Needs

## IMPLEMENT & ENFORCE

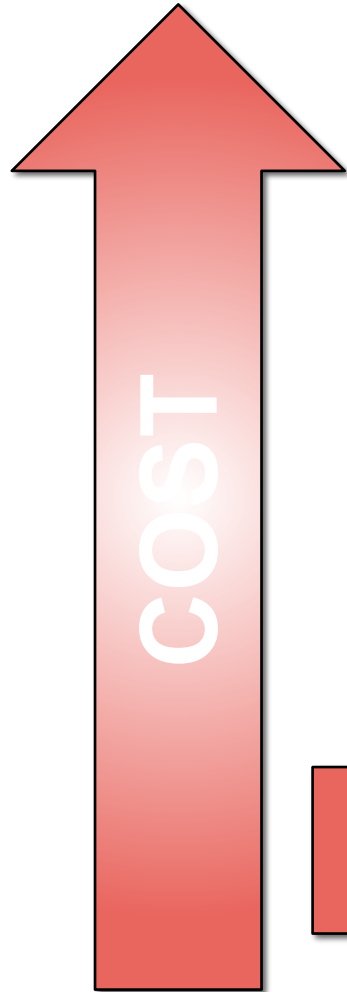
Deploy Program • Online/Civil/Criminal Enforcement • Investigations

## MONITOR & ADJUST

Evaluate Effectiveness • Develop Metrics • Measure Performance

# HIGH VALUE/LOW COST STRATEGY IS BEST

X



# COMPONENTS OF A BRAND PROTECTION STRATEGY



# INDUSTRY ORGANIZATIONS

*LEARN FROM PEERS & SHARE BEST PRACTICES*



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International Anti-Counterfeiting Coalition (IACC)



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National Intellectual Property Rights Coordination Center



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National Cyber-Forensics & Training Alliance (NCF



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Anti-Counterfeiting Group (ACG)



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Global Anti-Counterfeiting Group (GACG)



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(Academia) A-CAPP Center



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Also consider brand coalitions in similar industries *(Avoid Anti-Trust Issues)*

# PUBLICIZE YOUR “WINS”



Share publicly the wins that your Brand Protection program has achieved

- Number of successful lawsuits
- Number of seizures or raids
- Factories that have been shut down
- Highlights of your Brand Protection efforts



Alerts the counterfeit manufacturers and importers that your brand is active and aggressive

Helps to instill confidence in your customers that you are proactively protecting them

Don't be afraid that publicity will “scare off” your customers by alerting them to the counterfeit issue. Hiding it and allowing them to become victim to counterfeit versions of your products could be far worse

Empower your customers by teaching them how to spot counterfeit versions of your product (just don't give everything away!)

Don't forget to share INTERNALLY within your organization to foster that continued "buy-in" of the Brand Protection Program



**THANK YOU**

