

FIGHTING FAKES IN LATAM & THE CARIBBEAN: CASE STUDIES, SMALL CONSIGNMENTS, STORAGE AND DISPOSAL, & LAW ENFORCEMENT SUPPORT

International AntiCounterfeiting Coalition
Annual Conference
San Diego, May 14th, 2025
Diana Martínez



SMALL CONSIGNMENTS



Criminal

- Only for trademark and copyright counterfeiting
- Faster and less expensive
- No bond or storage
- Sanction: imprisonment and fine

Administrative

- Catalog of infringing activities (confusingly similar)
- Trial (24-36 months)
- Bond
- Service
- Use of ® symbol
- Sanction: Fine, order to cease the infringement
- Transshiping

SMALL CONSIGNMENTS

Article 402.- It will be a crime:

II.- To produce, store, transport, introduce into the country, distribute or sell **for purposes of commercial speculation**, objects bearing counterfeit trademarks, as well as to knowingly provide or supply in any way, raw materials or inputs for the production of objects bearing such counterfeit trademarks;

AG's Criteria

- Presumption of no commercial speculation when less than 10 items
- Close the investigation

“...habitual performance of a commercial activity for the purpose of making a profit.”



- Obligation from the prosecutor to investigate

- 20 importations of 25 to 50 consoles
- 9 importations of tumblers (between 15 to 50)
- Profile of Instagram vendor (luxury goods)





2014- 2016

69% total customs seizures were small parcels



12% courier

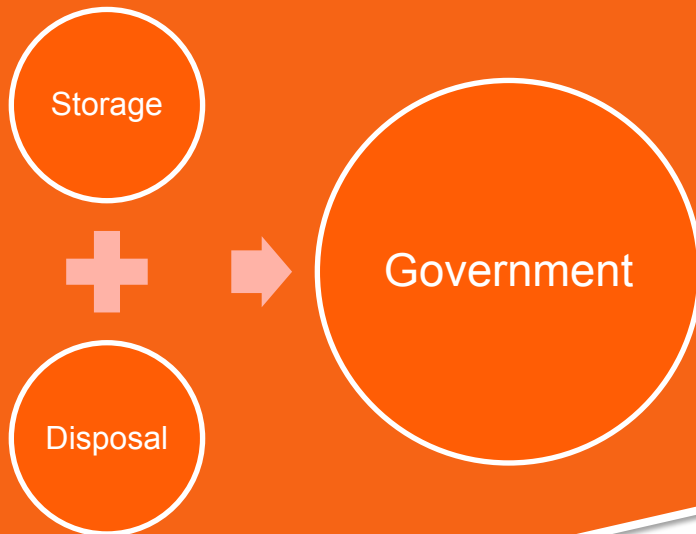


57% post

<https://www.oecd.org/en.html>

STORAGE & DISPOSAL

Criminal



Administrative

Storage

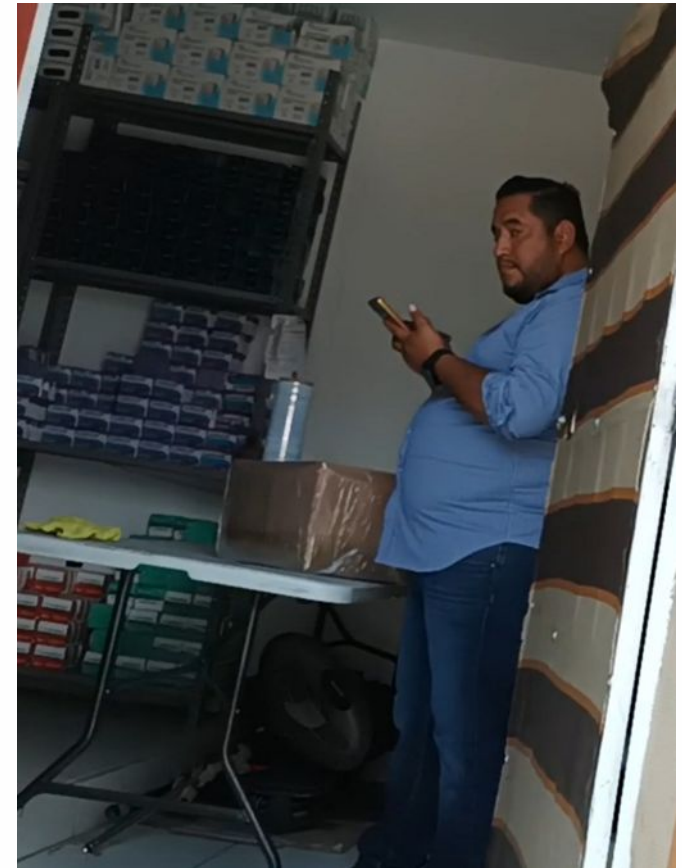
- Applicant decides
- In-transit

Disposal

- Authority will decide
- Destruction/Donation
- Applicant

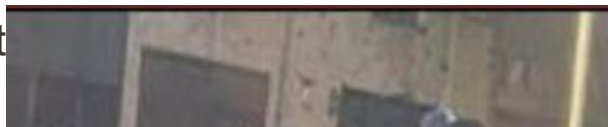
CASE STUDY

- Sale of OTC medicines through a Facebook Profile
- 12 Profiles
- 8 Phone numbers
- Domicile in Guadalajara



2 Additional warehouses

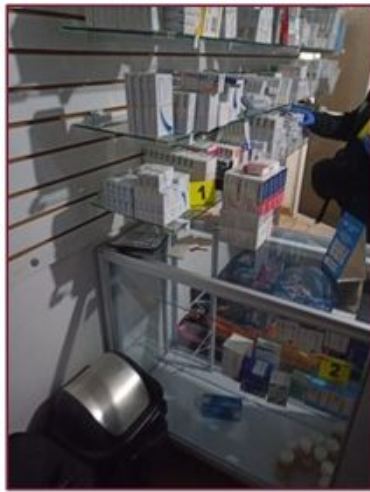
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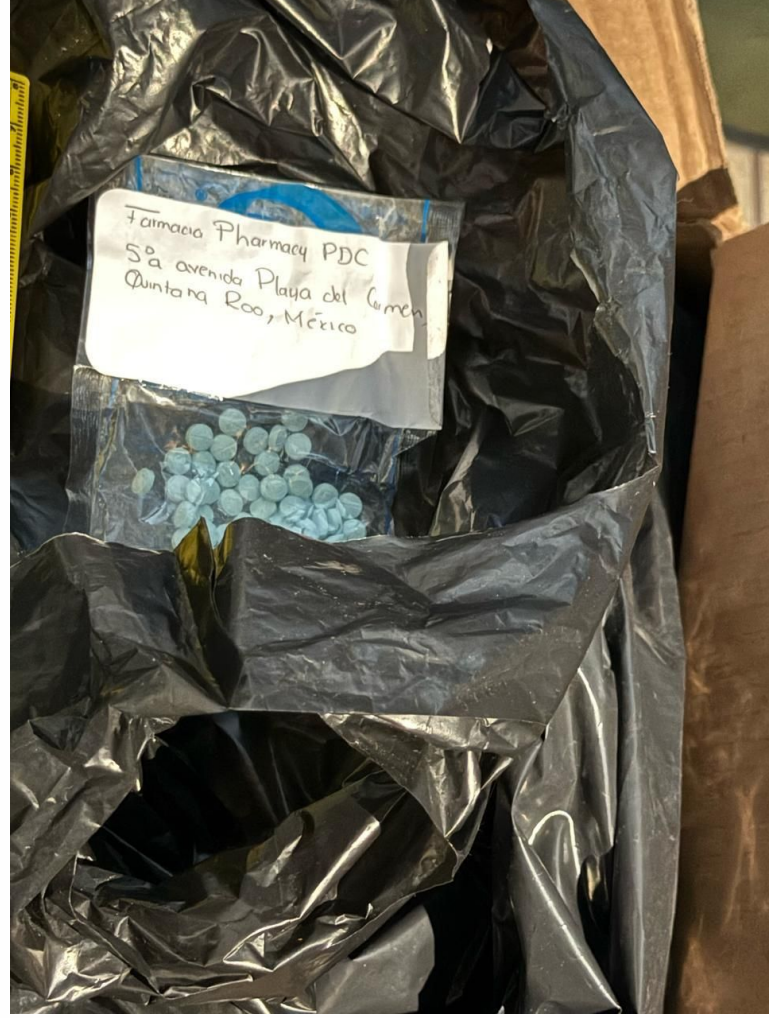
RAID

- 3 Facilities raided on February with assistance of the Marine
- The 3 locations remained seized
- 694 boxes with counterfeit medicines including controlled meds were seized, 4 telephones, 4 cartridges (weapon) and money.













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