

FIGHTING THE FAKES.

Anti-counterfeiting and anti-piracy enforcement services →

WHO ARE WE?

James & Wells is a leading New Zealand intellectual property law firm. We employ specialist teams in intellectual property litigation and anti-counterfeiting, offering locally and internationally recognised expertise in protecting and enforcing your intellectual property rights.

WHAT WE CAN DO FOR YOU

- **Internet/market and retail surveillance and enforcement measures** including shutting down infringing auctions; provision of seller information and identification where possible of supply chain and source.
- **Customs Border Protection Notices** including drafting, filing, renewing and administering copyright and trade mark notices with the New Zealand and Australian Customs Services.
- **Conducting and supervising special investigations** including liaising with private investigators, website security personnel, police and government agencies.
- **Civil court action** including obtaining search orders.
- **Monitoring key counterfeiting trends** and impacts.
- **Provision of regularly updated reports** tailored to individual client needs.
- **Overall strategy and coordination** of anti-counterfeiting programmes.

WHY USE US?

Our success is due to a thorough and persistent approach, combined with an in-depth understanding of our clients' businesses.

We have built up strong relationships with investigators, on-line security services and Customs agents.

We aim to implement a programme that is at least cost-neutral for clients and in many cases have been able to run cost-positive actions. We achieve this by maintenance of a comprehensive database of infringers and, where possible, by recovery of costs/damages/profits from infringers as well as sharing of costs/information between clients.

WHAT OUR CLIENTS SAY



NZFACT (the New Zealand Federation Against Copyright Theft) carries out enforcement work on behalf of the MPAA (Motion Picture Association of America).

We have worked with Claire to develop and implement our anti-piracy programme in New Zealand. She has been highly successful, achieving excellent cost-effective results for us. For example, under our TAP (Tactics against Auction Piracy) programme we have obtained delivery-up of thousands of pirated films and overall funds recovered from infringers have exceeded the legal fees incurred.

I would absolutely recommend Claire and James & Wells to any rightsholder looking for a firm to handle their anti-piracy or anti-counterfeiting needs.”

→ Tony Eaton, Executive Director, NZFACT



PPNZ (Phonographic Performances (N.Z.)) is the collection agency for recording artists and their labels/distributors. We have engaged the services of James & Wells, and in particular Claire Tompkins, to develop and assist with our copyright enforcement programme.

Claire and her team have proven adept at understanding the nature of our business and the specific challenges we face. She has structured and refined the programme as we have progressed with it this year and I am extremely satisfied with the results to date.

I would highly recommend Claire and James & Wells to any other entity who has a requirement for regular enforcement of intellectual property rights.”

→ Mark Roach, General Manager Licensing, PPNZ



I have always been extremely impressed with the service and level of protection we have gained using James & Wells' litigation team. We have also found their anti-counterfeiting programme to be very cost effective with excellent strategies to combat counterfeit goods. In a number of cases they have been successful in recovering costs from infringers which exceed the costs incurred in the action in question.

One thing I like about working with James & Wells, and specifically with Ian Finch and Claire Tompkins, is their ability to put themselves into our shoes and carefully consider the costs, risks and benefits of various actions.

I would have no hesitation in recommending the services of James & Wells to those seeking intellectual property advice and, in particular, to those requiring management of a substantial anti-counterfeiting enforcement programme.”

→ Nilan Fonseka, Finance & Administration Manager, Billabong Group Ltd

CONTACT US



Claire Tompkins

Senior Associate
Barrister & Solicitor
Registered Patent &
Trade Mark Attorney

Our dedicated anti-counterfeiting team is based in Auckland and led by Claire Tompkins.

Claire has worked in intellectual property enforcement for the past 8 years specialising in issues relating to counterfeit and pirated goods.

Claire and the team work with clients to develop and implement strategies to combat the problems associated with counterfeiting, including internet/market and retail surveillance, Customs Border Protection Notices, monitoring key counterfeit trends and impacts, and when necessary, taking court action.

clever thinking...

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James & Wells Intellectual Property comprises the partnerships of James & Wells Lawyers and James & Wells Patent and Trade Mark Attorneys. For a full listing of the partners of each firm go to www.jaws.co.nz/partnership-structure.