



GUIDE FOR ASNs
ON HOW
TO COUNTERACT
COUNTERFEITING

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What is counterfeiting?

The FIA imposes the use of homologated safety equipment (for example helmets, racing suits, shoes, gloves and racing seats) on competitors competing in its championships. That racing equipment is produced by third party manufacturers that have obtained a homologation from the FIA, ensuring that the equipment is safe and up-to-standard; an exhaustive and up-to-date list of all homologated products and their manufacturers is available on the FIA website.

The FIA is increasingly confronted with instances of counterfeiting of FIA homologated safety equipment. Counterfeiting is the practice of manufacturing goods, often of inferior quality, and selling them under a brand name without the brand owner's authorisation. Generally, counterfeit goods are sold under a trademark that is identical to or substantially indistinguishable from the brand owner's trademark for the same goods, without the approval or oversight of the trademark owner. Many well-known brands, spanning various industries, are victims of counterfeiting. The manufacturing of counterfeits is most prevalent in developing countries with a strong, inexpensive manufacturing capability, including many nations throughout Asia, although counterfeit goods are sold around the globe.

The consequences of counterfeiting

Counterfeiting has many far-reaching consequences. In the context of motor sport, there can be serious health and safety concerns for drivers, such as in the examples of counterfeit racing suits, helmets and undergarments. In nearly every instance, counterfeited goods are not made with the same quality materials or to the same high standards as the original.

In addition, counterfeiting damages the FIA's and the brand owners' reputations and lowers consumer confidence in the affected brands. Counterfeiting also damages manufacturers and retailers selling legitimate products by causing missed sales opportunities and actual job losses by manufacturers and retailers. Consumer confidence and the value of branding may suffer when purchasers discover that the product they bought is in fact not authentic. Damages do not stop with manufacturers and consumers because counterfeiting also deprives the FIA of income relating to its homologation programme and national economies of customs duties and tax revenues.

Steps taken by the FIA to counteract counterfeiting

The FIA is gradually introducing a new labelling system for racing equipment homologated by FIA ("System"). On 3 January 2012, the System became mandatory for competition seats for advanced racing seats and from 1 January 2013 onwards the System formally applies to advanced helmets, frontal head restraint (FHR) systems, safety harnesses, helmets compatible with FHR systems, overalls and safety fuel bladders.

The System requires manufacturers of FIA homologated safety equipment to use unique homologation labels for their products, together with a hologram sticker bearing a unique series number provided by the FIA. In addition, manufacturers keep a log of relevant details, including all labels and FIA Stickers used by them, enabling the FIA and the manufacturer to discern false items from real ones. In addition to the foregoing, the FIA is exploring the opportunities offered by alternative unique product identifier systems for their eventual future application.

How manufacturers in your ASN's territory can keep their products from being counterfeited

Manufacturers can take various legal, technological, and business steps to prevent or at least minimise counterfeiting. This includes not only registering their trademarks in jurisdictions where they sell product, but also in jurisdictions where their products are manufactured; recording their trademarks with customs offices; maintaining watching services; creating anti-counterfeiting positions within their company; and monitoring online websites closely in light of the significant and growing number of websites engaged in the "business" of counterfeiting. Brand owners should also work closely with legitimate online and brick-and-mortar retailers to prevent inadvertent sales of counterfeit products. Once counterfeiting has become a problem for a manufacturer, it should take out legal advice regarding strategies to confront the issue. Depending upon the territory involved, it may be possible to conduct raids in collaboration with local authorities, seize fake products or domain names (that direct consumers to offending websites), work with customs agents to prevent import or export of the counterfeit goods, or file civil and/or criminal actions against the perpetrator.

How consumers can avoid counterfeit products

The best way to avoid purchasing counterfeit products is to deal only with reputable retailers of FIA homologated manufacturers that are officially authorised by the manufacturer. Also keep in mind that if a price seems too good to be true, it probably is.

What to do if you identify counterfeit safety equipment

If you identify counterfeit safety equipment, please inform the FIA. The FIA will investigate the matter and, depending on the circumstances of the case, will work together with your ASN and the manufacturer concerned. Next steps may include securing evidence of the counterfeit items, issuing warning notices in the FIA bulletin, on the FIA website and to the ASNs. Whilst the legal protection of counterfeit safety items rests primarily with the manufacturer of such goods, depending on the circumstances of the case, the FIA may decide to join any legal procedure that is instigated by the manufacturer of safety equipment against infringers.

