

Protect your business from counterfeit goods

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Keeping counterfeit goods out of Canada can protect the reputation and intellectual property rights of your business. Registered trademark and copyright owners can ask Canadian Border Services Agency (CBSA) to stop suspected counterfeit goods at the border by submitting a Request for Assistance Form (RFA). This Legal Health Check gives tips on how to stop counterfeit goods at the border.

To Prepare Your RFA:

- List your registered trademarks and copyright protected works
 - There is no limit on registered trademarks or copyright protected works you can include in one RFA, and there is no charge or fee.
- Include information to assist CBSA in distinguishing between authentic goods and counterfeit versions, including:
 - Product features, packaging and trademark locations on your authentic goods
 - Importers who are authorized to import your authentic goods into Canada
 - Importers you know to have imported counterfeit versions of your goods into Canada.

After filing:

- RFA's remain valid for two years, and can be renewed for further two-year periods.
- Notify the CBSA if the information submitted in your RFA changes.
- CBSA will use the RFA to detain suspected counterfeit goods at the border, and will contact you to confirm if the detained goods are counterfeit.
- CBSA may give you information about the detained goods to assist you in determining if they are counterfeit.
- Strict time limits apply to confirm that the detained goods are counterfeit and, if they are, to start any legal proceedings.
- If you request that goods be detained, you will be charged for storage, handling and possibly destruction of any detained goods. You may be able recover those charges from the importer through a lawsuit or negotiation.
- After being contacted you usually have three days to decide whether to have CBSA continue to detain the goods. If you decline, there will be no storage or destruction costs, but the goods will be released to the importer.

Canada's import prohibitions do not apply to all goods. Speak to an intellectual property lawyer to determine whether an RFA is right for your business.

For links and resources, visit cba.org/healthcheck