



Counterfeit and your business

A Canadian Bar Association series supporting legal wellness

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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 completing a Request for Assistance (RFA) at no cost. This Legal Health Check gives tips on keeping your business safe.

Preparing your RFA:

- Identify and list the trademarks you have registered in Canada. Identify and list the copyright protected works you own. You can include many identified registered trademarks or copyright protected works in one RFA.
- Include information to assist CBSA in distinguishing between your authentic goods and counterfeit versions of your goods, including:
 - Product features, packaging and trademark locations on your authentic goods
 - Importers authorized to import your authentic goods into Canada
 - Importers you know to have imported counterfeit versions of your goods into Canada

After filing an RFA:

- RFAs are valid for two years and can be renewed for further two year periods
- Notify the CBSA if the information in your RFA changes
- CBSA will use the RFA to detain suspected counterfeit goods at the border, and will contact you to confirm the detained goods are counterfeit
- CBSA may provide information about the detained goods to help you to determine if they are counterfeit
- There are strict time limits for you to confirm that the detained goods are counterfeit, and to start legal proceedings if they are
- You will be charged for storage, handling and possibly the destruction of any detained goods, but you could later recover those charges through a lawsuit or negotiation

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



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Contact or referral info here.