

Judgment on Counterfeit CC Danish Trolleys

Search operation has repercussions

Counterfeit Container Centralen (CC) Danish trolleys, padlocks, and metal plates were at the centre of a judgment (AZ 15 0 171/03 of February 5, 2004) which has now been made by Kiel District Court (Chamber for Commercial Matters II). This judgment confirms without reservation the trademark rights of the CC transportation equipment pool. According to the judgment, the defendants will have to pay damages to Container Centralen for all the losses CC has suffered and also bear the costs of the proceedings.

“A more exact figure will have to be put on the damages in the next stage of the legal proceedings,” says Günter Gerland, CEO at Container Centralen GmbH. It will take account of the large number of counterfeit CC Danish trolleys, padlocks and metal plates seized at the defendant company in a spectacular search operation in April 2003. The extent of the damages will also reflect how long the counterfeit trolleys were in circulation.

In a press release to accompany the judgment, Container Centralen Hamburg points out that trolleys that might be confused with CC Danish trolleys and are lent the appearance of original CC Danish trolleys by means of counterfeit metal plates and padlocks must not be put into circulation. The possession of and/or trade in counterfeit padlocks and metal plates is also illegal and actionable.

The defendant must now desist from all such activities and, according to the judgment, can expect a disciplinary fine of up to €250,000 or, alternatively, up to 6 months in prison for each violation.

According to Gerland, the company will, as promised, seek redress for abuse with all the legal means at its disposal. Gerland: “We don’t want the legitimate users of our system to suffer by the illegal actions of a few system abusers.” He recommends that anyone offered CC Danish trolleys, metal plates or padlocks through unofficial channels should check with Container Centralen to make sure that it is a bona fide offer. Growers who notice irregularities such as missing padlocks should also contact the CC transportation equipment pool.

Up-to-date figures for the CC pool are 2.3 million CC Danish trolleys in circulation with 23,000 customers and 60,000 users in Europe. Further information can be found on the Internet (www.container-centralen.com).