

World Trademark Review *Daily*

**Counterfeiter sentenced to one year's imprisonment
Israel - Gilat, Bareket & Co, Reinhold Cohn Group**

Counterfeiting

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In *State of Israel v Hammuda* (CC 17001-03-09, May 26 2010), the defendant was found guilty of falsely marking his goods with the registered trademarks of various companies. The defendant was sentenced to one year's imprisonment for trademark counterfeiting under the [Israeli Trademarks Ordinance](#) (5732/1972) and forgery under the [Penal Law](#) (5737/1977).

The defendant, a grocery store and warehouse owner, used counterfeit registered trademarks - including ARIEL and TIDE for laundry detergents, and HEAD & SHOULDERS and PANTENE for toiletries - on numerous goods sold in his store.

The defendant was convicted of labelling goods or packaging with registered or counterfeit trademarks that are likely to confuse consumers, and of possessing goods bearing a registered or counterfeit mark for trade purposes, in violation of Subsections 60(a)(1), (3) and (4) of the ordinance. In addition, the defendant was convicted of forgery under aggravating circumstances under the Penal Law. This departed from the usual practice in trademark counterfeiting cases, apparently reflecting the perceived gravity of the defendant's conduct.

In particular, the court took into consideration earlier offences committed by the defendant, as well as the fact that the punishment imposed for these offences did not deter him from engaging in the large-scale production and sale of counterfeit goods. The court noted that punishment in such cases should aim to deter offences that harm the financial interest of trademark owners and the public interest.

The defendant was thus sentenced to 12 months' imprisonment, with a further nine months suspended for three years, together with a fine of IS30,000.

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