

Hong Kong Customs strives to combat copyright infringement and unscrupulous sales practices on suspicious websites and social networking platforms

The Customs and Excise Department (C&ED) has recently detected some posts on social networking platforms alleging that the department will put for auction seized commodities, with the proceeds from auction used for charity purpose.

A spokesman for the C&ED today (June 9) sternly pointed out that the messages and the way of promotion on these social networking platforms may be linked to copyright infringement and unscrupulous sales practices with claims misleading consumers, in violation of the Copyright Ordinance or the Trade Descriptions Ordinance (TDO).

The C&ED is following up on the cases.

"Upon completion of all legal proceedings, the C&ED will classify the forfeited items in accordance with the established guidelines. The items will then be passed to the relevant government department for co-ordination and following up if the items are suitable for public auction," the spokesman said.

The spokesman at the same time stressed that Customs has all along been concerned in illegal online sales activities. It has strived to combat infringing activities and unscrupulous sales practices on websites. It also maintains close co-operation with law enforcement authorities of other countries and regions in the combat of cross-boundary infringing activities to protect the rights of consumers and legitimate traders.

Customs reminds consumers that they should stay vigilant in regard to online shopping and procure products at reputable shops. They should not purchase items with unknown sources at suspicious websites or social networking platforms to prevent any losses that may incur. Consumers are also reminded to contact trade mark owners or traders for enquiries in case of doubts.

According to the Copyright Ordinance, anyone who without the licence of the copyright owner distributes an infringing copy of a work through any device or electronic platform to such an extent as to affect prejudicially the owner, or possess any infringing items for business purposes, commits an offence. The maximum penalty is a fine of \$50,000 per infringing copy and imprisonment for four years.

Customs reiterated, "Follow-up investigation will be conducted if the infringing activities involve local persons. If the relevant platform is located outside Hong Kong but involved in local criminal infringing activities, the C&ED will refer cases to the law enforcement authorities outside Hong Kong for joint follow-up actions."

In addition, according to the TDO, "trade descriptions", in relation to goods, refers to an indication, direct or indirect, and in whatever form and by whatever means (including verbal), with respect to goods or any part of the goods, including the method of manufacture, production and processing, or the previous ownership or use. Traders should not give any false or misleading production information to consumers. Making a false or misleading statement about goods to a material degree may constitute an offence of false trade description. Violation of the TDO is a serious offence. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment for five years.

Customs appeals to members of the public to report any suspected infringing activities or unscrupulous sales practices to the Customs 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk).