

December 8, 2014 www.mcvpr.com

INTELLECTUAL PROPERTY NEWS

Retailers Ordered to Pay Damages to TOUS in Counterfeit Suit

The U.S. Federal Court issued judgment against 37 defendants ordering them to pay statutory damages to Spanish jeweler TOUS in the amount of \$25,000.00 each resulting from their counterfeiting of TOUS' protected works. Almost all counterfeit TOUS items were removed from the Puerto Rico market. McConnell Valdés' [Dora Peñagaricano](#) was the lead attorney in this complex Intellectual Property case.

In 2013, TOUS filed a Verified Complaint for a temporary restraining order, for preliminary and permanent injunctive relief, and for monetary damages for copyright infringement, trademark infringement, trademark counterfeit, trade dress infringement, false designation of origin, and unfair competition against 177 defendants.

The Federal Court issued a Temporary Restraining Order, Seizure Order and Order to Show Cause and a Sealed Search and Seizure Writ to the U.S. Marshal. As a result, the U.S. Marshals seized thousands of counterfeit TOUS items from many of the defendants. Days later, a Preliminary Injunction was issued enjoining the defendants from, among others, manufacturing, producing, importing, distributing, circulating, selling, offering for sale, advertising, promoting or displaying any product that is a simulation, reproduction, counterfeit, copy, or colorable imitation of the TOUS Products or any other indicia associated with TOUS. Thereafter, TOUS reached Settlement Agreements with 70 of the defendants.

For information about Intellectual Property in Puerto Rico, you may contact any of the attorneys listed below, members of our IP Practice Team:

Dora M. Peñagaricano	787-250-5657	dmp@mcvpr.com
Roberto C. Quiñones-Rivera	787-250-2631	rcq@mcvpr.com
Antonio Escudero-Viera	787-250-5625	aev@mcvpr.com
Leslie Y. Flores-Rodríguez	787-250-5628	lfr@mcvpr.com
Isabel Torres-Sastre	787-250-2622	its@mcvpr.com
Carmen Alfonso-Rodríguez	787-250-5699	car@mcvpr.com
Pedro A. Bello-Lorié	787-250-5606	pbl@mcvpr.com
Luis Dávila-Pernas	787-250-5619	ldp@mcvpr.com
Monique Díaz-Mayoral	787-250-5675	mjd@mcvpr.com
Isabel Lecompte	787-250-5612	icl@mcvpr.com
Sonia M. López del Valle	787-250-5647	sld@mcvpr.com

The content of this McV Alert has been prepared for information purposes only. It is not intended as, and does not constitute, either legal advice or solicitation of any prospective client. An attorney-client relationship with McConnell Valdés LLC cannot be formed by reading or responding to this McV Alert. Such a relationship may be formed only by express agreement with McConnell Valdes LLC.