

# © IACC BULLETIN

© 1986 THE INTERNATIONAL ANTICOUNTERFEITING COALITION, INC.

Volume 5, No. 2

March/April, 1986

## Topps Seizures

Since the beginning of 1986, Topps Chewing Gum, Inc. has been plagued by counterfeiters of their now best selling and famous "Garbage Pail Kids" cards. The cards are legitimately manufactured and distributed by Topps in five card wax pack form, along with a stick of bubble gum, which is the same format that Topps has always distributed their famous baseball cards in.

Beginning in 1986, in the eastern Long Island New York area, many of their sales people had reported back to Topps about seeing counterfeit sheets of these particular cards. Each sheet at this time contained 50 cards, along with the appropriate die cuts to make them into a sticker form, which is the way Topps sells them.

In the latter part of February 1986, with the amount of these counterfeit sheets becoming more and more prevalent in the Long Island, N.Y. market place, Topps retained the services of Evan Gordon, Esq. of Adler, Hindy, Turner, Glasser & Weiss in New York, N.Y.

Evan Gordon has represented such companies as MCA in actions on infringements including E.T., Menudo, Voltron, and Miami Vice.

Evan Gordon in turn retained the services of Associated Investigative Services, Inc. of New York, whose founder, David S. Woods, has worked with him on many previous occasions.

A system of ex-parte seizures began within the eastern district of New York predicated upon the Copyright laws of the United States, 17 U.S.C. 101 et seq., the Trademark laws of the United States, 15 U.S.C. 1051, et seq., and pendent jurisdiction pursuant to U.S.C. 28 U.S.C. 1338.

The seizure orders authorized by U.S. District Judge Jack Weinstein within the eastern district of New York named six (6) retail and wholesale defendants, as well as John Does 1 through 50, all based upon investigations conducted beforehand revealing these entities to have made sales of counterfeit "Garbage Pail Kids" cards.

The resulting seizures took place on Friday, March 28, 1986, whereby a total of 15 seizures were made. One seizure in particular was against "Janelle Trading Corp." whose principal is Harvey Robinson. This

entity is located Patchogue, N.Y. Documents obtained from this establishment showed approximately \$10,000.00 in sales to various retail establishments from January 1986 through the beginning of March 1986. The documents also showed a possible source as Hot-Hot Trading Corp. d/b/a Top Line located at 1212 Broadway, New York, N.Y. (southern district).

To this extent, a second seizure order was obtained from Judge Robert J. Ward of the southern district of New York, which ultimately took place on Monday, April 7, 1986.

During the course of this seizure, the defendant, Top Line, was served however, all documentation regarding "Garbage Pail Kids" appeared to have been removed from the premises prior to the investigators arriving.

A concentrated investigation then took place with resulting subpoenas being issued to a prime suspect who is believed to have sold the initial paper to Top Line. Based on this subpoena, the paper company readily agreed to testify, whereby they named not only Top Line but the printer of the counterfeits as well.

Unfortunately, the paper company decided to divulge the identity of the printer after the seizure order had expired. To this extent, U.S. District Court Judge Robert J. Ward extended the order verbally when contacted by Evan Gordon, Esq.

To this extent, a seizure took place at the premises of Triple M Printing Corp. of New York, N.Y., on Friday, April 11, 1986, which was approximately five hours before the schedule hearing before Judge Ward that afternoon by the original defendant, Top Line.

The seizure at Triple M Printing Corp., and a subsequent die cutter by the name of ABC Die Cutting, also of New York, N.Y., resulted in the acquisition of in excess of 4 million counterfeit Garbage Pail Kids cards, which had not as yet hit the market place.

Also seized were the various plates and dies, as well as negatives used in the printing of the counterfeits.

Documents obtained during the course of the seizure revealed that at least 12 million cards had already been printed and distributed by the defendants.

## Moving On . . .

**Question:** Where are federal regulatory agencies, Congress, the Administration, foreign embassies, consulates and industry trade associations?

**Answer:** Washington, D.C.

For that reason, the IACC has decided to relocate its offices from San Francisco, Calif., to Washington, D.C.

This decision follows months of careful deliberation and consideration of:

- Our need for continuous contact with the Administration to ensure that strong retaliatory measures are taken against violators of intellectual property rights;
- Our desire to keep our members informed of current domestic and international developments regarding intellectual property rights, and
- Our commitment to improve our ability to serve our members for both the long and short term.

The vast majority of trade associations are headquartered in Washington, D.C. or have a government relations office there. The geographic proximity to federal legislative and enforcement personnel is important to trade associations and may be vital to the initiation, progress, and fulfillment of the Coalition's programs.

The actual date of moving, as well as our new address, will be announced within the next few months.

## CONTENTS

TOPPS SEIZURES	1
MOVING ON	1
COLOR EMERGES FROM THE SHADOWS	2
SYNOPSIS OF LA MANCHA DECISION	3
INTRODUCTION TO INTERTEC	4
PRESIDENT'S LETTER	5
INDUSTRIAL DESIGN PROTECTION	6
QUESTIONS & ANSWERS	6
INDUSTRIAL DESIGN PROTECTION (H.R. 1900 AND H.R. 3776-TITLE IV)	7
SECTION-BY-SECTION ANALYSIS	7
CLYDE'S CLONE	8