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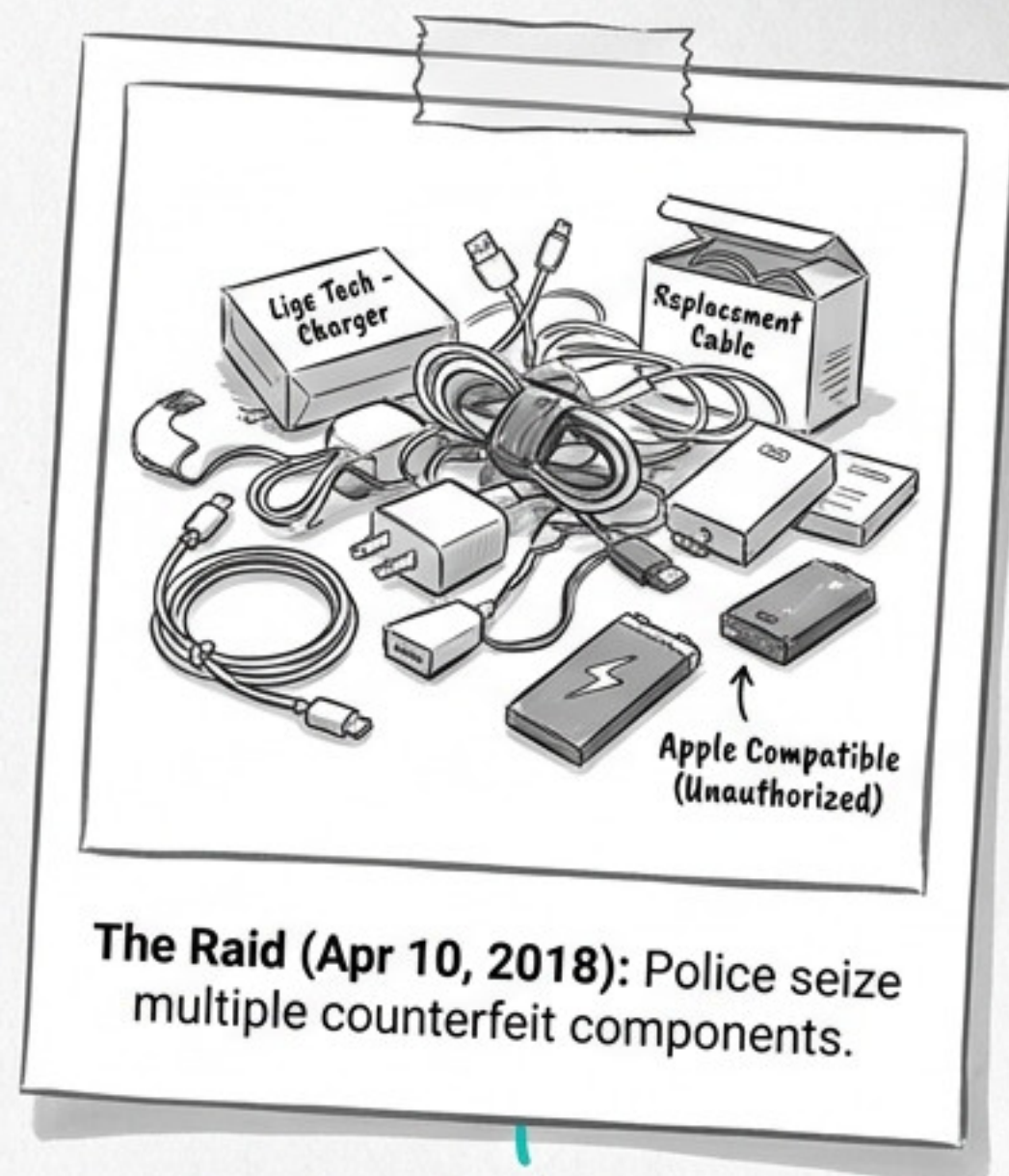
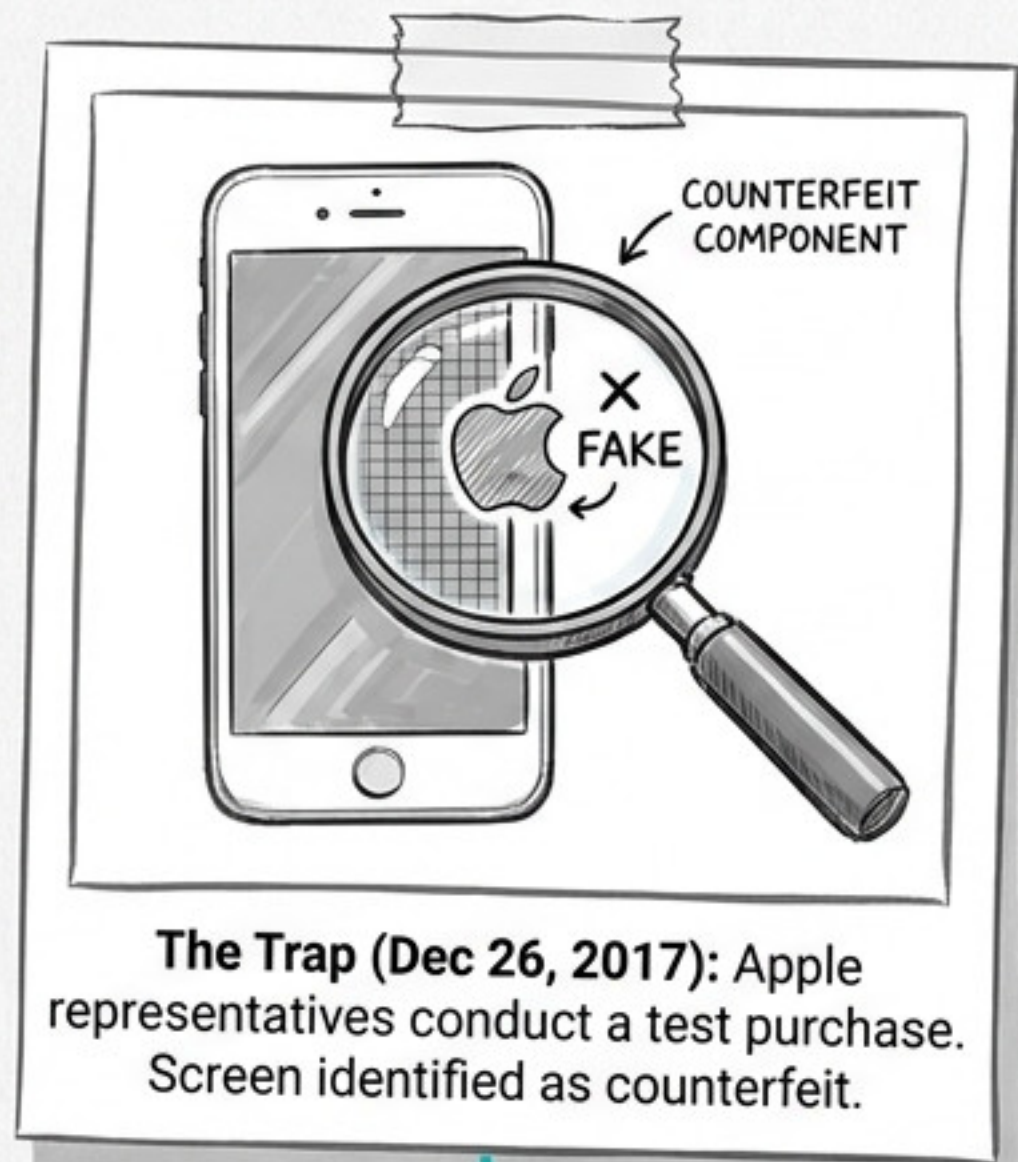
The Anatomy of Counterfeit Verification

*An Analysis of Supreme Court Criminal
Judgment III Tai-Shang No. 5677*

*In. Source Judgment Date: 2023
| Legal Framework: Trademark Act §97*



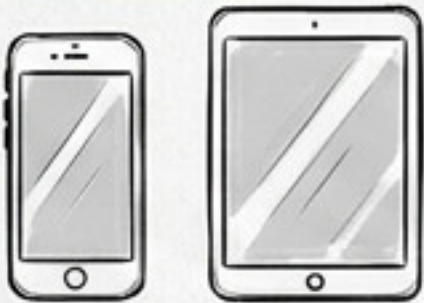
The Infringement Discovery





Protected Intellectual Property

The seized goods illegally utilized internationally recognized trademarks registered by Apple Inc.

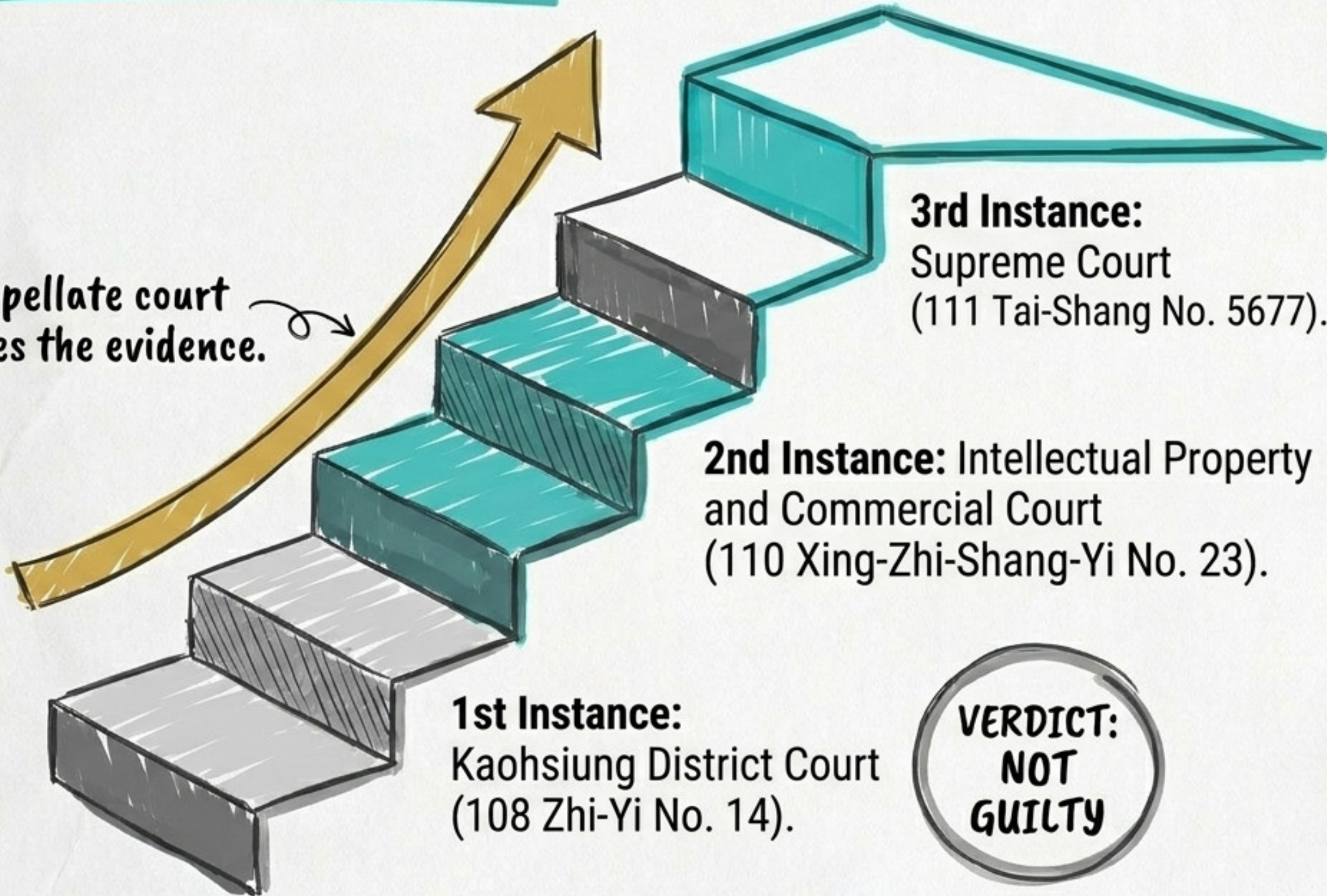
Trademark Design	Designated Goods
	Chargers, Cables, Earphones, Cases
	Digital Devices, Mobile Phones, Data Cables
	Touchscreens, Phone Cases

Legal Context:

Trademark Act §97 strictly prohibits the unauthorized sale, or possession for sale, of goods bearing identical or similar trademarks.

The Judicial Escalation

The appellate court
reassesses the evidence.



**APPEAL
DISMISSED**
(Guilty
Maintained)

**VERDICT:
GUILTY**
(Overturned)

**VERDICT:
NOT
GUILTY**

**VERDICT:
NOT
GUILTY**



The Core Legal Battlefield

The Credibility & Probative Value of the Genuine vs. Counterfeit Verification Report



How does the Supreme Court evaluate expert credibility?

The Prosecution's Stance:

The appraisal report is a valid, court-sanctioned expert testimony.



The Defense's Claim:

The report is a biased, one-sided document provided solely by the plaintiff.

Dissecting the Defense's Argument



- The report is one-sided!

- The appraiser works directly for the plaintiff.

- We couldn't cross-examine because of trade secrets!

- **Mutual Consent:** Appraiser chosen by the court with explicit consent from BOTH prosecution and defense.

- **Oath of Truth:** Appraiser testified under oath, supervised by court officials.

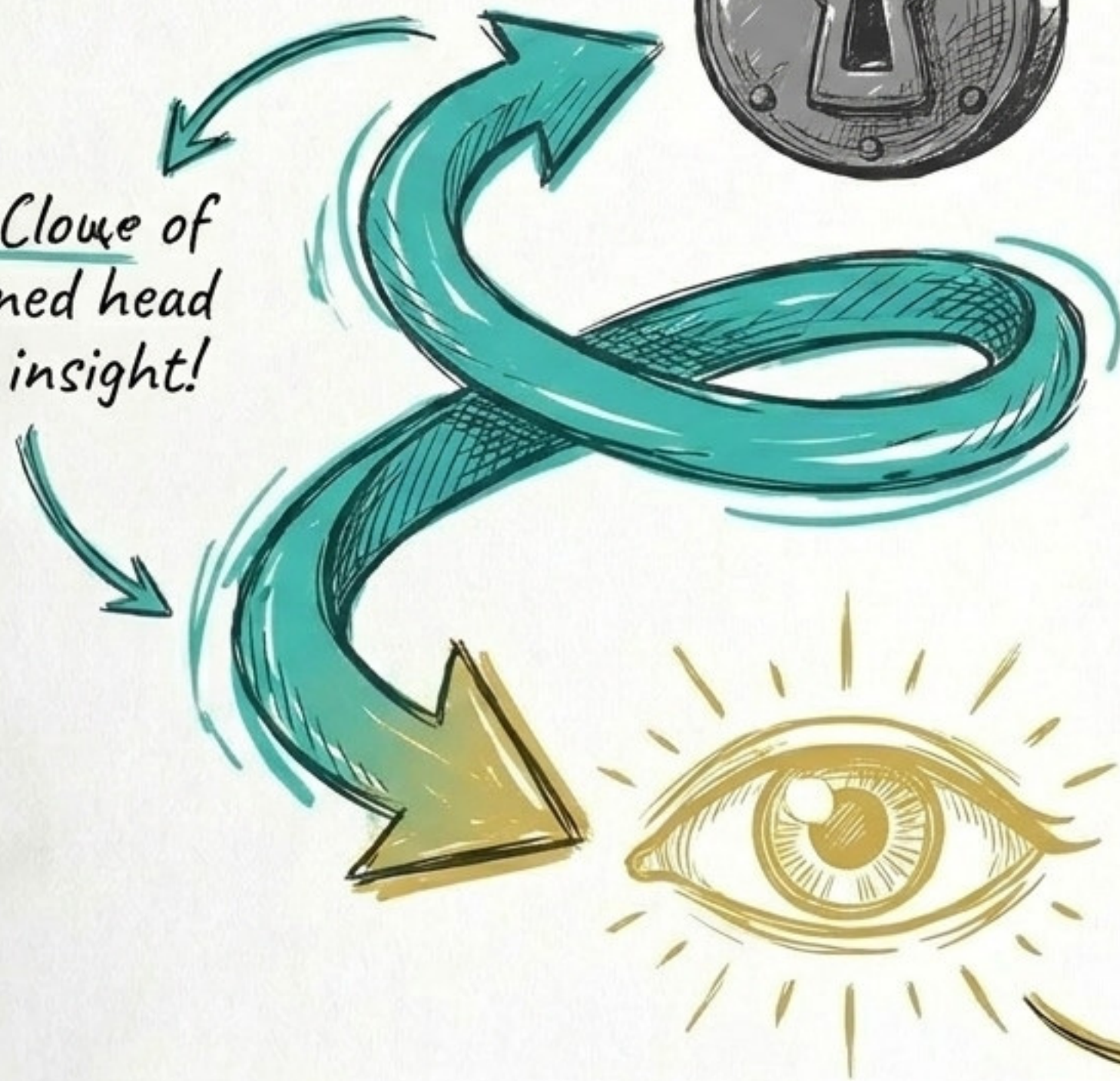
- **No Employment Tie:** Appraiser proved no direct employment relationship with Apple Inc.

The Trade Secret vs. Evidence Paradox



The Dilemma: To prove a product is fake, manufacturers must explain genuine manufacturing standards. However, these are highly guarded Trade Secrets protected by Non-Disclosure Agreements (NDAs).

The end the Clowse of Farwes defined head & Evidence insight!



The Supreme Court's Solution: An appraiser is NOT required to reveal proprietary trade secrets, provided they can clearly articulate the observable physical discrepancies using professional experience and technical tools.

Anatomy of a Counterfeit: Observable Metrics

Proof without compromising trade secrets.

QR Code & Serial:

Printed crooked, illegible, uneven heights.

Brand Logo:



Inconsistent sizing, rough contours on Apple Logo.

Typography:



Sloppy font printing, jagged edges, inconsistent depth.

Craftsmanship:



Rough finishes, uneven cutouts, visible residual glue.

Methodology: Assessed via visual inspection, tactile feedback, and magnification tools.

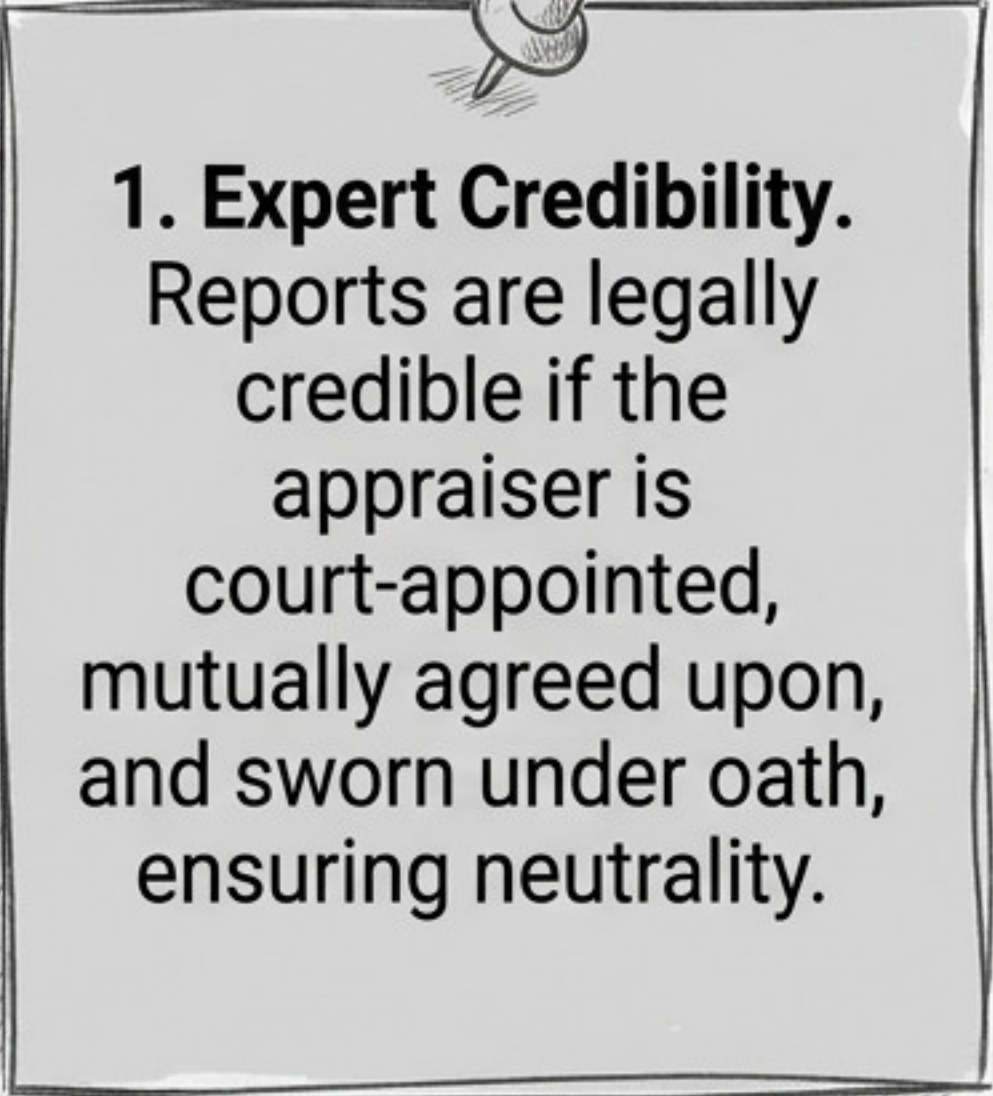
Preserving Litigation Rights

Did the reliance on this expert report deprive the defendant of a fair trial?
The Supreme Court ruled it did not.



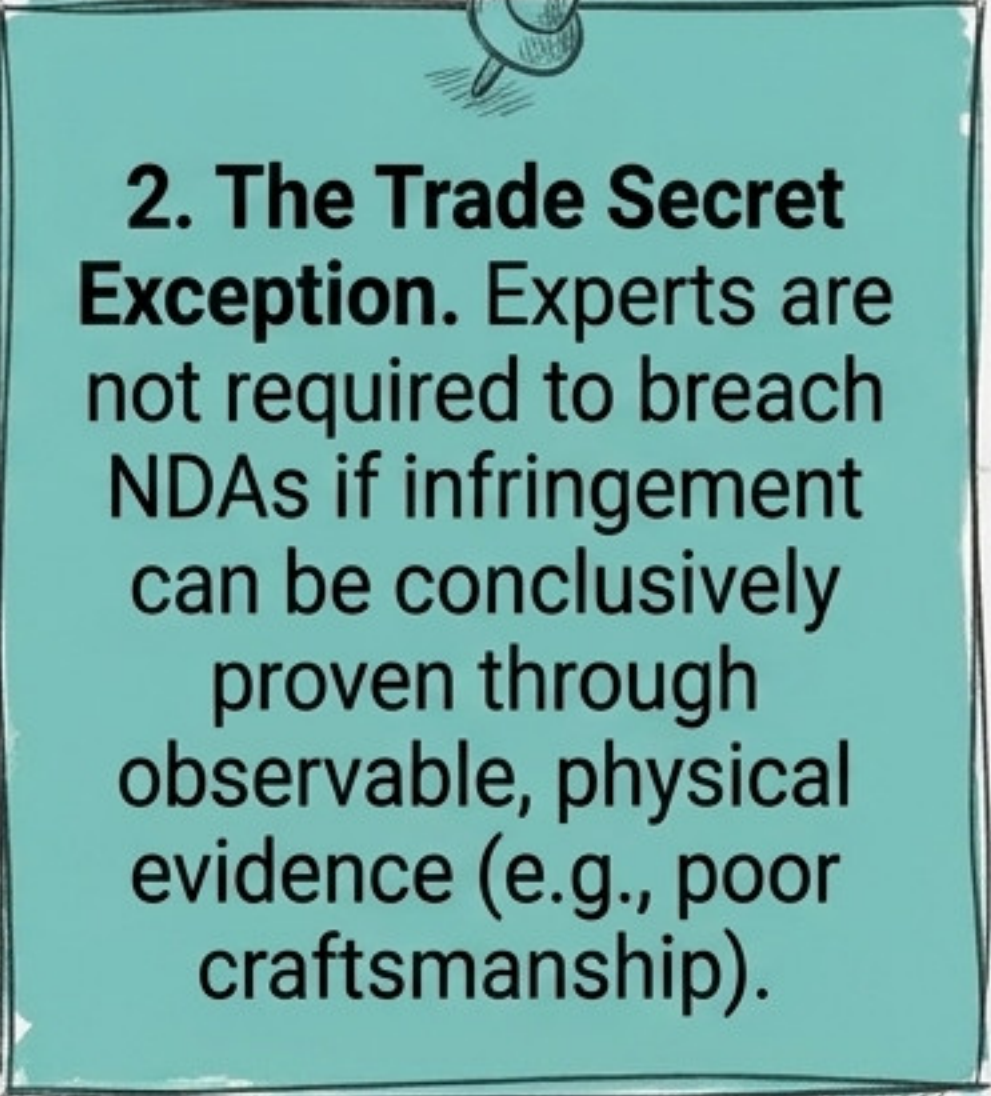
- ☒ Appraiser possessed established qualifications.
- ☒ Utilized appropriate methodologies and tools.
- ☒ Provided substantial explanation of true vs. fake characteristics.
- ☒ **Appeared in court to undergo direct cross-examination** by the defense regarding any doubts.

Key Takeaway Takeaways & Legal Implications



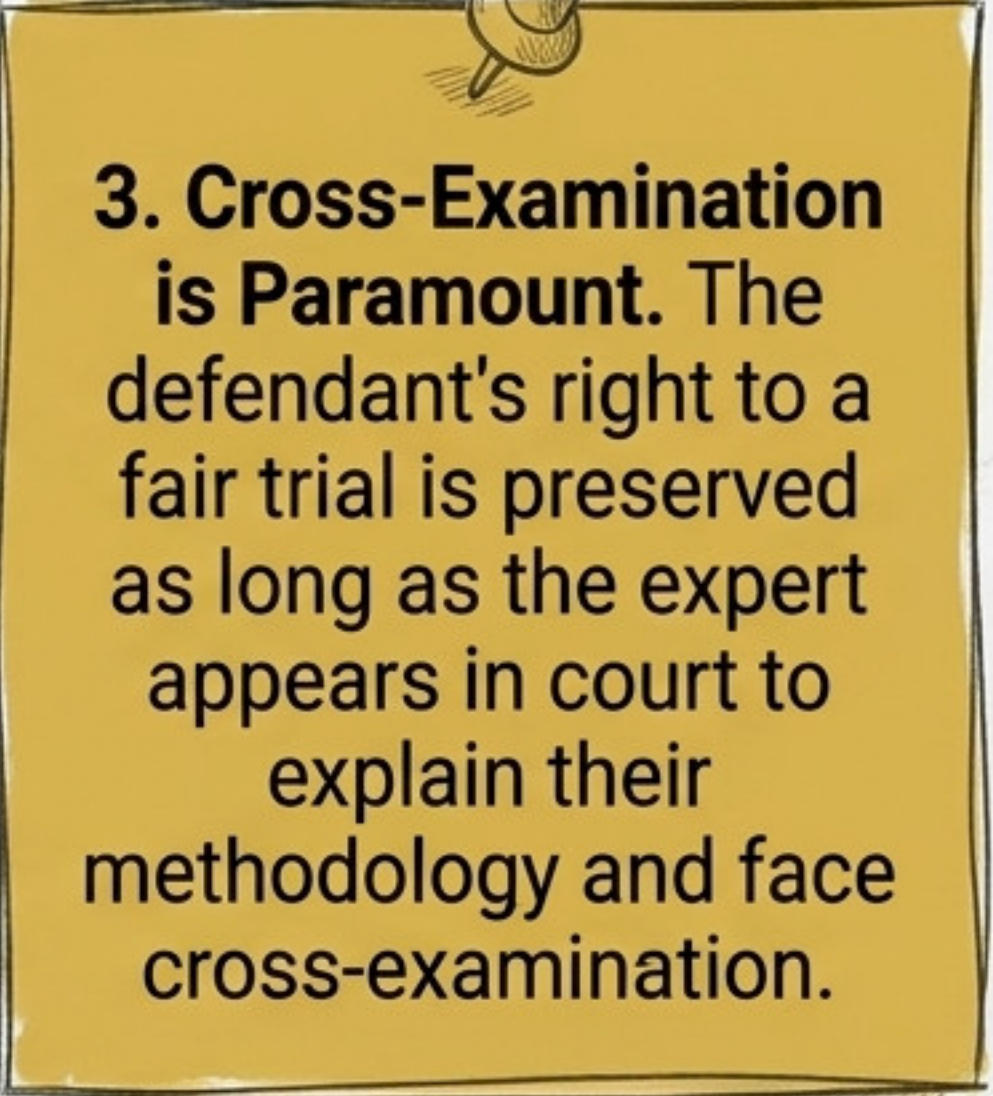
1. Expert Credibility.

Reports are legally credible if the appraiser is court-appointed, mutually agreed upon, and sworn under oath, ensuring neutrality.



2. The Trade Secret Exception.

Experts are not required to breach NDAs if infringement can be conclusively proven through observable, physical evidence (e.g., poor craftsmanship).



3. Cross-Examination is Paramount.

The defendant's right to a fair trial is preserved as long as the expert appears in court to explain their methodology and face cross-examination.



Based on Supreme Court Criminal Judgment 111 Tai-Shang No. 5677 (Trademark Act §97).