

# The Logistics of Infringement?

A Case Study on Trademark Law & Freight Forwarding

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Source: Intellectual Property and Commercial Court, Criminal IP Appeal Case No. 25  
Judgment Date: 2023

*Where does the boundary lie between logistics and active commercial sale?*

# The Trademarks in Question

註冊第 02043580 號

第 5 類：小麥胚芽粉、自來水、植物

纖維素營養補充

品；含維他命

纖維素營養補充

萃取營養補充

品；代餐營養補

充品；酵素營養

充品；亞麻仁油

營養補充品；蜂

蜂營養補充品；葡萄糖營養補充品；藻

酸鹽營養補充品；酵母

自來水、穀物處理過程

ivenor

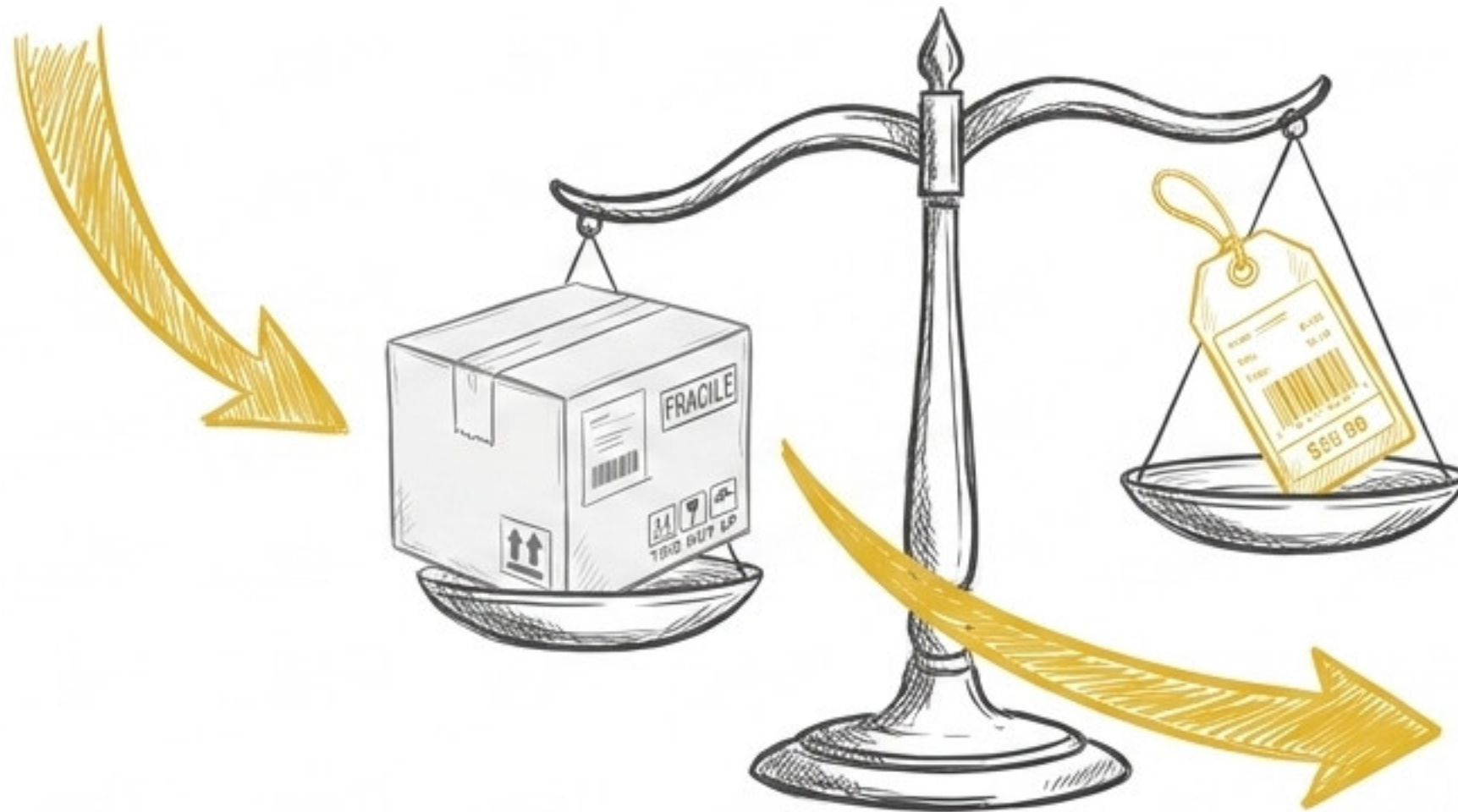
夜塑崩

Both marks hold an active Exclusive Right of Trademark.

Registration Numbers: 02043580 & 01529097  
Class 5 Goods: Dietary supplements, nutritional supplements, medical diet teas, etc.

# The Core Legal Issue

**Does receiving and forwarding goods on behalf of another constitute the Crime of Selling Trademark-Infringing Goods?**



**Governed by Article 97  
of the Trademark Act.**

**Guilt depends entirely on distinguishing between a neutral logistics conduit and an active commercial seller.**

# The Courtroom Clash

## Public Prosecution: Active Commercial Sale

**The Accusation:** Defendant Liu knowingly purchased counterfeit goods from mainland China.

**The Action:** Sold fake iVenor and diet products to Hehan Pharmacy in July/August 2020.

**The Charge:** Violation of Article 97 of the Trademark Act.



## The Defense: Mere Logistics Conduit

**The Stance:** "I am a forwarder, not the seller."

**The Action:** Simply received parcels from mainland individuals and mailed them to pre-determined buyers in Taiwan.

**The Reality:** Lacks the commercial intent required for a sale.

# Evidence Board I: The Logistics Defense

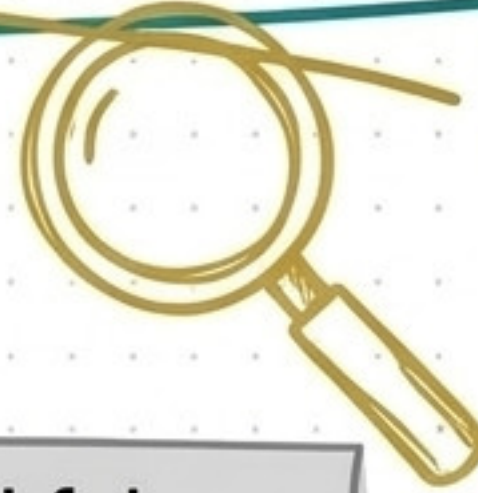


**Witness:** Zheng (Forwarding Industry Peer)

**Testimony:** Confirmed this specific business model. Testified that the mainland principal 'Wei' explicitly transferred the forwarding operations from Zheng to the Defendant.

**Conclusion:** The logistics defense is highly credible, not a fabricated excuse.

# Evidence Board II: Testimony Flaws



## The Witness: Informant Lee (Pharmacy Owner)

**Statement 1 (Police Inquiry):** Defendant visited the pharmacy to sell fakes. Lee did a "trap purchase." Claimed his friend Wu visited the Defendant's warehouse.

**Statement 2 (Investigation Phase):** Suddenly forgot exactly when the Defendant visited.



**Statement 3 (Court Trial):** Admitted that friend Wu got a ride north but did not actually visit the warehouse.



*Legal Evaluation: Testimony lacks temporal and factual consistency.  
Reasonable Doubt firmly established.*

# The Rule of Corroboration



**A single witness's testimony requires independent corroborating evidence to guarantee its reliability.**

**Informant Lee's** claims of an active sale had zero supporting documentary or physical evidence.



**Defendant Liu's** claim of being a logistics proxy was corroborated by Witness Zheng.

**Result: The Public Prosecution failed to meet the required Burden of Proof.**

# The Court's Ruling

Intellectual Property and Commercial Court

**The original Not Guilty verdict stands.**

1. Defendant acted purely on instructions as a proxy receiver and shipper.
2. Prosecution relied entirely on flawed, uncorroborated single-witness testimony.

**APPEAL  
DISMISSED**

# Strategic Implications & Takeaways



## Legal Boundary of Selling

Under Article 97 of the Trademark Act, **facilitating logistics** without commercial intent or inventory ownership does not equate to selling.



## The Evidence Standard

Enforcing an Exclusive Right of Trademark requires ironclad proof. Trap purchases must be meticulously documented; single **uncorroborated testimonies** will fail the Burden of Proof.



## E-commerce Compliance

Freight forwarders must maintain clear **logistical records** of their overseas principals to legally prove their status as neutral proxies, insulating them from infringement claims.