

Confiscated Evidence: 2,503 Counterfeit Items

UNDER
ARMOUR



Shirts: 580 | Pants: 70

ADIDAS



Shirts: 693 | Pants: 200

PUMA



Shirts: 100

NIKE



Shirts: 495 | Pants: 365

*All confirmed as
unauthorized
counterfeits by brand
appraisers after
Customs interception
(April 20, 2021).*

The Charge: Trademark Act Article 97



Offense: Illegally importing goods that infringe upon trademark rights.

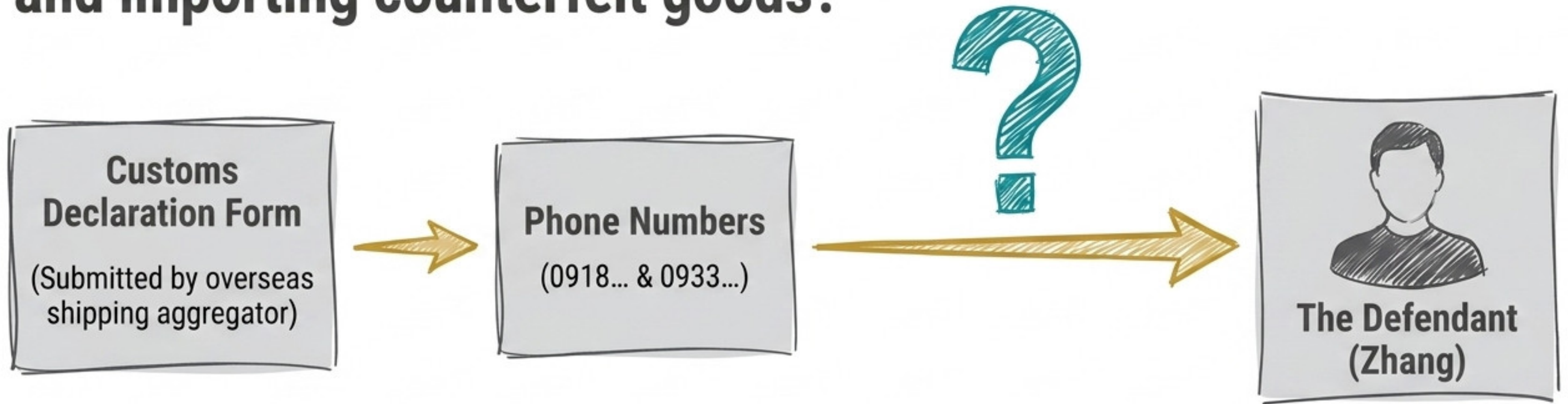
Required Elements:

- ☒ 1. The trademarks are registered and valid.
- ☒ 2. The goods are counterfeit.
- ☐ 3. The defendant had the Mens Rea (intent to sell) and was an Accomplice in importing them.

Elements 1 & 2 are undeniable facts. The entire case hinges on Element 3: Was the defendant actually the one who imported them?

The Core Legal Issue

Is a phone number listed on a customs declaration sufficient evidence to prove a defendant is an Accomplice in purchasing and importing counterfeit goods?



The Prosecutor indicted Defendant Zhang based on customs paperwork containing his name, ID, and phone number.

Prosecution vs. Defense

Prosecutor's Claims

- ✓ **Paperwork:** The Individual Letter of Authorization bears Zhang's name and ID.
- ✓ **Contact Info:** The delivery phone numbers on the logistics data are Zhang's.
- ✓ **Digital Footprint:** Zhang used the EZWay App to authenticate the shipment.

Defendant's Rebuttal

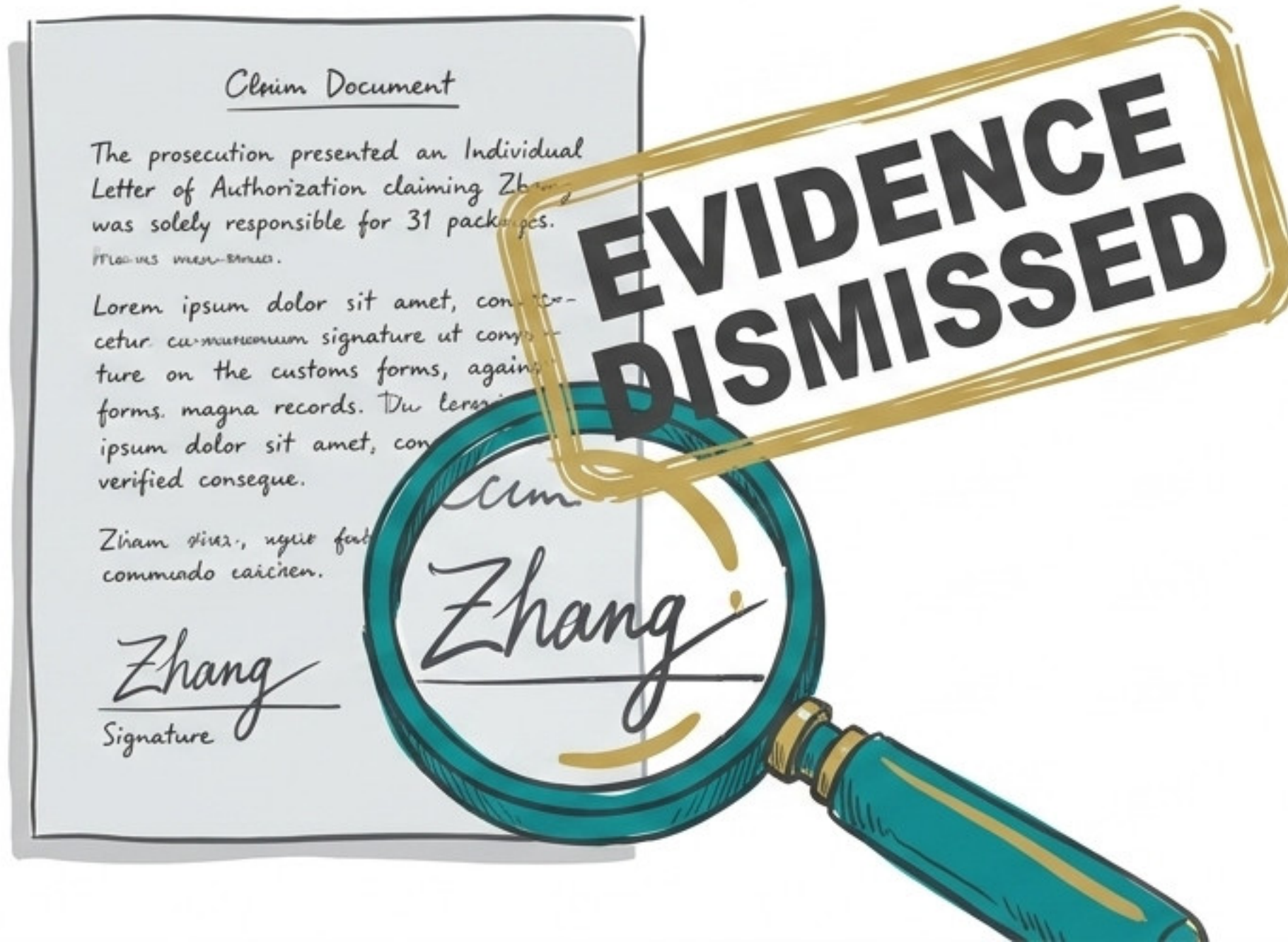
"That is not my signature or handwriting."

"I do not use those phone numbers."

"I never downloaded or used the EZWay App."

Exhibit A: The Paper Trail

The prosecution presented an Individual Letter of Authorization claiming Zhang was solely responsible for 31 packages.



The Court's Finding:

Police handwriting analysis compared the signature on the customs forms against the Defendant's verified signature in police records.

Result: The handwriting did not match.

Exhibit B: The Logistics Numbers

Number 0918...

Traced to a third party (Qiu), who canceled it. No connection to the Defendant.

Number 0933...

Prosecutor called it live; rang to a business named 'Zhiren Jianglu'. Defendant had no knowledge.

Delivery Address

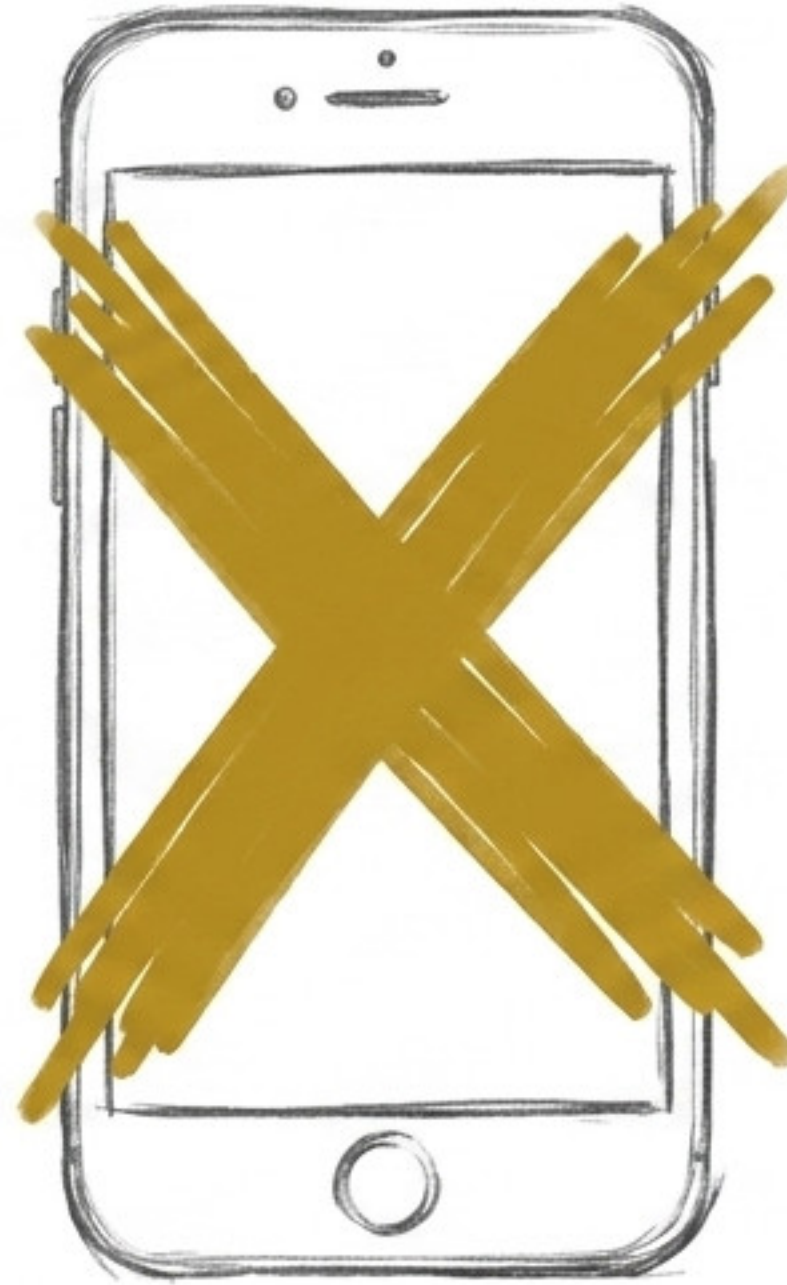
Address listed in Taichung. Defendant lives in Tainan. No geographic link.

The logistics data provided by the mainland aggregator was severely flawed and fabricated.

Exhibit C: The EZWay App Dispute

Customs relies on the EZWay real-name authentication app to verify importers. The prosecution claimed Zhang used the app to confirm the illicit goods.

During the trial, the Prosecutor demanded to physically inspect the Defendant's personal mobile phone in live court.



Physical inspection confirmed the EZWay application was never installed on the Defendant's device. The digital evidence was fundamentally unsupportable.

The Scale of Improbability



The Flawed Document:
Stated Defendant Zhang was solely taking full responsibility for all 31 imported packages.

The Reality Check:
Customs' own Simplified Declaration showed the 31 packages were actually addressed to 10 different individuals spread across 6 different cities.

Court's Deduction: It defies logic that one man would claim sole responsibility for shipments scattered to unrelated parties nationwide. This strongly suggests rampant identity theft by the overseas aggregator.

The Final Verdict



Verdict: NOT GUILTY (Upheld on Appeal).

Rationale: The Prosecutor's evidence failed to reach the threshold of being Beyond a Reasonable Doubt.

The court ruled that the evidence presented (mismatched signatures, unlinked phone numbers, absent apps) could not convince an ordinary person without doubt that the defendant was an Accomplice to the crime. Suspicions alone are insufficient for a criminal conviction.

Case Synthesis & Insights

- ✓ **Strict Burden of Proof:** In criminal trademark cases, the prosecution bears the absolute burden to prove the Mens Rea and direct involvement. Administrative customs data alone is not automatic criminal proof.
- ✓ **The Vulnerability of Logistics Data:** Overseas freight aggregators frequently supply fabricated recipient data to bypass customs. Courts will heavily scrutinize the chain of custody for phone numbers and addresses.
- ✓ **Digital Forensics > Paper Claims:** The physical absence of the EZWay app on the defendant's phone trumped the systemic, bureaucratic claim that a user profile confirmed the shipment.
- ✓ **Identity Theft Defense:** A robust defense against §97 smuggling charges involves meticulously disproving handwriting, digital footprints, and telecommunications links.

