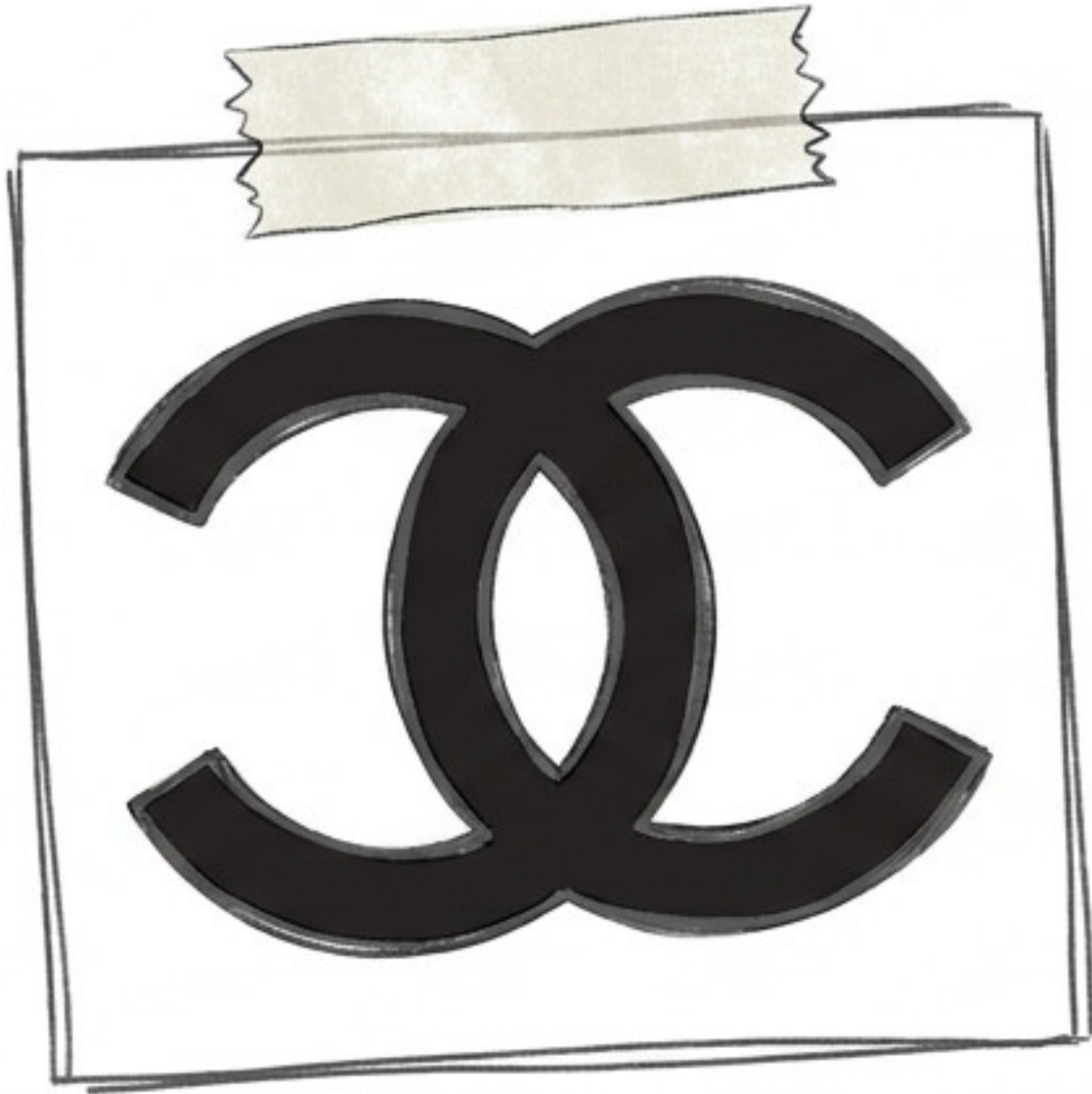


Decoding E-Commerce Trademark Infringement

A Case Study on Article 97, Absorbed
Offenses, and Continuing Offenses

Source: Taiwan Intellectual Property and Commercial Court, Criminal
Judgment 2024 Xing-Zhi-Shang-Yi No. 18 | Date: 2024

The Target of Infringement



The Brand

CHANEL (Swiss Chanel Co., Ltd.)

The Trademark

Reg No. 00626580, Class 43
(Bags, Suitcases, Travel Bags, Wallets).

Seized Evidence

119 total counterfeit items
confiscated across two
searches.

Source: Taiwan Intellectual Property and
Commercial Court, Criminal Judgment 2024
Xing-Zhi-Shang-Yi No. 18 | Date: 2024

The Investigation Timeline



Source: Taiwan Intellectual Property and Commercial Court, Criminal Judgment 2024 Xing-Zhi-Shang-Yi No. 18 | Date: 2024

The District Court's Split Verdict

The First Search

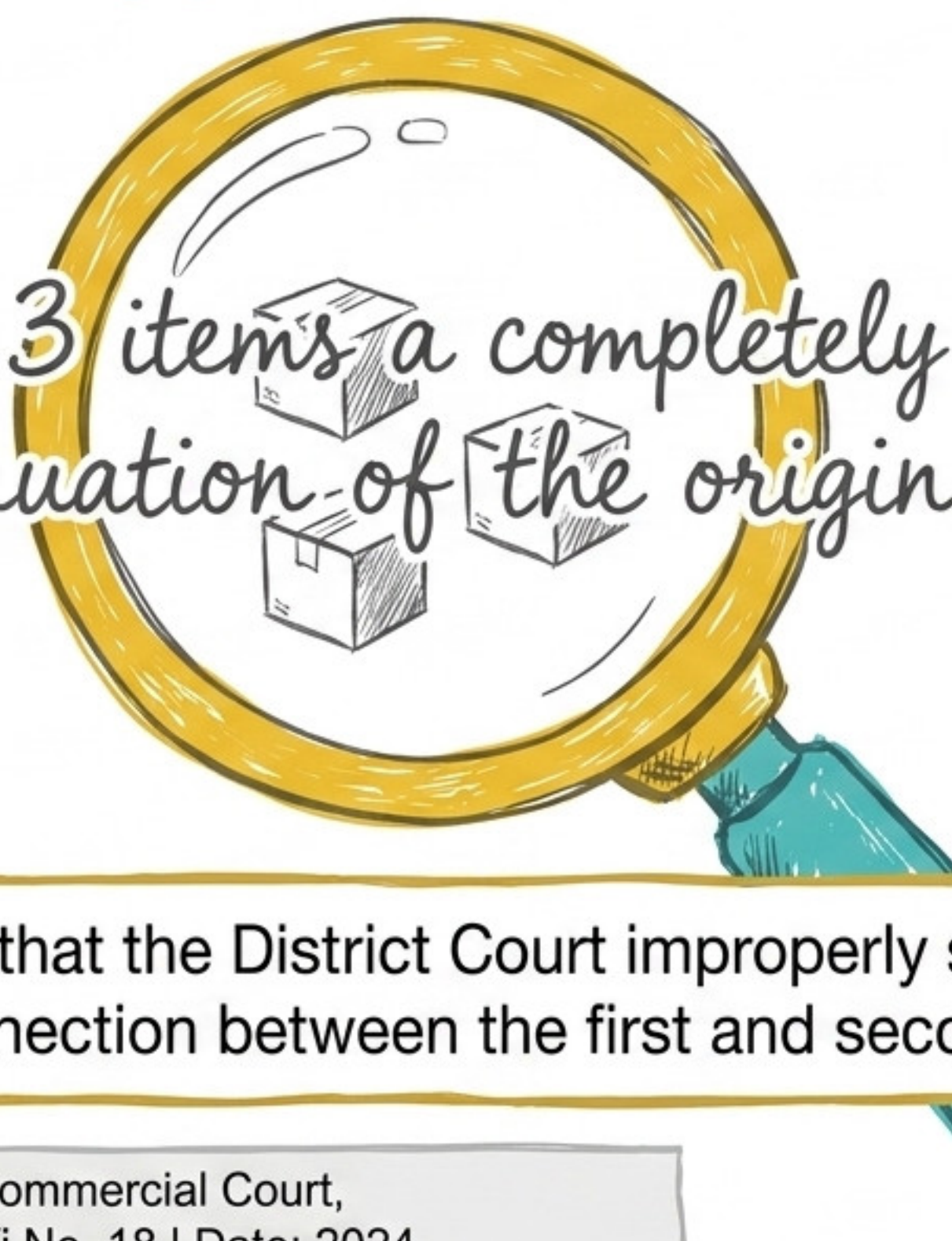
- Verdict: GUILTY
(Trademark Act Article 97)
- Evidence: 116 items
(up to Mar 22, 2023)

The Second Search

- Verdict: NOT GUILTY
- Evidence: 3 items
(found May 24, 2023)
- Reasoning: Treated as a separate, subsequent action lacking proof of active 'selling' post-first search.

Source: Taiwan Intellectual Property and Commercial Court, Criminal Judgment 2024 Xing-Zhi-Shang-Yi No. 18 | Date: 2024

The Prosecutor's Appeal

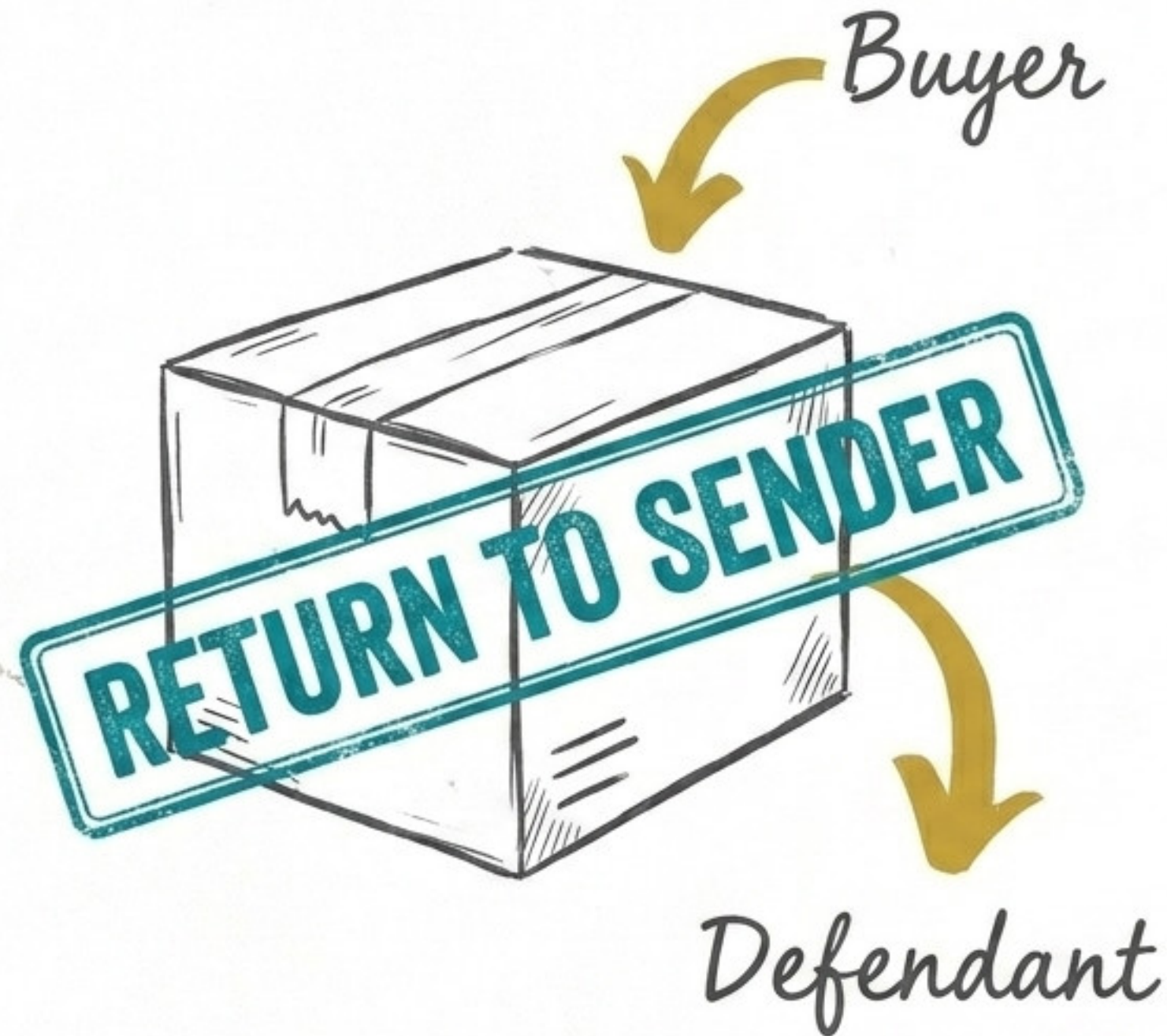


Are these 3 items a completely new crime, or a continuation of the original offense?

The prosecutor argued that the District Court improperly severed the timeline, missing the deeper connection between the first and second search evidence.

Source: Taiwan Intellectual Property and Commercial Court,
Criminal Judgment 2024 Xing-Zhi-Shang-Yi No. 18 | Date: 2024

The Evidence Reveal: Unclaimed Packages

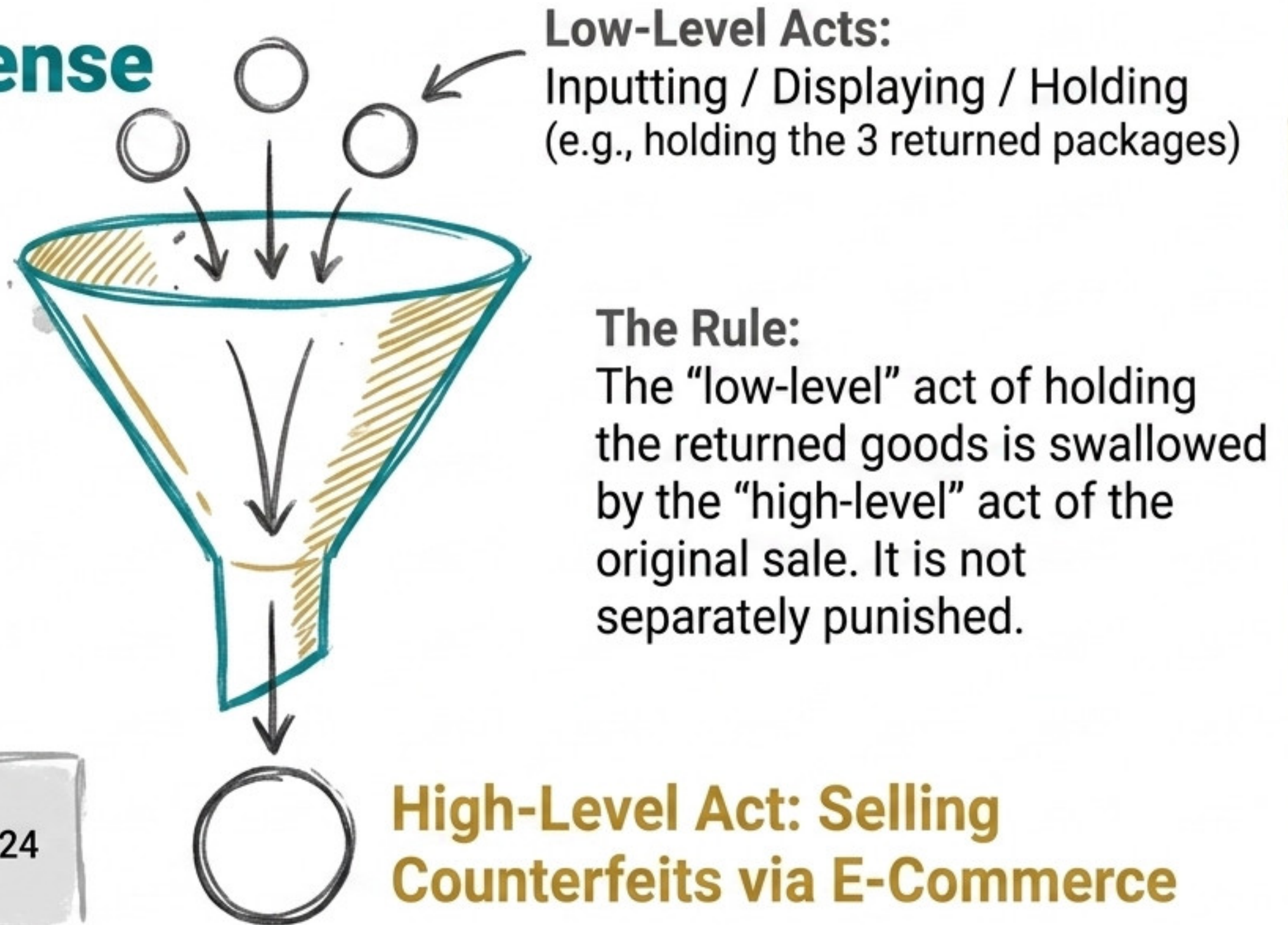


The 3 items found during the second search were NOT new inventory.

- Sold prior to the first search.
- Returned by buyers due to failed pickups.
- Defendant was merely 'holding' them when the second search occurred.

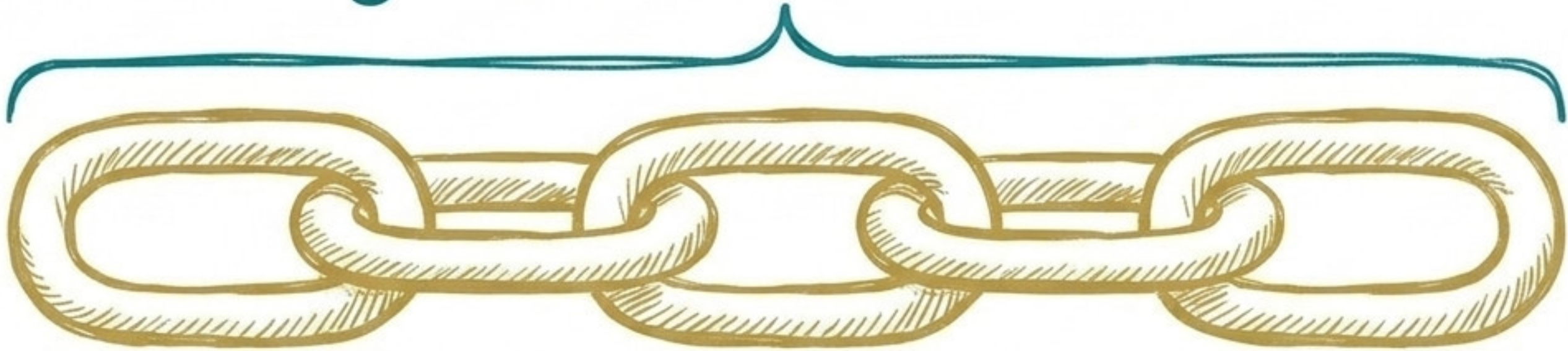
Source: Taiwan Intellectual Property and Commercial Court,
Criminal Judgment 2024 Xing-Zhi-Shang-Yi No. 18 | Date: 2024

Legal Doctrine: The Absorbed Offense



Source: Taiwan Intellectual Property and Commercial Court, Criminal Judgment 2024 Xing-Zhi-Shang-Yi No. 18 | Date: 2024

Legal Doctrine: The Continuing Offense



Multiple Acts + Close Time & Space + Single Intent = **Evaluated as One Inclusive Act**

Application: From 2021 to the final search on May 24, 2023, the defendant operated with a single, continuous intent to sell. ("Imaginary Concurrence").

Source: Taiwan Intellectual Property and Commercial Court,
Criminal Judgment 2024 Xing-Zhi-Shang-Yi No. 18 | Date: 2024

The Judicial Contrast

District Court (Lower)	Appellate Court (Final)
- Timeline: Split into two phases. - Evaluation: Multiple separate offenses. - Result: Partial Not Guilty.	- Timeline: Unified (2021 to May 24, 2023). - Evaluation: Single Continuing Offense. - Result: Guilty for the entire duration.

Source: Taiwan Intellectual Property and
Commercial Court, Criminal Judgment 2024
Xing-Zhi-Shang-Yi No. 18 | Date: 2024

Weighing the Sentence

Aggravating Factors

- Disrupted fair market competition.
- Caused consumer confusion.
- Failed to reach a settlement with the brand.



Mitigating Factors

- Fully confessed to the crime.
- College-educated with clean prior record.
- Sole provider for mother.

The Final Verdict: 3 Months Imprisonment (Commutable to a fine).

Source: Taiwan Intellectual Property and Commercial Court,
Criminal Judgment 2024 Xing-Zhi-Shang-Yi No. 18 | Date: 2024