

ASSET RECOVERY

QUESTION: We are losing money because someone is making a product that looks exactly like ours. Can we recover the lost money? counterfeiter prosecuted?

Continental Enterprises (“Continental”) strongly believes that aggressively pursuing asset recovery from infringers is essential to effective intellectual property (“IP”) protection. It is a prescription that is both preventative and reformatory.

We understand that paying to reclaim your intellectual property can seem like buying your car back from the thief that stole it. As an alternative, Continental Enterprises’ aggressive approach to Asset Recovery

the marketplace. This is because focusing only on major infringers ignores the numerous mid and low-level counterfeiters that are often responsible for the bulk of the violations. While each of these smaller infringers would be insignificant

Thieves respect property. They merely wish the property to become their property that they may more perfectly respect it.

~G.K. Chesterton



makes counterfeiters and infringers pay their own way.

Historically, IP owners have had to be content with prosecuting only the largest and most egregious infringers. This strategy is typically very costly and time-consuming and feeling its effects can take a long time. Additionally, focusing on a single large infringer can have a minimum impact on the availability of counterfeit/infringing goods in

individually, aggregately they are responsible for a major portion of the illegal merchandise on the market. IP owners that do attempt to engage with these lower-level infringers are typically content with simply stopping the illegal activity. This creates an incentive to keep counterfeiting until

caught. As part of our Asset Recovery efforts, we demand that counterfeiters and infringers at all levels recompense you for both the profits made from the illegal goods and your costs.

Continental’s aggressive approach to asset recovery allows you to take action against infringers at all levels of production, distribution and sales. This has a significant impact on the market for counterfeit and infringing goods

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while diminishing the impact on your budget. Our approach to asset recovery allows our clients to recover a significant percentage of their enforcement costs, which greatly expands the amount of IP protection that can be achieved within a given budget.

Continental's focus on Asset Recovery is in keeping with our business-minded approach to IP protection. Our staff considers investigative costs as a damage incurred by our clients and creatively uses a variety of state statutes to make our clients whole.

Protecting your IP must be a viable business decision. On the other hand, infringing on your IP should be one of the worst business decisions an infringer can make. In addition, establishing a reputation as an IP owner that aggressively pursues asset recovery has a significant preventative value.

