

Court Cases and Other Cases that KHoF Has Pursued Regarding Illegal Products and Unfair Marketing

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Initial Questions

Issues

- Stolen goods
- Counterfeit
- Illegal parallel trade

Laws

Criminal Code ("CC")

Marketing Practice Act
("MPA")

Trademark Act
("TMA")

TMA

MPA

Initial Questions

Issues

Legal parallel trade

- Labelling issues
- Selective distribution

Laws

MPA

Contractual

Initial Questions

Issues

Marketing claims

- Misleading statements
- Misleading comparisons
- "Authorized reseller"

Laws

MPA

MPA

MPA

Results From Test Purchases and Investigations

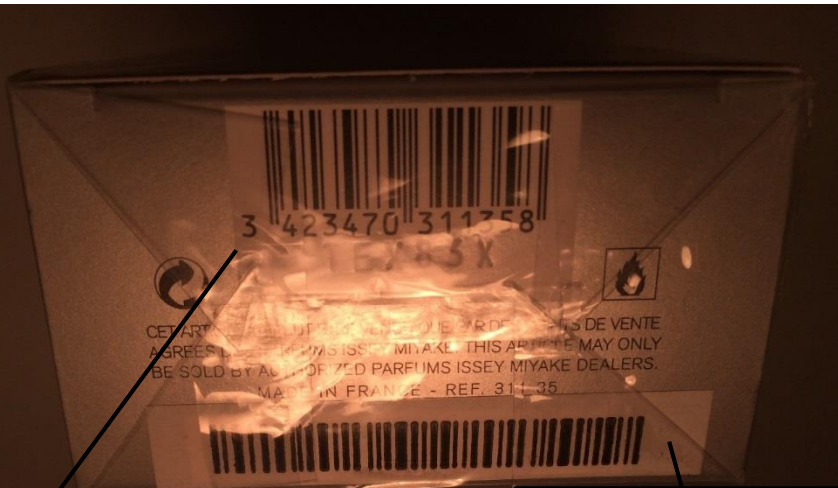
- Erroneous/missing labels
- Manipulated/deleted/changed identity and/or EAN codes
- Prohibited ingredient
- Illegal parallel trade
- Misleading marketing claims
- Violations of the Consumer Credit Act

Results From Test Purchases and Investigations

Examples of misleading claims

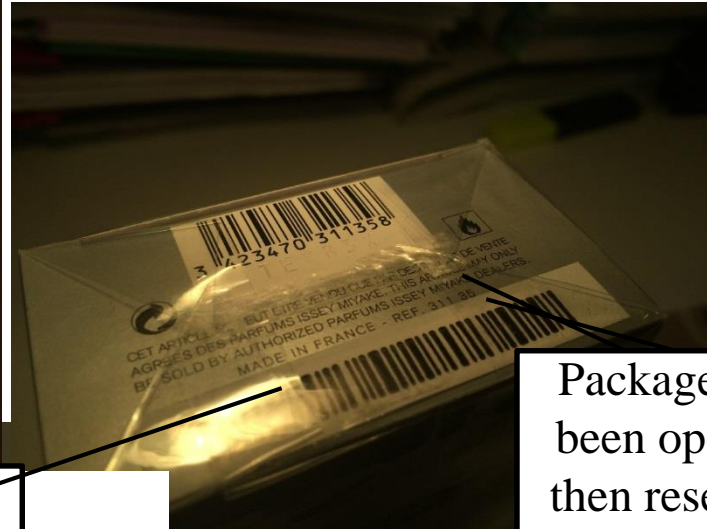
- ”Best hairbrushes”
- “All products are of highest quality”
- “Of course, the products are not tested on animals”
- “All the products that we sell are the same as you find in ordinary shops”

Due to formal reasons all cases have been pursued by KoHF's service company, KTF Organisation AB (“KTF”)

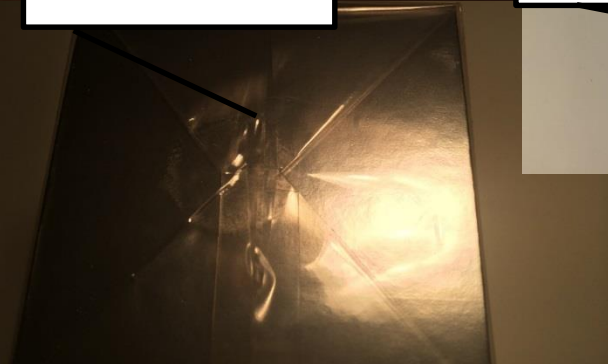


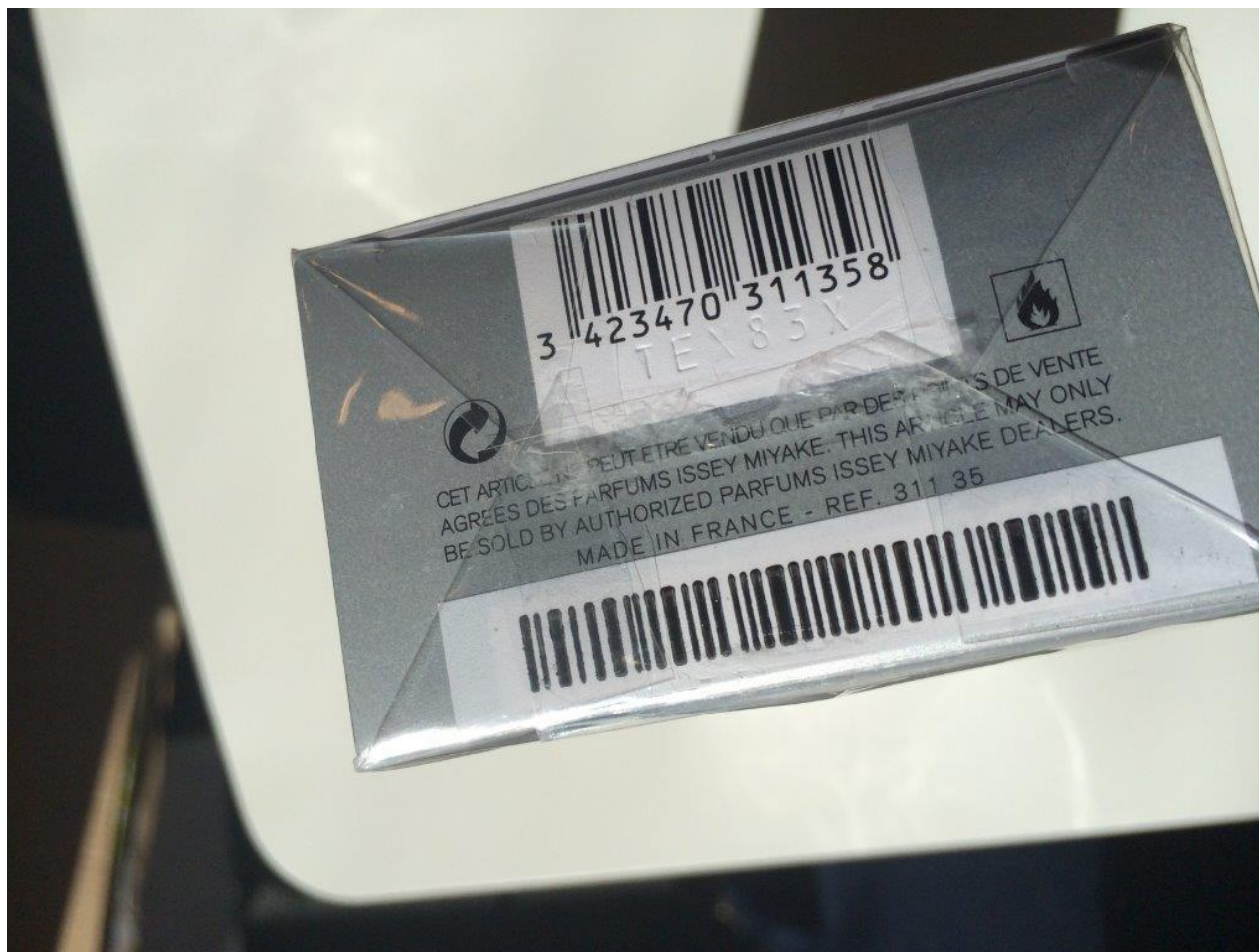
Package has
been opened
then resealed

False barcode
glued on



Package has
been opened
then resealed



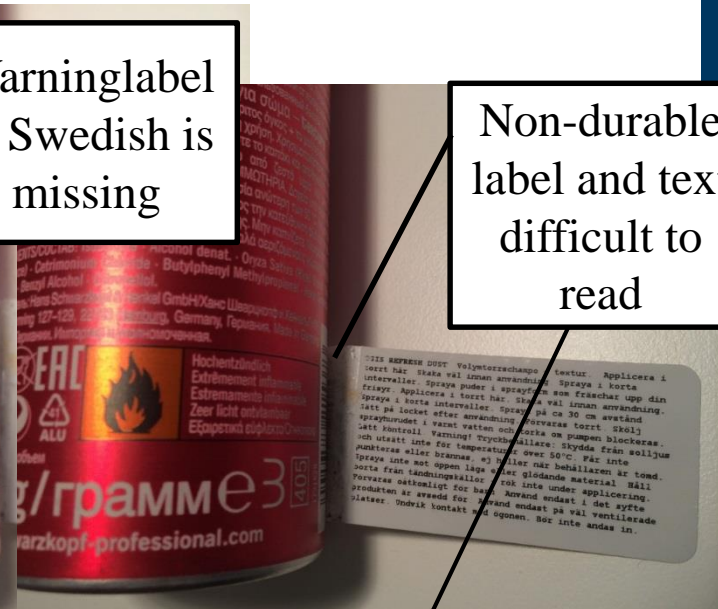




Warning label in Swedish is missing on the glued on label



Warninglabel in Swedish is missing



Non-durable label and text difficult to read



Vivamondo

- Vivamondo Limited registered in Hong Kong
- Registered branch in Sweden, Vivamondo Limited Hong Kong branch
- Sells cosmetics products via Webpage www.vivamondo.se
- KTF and member companies sued for illegal parallel trade from countries outside of EEA
- Vivamondo claimed that Swedish courts did not have jurisdiction
- Swedish courts have jurisdiction, NJA 2015 s. 798

Vivamondo

- Judgement 23 December 2016, PMT 8651-12
- Vivamondo is **prohibited subject to a fine of SEK 750 000** to market certain brands insofar as the goods have not been placed on the market within the European Economic Area ("EEA") by the right holder himself or with his consent
- Vivamondo shall pay the **legal costs** and the managing director is jointly responsible for part of the costs

http://www.brands4hair.se/ Hem | www.all4hair.nu

BRANDS4HAIR
GER DIG MER FÖR PENGARNA

KUNDEVAGN
Logga in för att beställa
040 6450550 info@brands4hair.com

HEM SORTIMENT NYHETSREVEN NY KUND LOGGA IN Hitta din produkt här

NYTT NAMN - SAMMA LÅGA PRISER

BRANDS4HAIR
GER DIG MER FÖR PENGARNA

NYHETER VISA ALLA ERBJUDANDE VISA ALLA LAST MINUTE DEALS VISA ALLA

NYHET
MAGMA
BY BLONDR

ERBJUDANDE
EFALOCK
SHARKCLIPS
6 ST.

LAST MINUTE
DEALS

BRANDS4HAIR
GER DIG MER FÖR PENGARNA

SCHWARZKOPF BC OIL MIRACLE DISPLAY

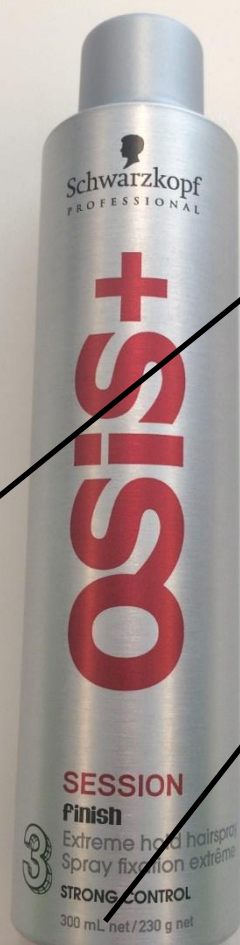
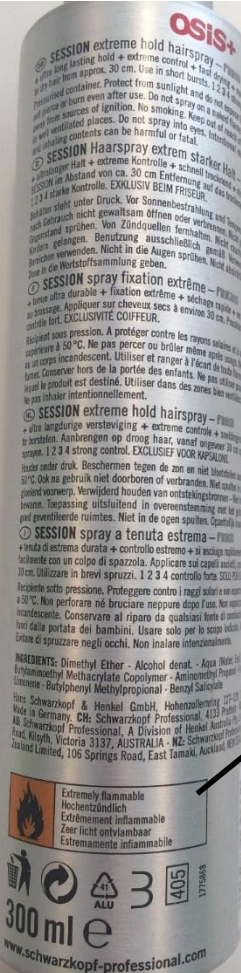
3 x Schampo - 3 x Oil conditioner
3 x Divine Polish - 3 x Volume Amplifier
3 x Light Finishing Treatment.

NORMALPRIS KR. 1065.-

ERBJUDANDE
NU ENDAST KR. 599,- ST.

* WEBPRIS KR. 528,32 ST.





Warninglabel in
Swedish is
missing

Product
containing more
than 150 ml



Warninglabel in
Swedish etc. is
missing

PMT 11078-16

The Patent- and Market Court **prohibits** Brands4Hair ApS **subject to a fine of SEK 1,000,000** from marketing cosmetic products with **aerosol dispensers** and **flammable cosmetic products** lacking the required labels in the Swedish language in the manner that has occurred or in essentially the same way

The Patent- and Market Court **prohibits** Brands4Hair ApS **subject to a fine of SEK 1,000,000** from marketing cosmetic products that are **hair colorants** lacking the required labels in the Swedish language in the manner that has occurred or in essentially the same way

PMT 11078-16

The Patent- and Market Court **prohibits** Brands4Hair ApS **subject to a fine of SEK 1,000,000** from marketing cosmetic and hair care products in the manner that has occurred or in essentially the same way with the **following expressions**

- a) "Save a lot of money on our quality products",
- b) "The market's best brands to strong prices",
- c) "We give you more for your money",
- d) "Give you the best price on the market",
- e) "Simply the market's lowest prices",
- f) "Offer the best prices on the market",

PMT 11078-16

g) "Ordinary price",

h) "Webprice",

i) "Normal price",

j) "Guiding prices" and

k) "Have [...] saved",

Or **essentially the same expressions** if so is not the case.

PMT 11078-16

Brands4Hair ApS shall reimburse KTF for its legal costs

BEAUTY PLANET

- On the website www.beautyplanet.se was, among other things, cosmetic and hygienic products marketed to consumers
- KTF sued the company which was running the activity on the website for the sale of illegal and erroneously labeled products
- During the time when the case was going on the website www.beautyplanet.se was sold to another company. Thereafter the company that sold the website also changed owners
- The new owners of the company that had sold the website then took full responsibility for the costs KTF have had and agreed subject to a contractual fine not to market illegal or improper labelled cosmetic products in the future

NORDIC FEEL

- On the website www.nordicfeel.se. was cosmetic and hygienic products marketed to consumers
- KTF sued the company which was running the activity on the website for the sale of erroneously labelled products
- During the time when the case was going on the company that was running the website changed management. The company introduced quality controls and collaborations to prevent the shortcomings from occurring in the future after which the parties could settle the case

SNIPH

UPPTÄCK NY PARFYM VARJE MÅNAD

159 kr/mån. Ingen bindningstid. Direkt hem.

VÄLJ KOLLEKTION →

Omskriven i

amelia

metode
MODE

ELLE
DECORATION

PLAZA

SNIPH

Varumärken vi gillar

Bara det bästa är gott nog för oss. Och dig.

GUERLAIN

MARC JACOBS

TOM FORD

C'N'C

YVES SAINT LAURENT

DIPTYQUE

DKNY

DOLCE & GABBANA

VIKTOR & ROLF

BYREDO

GIORGIO ARMANI

LANCÔME

GUCCI

NINA RICCI

THE DIFFERENT COMPANY

CHLOÉ

MIU MIU

HERMÈS

Agreement

- Sniph agrees, subject to a fine of SEK 50 000, for each time not to market cosmetic products
- 1) that not fulfil the regulations regarding manufacturing and labelling
- 2) without the right holders permission to use their trademarks and repackaging their products
- Reimburse KTF for its legal costs

Questions?

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