



13 April 2026

By email: legcon.sen@aph.gov.au ; seniorclerk.committees.sen@aph.gov.au

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir/Madam

Customs Legislation Amendment (False Trade Marks Infringement Notices) Bill 2026

Phillips Ormonde Fitzpatrick (POF) is a leading, independent Australian intellectual property (IP) firm established in 1888. We provide comprehensive services in the various areas including trade marks, patents, designs, and litigation—across various industry sectors. The firm represents local and overseas clients with offices in Melbourne, Sydney, Adelaide, and Brisbane.

Our firm has extensive experience assisting intellectual property owners to take action against IP infringers and work closely with the Australian Border Force (ABF) to assist officers in identifying suspect shipments, determining authenticity and enabling the seizure of infringing goods. We are also the exclusive Australian partner of [REACT](#), a leading international anti-counterfeiting organisation.

Our firm strongly supports the Customs Legislation Amendment (False Trade Marks Infringement Notices) Bill 2026.

POF is the legal representative in relation to more than 160 Notices under the Notice of Objection scheme administered by ABF (the full list of Customs Notices with their legal representatives is available on the [ABF website](#)). We represent a large number of clients including Louis Vuitton, Puma, 3M, Procter & Gamble, Omega, Universal City Studios, Samsung and Jaguar Land Rover to name a few...

As such, we are notified of seizures made by ABF of products suspected of infringing these owners' rights and have handled infringement matters in respect of a range of products including goods that may pose serious risks to consumer safety such as automotive parts, toys, cosmetics and medical equipment.

Over the years, we have seen a shift toward smaller, more fragmented consignments, and identified a number of repeat infringers using multiple consignments / addresses / fake names to evade detection. Although some brand owners may sometime issue proceedings against repeat infringers, Court proceedings are expensive, which makes pursuing every infringer in Court commercially unrealistic—particularly where individual consignments are of low-value.

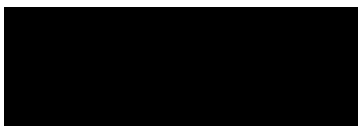
By creating a targeted strict-liability offence and enabling the use of infringement notices, the Bill closes a longstanding enforcement gap where importers of counterfeit goods often face no financial consequence when their shipments are seized by ABF. It also complements the existing

Notice of objection scheme and provides ABF with an efficient tool while maintaining due process and proportionality.

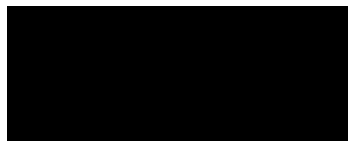
The availability of infringement notices will also improve deterrence and safeguard consumers by ensuring that importers face immediate and real financial consequences, when importing counterfeit goods that may constitute threats to public health and safety.

This Bill therefore represents a necessary and proportionate strengthening of Australia's border enforcement framework against counterfeit goods.

Yours sincerely



Chris Schlicht
Principal
Board Chair



Marine Guillou
Principal
Trade Marks Practice Team Leader

