

## Rolex Says "Time is Up" for Alleged Craigslist Counterfeiter

Article By:

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On February 5, 2014, **Rolex Watch U.S.A., Inc.** ("Rolex") of New York, New York, filed a complaint against Nicholas Peter Karettis ("the defendant") of Tyrone, Georgia, alleging **Trademark Counterfeiting and Infringement** under 15 U.S.C. § 1114.

The complaint alleges Mr. Karettis sold, offered for sale, distributed, promoted, and advertised merchandise that was counterfeit and infringing upon Rolex's federally registered trademarks.

Rolex owns numerous trademarks and trade names including at least the following:

**CROWN DEVICE (design)** Registration no. 657,756 Registered on 1/28/1958 for timepieces of all kinds and parts thereof.

**DATEJUST** Registration no. 674,177 Registered on 2/17/1959 for timepieces and parts thereof.

**DAY-DATE** Registration no. 831,652 Registered on 7/4/1967 for wrist watches.

**DAYTONA** Registration no. 2,331,145 Registered on 3/21/2000 for watches.

**EXPLORER** Registration no. 2,518,894 Registered on 12/18/2001 for watches.

**EXPLORER II** Registration no. 2,445,357 Registered on 4/24/2001 for watches.

**GMT-MASTER** Registration no. 683,249 Registered on 8/11/1959 for watches.

**GMT-MASTER II** Registration no. 2,985,308 Registered on 8/16/2005 for watches and parts thereof.

**OYSTER** Registration no. 239,383 Registered on 3/6/28 for watches, movements, cases, dials, and other parts of watches.

**OYSTER PERPETUAL** Registration no. 1,105,602 Registered on 11/7/1978 for watches and parts thereof.

**PRESIDENT** Registration no. 520,309 Registered on 1/24/1950 for wristbands and bracelets for

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watches made wholly or in part or plated with precious metals, sold separately from watches.

**ROLEX** Registration no. 101,819 Registered on 1/12/1915 for watches, clocks, parts of watches and clocks, and their cases.

**ROLEX DAYTONA** Registration no. 1,960,768 Registered on 3/5/1996 for watches.

**ROLEX DEEP SEA** Registration no. 3,703,603 Registered on 10/27/2009 for watches.

**SEA-DWELLER** Registration no. 860,527 Registered on 11/19/1968 for watches, clocks and parts thereof.

**SUBMARINER** Registration no. 1,782,604 Registered on 7/20/1993 for watches.

**TURN-O-GRAPH** Registration no. 2,950,028 Registered on 5/10/2005 for watches and parts thereof.

**YACHTMASTER** Registration no. 1,749,374 Registered on 1/26/1993 for watches.



The Rolex Crown Device design

According to the complaint, Rolex discovered a classified advertisement appearing on the website "www.craigslist.org" ("Craigslist") advertising for sale watches bearing counterfeits and infringements of the Rolex Registered Trademarks. These watches were allegedly advertised as "AAA Quality Replica" watches and listed for sale at a price of \$200.

Also according to the complaint, Rolex forwarded the Craigslist add to its private investigator who then called the number provided on the advertisement and arranged a meeting with a man identifying himself as "Nick." Rolex's investigator also arranged for members of the Douglas County Sheriff's Department to be present at this meeting. At the meeting, members of the Douglas County Sheriff's Department arrested the defendant and seized five (5) watches identified by Rolex's investigator as bearing counterfeits and infringements of the Rolex Registered Trademarks.

Thereafter, the defendant was charged with forged or counterfeited trademarks, service marks, or copyrighted or registered designs, constituting unauthorized reproductions as defined in O.C.G.A. § 10-1-454. Defendant's vehicle was impounded and the Douglas County Sheriff's Department seized \$14,800.00 in cash found on the defendant's person at the time of his arrest.

The complaint further alleges irreparable harm, unjust enrichment, willful and malicious infringement, and that the case is exceptional under 15 U.S.C. § 1117(a) because of the defendant's alleged reckless disregard or willful blindness in connection with unlawful activities.

Rolex seeks an injunction and treble damages or statutory damages under 15 U.S.C. § 1117(c). Rolex also seeks legal and investigative fees along with any further relief as the court deems just and

proper.

The case is *Rolex Watch U.S.A., Inc. v. Karettis* No. 3:14-cv-12-TCB filed in United States District Court for the Northern District of Georgia, Newnan Division on February 5, 2014, and is assigned to Judge Timothy C. Batten.

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