

Department of Justice

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FOR IMMEDIATE RELEASE
NOVEMBER 26, 2012
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CHEEKTOWAGA MAN ARRESTED; 15 WEB SITES SEIZED **AS PART OF GLOBAL CRACKDOWN ON CYBER MONDAY**

BUFFALO, N.Y.— U.S. Attorney William J. Hochul, Jr. announced today that Gary C. Hammer, 47, of Cheektowaga, N.Y., was arrested and charged by criminal complaint with trafficking in counterfeit goods. The charge carries a maximum penalty of 10 years in prison, a fine of \$2,000,000, or both. In addition, 15 websites allegedly selling counterfeit sporting merchandise were seized by federal law enforcement agents. The websites were seized as part of a global enforcement operation which targeted over 100 websites operating worldwide.

Assistant U.S. Attorney Michael DiGiacomo, who is handling the case, stated that according to the complaint, in August 2012, Hammer listed Microsoft Vista Business and Microsoft Office software for sale on Craigslist. Further investigation determined that the merchandise being sold by the defendant was in fact counterfeit. On October 23, 2012, the defendant was served with a cease and desist letter from the Microsoft Corporation but, according to the complaint, Hammer continued to sell counterfeit Microsoft merchandise.

The defendant was arrested on November 21, 2012 and made an initial appearance before U.S. Magistrate Judge Hugh B. Scott. Hammer was released on his own recognizance and is due back in court December 12, 2012 at 11:00 a.m.

In a separate action this morning, Special Agents with Immigration and Customs Enforcement, Homeland Security Investigations seized 15 websites that allegedly sold counterfeit sporting merchandise. Assistant U.S. Attorney Kevin D. Robinson, who is handling that case, stated that the websites offered counterfeit Buffalo Bills, NY Giants, NY Yankees, Toronto Blue Jays and Detroit Tigers merchandise, including caps and jerseys. According to the affidavit in support of the seizure warrants, some of the websites sold caps allegedly manufactured by New Era Cap.

“The manufacturing and selling of “knock off” goods hurts businesses and people across a wide spectrum of our society. Victims of these crimes include not only those who create intellectual property and the employees of the legitimate businesses who turn the ideas into products. Consumers are also hurt by unknowingly obtaining inferior or potentially harmful products, as are taxpayers who are unable to rely on taxes from legitimate sales to fund programs which benefit the community,” said U.S. Attorney Hochul. “I would therefore urge all to exercise caution knowing that if a deal sounds too good to be true, it probably is.”

“As we remind consumers, buying knockoffs doesn't pay off," said James C. Spero, Special Agent in Charge of Immigration and Customs Enforcement, Homeland Security Investigations, Buffalo. "Those who sell counterfeit merchandise are robbing from the legitimate companies, many of them U.S.-based, that make these products. And perhaps most important, they're hurting the men and women who depend on those companies for their livelihood. Intellectual property theft amounts to economic sabotage, which is why HSI will continue to aggressively pursue product counterfeiters and those who sell counterfeit products.”

The arrest and seizures are part of Project Cyber Monday 3 and Project Transatlantic, an effort to crack down on counterfeit goods sold online during the holiday shopping season. They are the culmination of an investigation on the part of Special Agents of Immigration and Customs Enforcement, Homeland Security Investigations, under the direction of James C. Spero, Special Agent in Charge.

The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

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