

# The Fifth Global Congress on Combating Counterfeiting and Piracy

## Joseph Clark is the Executive Director of the Global Congress Secretariat

Government and business leaders from around the world to gather in Cancun, Mexico in December for the most important meeting of the year on fighting counterfeiting and piracy

In this time of worldwide economic uncertainty, leaders involved in the fight against counterfeiting and piracy are going to be challenged on how to maintain the commitment to protecting intellectual property and providing the resources needed to prevent the organized criminal networks from taking further advantage of the economic crisis.

This opening debate will set the tone for the Fifth Global Congress being held in Cancun, Mexico on 1-3 December 2009, the first time a Global Congress will be staged in the Americas. It is being hosted by INTERPOL and the Mexican Government agency Instituto Mexicano de la Propiedad Industrial (IMPI).

The Fifth Global Congress will build on the successes of the first four Global Congresses. It will be focussed on developing tangible solutions to the current challenges in fighting counterfeiting and piracy globally, and will include special sessions devoted to the increasing problems in Mexico, Central and South America.

Up to a thousand delegates are expected to attend and participate in panel discussions with over 50 senior government and business speakers from around the world. The Congress will be opened by leaders from the Global Congress Steering Group [INTERPOL, the World Customs Organisation (WCO), the World Intellectual Property Organization (WIPO), the International Chamber of Commerce (ICC) through its BASCAP initiative, the International Trademark Association (INTA) and the International Security Management Association (ISMA)], and ministers and high ranking officials from Mexico. They will then be joined by speakers from North, Central and South America, Europe, Africa, the Middle East and Asia.

Following the economic crisis lead-off discussions, the focus will turn to five themes that consistently have emerged as the key focus areas for concrete actions to combat counterfeiting and piracy. In addition, the Fifth Global Congress will again feature special sessions on the challenges facing free trade zones and transshipment countries, and counterfeiting and piracy over the internet.

### Challenge 1 – cooperation and coordination

Over the years, Congress participants have reaffirmed that the global problems of counterfeiting and piracy are too great to be solved by individual governments, enforcement authorities, business sectors or companies. While some progress has been made, and there are an increasing number of achievements, the consensus is that more can, and should be done to improve cooperation and coordination among and between government authorities and the private sector.

At the Fifth Congress, speakers and delegates will explore current global and regional initiatives on counterfeiting and piracy and their prospects for success. Case studies will showcase how the public and private sectors are working together to implement practical solutions.

### Challenge 2 – improving criminal and civil legislation and enforcement

In past Congresses, speakers and delegates have called on governments to further improve legislation dealing with the enforcement of IP rights, streamline procedures and implement already existing international obligations. There has also been broad acknowledgment that even if good laws are in place, they are often poorly enforced. In order to update national and regional IP protection regimes and to make the enforcement of intellectual property rights more efficient, decision-makers in the public and private sectors need to be made aware of the requirement to allocate additional human and financial resources.

At the Congress in Cancun, speakers and delegates from the judiciary, legal and enforcement communities, will focus on the role and readiness of the judiciary and explore models of criminal sanctions.

### Challenge 3: the health and safety risks counterfeit products pose to consumers

Past Congresses have widely recognized that counterfeiting and piracy harm society in many ways that are not immediately obvious. This is particularly true for counterfeit medicines and over-the-counter drug products and consumer goods that are not tested to the same safety standards as genuine products. These fake products can seriously injure or even kill consumers, and at a minimum, do not deliver the expected and promised benefits of the real products. In addition to health hazards presented by medicines, other consumer product categories, such as foods, beauty and health care products, agricultural products, fake auto and aircraft parts and electrical goods, present significant risk including the fact that consumers often act in good faith and are not aware of, and therefore not in a position to assess, the risk.

The Fifth Congress will bring together public and private sectors speakers dealing with the enormous challenges and risks presented by the dramatic rise in counterfeit medicines, especially in the developing markets such as Africa. Experts will present examples of what is working and what challenges are getting in the way of progress, not only with regard to medicines and drugs but a range of other counterfeited goods that present health and safety risks to consumers and society in general.

### Challenge 4: building anti-counterfeiting capacity and capabilities

Successive Congresses have recognized that a country's effectiveness in protecting IP rights is partially dependent upon its capacity to enforce them. Therefore, in addition to prescriptions for better legislation, stronger enforcement and penalties, speakers also suggested methods for improving knowledge, enhancing training and developing skill capacities.

In Cancun, a number of public and private sector speakers will showcase their capacity building successes but will also address the substantial challenges ahead.

### Challenge 5: raising awareness on the full economic and social costs of counterfeiting and piracy

Over the years, many Congress speakers and delegates have addressed the need to increase public and political awareness and understanding of counterfeiting and piracy activities and the associated economic and social harm. They also agreed that as a matter of priority, young consumers should be educated about the dangers and consequences of the counterfeiting and piracy trade. Greater steps in raising awareness can lead to informed consumers that better understand the harms associated with purchasing and consuming counterfeit and pirated goods; likewise, well-informed policymakers are in a better position to make appropriate decisions, implement policies and allocate resources.

The Fifth Congress will feature a number of speakers from the public and private sectors showcasing their programs, successes and obstacles. A portion of the session will be dedicated to measuring the full cost of the illegal trade.

### Special Challenge: free trade zones and transshipment countries

At the Fourth Global Congress in Dubai, the Congress recognized the legitimacy and benefits of Free Trade Zones and the use of

countries for transshipment purposes, but noted there is abuse by counterfeiters and organized criminal networks facilitating the movement of counterfeit and pirated goods into third countries. Speakers and delegates encouraged countries to develop and/or apply required legislation, appropriately enforce the legislation, develop risk assessment procedures and criminally punish traffickers of counterfeit and pirated goods.

Speakers at the Fifth Global Congress will present models of good practices, highlighting the difficulties faced by governments, enforcement agencies and the private sector.

### **Special challenge: collaborating on fighting counterfeiting and piracy on the internet – are we making progress?**

At the Fourth Global Congress in Dubai, participants overwhelmingly recognized the importance and urgency of finding concrete and practical solutions to this challenge. Congress speakers emphasized that the internet is not “the Wild West” and there is an urgent need to implement concrete practical solutions to eliminate or at least significantly disrupt counterfeiting and piracy transacted over the internet. This was considered a collective responsibility, requiring action from all including intermediaries and government authorities to enforce IP rights.

At the Fifth Congress, speakers and delegates will explore a number of issues including:

- What are, if any, are the key achievements in the last year in controlling counterfeiting and piracy over the internet?
- What are the major roadblocks faced in combating the problem?
- What more is needed to make a meaningful impact?
- What are some practical best practices and case studies on how the various stakeholders have worked together to address counterfeiting and piracy on the internet? What more is needed for effective practical collaboration and enforcement?

### **Confirmed government and business leaders speaking at the Fifth Global Congress**

#### **Global Congress Steering Group Leaders**

- Ronald K Noble – Secretary General, INTERPOL
- Francis Gurry – Director General, World Intellectual Property Organization (WIPO)
- Michael Schmitz - Director Compliance/Facilitation, World Customs Organization (WCO)
- Richard Heath – INTA President 2009 and VP Legal - Global Anti-Counterfeiting Counsel, Legal Group, Unilever PLC
- Mark Cobben – (ICC-BASCAP) Regional Director the Americas, British American Tobacco and Mr David Benjamin, Senior Vice President for Anti-Piracy, Universal Music

#### **Guest Speakers (In alphabetical order)**

- Kira Alvarez – Chief Negotiator and Deputy Assistant US Trade Representative for Intellectual Property Enforcement (USTR)
- Eduardo Rodriguez Apolinario – Technical Deputy Director Customs, Dominican Republic
- Andre’ Barcellos – Executive Secretary of the Brazilian National Council for Combating Piracy
- David Benjamin, Senior Vice President for Anti-Piracy, Universal Music
- David Bowers – Universal Postal Union, Security Expert
- Ronald Brohm – REACT
- Alejandro Bustos – Director General Legal Affairs, Televisa
- Jorge A Camero, President, National College of Judges and Magistrates, Mexico
- Mark Cobben – Regional Director the Americas, British American Tobacco
- Luc-Pierre Devigne, Head of Unit for Public Procurement and Intellectual Property, Directorate General for Trade, European Commission (EC)
- Victoria Espinel – Founder, Bridging the Innovation Divide
- Ramón González Figueroa – Director General of the Tequila

- Regulatory Council (CRT), Mexico
- David Finn – Associate General Counsel, Anti-Piracy & Anti-Counterfeiting Microsoft
- Peter Fowler – Senior Counsel for Enforcement Global Intellectual Property Academy, USPTO
- Jacques Franquet – Vice President Security, Sanofi-Aventis
- Emilio Garcia – Regional Anti-Piracy Coordinator for IFPI/ Latin America
- Gilda Gonzalez – IP Representative Mexico, Security and Prosperity Partnership (SPP) North America and Director IP Protection, IMPI
- Louise Van Greunen – Deputy Director of the Enforcement and Special Projects Division, World Intellectual Property Organization (WIPO)
- Rajiv Gulati – Director Global Anti-Counterfeiting Operations, Eli Lilly
- Justice LTC Harms – Deputy President Supreme Court of Appeal, South Africa
- Jeff Hardy – BASCAP Coordinator, International Chamber of Commerce (ICC)
- Pat Heneghan – Head of Global Anti-Illicit Trade, British American Tobacco
- Kirsten M Koepsel – Director, Intellectual Property & Industrial Security, Aerospace Industries Association
- Judge Ronald SW Lew – Senior US District Court Judge, United States District Court, Central District of California
- Roberto Manriquez – Operation Jupiter Coordinator South America, INTERPOL
- Miguel Margain – President, Asociacion Mexicana Para La Proteccion De La Propiedad Intelectual, AC (AMPPI)
- Johanna Martínez – Head of IPR, Panama Customs
- Counsellor Fabrizio Mazza – Chairman of the Intellectual Property Expert Group of the Italian Presidency of the G8
- Brian Monks – Vice President, Anti-Counterfeiting Operations, Underwriters Laboratories, Inc. and Co-Chair Certification Industry Anti-Counterfeiting (CIAC) Initiative
- Yousuf Ozair Mubarek, Senior Manager, Intellectual Property Rights Department, Dubai Customs
- John Newton – IPR Programme Manager, INTERPOL
- Lucy Nichols – Vice Chair, China Quality Brands Protection Committee (QBPC), Chair, Anti-Counterfeiting and Enforcement Committee, INTA and Global Director of IPR, Brand Protection, Nokia
- Damien O’Flaherty – Senior Economist, Frontier Economics
- Aline Plançon – INTERPOL-IMPACT Project Manager
- D’Arcy Quinn – Director Anti-Counterfeiting, CropLife International
- Piotr Stryszowski – Administrator, Structural Policy Division, Directorate for Science, Technology and Industry, OECD
- Jere Sullivan – Chairman, Global Public Affairs, Edelman
- Judge Jayin Sunthornsingkarn – Judge and Secretary of the Central IP and IT Court, Thailand
- TAM Yiu-keung – Assistant Commissioner, Hong Kong Customs
- John Tarpey – Director of the Communications and Public Outreach Division, World Intellectual Property Organization (WIPO)
- Edward Torpoco – Senior Litigation & Regulatory Counsel, eBay
- Phil Wright – Managing Director, Worldwide Brand Protection, Cisco
- Koji YONETANI – Director, Intellectual Property Affairs Division, Economic Affairs Bureau, Ministry of Foreign Affairs, JAPAN
- Steve Zidek – Vice President & Director of the Anti-Piracy Intelligence Center, MPAA
- Miroslaw Zielinski – Director Directorate C (Customs Policy) - Taxation and Customs Union Directorate General (TAXUD), European Commission
- Christophe Zimmermann – Coordinator Fight against Counterfeiting and Piracy, World Customs Organization (WCO)

### **Background on the Congress**

The Global Congress on Combating Counterfeiting and Piracy represents a unique, international public private sector partnership that is united in its efforts to identify solutions and facilitate their implementation against the growing menace of the illegal trade in counterfeiting and piracy.

In 2003, the need to address the rapidly growing global problem of counterfeiting and piracy had emerged as a key priority for national governments and intergovernmental organizations concerned about the myriad adverse costs to social welfare and economic development that were resulting from the rampant theft of intellectual property. Notably, trade in counterfeit goods was rising dramatically worldwide and had spread to almost every conceivable type of product. Billions of dollars in revenues were being lost to the black economy. Counterfeit drugs were putting lives at risk. And there was growing evidence that transnational organized crime networks were using profits from trade in counterfeit and pirated goods to fund their activities.

It was clear that better strategies – based on more effective cooperation between stakeholders at national and international level – were needed to combat the multiple threats posed by this damaging trade. To this end, the first Congress was convened by the World Customs Organization (WCO) and INTERPOL with the support of the World Intellectual Property Organisation (WIPO).

A Global Congress Steering Group was formed after the First Global Congress hosted by the World Customs Organization (WCO) at its headquarters in Brussels in May 2004. The Steering Group is chaired, on a rotating basis, by INTERPOL, the World Customs Organization and the World Intellectual Property Organization. The private sector is represented on the Steering Group by the International Chamber of Commerce (ICC) through its BASCAP initiative, the International Trademark Association (INTA) and the International Security Management Association (ISMA).

**GLOBAL CONGRESS**  
Combating Counterfeiting & Piracy

Co-hosted by

Instituto Mexicano de la Propiedad Industrial

5th Global Congress on Combating Counterfeiting and Piracy

5º Congreso Mundial sobre Lucha contra la Falsificación y la Piratería

5º Congrès mondial sur la lutte contre la contrefaçon et le piratage

المؤتمر العالمي الخامس بشأن مكافحة التقليد والقرصنة

Cancun, Mexico  
1-3 December 2009

[www.ccapcongress.net](http://www.ccapcongress.net)

INTERPOL, the WCO and WIPO are the key international inter-governmental organizations involved in the fight against counterfeiting and piracy, and their views and voice on the issue with their member states and world governments is critical to finding and implementing solutions. The ICC, INTA, and ISMA are global business organizations actively engaged in the fight against counterfeiting and piracy. All three embody the principle that business and governments must work together to achieve more effective protection of intellectual property.

The key focus areas of the Steering Group are as follows:

1. Raise awareness on the problems associated with counterfeiting and piracy
2. Promote better legislation and enforcement
3. Enhance cooperation and coordination
4. Build capacity
5. Promote solutions, particularly in the key focus area of health and safety risks related to counterfeit

products

To date, the Steering Group has convened four Global Congresses and four Regional Congresses that have brought together global political and business leaders and experts from law enforcement, the judiciary, academia and the private sector to share strategies, program concepts and identify priorities for action. An “outcomes statement”, capturing the recommendations and suggestions, has been produced following each of the eight Congresses. ■