

OUTCOMES STATEMENT

(Final)

THE FIRST GLOBAL CONGRESS ON COMBATING COUNTERFEITING

RECOMMENDS:

I (Awareness Raising)

- Undertaking a study on the "full costs" of counterfeiting from the economic, health and safety, crime and consumer perspectives by an independent group of experts, for example the OECD;
- Undertaking, by the global authorities, an annual "Counterfeit Threat Assessment Report" as a means of identifying trends and progress in the fight against counterfeiting. For example Interpol Global Intellectual Property Crime Strategic Threat Assessments;
- Developing and recommending programs to inform the public about the full costs and consequences of counterfeiting;
- Encouraging the participants in the Congress to urge governments, organizations and institutions to be aware of and, where appropriate, to implement the conclusions and recommendations of the Congress.

II (Cooperation & Coordination)

- Establishing an ongoing public/private sector partnership at the global level consisting of the global institutions that have responsibility for dealing with counterfeits and representatives of the private sector;
- Establishing regional public/private sector initiatives on counterfeiting such as those being proposed by APEC for Asia/Pacific and the TransAtlantic Business Dialogue for the EU/US;
- Conducting a private sector summit meeting of the many trademark owner groups and organizations working on the counterfeiting issue. The aim of this summit is to develop plans for better coordination and collaboration among these groups, to more clearly define roles and responsibilities and to identify efficiencies;
- That the parties jointly organize The Second Global Congress on Combating Counterfeiting in 2005 to report on progress and further the aims and objectives of the First Congress.

III

(Legislation)

- Incorporating anti-counterfeit measures in planned or existing initiatives on crime, terrorism, security, health and safety, corruption and economic growth;
- Assisting countries in upgrading their capacities against counterfeiting and to promote the wealth benefits of protecting intellectual property;
- Finalizing the World Customs Organization's "model legislation" on border measures for the protection of intellectual property rights;
- Establishing good practices for improving administrative and criminal enforcement measures, and implementing appropriate penalties. Example would be Free Trade Zones and Transshipment Countries.

IV

(Enforcement)

- Fully implementing the Interpol Intellectual Property Crime Model initiative against counterfeiting and actively support that effort;
- Encouraging the World Intellectual Property Organization in its efforts to promote and assist countries in raising knowledge and awareness of judges and prosecutors that deal with intellectual property matters and, where appropriate, establishing specialized IPR courts;
- Ensuring the World Customs Organization further develops the appropriate standards, strategies and tools to combat counterfeiting as identified by its IPR Strategic Group and under its Supply Chain Security Initiative;
- Encouraging governments at all levels to place a higher priority against counterfeiting and allocate more resources in the fight against the illicit trade;
- Identifying opportunities and mechanisms for agencies and the private sector to share data they have on the counterfeit trade;
- Identifying opportunities and mechanisms for agencies and the private sector to share and upgrade anti-counterfeit training programs for law enforcement;

V

AND, AS A NEXT STEP,

- Immediately establish a Steering Committee, with representation from the key public and private stakeholders, to pursue the recommendations and ideas emanating from the Congress and report formally at a special meeting in Rome, Italy by November 30, 2004;

THE CONGRESS HAS BASED ITS RECOMMENDATIONS UPON THE FOLLOWING:

AWARE THAT:

1. Intellectual property is widely recognized as a powerful tool for wealth creation in, and economic development of, all countries;
2. Product and trademark counterfeiting is a large and growing threat to intellectual property, economic development, the health and safety of consumers and security in many countries and globally,

TAKING INTO CONSIDERATION:

1. Counterfeiting causes significant harm to national interests as well as business through the loss of tax revenues, diversion of government resources, costs of enforcement and prosecution and negative impacts on economic development and foreign investment;
2. The global trade in counterfeit goods is estimated at over EUR 500 billion annually and is escalating rapidly;
3. The counterfeit trade is a global problem with global sources of supply;
4. Virtually any product can be, and is being, counterfeited. Examples include pharmaceuticals, auto parts and a wide variety of consumer and industrial goods;
5. Many of these counterfeit products are made with unsafe, untested or substandard ingredients or components that endanger the health and safety of consumers;
6. The manufacturing, distribution and retailing of counterfeit products is increasingly dominated by large criminal organizations;
7. There is emerging evidence that some terrorist organizations use counterfeits to finance their activities;
8. The trade in counterfeit products is highly corruptive in both the public and private sectors;
9. The sale of counterfeit goods does considerable financial and reputation damage to manufacturers, traders and trademark owners and undermines consumer confidence in the legitimate products and marks;

NOTING THE FOLLOWING FACTORS:

1. There is increasing awareness and concern about the full economic and social costs of counterfeiting among the global, regional and national government bodies, industry groups and non-governmental organizations (NGOs);
2. The World Trade Organization, under the TRIPS Agreement, provides minimum standards for the protection and enforcement of intellectual property rights, including border measures;
3. Interpol has identified counterfeiting as a serious organized crime issue and is developing an initiative focussed on fighting intellectual property crime.
4. The World Customs Organization is developing a Supply Chain Security Initiative and has identified counterfeit products as high risk goods.
5. The World Customs Organization, with the assistance of the World Intellectual Property Organization, is developing “model legislation” on border measures for enforcement of intellectual property rights to assist countries in complying with international obligations;
6. There is increasing awareness of the dangers of counterfeit pharmaceuticals and other drug products, not only by the pharmaceutical industry but also by the World Health Organization and some national governments. They are initiating programs to safeguard the drug supply chain and make consumers aware of the risks of counterfeit products;
7. Some developing countries do not have sufficient financial, technical or knowledge capabilities to effectively introduce and enforce anti-counterfeit measures and are being encouraged to seek assistance and support;
8. Some countries tolerate or ignore counterfeiting due to the misconception that this illicit trade provides employment and revenue to their most disadvantaged people without causing significant economic and social problems;
9. There is a common interest in, and strong need for, better cooperation and coordination among the various authorities and industry groups at the national, regional and global levels that are trying to deal with the rapidly escalating counterfeit trade. For example, technical assistance and training that is currently being provided by many government agencies and the private sector would benefit through improved cooperation and coordination;
10. The private sector has established a number of organizations to increase awareness of the impacts and dangers of counterfeit products and on strengthening anti-counterfeit legislation and enforcement;
11. Cooperation between the public and private sectors is essential to combat counterfeiting effectively

HAS THEREFORE CONCLUDED:

1. Greater awareness on the full economic and social consequences of counterfeiting among all stakeholders is needed to elevate the issue higher on the political agenda and generate positive action to reduce counterfeiting.
2. Substantially increased cooperation, communication and commitment among the global, regional and national agencies, in partnership with the private sector, are essential in dealing effectively with the counterfeit problem.
3. Steps need to be taken by national, regional and global government bodies to ensure effective introduction and implementation of legislation, with enforcement provisions and penalties that will deter counterfeiting and make it more difficult for organized crime and terrorist groups to benefit financially.
4. More enforcement resources, better trained and more knowledgeable about the issue, need to be devoted to combat counterfeiting.

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