

Global Congress on Counterfeiting and Piracy
Bridging Boundaries for Shared Solutions
Cancun, Mexico – December 1-3, 2009

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2009 INTA President

- Director General Jorge Amigo
- Secretary General Noble of INTERPOL
- Director General Gurry of WIPO
- Director Schmitz of WCO
- And distinguished colleagues and guests

It is a pleasure and an honour for me to once again be addressing the Global Congress on Counterfeiting and Piracy, now in our 5th year. This forum continues to be critical for government, industry leaders and organizations like INTA to find leading policy and best practice solutions on effective measures against counterfeiting.

This year we have experienced a number of events that have or will have an impact on the anti-counterfeiting landscape:

- Just across the border to the North, a new administration has completed its first year in the United States and a new US IP Enforcement Coordinator was recently confirmed and has joined us here today,
- Newly appointed government officials in China are now in their second year of office,
- The Anti-Counterfeiting Trade Agreement (ACTA) is being negotiated by 35 countries and is expected to conclude in 2010
- And earlier this year, the new and unique EU Observatory for Counterfeiting and Piracy was launched by the European Commission.

This is by no means an exhaustive list as there are many initiatives at the regional and local level that impact the fight against counterfeiting and piracy.

However, we have also experienced, and indeed are still experiencing an economic crisis the likes of which have not been seen in our lifetime and to which none of us are immune. This has forced governments and businesses to take a closer look at their available resources and in the midst of all this, counterfeiters are constantly evolving their creative practices and the way they conduct their illicit trade to exploit the adverse economic conditions we find ourselves in.

The theme for this Global Congress is “Bridging Boundaries for Shared Solutions” and I am pleased to see more than 800 of us representing more than 80 countries are here today. Now more than ever, we need to collectively step up the fight against counterfeiting, especially at a time when counterfeiting networks and activities are transcending borders, utilizing the Internet to sell their illicit goods, and taking advantage of loopholes across jurisdictions to conduct their illegal activities. We need to continue to strengthen and harmonize anti-counterfeiting laws and

regulations, build capacity through the provision of additional judges, police and customs officials, build bridges between industry and government, encourage cooperative partnerships amongst industry associations and last but by no means least we must deal with demand by educating consumers on the harms of counterfeiting.

I would like to take this opportunity to highlight a couple of issues that have been an important focus for INTA this year and that build on some of the discussions from the last Global Congress:

The first issue is the **sale of counterfeit goods on the Internet**. This has become a convenient and easy channel through which counterfeiters can reach out to consumers all over the world thereby increasing the threats to economies and public health and safety and further facilitating organized criminal activity. While the link between the increased sales of counterfeits on the Internet and the harms caused to businesses and the public is clear, the solution to the issue is complex and challenging.

INTA believes that industry stakeholders need to collaborate more closely with each other and with the enforcement authorities around the world to find creative and practical ways to tackle this problem. In this regard, INTA created two task forces last year to examine and develop recommendations on practical ways for trademark owners, online marketplaces, search websites and payment service providers to address the sale of counterfeits over the Internet. The result was a set of best practices for trademark owners and online service providers to follow. This includes the provision of contact information for notifying online service providers about websites selling counterfeits – an important course of action for trademark owners attempting to have such websites taken down or to disrupt the sale of counterfeit products. During this Congress, there will be a panel on counterfeiting and piracy on the Internet that should generate lively discussions and we hope practical and effective recommendations on how to creatively address this issue. I look forward to that discussion.

The second issue I would like to highlight is the **Anti-Counterfeiting Trade Agreement, also known as “ACTA,”** the negotiations for which were just getting underway when we held the 4th Global Congress in Dubai last year. Delegates will also recall that the very idea of a new treaty to address the problem was originally discussed and proposed at the 2nd Global Congress back in Lyon in 2005 so it’s great to see one of the Congress’ policy proposals now taking shape. At a time when counterfeiting networks and activities transcend borders, INTA believes that ACTA is a critical agreement that needs to be focused and set a higher gold standard of enforcement against counterfeiting and piracy. Since the start of the negotiations, INTA has partnered with another of the Global Congress founding fathers - the International Chamber of Commerce’s Business Action to Stop Counterfeiting and Piracy (or BASCAP) to lead a Business Response Group (BRG) of more than 20 associations. The BRG’s goal is to provide recommendations and expertise to the ACTA negotiators on issues such as criminal and civil enforcement and border measures, among others. We are grateful for the negotiators’ consideration and we continue to stand ready to provide additional input. We also

note that the next round of negotiations will be taking place in Mexico in January 2010 and congratulate the Mexican government for taking on this important issue.

On behalf of INTA, I would like to express my thanks to Director General Amigo and to Secretary General Noble for hosting and for leading the 5th Global Congress. I very much look forward to the discussions and ideas shared and to meeting many of you in the next three days.

Thank you.