

The Second Global Congress on Combating Counterfeiting and Piracy

Lyon, France

14 & 15 November 2005

The Lyon Declaration (15 November 2005)

PREAMBLE

The Second Global Congress on Combating Counterfeiting and Piracy, co-convened by Interpol and the World Customs Organization (WCO), was held in Lyon, France on 14 and 15 November 2005. The Congress was held with the support and cooperation of the World Intellectual Property Organization (WIPO) and a number of international business organizations – the Global Business Leaders Alliance Against Counterfeiting (GBLAAC), the International Trademarks Association (INTA), the International Chamber of Commerce (ICC), and the International Security Management Association (ISMA).

These organizations are members of the “Global Congress Steering Group” formed as an outcome of the First Global Congress, held in Brussels in 2004. The purpose of the Steering Group is to build the public-private partnership created in 2004 and to identify new strategies for solving the global counterfeiting and piracy problem. Since the 2004 Congress, the Steering Group helped organize successful regional Congresses in Rome, Shanghai and Brazil and worked closely with WIPO to organize an important Asia IP Symposium in Kuala Lumpur.

The Second Global Congress is the latest initiative to further develop ideas for implementing the recommendations from the previous Congresses, share information and develop new action steps.

TAKING NOTE OF:

1. The growing political commitment on the counterfeiting and piracy issue as evidenced by the following:
 - G8 Statement emanating from the Gleneagles, Scotland meeting;
 - Recent government initiatives including those presented at the Second Global Congress by Brazil, China, the European Union, Japan, Malaysia, Nigeria, Russia and the United States;
 - Government of Japan proposal for a new international treaty on counterfeiting and piracy;
 - Organization for Economic Cooperation and Development (OECD) study;
 - Outcomes of the First and Second Global Congresses and the three Regional Congresses on Combating Counterfeiting and Piracy.

2. These initiatives and actions have confirmed the need for firm and effective action in four key focus areas for dealing with the counterfeiting and piracy issue, namely:
 - Raising awareness
 - Improving cooperation and coordination
 - Building capacity
 - Promoting better legislation and enforcement
3. International government organizations – including but not limited to Interpol, the World Customs Organization and the World Intellectual Property Organization – are increasing their resource allocation and operational capabilities against the problem
4. The private sector has committed increased attention and resources to fight the problem and has elevated counterfeiting and piracy as a higher priority with the launch of a number of new global initiatives in 2005.

CONCLUDES:

The Second Global Congress on Combating Counterfeiting and Piracy has emerged as an important and valuable opportunity for national, regional and global leaders from the public and private sectors to raise awareness, enhance cooperation and identify strategies to deal more effectively with the global problem of counterfeiting and piracy. In so doing, delegates built upon the momentum and recommendations emanating from the First Global Congress and the subsequent Regional Congresses in Rome, Shanghai and Brazil.

Participants agreed that attacking the global trade in counterfeit and pirated goods should be elevated as a top priority. The transnational nature of the problem requires that it be tackled on a global basis, with the development and implementation of international standards and programs.

They further agreed that the promotion and protection of Intellectual Property is a key element of economic development and agreed to enhance efforts to: raise awareness and political will; improve cooperation and coordination among and between the public and private sectors; build national, regional and global capacity; and, promote more effective legislation and enforcement.

AND RECOMMENDS:

Consolidating and prioritizing the recommendations emanating from the two Global Congresses and three Regional Forums. The purpose is to develop a practical set of critical elements of effective government and industry anti-counterfeiting/piracy strategies, including the following:

Raising Awareness

- Developing a coordinated global program to build public awareness of the impacts of counterfeiting and piracy among policy-makers, opinion leaders and consumers, including but not limited to education on the risks and costs of counterfeiting and piracy.
- Interpol continuing its efforts to raise the priority of IP Crime in member countries, highlighting the link with transnational organized crime. The purpose is to encourage policy makers in law enforcement agencies to invest more resources in combating counterfeiting and piracy.
- Supporting the OECD in completing a global study on the full impacts of counterfeiting and communicating the results of that study as part of an effort to better inform policy-makers on the full social and economic costs of counterfeiting and piracy.

Improving Cooperation and Coordination

- Identifying issues that deserve greater attention within national IP protection programs; highlighting areas where a country might best allocate funding and/or political attention; and showcasing where increased resources have been effective in making progress at the national level.
- Staging Regional Congresses in 2006 in key geographical areas to be determined by the Congress Steering Group and national/regional partner authorities.
- Encouraging the WCO to review and enhance current legal mechanisms for sharing information between Customs Administrations on an international, regional and bilateral basis.
- Continuing to develop Interpol's Operation Jupiter and systematically deploying it on a regional basis to facilitate and coordinate enforcement action against transnational organized criminals involved in IP crime.
- Establishing a cross-industry clearinghouse for companies, large and small, to share their corporate strategies against counterfeiting and piracy, such as best practices, both throughout industry sectors and with governments.

Building Capacity

- Assisting countries in formulating effective enforcement strategies;
- Intensifying coordination and cooperation among International Government Organizations (IGOs) and Non-Government Organizations (NGOs) to further improve practical training programs on IP protection and enforcement for law enforcement officials
- Facilitating access of judges and lawyers involved in IP cases to precedents contained in case law databases and casebooks;
- Fostering the exchange of information among the judiciary and law enforcement officials in electronic form.

Promoting Better Legislation and Enforcement

- Considering further the Government of Japan's proposal for a new international treaty;
- Encouraging national governments to empower competent authorities with the ability to examine export merchandise, and to fully exercise that authority in taking appropriate action against counterfeit and pirated shipments,
- Developing the WCO Framework of Standards for global protection of intellectual property rights that can be offered to governments on a voluntary basis to fully empower their Customs Administrations in the fight against counterfeiting and piracy;
- Supporting WIPO in implementing its IP Enforcement Agenda which includes the following objectives:
 - Rendering assistance, upon request, at the national and regional levels in formulating effective enforcement provisions;
 - Convincing governments of the advantages of dedicating more specialized judges and prosecutors to intellectual property (IP) matters.

The Third Global Congress on Combating Counterfeiting and Piracy

- Conducting the Third Global Congress in Geneva, Switzerland in January 2007, to be hosted by the World Intellectual Property Organization.