

THE EASTERN EUROPE AND CENTRAL ASIA REGIONAL CONGRESS ON COMBATING COUNTERFEITING AND PIRACY

“Making a difference through more effective cooperation”

**Bucharest, Romania
11-12 July 2006**

The Bucharest Declaration *12 July 2006*

The Eastern Europe and Central Asia Regional Congress on Combating Counterfeiting and Piracy, hosted and sponsored by the Government of Romania, was held in Bucharest, Romania on 11 and 12 July 2006. Forty-six countries were represented at this Regional Congress.

The Congress was held in cooperation with the Steering Group of the Global Congress on Combating Counterfeiting and Piracy. The Steering Group is led by three international government organizations – the World Intellectual Property Organization (WIPO), Interpol and the World Customs Organization (WCO) – with the following private sector organizations as partners – 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).

The “Global Congress Steering Group” was 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 organized the Second Global Congress in Lyon and successful regional Congresses in Rome, Shanghai and Rio de Janeiro and now Bucharest. It also worked closely with WIPO to organize an important Asia IP Symposium in Kuala Lumpur.

The Eastern Europe and Central Asia Regional Congress was 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:

Romania

- The hosting of the Regional Congress and the high level representation of governments and the private sector in Eastern Europe and Central Asia,
- The high priority of Intellectual Property Rights on the President's and Prime Minister's agendas demonstrated by their attendance and keynote speeches at the Congress;
- The establishment of a National IP Strategy, with the assistance of WIPO, and the undertaking of a comprehensive Action Plan that is being managed by a high-level integrated government task force. The purpose of the Strategy and Action Plan is to ensure Romanian intellectual property initiatives, administrative infrastructure and enforcement capacity are compatible and in harmony with the mechanisms of the European Union; and,
- The formation of a formal public/private sector "Working Group" to identify IP concerns, trends and ideas for action, which will be shared with the government's High Level and Operational IP Groups;
- The improved effectiveness of government agencies as demonstrated by:
 - The increased number of seizures of counterfeit and pirated goods; and,
 - The enhanced efficiency in investigating, prosecuting and judging IP cases.
- The intensive training provided to judges and specialized police, customs, prosecutors Task Forces in the framework of the existing Memorandum of Understanding between WIPO and the Government as well as through effective cooperation with international organizations and the European Commission;

Regionally

- Increasing regional recognition of the counterfeiting and piracy problem as a public policy priority across the region leading to new national IP strategies and actions plans,
- The completion of two comprehensive reports on Intellectual Property Rights both in Romania and Bulgaria by independent experts from European countries, which stated that Romania has developed a stable and competitive market and a favourable climate for the investors, having now an aggressive policy towards IP crime, and commended Bulgaria for its improved institutional cooperation, transparent actions plans and the formation of a Council for IP protection.
- The completion of extensive consultative exercises and training programs in Romania, Bulgaria, Turkey and other countries in cooperation with the UN/ECE Advisory Group for the Protection and Implementation of Intellectual Property Rights for Investment, a public-private sector partnership. The Advisory Group is conducting a training program in Bucharest immediately following the Global Congress. Participants include a broad mix of Romanian and Bulgarian police, prosecutors and customs officials.
- The establishment of a "Subgroup on Intellectual Property Theft" within the Southeast European Cooperative Initiative (SECI), which houses police and

customs representatives from its 12 Member States in the Southeast European Region. The mandate of the subgroup is to:

- Assist law enforcement in the region in improving their capacity against IP theft;
- Implement effective counteractive measures; and,
- Enhance and further improve trans-border cooperation against intellectual property crimes in the Southeast European (SEE) Region.

Internationally

- The declaration by the G8 that counterfeiting and piracy is a priority issue and the fact that this will be a key agenda item at the G8 meeting in St. Petersburg, Russia;
 - The establishment of a joint EU – US anti-counterfeiting and piracy strategy and working group following the EU – US Summit Declarations in 2005 and 2006;
 - The ongoing initiative of the Organization for Economic Cooperation and Development (OECD) to complete its comprehensive global study on counterfeiting and piracy, which it is expected to release in early 2007;
 - The Government of Japan proposal for an international legal framework on counterfeiting and piracy; and,
 - The 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; and,
 - Promoting better legislation and enforcement.
 3. International Intergovernmental organizations – including Interpol, the World Customs Organization and the World Intellectual Property Organization – are increasing their resource allocation and operational capabilities to combat counterfeiting and piracy.
 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.

CONCLUDES:

The Eastern Europe and Central Asia Regional Congress on Combating Counterfeiting and Piracy, hosted and sponsored by the Government of Romania, provided an important venue for national, regional and global leaders from the public and private sectors to enhance cooperation and identify areas for improving synergy and action. In doing so, they built upon the recommendations arising from the First (2004) and Second (2005)

Global Congresses on Combating Counterfeiting and the Regional Congresses in Rome (2004), Shanghai (2004) and Rio de Janeiro (2005).

Participants agreed that the counterfeiting and piracy problem is dramatically growing in size and scope and poses significant threats to global trade, national economic growth, consumer health and safety and is a leading cause in the growth of organized crime and corruption. Delegates concurred that attacking the trade in counterfeit and pirated goods at the national, regional and global levels should be elevated as a top priority. The transnational nature of the problem requires that it be tackled at all levels, with the development and implementation of integrated national, regional and international standards and programs.

They further agreed that the promotion and protection of Intellectual Property Rights is a key element of economic stability. Effectively protecting the IP Rights of owners, innovators and artists is critical for sustainable economic growth.

RECOMMENDS:

As an over-arching goal, include the following recommendations from the Eastern Europe and Central Asia Regional Congress on Combating Counterfeiting and Piracy. These recommendations will be added to the consolidated list of recommendations emanating from the previous Global and Regional Congresses.

Regionally

- Developing a common code of conduct for government agencies in the region involved in combating counterfeiting and piracy;
- Encouraging the further development and competencies of the SECI Centre's IP Theft Subgroup and its cooperation and coordination with its member countries and international government organizations;
- Encouraging public/private sector cooperation in Eastern Europe and Central Asia countries to educate consumers on the health and safety risks, economic losses and social implications from counterfeit and pirated goods;
- Encouraging Interpol to consider staging an "Operation Jupiter" program in the region, which would require the direct involvement of the law enforcement authorities of several nations and the private sector, and would be the first project of its kind in Europe and Central Asia;
- Urging law enforcement and the private sector in the countries of Eastern Europe and Central Asia to develop closer working relationships through increased cooperation and better sharing of information with the major international law enforcement, customs and regulatory bodies, such as Interpol, WCO and WIPO;
- Encouraging the regional WCO Regional Intelligence Liaison Officers (RILOS) to increase the collection of relevant data in order to provide Member Countries with appropriate intelligence, trends and analysis and to promote the exchange of information;

- Assessing current training needs of the Courts of the countries in the region, with the assistance of WIPO, and developing programs, including seminars on IP law, to become part of the training of judges and continuing education for the judiciary;
- Assessing, with the support of WIPO, whether and how Trade Mark and Patent Office officials and Copyright Office officials in the region could achieve a more prominent role in the enforcement of IP Rights and, if indicated, to provide information and training to build their competencies;
- Encouraging the enactment of *ex officio* legislation in countries in the region, where it does not already exist, to allow customs officers to inspect cargo suspected of being counterfeit;
- Urging the enactment of specific language in the civil and criminal codes that deals with the remedies against and punishment of counterfeiting and piracy activities;
- Requiring mandatory destruction or recycling of seized counterfeit and pirated goods as a means of ensuring that they do not re-enter the commercial system; and,
- Encouraging Congress delegates to urge governments, organizations and institutions to be aware of and, where appropriate, to implement the conclusions and recommendations of the Eastern Europe and Central Asia Regional Congress on Combating Counterfeiting and Piracy.

Internationally

- Encouraging national governments to empower competent authorities with the ability to examine import, export and transit merchandise, and to fully exercise that authority in taking appropriate action against counterfeit and pirated shipments;
- 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;
- Supporting WIPO in implementing recommendations of its Advisory Committee on Enforcement, specifically in the areas of:
 - Strengthening awareness of consumers and decision makers of the need to respect IP Rights;
 - Improving and, where appropriate, encouraging the streamlining of policies in the combat of counterfeiting and piracy; and,
 - Enhancing cooperation and coordination at the international, regional and national levels.
- Encouraging the private sector to share intelligence and information with Interpol in order to build its planned police common data base of information on IP crime;
- Encouraging police forces around the world to regularly and systematically report to Interpol intelligence on, and incidents of, IP crime;
- Encouraging Interpol to continue 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;

- Developing the WCO Framework of Standards for global protection of IP Rights that can be offered to governments on a voluntary basis to fully empower their Customs Administrations in the fight against counterfeiting and piracy;
- Encouraging the WCO to review and enhance current legal mechanisms for sharing information between Customs Administrations on an international, regional and bilateral basis; and,
- Encouraging the WCO to further promote reporting into, and use of its Customs Enforcement Network (CEN) and CEN COMM.

The Third Global Congress on Combating Counterfeiting and Piracy

- Conducting the Third Global Congress in Geneva, Switzerland on January 30 and 31, 2007 and hosted by the World Intellectual Property Organization (WIPO).