

Speech by Michel Danet, Secretary General, World Customs Organization,
on the occasion of the 2nd Global Congress on Combating Counterfeiting and Piracy,
Lyon, France 14 November 2005.

It is a great honour for me to greet you here in Lyon, together with Ron Noble, Secretary General of Interpol, and to add my words of welcome to this Second Global Congress. We are meeting together for the second time : leaders from international bodies, government, administrations, academia and representatives from the private sector. I am particularly grateful to the Minister of State and of the Interior for having found the time to join us today and to Mr. Stephen Cole for acting as our Chairman. Yet we all know this is no time for complacency. We have waited much too long for this level of cohesion between the public and private sectors to emerge. The criminals have not been so reticent to organize themselves. They have created a systemized means of copying, producing, marketing, transporting and distributing counterfeits that amounts to a second industrial revolution. Just how big the problem is we don't really know. If it is 5% it amounts to 1 in 20 containers, if it is 7% or more, every 14th container is full of infringing goods of every conceivable type.

During my visits to West Africa and the Caucasus, the Prime Ministers of Senegal and Azerbaijan pleaded with me to do more to help them fight the scourge of counterfeit medicaments, which is attacking their societies. The criminals exploiting the counterfeits would of course prefer that we remain divided; public against private sector; developed country against developing country and industry sector against industry sector. They want to cause confusion and disillusionment with the international systems of governance. We cannot let that happen, we need to keep together and help each other to combat this global problem.

Last year we made a good start in identifying the barriers and identifying in broad terms some of the solutions. It is absolutely correct to continue on that path to its natural conclusion and formulate the government strategies that will help our cause. Recently leaders from the G8 industrialized nations announced their intention to intensify actions against counterfeiting. This linked with similar initiatives by regional organizations, such as the EU Action Plan and APEC, is helping to build momentum.

With all of this in mind :

Are we doing enough? We seem to have been tackling IPR for twenty years at least and the problem is getting worse!

Are our technical solutions well thought out?

Do we have the support of all governments and has IPR become a high enough priority? I think the answer is no – not yet. Too many governments have been too passive and waited too long to take action.

The Agreement on Trade-related aspects of Intellectual Property Rights (TRIPS) was carefully and painfully negotiated in the WTO, but out of necessity it provided long lead-in times for developing countries to implement the measures. The result has been that implementation is patchy at best and because of the flexibility in TRIPS many countries are applying their controls in different ways, which makes international co-operation that much harder. I expect this Congress to break that mould and challenge the international status quo.

Did we provide the right level of Capacity Building to help governments understand, analyze their situation, design and deliver the programmes of change that were required? We tried, but the aid has not been co-ordinated, rather often organizations have duplicated their efforts and have applied quick-fix measures, when in fact a more sustained approach is required.

For my part, over the next year I am determined to follow-up our successful work on security of the supply chain, for which 117 countries have committed themselves to the process of implementing a "Framework of Standards". The border management and control of counterfeits and pirated products deserves similar treatment. I strongly believe that Customs administrations should be striving for the highest standards. We have worked through the WCO IPR Strategic Group to envisage all the legal, procedural and risk management solutions. But, these need to be combined as a comprehensive package or framework and explained to governments; such a framework would become the heart of the border protection strategy and each country would be working in a similar way, making bilateral and regional co-operation more practical and effective.

At the start of this process, I am pleased to see many governments starting to review their own situation, for example South Africa and Canada have recently been going through reviews of their legislative and procedural processes. But I want to do more so that all WCO Members can aspire towards the good practice that can be realized through a framework of standards in the knowledge that they can be assisted by international organizations to build their capacities to a level where they can be effective.

There is a great deal to do. We now need a consistent level of political support that will allow us to make counterfeiting and piracy a top priority in terms of protecting our societies, and through standardization of good practice we can deliver national and regional strategies that are truly effective, based on the responsibility and solidarity of members of a single international community.

Thank you all for participating and I give you my very best wishes for a successful Congress and outcome.