

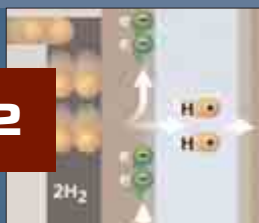


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GLOBAL CONGRESS ON COMBATING COUNTERFEITING AND PIRACY — The First Three Years

As delegates gather in January for the Third Global Congress on Combating Counterfeiting and Piracy, hosted by WIPO in Geneva, this article looks at how the process began, at the progress to date and the shared challenges ahead.

It was at the World Customs Organization's headquarters, Brussels, in May 2004 that 400 high-level participants gathered for the First Global Congress to Combat Counterfeiting. The need for such a congress had become pressing. Trade in counterfeit goods was rising dramatically worldwide and had spread to almost every conceivable type of product. Billions of dollars in revenues were being lost to the black economy. Counterfeit drugs were putting lives at risk. And there was growing evidence that transnational organized crime networks were using profits from trade in counterfeit and pirated goods to fund their activities.

It was clear that better strategies – based on more effective cooperation between stakeholders at national and international level – were needed to combat the multiple threats posed by this damaging trade. To this end, the first Congress was convened by the World Customs Organization (WCO) and Interpol with the support of WIPO. The three intergovernmental organizations, each with a wealth of experience in different aspects of combating counterfeiting and piracy, called together representatives from governments, industry and enforcement agencies. Together they determined to pool their forces with the objectives of pushing the fight against counterfeiting and piracy up the global political and business agenda; of establishing a high level public-private partnership to pursue collective action; and of generating conditions which would lead to greater investment of human and financial resources in enforcement measures. Their resolve laid the foundations for a global process, now approaching its fourth year.

A Steering Group was established with key partner 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) – in order to build the global public-private partnership and to ensure that rec-

ommendations were carried through. Momentum grew during a series of focused forums at regional level in Rome (October 2004), Shanghai (November 2004) and Brazil (June 2005), which helped to mobilize government involvement in those regions. These meetings led up to the Second Global Congress, hosted by Interpol in Lyon in November 2005.

The Second Congress: focus areas

More than 500 participants from 66 countries attended the Second Congress. In the interim, the figures for international trade in counterfeit and pirated products had continued to rise alarmingly. But the Congress also highlighted a number of positive developments. The success of Interpol's Operation Jupiter in Latin America, for example, had provided a model for transnational enforcement operations. A growing political commitment was evidenced by the G8 statement on counterfeiting and piracy at the July 2005 Gleneagles meeting; and by the support for the work of the Organization for Economic Cooperation and Development (OECD) to produce a comprehensive global study on counterfeiting and piracy. Public awareness of the implications of buying fake or pirated goods was growing in many countries where governments and business organizations were running high profile campaigns. And a report released in 2005 by the music industry group IFPI showed sales of digital music from legal sites to be surging, while illegal downloading figures remained flat.

The Congress was under no illusion, however, as to how much more must be done if the tide of counterfeiting and piracy activities was to be turned. The Second Congress focused on the four key areas identified in the preceding meetings. Within each Focus Area, participants identified specific policy initiatives and priority actions. These included the following:

- **Cooperation.** Cooperation, communication and commitment must be increased among international, regional and national agencies, in part-

nership with the private sector. Positive national examples demonstrating where increased resources have been effective should be showcased. The WCO's review of legal mechanisms for sharing information between Customs Administrations should be exploited. A cross-industry clearinghouse for companies to share successful strategies and best practices should be established.

- **Awareness.** A coordinated global program should be developed to build greater awareness among policy-makers, opinion leaders and consumers of the full economic and social consequences of counterfeiting and piracy. Objectives should include encouraging business and enforcement agencies to publicize seizures; publicizing links with transnational organized crime; and encouraging the investment of increased resources in combating counterfeiting.
- **Capacity building.** Governments should be assisted – through activities such as WIPO's tailored workshops – in formulating effective enforcement strategies and in training more specialized judges and prosecutors. Case law databases and reference works should be produced to facilitate access to precedents for judges and lawyers involved in intellectual property (IP) infringement cases, and exchange of information among the judiciary and law enforcement officials should be fostered. Cooperation should be intensified to extend the reach and efficiency of IP enforcement training programs. A study group should assess the growing problem of sales of counterfeit and pirated products over the Internet.
- **Legislation and law enforcement.** National government bodies should ensure that effective enforcement provisions and penalties – such as action against counterfeit shipments, serious jail terms and seizure of counterfeiters' assets and profits – are introduced and carried through in order to deter counterfeiting and piracy.

Work on these and other recommendations continued at the Eastern Europe and Central Asia Regional Congress in Bucharest in July 2006, paving the way for the Third Congress.

The Third Congress: moving forward

The Third Congress, meeting in Geneva on January 30 to 31, 2007, will examine progress and problems in each of the Focus Areas. Participants will be able to draw encouragement from advances on a number of fronts. The combined weight of three major inter-governmental organizations, together with the involvement of top government and industry partners in the Congress process, is attracting media attention and helping to generate significant political will to deal with the problems. The Steering Group is providing a coordination mechanism for systematic cooperation between private and public sector stakeholders. Greater understanding of the depth and complexity of international counterfeiting and piracy has led intergovernmental organizations and the international business community to devote additional resources in many countries to capacity building, awareness raising and technical assistance.

The Geneva meeting will include keynote addresses from ministers, judges and business leaders, as well as presentations from experts across the field. Roundtable discussions will be structured so as to generate frank and constructive debate. Participants will seek to make hard-nosed assessments of which strategies are working well and which are not, so as to enable the Congress to focus its efforts on those shared challenges where it can best make impact. The outcome of their deliberations will help to shape a set of practical strategies for governments and industry in meeting their common goals of reducing counterfeiting and piracy.

