

The Roles of the Respective Enforcement Agencies

WIPO National Workshop on the Enforcement of Intellectual Property Rights – Phnom Penh, Cambodia – 12/13 September 2011



Critical components of an effective IPR enforcement response

- In general, Customs administrations are responsible for border surveillance and national or local police agencies for those cases involving market control, manufacturing and suppressing the involvement of organized crime.
- Need to recognize that national models differ due to different structural mandates and legal frameworks – for example, contribution of CamControl.
- It is no different to many other aspects of law enforcement: narcotics control, money laundering, pornography, CITES, fraud etc.
- Equally important is the role of the judiciary and those structural elements within the justice system



Importance of Co-ordination

- The growing impact of IPR crime makes it imperative that the different components work together in the national interest.
- Who should co-ordinate IPR enforcement?
- What is the purpose of the co-ordination?
- How can it be achieved?
- What is the role of the private sector in such a national framework. How can they be integrated?



Potential advantages of co-ordination

- Improving overall resource utilization
- Promoting the sharing of information
- Priority setting
- Design and updating of a national strategy
- Championing legislative change
- Maintenance of national statistics
- Encouraging relationship building and joint operations



Border Measures



Courtesy: NZ Customs Service

研讨会。
er, 1999, China
d the seminar in
on TRIPS in
with APEC.
中国海关总署知识
德访问欧盟海关及税
r, 2000, GACC IPR
visited EU Customs
Department.
中国海关和欧盟在乌
中欧知识产权海关执法
ber, 2001, China
held the seminar in
on IPR border
in cooperation with

海关保护知识产权执法成果
Achievements of IPR Protection by China Customs





Border measures

- ❑ TRIPS recognizes the importance of effective IPR border measures
- ❑ Customs administrations control the movement of goods, people and conveyances across frontiers and borders
- ❑ Customs officials have a unique understanding of international trade
- ❑ Special relationship with those involved in trade and transport



Border measures

- ❑ Customs administrations seize approx 80% of all counterfeit or pirated goods seized, internationally
- ❑ Customs has powerful weapons available to it to combat cross border crime
- ❑ The Customs community is organized internationally and has a culture of co-operation and mutual assistance.
- ❑ Opportunity to participate in regional/international interdiction operations co-ordinated by the WCO and Interpol/ICPO



Border measures

The World Customs Organization provides international focus:

- Tools: Customs Enforcement Network (CEN) and Regional Intelligence Liaison Office network
- Counterfeiting & Piracy Working Group
- Capacity building and training – role of Asia Pacific Regional Office of Capacity Building (ROCB), Bangkok, e-learning,
- Relationship with other intergovernmental and non governmental organizations



Generic techniques & skills

- Document interpretation
- Profiling
- Information and intelligence analysis
- Use of information technology
- Goods inspection including x-ray examination
- Interview and questioning



What is the relevance of the TRIPS Agreement to Customs authorities ?

- The Agreement acknowledges the importance of effective border control procedures and the role of Customs
- Section 4 outlines a series of Special Requirements related to Border Measures
- It also outlines the application of the provisions to Customs Unions and defines counterfeit trademark and pirated copyright goods



The key requirements

- Article 51 Suspension of release by Customs
- Article 52 Application
- Article 53 Security or Equivalent Assurance
- Article 54 Notice of Suspension
- Article 55 Duration of Suspension
- Article 56 Indemnification of the Importer/Owner
- Article 57 Right of Inspection and Information
- Article 58 Ex Officio Action
- Article 59 Remedies
- Article 60 De Minimis Imports



Criminal procedures

- Article 61, Section 5 of the Agreement
 - Provides for criminal procedures and penalties - at least in cases of wilful trademark counterfeiting or copyright piracy on a commercial scale



Domestic control



Courtesy: NYMag.com



Courtesy: hamptonroads.com



Courtesy: Bebeo Matthews/Associated Press



Control methods

- Raids on factories with associated seizure of infringing goods and production equipment
- Market surveillance including seizure of infringing goods
- Arrests of culpable persons
- Liaison with rights holders
- Participation in regional/global enforcement operations e.g. actions against fake pharmaceuticals co-coordinated by Interpol/ICPO and WCO



Strengthening relationships

- Driven by public interest considerations of consumer safety, revenue protection and other regulatory imperatives
- Increase dialogue and use the specialist knowledge and skills of public and private organizations
- Engagement is critical in developing a “whole of government” approach



Some examples

- Consumer organizations
- Free trade zone operators
- Logistics operators (UPU, express carriers)
- Bureau of Standards, Weights & Measures
- Media
- Internet organizations
- Financial institutions (FATF)
- Regional/sub-regional compliance activity
- Environmental agencies



Rights holders

- Invest heavily in enforcement actions and investigative/intelligence gathering to protect their rights
- Should make full use of statutory provisions
- Lodging a customs notice should be the start of an on-going dialogue not the end of contact
- Offer swift expert support to enforcement agencies
- Provide regular identification training to frontline law enforcement officials
- Contribute to public education programs



Which is the genuine product ?





www.iprbusiness.org

IPR Business - Windows Internet Explorer

http://www.iprbusiness.org/

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IPR Business

IPR Business Partnership

BUILDING EFFECTIVE PUBLIC-PRIVATE PARTNERSHIPS TO ENFORCE INTELLECTUAL PROPERTY RIGHTS

INTRODUCTION
MEMBERS
ACTIVITIES
CURRENT NEWS
CONTACT US
MEMBERSHIP

Customs/Members Login
Products Identification
Country Reports
Discussion Forum

Customs
 Members

U:
P:
Login

ABOUT US
The IPR Business Partnership is an inclusive group of more than 40 global businesses covering many industry sectors which hold rights to intellectual property and is a forum for public-private sector debate, discussion and innovation with the express purpose of promoting public-private partnership as a key weapon in combating infringements of intellectual property rights.

This web-site seeks to outline the work that the group undertakes in support of the global fight against counterfeiting and piracy, provides specific information for law enforcement authorities (Customs and Police agencies) to assist them in identifying unlawful counterfeiting activities and encourages other rights holders whose business is being adversely affected by this illegal trade to join the Partnership and participate in our activities.

THE IMPACT OF COUNTERFEITING AND PIRACY
Counterfeiting and piracy are serious economic crimes that have many negative consequences. The capacity of an economy to create and innovate is reduced, consumers are exposed to danger, the viability of commercial enterprises is undermined, there is a disincentive to inward investment and job creation, government revenues are reduced and the proceeds from counterfeiting and piracy, fund international criminal enterprises. The IPR Business Partnership believes that these serious outcomes can best be reduced by active cooperation between IP rights owners and the Customs, Police and

start IPR Business - Windo... Microsoft PowerPoint ... EN 12:12 p.m.



Web-site content

REACT - European Anti-Counterfeiting Network - Windows Internet Explorer

http://members.iprbusiness.org/

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REACT - European Anti-Counterfeiting Network

Brand: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z
Find Brand: Find

reserve R.W.M. Brohm | [log out]

Alphabetical list of brands starting with "V"

Brand	Description
VACHERON & CON	Watches (Vacheron & Constantin)
VAN CLEEF & ARP	Watches (Van Cleef & Arpels)
VAN SANTEN &	Clothing
VANS	Character merchandise
VASELINE	VASELINE INTENSIVE CARE (VIC)
VIAGRA	Pharmaceuticals
VICKS VAPORUB	Health Care
VIDAL SASSOON	Hair Care
VIKTOR&ROLF(P)	perfume
VIRAMUNE	Pharmaceutical products
VOLKL	

IPR Business related

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Web-site content

REACT - European Anti-Counterfeiting Network - Windows Internet Explorer

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REACT - European Anti-Counterfeiting Network

To help protect your security, Internet Explorer blocked this site from downloading files to your computer. Click here for options...

Brand: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z
Find Brand: Find

reserve R.W.M. Brohm | [log out]

Brand details
quicklinks
[brand](#) [int.representative](#) [int.trademarks](#) [counterfeit alerts](#) [trademark devices](#)

region specific information
[Africa](#) [Asia-Pacific](#) [Central Asia](#) [Europe](#) [International](#) [Middle East](#) [North America](#) [South America](#)

[New Counterfeit Alert](#)

Final Showing Markup Show

VICKS IMAGES OCTOBER 2005

The image shows a collection of Vicks products: a box of Vicks Cherry-Cinnamon, a box of Vicks VapoRub, a box of Vicks BabyRub, a box of Vicks VapoSyrup for Ticky, and a jar of Vicks VapoGel.

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Other sites.....

The screenshot shows a web browser window titled "Counterfeiting Intelligence Bureau - Windows Internet Explorer". The address bar contains the URL: http://www.icc-ccs.org/index.php?option=com_content&view=article&id=29&Itemid=39. The browser's menu bar includes File, Edit, View, Favorites, Tools, and Help. The page content features the ICC Commercial Crime Services logo with the tagline "Helping business stay in business" and the International Chamber of Commerce logo with the tagline "The world business organization". A navigation menu includes links for Home, About Us, Courses / Training, Publications, Membership, News, and Contact Us. The main heading is "Counterfeiting Intelligence Bureau". The text describes the bureau as a specialized division of the ICC, formed in 1985, and lists its members: large multinational companies, trade associations, law firms, technology producers, and investigative firms. A photograph shows various counterfeit items such as a gold watch, a mobile phone, a perfume bottle, and a box of Nescafe. A "Learn More" section on the right lists links to the International Maritime Bureau, IMB Piracy Reporting Centre, Counterfeiting Intelligence Bureau (with sub-links for Live Counterfeiting Seizure Map, Live Seizure Report, Case Study Database, Services, and Products), Membership, Contact Us, and Financial Investigation Bureau. The browser's status bar at the bottom shows "Internet" and "100%" zoom.

Counterfeiting Intelligence Bureau

The International Chamber of Commerce - Commercial Crime Services (CCS), London, United Kingdom is a specialised division of the International Chamber of Commerce (ICC), the world business organization.

As a specialised bureau within CCS, the Counterfeiting Intelligence Bureau (CIB) formed in 1985, protects industry from the damage caused by counterfeiting by gathering intelligence, making undercover enquiries, organising the seizure of counterfeits, and providing expert advice and training to its members. Members of CIB include the following:

- Large multinational companies
- Trade associations
- Law firms
- Technology producers
- Investigative firms

Counterfeiting is one of the fastest growing economic

Learn More

- ▼ International Maritime Bureau
- ▼ IMB Piracy Reporting Centre
- ▼ Counterfeiting Intelligence Bureau
 - ▶ Live Counterfeiting Seizure Map
 - ▶ Live Seizure Report
 - ▶ Case Study Database
 - ▶ Services
 - ▶ Products
 - ▶ Membership
 - ▶ Contact Us
- ▼ Financial Investigation Bureau



Web-site content

REACT - European Anti-Counterfeiting Network - Windows Internet Explorer

http://members.iprbusiness.org/

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REACT - European Anti-Counterfeiting Network

Brand: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z
Find Brand: Find

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Brand details

quicklinks
[brand](#) [int.representative](#) [int.trademarks](#) [counterfeit alerts](#) [trademark devices](#)

region specific information
[Africa](#) [Asia-Pacific](#) [Central Asia](#) [Europe](#) [International](#) [Middle East](#) [North America](#) [South America](#)

[New Counterfeit Alert](#)

Brand info:
[edit] VICKS VAPORUB is manufactured and distributed globally as a premium OTC healthcare product.

In Europe, VICKS products are manufactured in Gross-Gerau (Germany) and Coevordon (The Netherlands) and from these two plants they are shipped to European markets. VICKS products are also manufactured in the USA, Mexico, Nigeria and in India.

Presentations:

Description	Download
Attached VICKS Product Information Sheet (PIS)	(download) [edit]
Attached VICKS brand product images	(download) [edit]
[add] presentation	



International Representative:
[Procter & Gamble Company](#) [\[edit\]](#)

International Trademark Registrations:

Country	Trademark	Description	
Europe	CTM 001369404	Community Trade Mark	[edit]
Europe	CTM 000301473	Community Trade Mark	[edit]
United Arab Emirates	OTC737/123	6-7-1999	[edit]
Europe	CTM 001369404	Community Trade Mark	[edit]
Europe	CTM 000301473	Community Trade Mark	[edit]
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Specific Counterfeit Alerts:
[add Counterfeit Alert] No Specific Counterfeit Alerts available.

Trademark devices:
[add]



BSA.
SNB-REACT

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ICC Counterfeiting Intelligence Bureau

Live Seizure Report - Windows Internet Explorer

http://www.icc-ccs.org/index.php?option=com_fabrik&c=form&view=details&Itemid=238&fabrik=39&rowid=74&fabrik_cui


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ICC Live Seizure Report

Live Seizure Report

If the hyperlink has expired please [contact CIB](#).

CIB Reference: CIB-9-0214
Date Reported: 2009-04-16
Country: Malaysia
Topic: Seizure
Sector: Movies
Title: Four held over pirated discs
Hyperlink: <http://thestar.com.my/news/story.asp?file=/2009/4/16/nation/3706370&sec=nation>
Introduction: Four men including two foreigners were arrested when police raided a factory near the Bukit Serdang Industrial Park in Sri Kembangan and seized machines worth RM2.5mil used to process pirated CDs.
Map locator:



Map Satellite Hybrid

Learn More

- International Maritime Bureau
- IMB Piracy Reporting Centre
- Counterfeiting Intelligence Bureau
 - Live Counterfeiting Seizure Map
 - Live Seizure Report
 - Case Study Database
 - Services
 - Products
 - Membership
 - Contact Us
- Financial Investigation Bureau
- FraudNet

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Telling right from wrong – external packing

Welcome to AMP Netconnect - Uncounterfeit Products Website - Windows Internet Explorer

http://www.ampnetconnect.com.vn/licensecat6.php

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Welcome to AMP Netconnect - Uncounterfeit Products...

Tyco Electronics
Our commitment. Your advantage.

Home

AMP NETCONNECT ASSURING GENUINE PRODUCTS FOR YOU

CALL CENTER : 0983 68 63 63 Vietnam English

Introduction License Tag Information Genuine Online Check Authorized Distributors Contact Us

AMP NETCONNECT License Tag Information

Category 5e Cable Category 6 Cable

You will find the square labels as per the following example on all cable cartons. This label is called "License Tag (LT). There are certain information on the LT which will be useful for you to simply determine whether the cable is the counterfeit; i.e: **Part Number, Barcode Number, Date Code and Jacket Code on the cable** as shown in below pictures.

** Please note that Date Code No. on LT and Jacket Code No. on cable jacket MUST BE THE SAME NUMBER. Otherwise, it can be assumed that the cable might not be the genuine one.*

The license tag (LT) contains the following information:

- Country of Origin: TAIWAN
- Part Number: 1427254-6
- Laser Hologram: AMP logo
- Barcode Number: 6211547
- QC Checking Numbers: 1000 FEET, No. NZ - 631378
- UL Stamps: LISTED, RoHS Compliant, LISTED
- Cable Length: 100.305 M
- Date Code: 0548
- FOIPO Number: 1427254-6
- Anti-Counterfeit Stamp: AMP logo
- Jacket Code: 0548

Telling right from wrong – the goods

Welcome to AMP Netconnect - Uncounterfeit Products Website - Windows Internet Explorer

http://www.ampnetconnect.com.vn/licensecat6.php

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COMMUNICATIONS CABLE 1000 FEET No. NZ - 631378

PP504 RoHS Compliant

UL LISTED E13834

Jacket Code

How To Identify AMP NETCONNECT UTP Category 6 Copper Cable ?

Description	Genuine AMP NETCONNECT	Counterfeit Cable
1. Part Number	1427254-6	6-219590-2 or another
2. Cable Length Marker	Mark every one meter length	Do not exact length
3. QC Checking Numbers	Written by hand	Blank or printed
4. UL Listed Stamp	Attached with 2 UL label, one inside license tag the other one is attached separately	Without or with only one UL lable
5. Laser Hologram (7 colors)	With AMP Netconnect and Tyco Electronics logo AMP logo printed on difference (3D) layer	Printed the same as genuine cable but not in difference layer
6. Micro Pole (Lost all characters when its wet)	Clear "AMP NETCONNECT, TYCO ELECTRONICS" logos and homepage address on the label. Label itself has plastic surface	Same as Genuine Cable but printed on paper
7. RoHS Compliant Stamp	Green Color	No
8. Jacket Code	Jacket Code will show the same number as Date Code that printed on License Tag	Not the same number
9. Barcode Number	Each cable box will have their own identity number. Able to check the status of cable by click at Genuine On-Line Check page	Same number for every box

If you want to have more information to check the part number, serial number,.. Please come to the next step [Genuine On-Line Check](#)

Need Help ? In Vietnam : Email to Us ; Outside Vietnam : AMP NETCONNECT Worldwide
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