

The Peruvian experience on preventive measures to reduce the sale and consumption of counterfeit goods and piracy within the IT sector (WIPO/ACE/9/17)

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The Peruvian experience on preventive measures to reduce the sale and consumption of counterfeit goods and piracy within the IT sector (WIPO/ACE/9/17)

- **Government committed to protect IP**
- **Campaign against Piracy declared of national interest**
- **Participation of many public entities and private sector in a coordinated way,**
- **INDECOPI has a key role**
- **Objective: reduce and eliminate illegal practices**



1. Experience in promoting the legal use of software by SMEs

In 2012, the INDECOPÍ Copyrights Directorate (DDA) sent 4,300 letters of informative-preventive character to raise SMEs awareness about the appropriate use of duly licensed software in accordance with copyrights and IP rules.

The DDA conducted 4 campaigns that achieved the following results:

- 830 SMEs used licensed software
- 6,640 PC workstations used licensed software
- Software industry income was approximately \$ 3.6M
- The number of transactions in the formal trading of software rose by 39%
- The amount of software sales to SME through formal trading channels increased by 59%
- The number of formal firms that commercialize hardware, software and IT services to the SMEs segment increased by 15%
- “2013 Best Governmental Practice” given by NGO “Ciudadanos al Día”



Experience in promoting the legal use of software by SMEs (2)

In 2013, the DDA sent 23,100 informative-preventive letters to SMEs through several campaigns and implemented the Private Sector Software Licensing Inventory:

http://www.indecopi.gob.pe/0/modulos/JER/JER_interna.aspx?ARE=0&PFL=9&JER=1450

This online platform allows the DDA to measure SME's level of compliance with copyrights and IP rules in the legal use of software within the business community.

These campaigns achieved the following results:

- 1,127 SMEs used licensed software
- 9,352 PC workstations used licensed software



Experience in promoting the legal use of software by SMEs (3)

The screenshot displays a web portal with a red header. On the left, there's a 'Perfil de Inventario' section with a grid of colored buttons. On the right, the 'Formulario de Registro de Software' is visible, featuring a 'Datos de Datos' section and a 'Formulario de Registro de Software' section with various input fields and checkboxes. A small graphic of a hand holding a computer mouse is positioned below the inventory profile.

Experience in promoting the legal use of software within SMEs (4)

The certificate is titled 'Buena Práctica en Gestión Pública 2013'. It certifies the 'INSTITUTO NACIONAL DE DEFENSA DE LA COMPETENCIA Y DE LA PROTECCIÓN DE LA PROPIEDAD INTELECTUAL - INDECOPI'. The text describes the award as recognition for campaigns formalizing SMEs regarding the legal use of software. The certificate is signed by 'Caroline Gilij' and includes logos for 'INDECOPI' and 'CAD'.

2. Campaign: Anti-Piracy Crusade

To combat the reproduction and massive distribution of audiovisual works protected by copyright legislation, the DDA in cooperation with the audiovisual private sector* contributed to the following:

- The promulgation of the Supreme Decree No. 009-2006-PRODUCE that declares that **the Fight against Piracy to be of national interest** (May, 2006).
- The enactment of Law No. 28289 that strengthens the fight against piracy by including criminal sanctions and custom procedures (July, 2004).
- The creation **of the National Cinema Day**.
- In cooperation with SUNAT (customs), the development of Anti-piracy measures, supported by the National Police and the Public Prosecutors Office.
- The engagement of municipalities in IP protection and IP education.
- IP training sessions to police, prosecutors and judges.

* Cineplanet, Cinemark, UVK, Cinestar, WB/Fox, Andes Films and UIP, Televideo, Westcoast, Channer 2, Blockbuster and others.



2. Campaign: Anti-Piracy Crusade

The National Cinema Day has been successfully celebrated and attendance at movie theaters has increased.



Campaign: Anti-Piracy Crusade

The DDA participated in actions for the massive destruction of pirated materials



Campaign: Anti-Piracy Crusade

The Anti-Piracy Crusade increased Peruvians' awareness about criminal sanctions for piracy



Campaign: Anti-Piracy Crusade

In cooperation with the audiovisual private sector, the DDA informed the public about the damage caused to the movie industry by piracy.



Campaign: Anti-Piracy Crusade

Hollywood recognized Peru's efforts to adopt more effective anti-piracy measures



3. Campaign Specifics: 3.1 “Buy Legal, Buy Original”

This is an initiative of the National Commission to Combat Customs Crimes and Piracy and INDECOPI with the support of the Project USAID I Facilitating Trade, to disseminate useful information to Internet and social network users interested in legally acquiring original products and services.

The website <http://www.compralegaloriginal.pe/> contains information on:

- Illegal activities of piracy, counterfeiting and smuggling;
- Legal mechanisms for protecting creations; and
- Formal businesses that offer legal and original products and services within the Peruvian market (contact details).



Campaign: “Buy Legal, Buy Original”



3.2 Campaign to reduce the illegal use of broadcast signals and audiovisual works and productions

The DDA required cable operators to review their contracts with copyright holders, whereby they are authorized to reproduce broadcast signals, audiovisual works and productions. Also they should present detailed reports that describe those contractual terms and the licenses granted for movies and TV shows.

The DDA informed cable operators that the distribution, public communication or other provision of works protected by copyright laws without the authorization of the copyright holders, constitute an illegal act that is punished by a fine up to 180 ITUs (S/. 657,000-US\$245,000) and also could imply possible criminal responsibility.



Campaign to reduce the illegal use of broadcast signals and audiovisual works and productions

Operador	Fecha de inicio	Fecha de fin	Valor de la multa	Valor de la multa	Valor de la multa	Valor de la multa	Valor de la multa
Operador 1	2013-01-01	2013-01-31	180 ITUs	180 ITUs	180 ITUs	180 ITUs	180 ITUs
Operador 2	2013-02-01	2013-02-28	180 ITUs	180 ITUs	180 ITUs	180 ITUs	180 ITUs
Operador 3	2013-03-01	2013-03-31	180 ITUs	180 ITUs	180 ITUs	180 ITUs	180 ITUs
Operador 4	2013-04-01	2013-04-30	180 ITUs	180 ITUs	180 ITUs	180 ITUs	180 ITUs
Operador 5	2013-05-01	2013-05-31	180 ITUs	180 ITUs	180 ITUs	180 ITUs	180 ITUs
Operador 6	2013-06-01	2013-06-30	180 ITUs	180 ITUs	180 ITUs	180 ITUs	180 ITUs
Operador 7	2013-07-01	2013-07-31	180 ITUs	180 ITUs	180 ITUs	180 ITUs	180 ITUs
Operador 8	2013-08-01	2013-08-31	180 ITUs	180 ITUs	180 ITUs	180 ITUs	180 ITUs
Operador 9	2013-09-01	2013-09-30	180 ITUs	180 ITUs	180 ITUs	180 ITUs	180 ITUs
Operador 10	2013-10-01	2013-10-31	180 ITUs	180 ITUs	180 ITUs	180 ITUs	180 ITUs

Source: Copyrights Directorate (DDA)



3.3 Campaign to promote the legal use of music and movies by bus & train companies

The DDA regularly reminds companies that provide public passenger transport services of their obligation to obey copyright rules, particularly in the playing of music and movies at their terminals and in their vehicles.

The campaign points out that these companies require the prior and written authorization of the author or copyright holder.

The campaign states that piracy constitutes theft and a grave felony and that it causes enormous damage to Peru by eliminating formal employment and limiting development.



3.4 National educational project for building a culture for IP respect

During 2011-2012, INDECOPI launched this project in cooperation with USAID Project | Facilitating Commerce, CERLALC* and the Ministry of Education to raise awareness about the importance and benefits of IP, and to promote creativity through the development of entertaining and educational tools (methodological guides, cartoons, audiovisual materials and theatre performances).

This educational project has been developed in 140 affiliated schools located in 5 cities (Arequipa, Chiclayo, Iquitos, Lima and Piura), benefiting 440 teachers and 22,267 students.

This educational project was recognized as “2013 Best Governmental Practice” (Cuidados al Día).

* Regional Center to Promote the Book in Latin America

Further information, available at:

<https://www.facebook.com/media/set/?set=a.453890351393749.1073741828291875540928565&type=3#!/formadoresenpropiedadintelectual?fref=ts>



National educational project for building a culture for IP respect

Ciudad	Primera fase		Segunda fase	
	IE	Docentes	IE	Docentes
Chiclayo	9	19	7	16
Arequipa	8	22	8	24
Iquitos	16	17	13	26
Piura	13	46	13	38
Lima	18	80	14	130
Total	64	186	55	254

Alumnos beneficiados en el 2011 - 2012

Ciudad	Alumnos beneficiados primera fase 2011	Alumnos beneficiados segunda fase 2012
Chiclayo	1225	611
Arequipa	1020	1596
Iquitos	1002	1455
Piura	1206	1707
Lima	4800	7645
Total	9253	13014

Source: USAID Project | Facilitating Commerce



National educational project for building a culture for IP respect



3.5 National educational project “I decide, I respect” for rejecting piracy and smuggling

Within the institutional framework of the National Commission to Combat Customs Crimes and Piracy, INDECOPI and SUNAT conduct training workshops throughout the country to encourage the rejection of piracy and smuggling, and raise awareness about these crimes.

These training workshops present the problems associated with piracy and smuggling for economic and social development and encourage participants to use the Website <http://www.compralegalyoriginal.pe/>

From April to November 2013, the training workshops benefited 3,817 participants from schools, universities and institutes and it is estimated that the implementation of upcoming training workshops will reach 7,204 beneficiaries.

Further information available at:

<https://www.facebook.com/media/set/?set=a.453890351393749.1073741828.291875540928565&type=3>



National educational project “I decide, I respect” for rejecting piracy and smuggling



4. Material seized by the competent authorities

(National information)

MONTO DE INCAUTACIONES DEL AÑO 2012 (US\$)

AÑO 2012 TRIMESTRE	SUNAT	PNP	INDECOPI	TOTAL
I	9,675,683	15,549,026	2,216,384	27,441,093
II	29,156,477	29,768,561	2,512,680	61,437,718
III	22,302,260	18,109,533	2,911,791	43,323,584
IV	34,862,189	44,019,148	1,813,052	80,694,389
TOTAL	95,996,609	107,446,268	9,453,907	212,896,784



Material seized by the competent authorities (2)

MONTO DE INCAUTACIONES EN EL AÑO 2013 (US\$)

AÑO 2013 TRIMESTRE	SUNAT	PNP	INDECOPI	TOTAL
I	41,428,150	25,277,487	6,015,641	72,721,278
II	48,428,356	67,586,913	526,056	116,541,325
TOTAL	89,856,506	92,864,400	6,541,697	189,262,603



