Advisory Committee on Enforcement Ninth Session Geneva, March 3 to 5, 2014



Preventative Measures
Awareness and Outreach
Tools

STRATEGIC DIRECTION

- The 10 Year Innovation plan highlights the need for development and exploitation of South African innovations- "converting ideas into economic growth and the potential of certain sectors in promoting a knowledge economy. Such as green technologies agriculture, pharmaceuticals and business processing.
- The plan further mentioned the potential of indigenous knowledge and its exploitation as a way to benefit communities, especially in respect of medicines and indigenous cultural expressions.

Counterfeiting polarises opinion within society as a whole and the Judiciary are no exception. Some continue to believe it to be a relatively trivial criminal offence.

Perhaps once it was.
But in 2013, counterfeiting like corruption, destroys fair competition and livelihoods, deprives the Treasury of revenue, stifles innovation and leads to unemployment. It has been described as "...a serious contemporary problem having adverse economic effects on genuine trade."

Exploring the Counterfeit Goods Act, 1997

SA promulgating the CGA in 1997

 Specific legislation designed to implement the enforcement provisions (section 3) of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement.

Main Purpose of The Counterfeit Goods Act

 The CGA enables the owners of trade marks and copyright or their agents to act speedily and effectively against persons involved in counterfeiting activities that include piracy, both on a criminal and civil basis

CIPC: Enforcement of IPR, Promoting compliance and Implementation of all IP Legislation

The main functions are:

- to do inspections in terms of the GCA and other relevant IP legislation
- liaise and interact with Government Law Enforcement Agencies, National and International Bodies that plays a role in effective enforcement and Industry Associations
- to further ensure effective enforcement and compliance with the legislation and overall a better understanding of the importance of IPR
- the CIPC further provides support, infrastructure and enforcement remedies

WHY DO WE WANT TO PROTECT IPR?

CREATION INNOVATION= UNIVERSAL RESOURCES

Einstein said imagination is more important than knowledge

- IP is based on power of imagination. Using an existing knowledge base and seeing beyond the next frontier
- Source of personal cultural and economic advancement

CONCURRENT RESPONSIBILITY

- The CIPC is the custodian and responsible for the administration of the Act
- Implementation is done together with CIPC Inspectors appointed through the CGA and the
- Customs division of the South African Revenue Service (SARS) and the
- South African Police Service (SAPS) I
- Fostering a close working relationship with the Municipal and Local Government Authorities
- · Private sector stakeholders and role players

CO-OPERATION

- The efficiency with which counterfeit and pirated products are being combated in South Africa depends on:
 - the internal working relationship of all government agencies responsible for the enforcement of the Act, and
 - the co-operation and commitment of the IP holders, their agents and representatives
 - creating a general awareness with the public

IF NO BALANCE WHAT IS LIKELY TO HAPPEN

- The massive infiltration of counterfeit and pirated products, or IP theft, creates an enormous drain on the global economy crowding out billions in legitimate economic activity and facilitating an
 - "**underground** economy" that deprives governments of revenues for vital public services,
- forces higher burdens on tax payers,
- · Dislocates legitimate jobs and
- exposes consumers to dangerous and ineffective products
- Foreign investment loss
- · International trade relations suffer

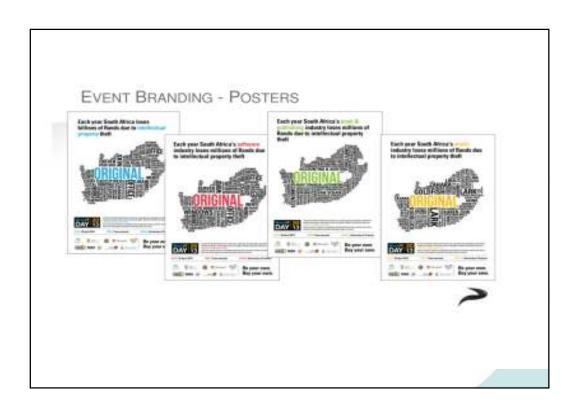
PARTNERING WITH PRIVATE SECTOR PLAYERS AND NGO'S

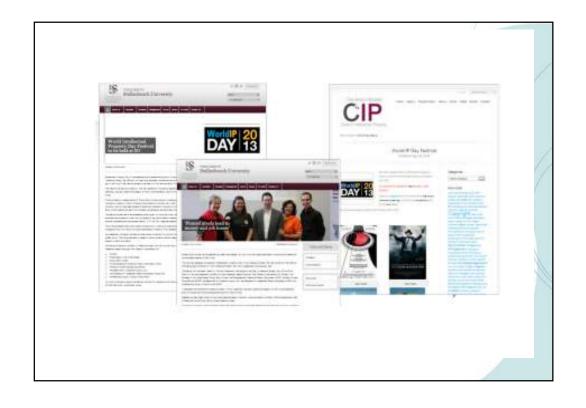
- Through the joint efforts of all the co partners that is also driving the awareness campaign forward over the next twelve months it is hoped that:
 - one of the most successful public private partnerships will be cemented to drive both
 - awareness and
 - respect for intellectual property
 with a strong underlying focus on effective enforcement.

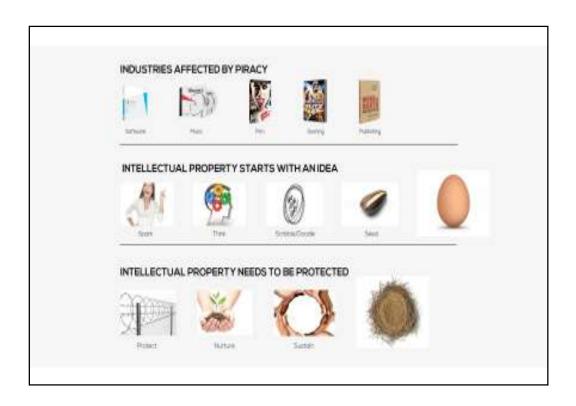
















Capacity Improvement Program

- 1. Establishing a forum for Rights holder engagement
- 2. Design a Compliance Portal for interaction
- 3. Centralization of all Training Initiatives
- 4. Risk Mitigation Alignment Plan
- Reinforcing Regional Forum interventions within SACU/SADC
- 6. Strategic approach to enforcement actions (landlord liability)
- 7. Educational and Awareness Strategy

OBJECTIVES OF THE CAMPAIGN

- To mobilise all stakeholders and the general public to join the campaign against piracy
- To educate the general public on the effects of piracy on the economy and artist's lives
- To mobilise the general public to help identify the culprits and report them to the law enforcement agencies
- To work closely with all relevant government structures involved in the fight against piracy

COMMUNICATION CHALLENGES

- Lack of information and knowledge amongst communities on what is piracy and how it affects them and economic growth
- Changing attitude and behaviour towards piracy
- Public not being able to see the value and virtue of IPR











RESPONSIBILITY

The responsibility to:

 balance the protection of legitimate businesses

with the responsibility towards

 protecting consumers will always be that of Government

