



The Anti-counterfeiting & piracy Crusade

An International Problem
Come to Ghana



INTELLECTUAL PROPERTY (IP) AND IP CRIME

IP protects invention & creation:
patents, trade marks, copyright &
designs.

Wilful unauthorised use of IP is IP
crime.

Counterfeiting is wilful trade mark
infringement; piracy is wilful
copyright infringement.

Sometimes counterfeiting and piracy
overlap.



COUNTERFEITING

&

PIRACY

MADE REAL

IP CRIME SEEMS TO START WITH HANDBAGS & LUXURY GOODS ...



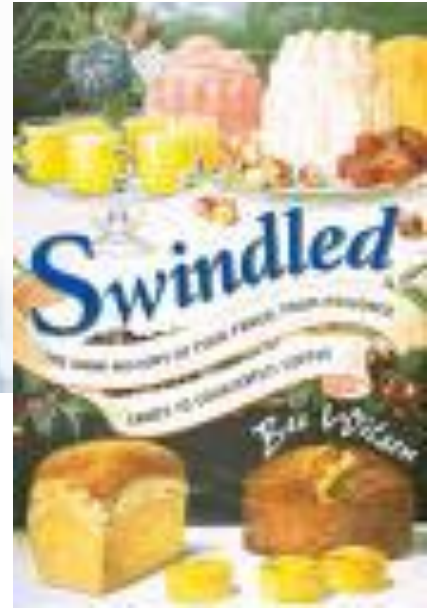
AND PROGRESSES TO ALL THE THINGS WE WEAR ...



THEN TO THE THINGS WE USE ...



TO THE THINGS WE PUT ON OR IN OUR BODIES ...



Food Alert



FINALLY, TO THE THINGS WE NEED TO PROTECT OUR LIVES ...



“STATE OF THE ART” COUNTERFEIT PHARMACEUTICALS PRODUCTION FACILITIES



THEY MAKE IT HERE ...

LABEL & PACKAGE IT TO LOOK NICE



Indianapolis Badge & Nameplate Company
one source... all types of TAGS



tags • labels • decals • nameplates • signs

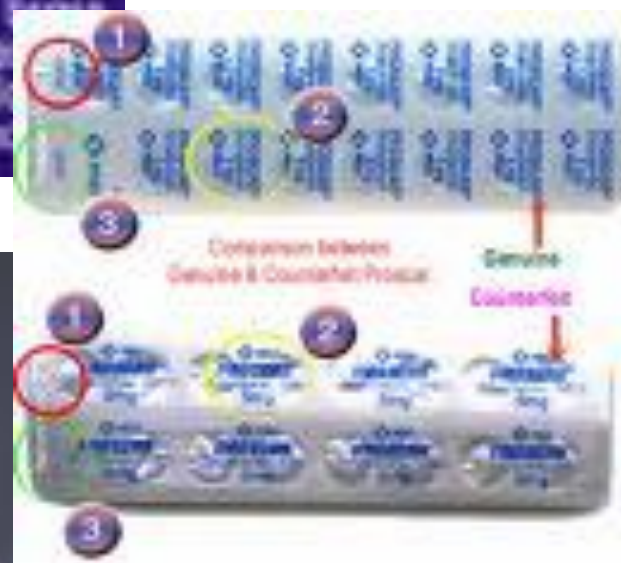
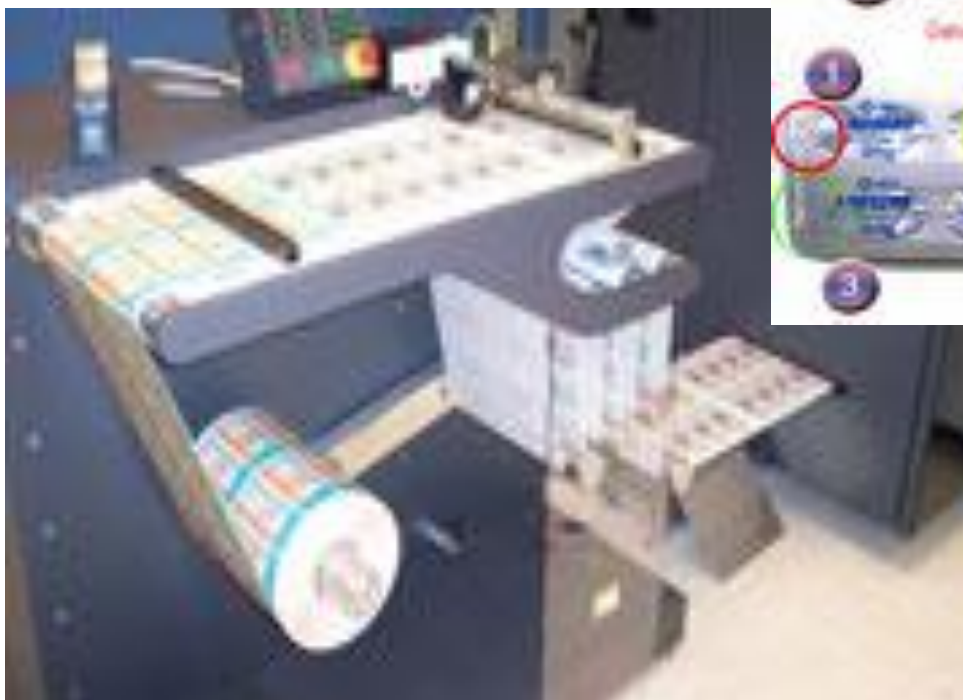
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1
2
3

Compression between Capsules & Counterplates

3
1
2

3

3

AND WE TAKE & RELY ON THEM



HOW BIG A PROBLEM IS IT?

- Singapore Centre for Political Violence and Terrorism Research -
- global trade in counterfeit goods is 650 billion US dollars p.a., comp. to narcotics at 322 billion USD

(ref: Reuters UK 6 March 2008).

- OECD - est. 200 billion USD in 2005 excluding domestic & internet sales – still larger than the GDPs of 150 national economies and affecting nearly all product sectors

(ref: Report on Economic Impact of Counterfeiting and Piracy).

GHANA INDUSTRY SURVEY

Spring/Summer 2008

- 100 COMPANIES INTERVIEWED
IN AND AROUND ACCRA

Approximately 60-70% of Ghanaian companies interviewed feel that the harm caused by counterfeiting and piracy seriously affects:

- tax revenue, corporate investment decision-making, and consumers' well-being.

GHANA INDUSTRY SURVEY

Approximately 85-96% feel that the harm caused by counterfeiting and piracy seriously affects:

- corporate employment decision-making in Ghana, credibility within the national economy, consumer confidence, fair competition, and the investment climate.

GHANA INDUSTRY SURVEY

Approximately 88-97% feel that the harm caused by counterfeiting and piracy seriously affects:

- operations in all markets, from the Ghanaian market to export / international markets.

GHANA INDUSTRY SURVEY

- Approximately 95% feel that the magnitude of counterfeiting operations throughout the supply chain is of very serious concern.

GHANA INDUSTRY SURVEY

- Approximately 93-98% feel that the harm caused by counterfeiting and piracy seriously affects: brand reputation in Ghana and abroad, company revenue, and production capacity and resultant employment decision-making.

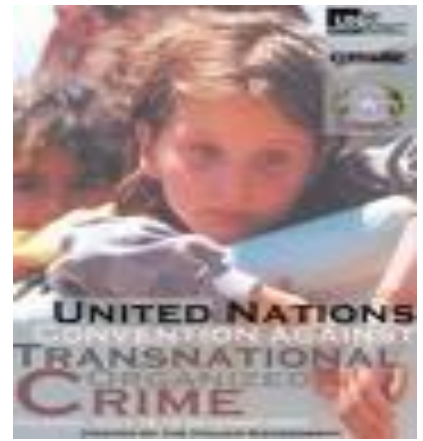
GHANA INDUSTRY SURVEY

- Approximately 96% of companies interviewed feel that the harm caused by counterfeiting and piracy threatens enterprise existence.

WHO AND WHY ?

Interpol - for every one euro invested in counterfeiting there is a 10 euro profit- That's 1000%.

(ref: BBC news 17 July 2003).



SOME UGLY NUMBERS

BASCAP Fatalities Database

April, 2008 – 19 Deaths Fake Heparin, USA

March 2008 – 115 Deaths Fake Medicine, Panama

Feb 2008 – 14 Deaths, Fake Diglycol, China

January 2008 – 14 Deaths Fake Alcohol, Mongolia

Dec. 2007 – 471 Deaths, Fake Medicine, Panama

Nov. 2007 – 1 Child Dead, Fake Charger, Thailand

Sept. 2007 – 412 Dead, Airplane Fatalities, Russia*

Dec. 2006 – 12 Dead, Fake Alcohol, Russia

April 2005 – 13 Dead, Fake Alcohol, Turkey

Dec 2002 – 9 Dead, Fake Rice Wine, Taiwan

Oct 2001 – 60 Dead, Fake Vodka, Estonia

June 2000-”Dozens” Dead, Fake Anti-Malarial, Cambodia

Sept. 1996-3,000 Deaths, Fake Meningitis Vaccine

Nov 1990 – 190 Children Dead, Nigeria, Fake Paracetamol

CONSOLIDATED INTERNATIONAL EFFORT

Global Congress
Combating Counterfeiting & Piracy

[home](#) | [about the congress](#) | [contact](#) | [registration](#)

Convened by:



[this year's congress](#)

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<http://www.ccapcongress.net/about/about.htm>

Organizers:

World Customs Organization

INTERPOL

World Intellectual Property Organization (WTO)

Business Action to Stop Counterfeiting and Piracy

International Trademark Association

International Security Management Association

Global Congress Combating Counterfeiting & Piracy Dubai, February 2008

7 RECOMMENDATIONS FOR GLOBAL ACTION

- 1. Cooperation and Coordination**
- 2. Legislation and Enforcement**
- 3. Free-trade Zones and Trans-shipment**
- 4. Health and Safety**
- 5. The Internet**
- 6. Capacity-building**
- 7. Awareness Raising**

COOPERATION & COORDINATION

1. Customs, police and private sector should use existing tools to collect & share information.
3. Stakeholders should form/use cross-industry associations/groups.
4. All need to significantly enhance the timely exchange of IP crime information.
5. National / international enforcement orgs. support to private sector to stop counterfeiting, emphasizing health and safety of consumers.

Coordination in Ghana

National IP Crime Taskforce

1. IP Crime Oversight Committee: AGO, FDB, CEPS, GPS, RG, GSB, MOT, MOH, MOLG, others
2. Anti C&P coalition: all business sectors.
3. Committees for: information, legislation, PA, brands protection/packaging, and enforcement.
4. Industry working groups.
5. A permanent Secretariat.

Ghanaian IP Crime Strategy.
Annual IP Crime Plans & Reports.

LEGISLATION & ENFORCEMENT

1. Regular updating of civil, criminal & border measures.
2. Harmonization of international standards / agreements and national legislation:
Palermo Convention (organized crime),
WHO IMPACT (medical products),
WCO SECURE (border measures)
Anti-Counter. Trade Agreement, etc...
3. Continual education of policy-makers and the public.
4. Work with WHO IMPACT.

Legal Framework - Ghana

- Enact piecemeal amendments to the existing laws or a counterfeiting and piracy law.
- Include definitions of “counterfeiting” & “piracy” as criminal offences & provide increased penalties
- Provide for different categories of offences.
- Update and complete existing IP laws (Regulations, Schedule of Fees and Forms).
- Harmonize Copyright, Trade Marks Act and Customs legislation and regulations.
- Introduce incentives for anti - C&P by holding landlords and Clearing Agents liable.
- Provide for search warrants and seizure and destruction of counterfeit and pirated goods.
- Adopt measures for C&P goods in transit.
- Enact proceeds of IP crime legislation.
- Include packaging in the definitions of infringement and offences.
- Enable authorities to require dealers to provide information on the origin and distribution.

FREE TRADE ZONES (FTZ) TRANS-SHIPMENT (TS)

1. Legislation prohibiting TS and transit of C&P goods.
2. Customs control of shipments into / out of FTZs / TS countries.
3. Regular targeted risk assessment to profile / cause disruption to movement of C&P goods.
4. Punish trafficking of counterfeit and pirated goods through FTZs with effective deterrent sanctions.

HEALTH AND SAFETY RISKS

1. National working groups: law enf., health ministries, private sector.
2. Engage WHO IMPACT initiatives.
3. Share information on (c)overt markers& detection/verification technologies.
4. Private sector - register trademarks with customs. Provide training and support.
5. Effective partnerships between law enforcement and private sector; intelligence sharing, awareness and product identification training, sample sharing.

THE INTERNET

Governments should:

1. Partner with ISPs & control authorities to prevent / disrupt illegal activities.
2. Strengthen laws to protect IPRs in an online environment.
3. Establish int'l cooperation channels to enforcement against multi-territories fraud schemes.
4. Control access to illegal content.
5. Support INTERPOL's 'Dedicated Internet Anti-Piracy Capability'.
6. Support the Universal Postal Union's to prevent shipment of C&P products via postal traffic.

CAPACITY BUILDING

Extend the efforts and include, in particular, Africa -- organize an event, under the Congress, in one African country in which counterfeit goods are an emerging problem.

AWARENESS RAISING

Business community to lead awareness-raising / education for the public / decision makers on the harms and costs of counterfeiting and piracy.

National governments must warn consumers about the harm of counterfeit products.

Reference Documents

- The Socio-economic Impact Assessment of Counterfeiting and Piracy in Ghana
- The Legal and Regulatory Framework Assessment of C&P in Ghana
- A Ghanaian National IP Crime Taskforce Proposal
- A Roadmap for the IP Crime Crusade in Ghana
- A Review of International Best Practice in Fighting IP Crime

THANK YOU

