

Enforcement: Involvements for Security & Health of Citizens

Conference on Industrial Property Rights in the Internal Market

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A few myths of counterfeiting and piracy

- **“There is no real harm in counterfeiting”**
- **“Counterfeit medicines are a problem of the developing world”**
- **“Health and safety concerns are grossly overstated to scare consumers, fend off generics and prevent legal parallel trade”**





No harm in counterfeiting?

- **The counterfeiting industry has increasingly diversified into sectors such as pharmaceuticals, semiconductors, spare parts for aircraft and cars etc.**
- **The consequences are serious – 2 recent examples:**
 - **April 2008: Contaminated Heparin is suspected to have led to 19 deaths in the US**
 - **January 2008: One man died in Hong Kong after taking a counterfeit impotence drug**





A worry of the developing world?

- **Three out of five pharmaceuticals bought online are counterfeit**
- **95.6% of online pharmacies researched are operating illegally**
- **Over 90% of websites supply prescription-only medicines without a prescription**

Source:

European Alliance for Access to Safe Medicines

http://www.eaasm.eu/Media_centre/EAASM_reports





An overstated problem?

- **As counterfeiting is growing and diversifying, so is the risk of health hazards**
- **It's not about generics vs. originals, but about fake vs. legal**



Tailored responses to a complex problem

- **Creating the environment for effective enforcement**
- **Encouraging cooperation between stakeholders**
- **Coordinating efforts internationally**
- **Raising public awareness**



An environment for effective enforcement

- **Effective border measures**
- **Deterrent penalties**
- **Training and awareness building among customs, police, courts etc.**

→ **Switzerland:**

- **New legislation as of 1 July 2008**
- **Training of enforcement officials**



International cooperation

- **Counterfeiting and piracy is a global problem requiring global solutions**
- **Switzerland:**
- **Active participation in international fora**
 - **Enforcement chapters in bilateral free trade agreements**
 - **Anti-counterfeiting trade agreement (ACTA)**



Encouraging cooperation between stakeholders

- **Fighting counterfeiting and piracy is a shared responsibility, not an opportunity to gain a competitive advantage**

→ **Switzerland: STOP PIRACY Initiative**

STOP PIRACY

Swiss Anti-Counterfeiting
and Piracy Platform



Raising public awareness

- **Counterfeiting and piracy is demand driven**
 - **Consumers must be convinced rather than forced to refrain from counterfeits**
- **Switzerland:**
- **Several campaigns since January 2007**
 - **25 October 2008: Nationwide STOP PIRACY Day with focus on the dangers of buying pharmaceuticals over the internet**



More information

- <http://www.stop-piracy.ch>
(Website of the Swiss Anti-Counterfeiting and Piracy Platform)
- <http://www.ipi.ch/E/jurinfo/j107.shtm#11>
(Institute's site dedicated to issues related to counterfeiting & piracy)

Thank you for your attention!

For questions and suggestions:
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