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PAPER ON INTELLECTUAL PROPERTY RIGHTS

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* The views expressed in the Study are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.

Mr. Kamil Idris,

Director General of the World Intellectual Property Organization (WIPO).

Members of the Advisory Committee on Enforcement.

Ladies and Gentlemen.

I wish to begin by conveying to the Director General of the World Intellectual Property Organization the recognition of the Procurator-General of the Republic of Mexico, Mr. Rafael Macedo de la Concha, for the opportunity to share with you a number of points of view on the form and scope of the work done by the Public Prosecutor's Office in the enforcement of intellectual property rights in our country, as part of this second session of the Advisory Committee on Enforcement.

Changes in Mexican intellectual property laws have responded to the need to broaden the areas of certainty in the protection of the rights of authors and industrial creators.

Nowadays, intellectual property protection is vital for the complete development of countries, while inventions, innovations and other industrial creations benefit production processes and the provision of services, and thereby strengthen national economies.

In a different vein, cultural development and the diversification of artistic performances enhance the quality of life the members of society. We can therefore state that an appropriate system of intellectual property protection is beneficial to the progress of countries, since it provides legal certainty for authors, performers, creators and inventors, and their creativity will therefore be respected both in moral terms and in relation to their economic benefits.

Notwithstanding the existence of intellectual property legislation, the constant infringement of copyright and industrial property rights makes the innovation of intellectual property systems necessary, so that they are strong enough to act as guarantors of legality.

For that reason in Mexico an intense battle is currently being waged against copyright and industrial property crimes.

To understand the actions being carried out, it becomes necessary to point out that the institution responsible for investigating and prosecuting federal crimes is the Federal Public Prosecutor's Office, which exercises a monopoly over the administration of justice.

THE PUBLIC PROSECUTOR'S OFFICE IN MEXICO

As regards the administration of justice, the aims of the Federal Government include that of reducing crime rates, impunity and corruption, by means of a standard-setting and institutional framework which strengthens the exercise of the powers entrusted to those responsible for the administration of justice.

For that reason, the National Office of the Attorney-General has recently experimented with restructuring which covers not only its organizational make-up, but also those aspects that relate to its operations, which will allow positive results to be achieved in the short term in the fight against delinquency, impunity and corruption.

In view of the above and based on the premise that delinquency in its various forms represents a significant obstacle to achieving economic and social development, it has become necessary to restructure the guidelines to which the exercise of the powers granted to the Federal Public Prosecutor's Office are subject.

Those powers are contained in Articles 21 and 102(a) of the Political Constitution of Mexico, and said articles underpin the establishment of the Federal Public Prosecutor's Office since they state that the imposition of penalties is specific and exclusive to the judicial authority, but that the investigation and prosecution of crimes are the responsibility of the Public Prosecutor's Office, which shall be assisted by a police force that is under its authority and subject to its immediate orders. Similarly, it is stated that the prosecution in the courts of all federal crimes is the responsibility of the Federal Public Prosecutor's Office; and that this body will be responsible for requesting arrest warrants against suspects, searching for and presenting proof of the liability of such parties; ensuring that trials are conducted in a completely lawful manner so that the administration of justice is both rapid and prompt; and requesting the application of penalties and participating in all such business as the law determines.

Similarly, in accordance with the fundamental standards cited, Article 4 of the Basic Law on the National Office of the Attorney-General specifically states that the powers entrusted to the Federal Public Prosecutor's Office include that of investigating and prosecuting federal crimes, which covers the incorporation of preliminary investigation, its appearance before the jurisdictional authorities, and also those obligations which it must satisfy and comply with as regards treatment of the victim or the person harmed by any crime; also, monitoring compliance with constitutionality and legality within the limit of its powers; participating in the extradition or transfer of indicted persons, those on trial and those sentenced pursuant to the applicable provisions and the international treaties to which our country is a party; requesting reports, documents, opinions and general evidence from the dependent bodies and entities of the federal public administration, the Federal District, Federate bodies, foreign States and such others as may be supplied thereby, as well as promoting the rapid, prompt and due administration and provision of justice.

Moreover, given that one of the features of delinquency refers to the constant change in its methods of operation, as is the case with the routes used by smugglers of raw materials for piracy, it became necessary to modify the structure of the institution, for the purposes of achieving greater coordination in the fight against delinquency.

The current structure of the National Office of the Attorney-General focuses on a system which is decentralized in territorial and functional terms; and on a system of specialization. The first operates through the establishment of delegations of the institution in the Federate bodies and in the Federal District.

This institutional organization provides the necessary flexibility for carrying out the adjustments required with a view to responding quickly and promptly to the changes in the

operation of organized delinquency, as well as to the methods used to commit other criminal offenses, including crimes relating to intellectual property.

In addition to the above, specialized units operate to investigate and prosecute types of crimes and to deal with the various manifestations of organized delinquency, and the nature and complexity of the various federal crimes. The activities undertaken by the specialized units correspond to the scope and complexity of the various crime-related scenarios, and to the sophistication of the crimes committed.

It should be mentioned that one of these specialized units is the unit specializing in investigating crimes involving copyright and industrial property which, in accordance with Article 29(i) of the Regulations under the Basic Law of the National Office of the Attorney-General, will try those accused of crimes relating to copyright and industrial property provided for in the Federal Penal Code and in the Industrial Property Law.

There is also a need for these specialized units to have collaboration and coordination mechanisms between them and with the other administrative units of the National Office of the Attorney-General. On July 24, 2003, an agreement was published in the Official Federal Gazette, whereby criteria for coordination between the delegations in federate bodies and the administrative units of the institution indicated are established; Article 3 of the Agreement indicates the criteria that shall define the subjects within the competence of the Deputy Attorney-General's Office for Specialized Investigation of Federal Crimes, which are as follows:

- Preliminary investigations without detention where:
- The amount in question is greater than 23,000 days' general minimum wages in force in the Federal District (it should be mentioned that the minimum wage in the Federal District is currently \$45.24 pesos, whereby the amount stands at \$1,040,520 pesos, equivalent to US\$ 90,108, in accordance with the exchange rate in force on May 17, 2004.
- The acts have taken place in more than one federate entity.
- The explanation of the acts is complex from a criminal and technical point of view.
- It is determined thus by the holder of the institution.

In addition, the participation of the officials of the Federal Public Prosecutor's Office attached to the specialized units is established in relation to the due integration of preliminary investigations, criminal trials and also in the amparo proceedings for all those matters within the competence of the Deputy Attorney-General's Office.

As regards the system of territorial and functional decentralization, the institution's delegations in the federate entities will have agencies of the Federal Public Prosecutor's Office which will deal with the matters appropriate to them in the territorial constituencies

determined by the Procurator-General, in accordance with criteria relating to the incidence of crime, population density, geographical features and the correct distribution of workloads.

In accordance with Article 21 of the Political Constitution of Mexico and Article 3 of the Federal Code of Penal Procedure, the Federal Public Prosecutor's Office will be assisted by a police force that will be under its authority and immediate orders. Traditionally, this police force was known as the "judicial police" by virtue of which, at some point in history, it was dependent on the judicial authorities; for that reason, this Law establishes the concept of the federal investigative police force.

The above corresponds to a novel structure designed to replace the reactive model for the prosecution of crimes with a real system of scientific research based on the latest technological advances.

The institution of the Public Prosecutor's Office has been a conquest of modern law. With the enshrinement of the principle of the monopoly of criminal action by the State, the period of indictment by the State is initiated.

The enormous importance of the role played by the Federal Public Prosecutor's Office both as a defender of society in the face of delinquency and in its interaction with the judicial authorities in all the business in which the Federation is involved, where its economic interests are affected or it has a legal interest, determines the relevance of its performance. For this reason, the administration of justice becomes the leading axis of social co-existence.

Copyright and industrial property have their legal foundation in various principles enshrined in the Political Constitution of Mexico, for example Articles 6 and 7 of the Constitution, since they refer to freedom of expression, information, publishing and dissemination, which are exemplary individual guarantees.

In that regard, Article 6 states that "the manifestation of ideas shall not be subject to any judicial or administrative inquiry, but in the case where it harms the moral code or the rights of third parties, or causes a crime to be committed or disturbs public order, the right to the information shall be guaranteed by the State."

Article 7 for its part completes a virtuous circle of fundamental rights since it enshrines the idea that "the freedom to write and publish such writings on any subject shall not be infringed. No law or authority may previously censure or demand a guarantee from authors or publishers, nor curtail the freedom to publish, other than to impose limits guaranteeing respect for private life, morals and public order. In no case may publishing materials be confiscated as instruments used to commit a crime."

Article 28(9) of the Constitution states that "nor shall monopolies be constituted by the privileges granted for a specific period of time to authors and performers for the protection of their works and those which for the exclusive use of their inventions are granted to inventors of and those perfecting any improvement."

Similarly, the powers and obligations of the national president shall include that established by Article 89(xv) of the Constitution which consists in "granting exclusive privileges for a limited time, in accordance with the respective law, to discoverers, inventors or perfectors in any branch of industry".

The provisions indicated in our body of laws for the protection of authors' rights are gathered together in terms of federal laws in the Federal Penal Code which governs the type of unlawful acts in this area. In addition, the Federal Copyright Law exists and includes descriptions of typical unlawful conduct in relation to copyright under federal penal rules.

As regards industrial property, in Mexico this is considered as a subject in relation to which only the Congress of the Union has the exclusive authority to legislate; Article 73(x) of the Political Constitution of Mexico states that the Congress shall be authorized, *inter alia*, to legislate throughout the country in trade-related matters.

In that regard, the theory claims to cover all the institutions and provisions linked to said activity and therefore, in accordance with their composition and structure, industrial property rights are understood in the commercial context, for which reason the constitutional authority "assigned" in the article in question undoubtedly includes that subject.

As a result of the reform undergone by the 1991 Law on Industrial Property, domestic legislation relating to industrial property was brought into line with the international standards enshrined in the different relevant international treaties.

INTELLECTUAL PROPERTY PROTECTION

Mexican legislation in relation to intellectual property protection establishes three different systems: administrative, criminal and civil protection. In each of them the functions of the State bodies responsible for protecting intellectual property are defined.

I will now refer to these three systems of protection, in order to establish the general characteristics of each of them.

ADMINISTRATIVE PROTECTION

Provision is made for the administrative protection of intellectual property in Mexican legislation, in relation to copyright in the Federal Copyright Law and, as regards industrial property, in the Law on Industrial Property.

In order to outline the administrative protection to which we have referred, we will now indicate the administrative procedures provided for by both laws. In accordance with the Law on Industrial Property, the Mexican Industrial Property Institute (IMPI) is responsible for promoting and protecting industrial property, i.e. it is the legal authority which administers the industrial property system in our country.

As regards administrative systems, the Law on Industrial Property establishes the different types of procedures against administrative offenses and is supplemented in terms of rules by the Federal Code of Civil Procedure. Thus, Chapter II of the Law establishes the procedure for administrative declarations which constitutes the basis for the protection of industrial property via this system.

As regards industrial property protection, provisional measures play a very important role, since they are rapid, simple in terms of procedure and, of course, effective in stopping and correcting the infringement of industrial property rights. In Mexican legislation they fall within the competence of the judicial authority. Similarly, it should be pointed out that compensation for damage caused is not obtained by this procedure, in other words civil remedies must be used to achieve this.

Industrial property law also contains precise rules on the provision made for property seized.

The National Copyright Institute is the administrative authority which deals with copyright and related rights, and investigates and imposes sanctions as a result of administrative offenses being committed.

Said administrative infringements are provided for in the Federal Copyright Law, which provides for offenses of a commercial nature that shall be tried by the same institution.

The Federal Copyright Law establishes the administrative procedure of compromise which is substantiated before the National Copyright Institute, at the request of one of the parties and in order to settle a dispute amicably which has arisen as a result of the interpretation or application of the Federal Copyright Law.

Once the settlement resulting from the agreement concluded has been signed by the parties and by the Institute itself, it shall have the force of *res judicata* and of an enforceable instrument.

Where it has not been possible to reach a settlement via the administrative procedure in question, the Institute will exhort the parties to seek recourse to arbitration.

The parties may subject themselves to arbitration where they have agreed a compromise clause or an arbitration agreement in drawing up contracts dealing with copyright.

The maximum period of arbitration shall be 60 days beginning from the date of the document containing the acceptance of the arbitrators.

The arbitration procedure may end with the decision to end the procedure or by agreement of the parties before the procedure is concluded. As regards the decision taken, this shall have the force of *res judicata* and of an enforceable instrument.

CIVIL PROTECTION FOR INTELLECTUAL AND INDUSTRIAL PROPERTY RIGHTS

Title IX of the Federal Copyright Law, entitled "procedures," states that reparation for material and/or moral damage, and also compensation for damage resulting from the infringement of rights, as granted by said Law, shall in no case be less than 40 per cent of the public sale price of the original product or original service, for any type of services involving an infringement of any of the right(s) protected by the Law referred to.

With the support of experts the judge shall fix the amount of the reparation for damage or compensation for damage in those cases where it cannot be determined.

For the purposes of this Law, moral damage means that caused by the infringement of any of the following rights held by the author:

- The determination by the creator of the form in which his work will be disclosed or whether the work shall remain unpublished.
- The requirement by the author of respect for his status regarding his work and the requirement to provide that the work shall be disclosed anonymously or using a pseudonym.
- The requirement by the author of respect for his work, and opposition to any distortion, mutilation or other modification of the work, as well as any action or illegal act against the work to its detriment or prejudice for the reputation of its creator.
- Opposition by the author to the fact that a work which is not of his creation is attributed to him.

As may be observed, this Order attempts to protect as far as possible the extensive range of artistic expressions which may be produced in Mexico, and seeks not only to safeguard the creator's reputation but also the integrity of the work, thereby providing the authors or creators with the certainty that their work, in being registered according to the law, will be protected thereby.

In the case of civil protection for industrial property rights, it is established by the Law on Industrial Property that, in relation to reparation for damage and payment therefor, that the holder of the patent may, once the patent has been granted, request damages from third parties who, prior to the patent being granted, appear to have used the patented process or product without the creator's consent, where said use has been made after the date on which the publication of the individual application takes effect.

Similarly, Title Three of this Order, entitled "Industrial Secrets," states that a natural or legal person hiring a worker, professional, advisor or consultant who provides or has provided his services for another person, for the purpose of obtaining industrial secrets therefrom, shall be liable for the payment of such damages as he may cause to the person in question.

Similarly, a natural or legal person who, by any unlawful means, obtains information envisaging an industrial secret shall be responsible for the payment of damages.

From the above, it may be observed that the law seeks to protect creators who, through their talent, produce utility models which are innovative in society, a fact which must not be reflected in the use of the invention by a third party or consequently in terms of economic loss for its creator.

CRIMINAL PROTECTION OF COPYRIGHT AND INDUSTRIAL PROPERTY

The Law on Industrial Property and Title XXVI of the Federal Penal Code, which relates to copyright, have similar features and constitute the system of criminal protection for intellectual property in Mexico.

The main similarity which exists between crimes relating to copyright and those pertaining to industrial property lies in the general rule that action may be taken by means of a complaint, subject to which the Public Prosecutor's Office may investigate such crimes only where an

individual complaint has been filed with it by the owner of the copyright or industrial rights. Despite the fact that we have stated that this is a general rule which relates to intellectual property crimes, it is necessary to point out that exceptions exist both as regards the types of copyright crimes and the types of crimes involving industrial property rights: commercial speculation of free textbooks, as established in Title 26 of the Federal Penal Code, and Article 223*bis* of the Law on Industrial Property which omits to state whether this crime is prosecuted by means of a complaint.

Similarly, the types of copyright crimes and the crimes involving industrial property rights are committed fraudulently, since they lack the authorization of the owner of those rights.

Although it is certain that both the criminal protection of copyright and of industrial property rights have certain similarities, by virtue of which both are covered by the criminal protection of intellectual property, it should be inferred that since they are distinguished and dealt with by separate legal provisions, they possess features which make special legislation for each of them necessary.

The primary difference which exists between criminal protection for copyright and for industrial property rights lies in the establishment of unlawful conduct which constitutes an industrial property crime in the Law on Industrial Property, while copyright crimes are provided for in the Federal Penal Code (Title 26) and not in the Federal Copyright Law, which does not have an impact on the actions of the Public Prosecutor's Office in investigating the crimes provided for in the Law on Industrial Property, since that Law corresponds to a process of criminal decodification.

In addition to the latent difference between the crimes contained in the Federal Penal Code which relate to copyright, and those established in the Law on Industrial Property, it may be noted that the Law on Industrial Property characterizes the recurrence of administrative offenses as a crime, while the Federal Copyright Law and the Federal Penal Code itself in relation to copyright do not contain any reference to such a situation.

The criminal protection of industrial property rights differs significantly from that for copyright and that difference has an impact on the investigative function of the Public Prosecutor's Office, said difference being constituted by the technical legal opinion of the Mexican Industrial Property Institute.

This technical legal opinion determines the exercise of criminal action by the Public Prosecutor's Office in two specific cases: firstly, where there is a recurrence of the commission of administrative offenses once the first administrative sanction imposed for this reason has remained firm; and secondly, in the case of falsification of marks fraudulently and on a commercial scale.

THE ROLE OF THE PUBLIC PROSECUTOR'S OFFICE IN THE CRIMINAL PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

The Public Prosecutor's Office will launch a preliminary investigation once the owner of the copyright or industrial property rights has filed the corresponding complaint, thereby giving rise to an investigation into the event which may constitute a crime.

It should be pointed out that the Public Prosecutor's Office may not launch an investigation unofficially into crimes relating to copyright or industrial property rights, until such time as the corresponding complaint has been filed, in accordance with the provisions of legislation concerning the criminal protection of copyright and industrial property rights.

Although, as a general rule, copyright and industrial property rights' crimes are certainly prosecuted through the filing of a complaint, exceptions do exist by virtue of which the Public Prosecutors' Office may launch a preliminary investigation *ex officio*. Thus, in relation to copyright, Article 429 of the Federal Penal Code establishes that the crime of commercial speculation of free textbooks (schoolbooks) shall be prosecuted *ex officio*. For its part, the Law on Industrial Property omits to mention that the crime of sale to a final consumer of items exhibiting falsifications of protected marks will be prosecuted through the filing of a complaint by a party.

Once the preliminary investigation has been launched, the Public Prosecutor's Office will undertake the formalities necessary to verify the body of the crime and probable responsibility, in order to take criminal action, by referring the matter to the federal courts.

Said formalities include, in relation to crimes of copyright and industrial property rights:

- The seizure of property: this will be noted in the corresponding record, with a description of the features of the property seized.
- Expert ruling: the participation of experts acquires great relevance in the investigation of crimes relating to copyright and industrial property rights: in the same way as assistants of the Public Prosecutor's Office who, in the search for and preservation and obtaining of evidence and proof, determine through the corresponding rulings the characteristics of the property examined, in order to provide evidence of the elements of the body of the crime and probable responsibility.

Thus, the industrial property experts assist the Federal Public Prosecutor's Office in determining the authenticity or fraudulent nature, from a forensic point of view, of marks, patents, industrial secrets and utility models, as well as of industrial designs related to an act presumed to be a crime.

As regards copyrights, the experts assist the Federal Public Prosecutor's Office in determining the authenticity, from a forensic point of view, of the works and their reproduction, be they literary, cinematographic, artistic, photographic, radio and television programs, or other works indicated by the Federal Copyright Law, including related rights.

As regards crimes involving the recurrence of administrative infringements, as well as the falsification of marks fraudulently and on a commercial scale, as established in the Law on Industrial Property, as we have already mentioned, in order to take criminal action the Public Prosecutor's Office, requires the technical legal opinion of the Mexican Industrial Property Institute.

Once the body of the crime and probable responsibility have been verified, the Public Prosecutor's Office takes criminal action, by referring the matter to the federal courts, since

the courts are competent under the express provision of the Federal Copyright Law, the Law on Industrial Property and the Federal Penal Code.

PARTICULAR FEATURES OF THE INVESTIGATION OF CRIMES AGAINST INTELLECTUAL PROPERTY

Previously we referred in brief to the incorporation of the preliminary investigation in cases of crimes against intellectual property. However, in this section it is necessary to refer to certain particular features inherent in the incorporation of prior investigation in this type of crimes.

We have referred to the general rule whereby a complaint is filed in the case of crimes against intellectual property; similarly, we have established the exceptions envisaged by Mexican legislation to this rule; in accordance with such a procedure, the Public Prosecutor's Office may not launch a preliminary investigation where it has not received the corresponding complaint and, as a result of this situation preliminary investigations have not been launched, despite the fact that elements in favor thereof exist and even, where the preliminary investigation has been launched, by undertaking the merit-based formalities, the claimant may, by means of said procedure, exercise the power of granting a pardon to the person presumed to be responsible, thereby obliging the Federal Public Prosecutor's Office to decide that criminal action will not be taken.

Furthermore, technological advances, combined with the criminal capacity of certain subjects, have meant that on certain occasions the party actively responsible for intellectual property crimes has been unknown, thereby making investigations by the Public Prosecutor's Office to verify the presumed responsibility difficult.

Criminal organizations have found broad room for maneuver in committing intellectual property crimes.

In that sense, faced with the high rate of production, reproduction and sale of fraudulent products without previous authorization by the owner of the rights recognized by the law, the Congress of the Union approved the proposed decree to reform the Federal Law against organized delinquency, such that piracy is defined as a serious crime and is provided for in the list of crimes contained in Article 2 of said Law, for the purposes of challenging and preventing such unlawful conduct.

The legislature in Mexico thus recognized that piracy has become a form of international business, to such an extent that networks of criminal organizations have been formed with financing systems, which provides them with access to the most advanced technologies.

From the above, piracy is recognized as the most important form of criminal business activity, after drug trafficking and the theft of vehicles; it is an unlawful activity which has increased in the past few years and, with the reform in question, attempts are being made to provide the Federal Public Prosecutor's Office with effective mechanisms to combat piracy.

THE NEW ROLE OF THE FEDERAL PUBLIC PROSECUTOR'S OFFICE IN THE CRIMINAL PROTECTION OF INTELLECTUAL PROPERTY

The constant technological advances serve as proof that the intellectual capacity of human beings is expanding exponentially, we have witnessed a revolution of knowledge in all its forms, our expectations on one day are constantly exceeded on the following day and plans for the future are ever more ambitious than those of the present.

However, this knowledge revolution has manifested itself not only in the technological and scientific sphere but artistic performances have expanded greatly.

The creative force of authors and inventors supports such a renewal and provides innovation in knowledge and human progress, although this force is diminished by those who undermine the efforts of creators and appropriate their creations. For this reason, the knowledge revolution must be fully guaranteed, so that it generates benefits for the whole of humanity and it is therefore necessary for the protection of humanity to advance at its own speed and also for provision to be made for future situations.

Thus, national legislations and institutions must provide certainty for the protection of intellectual property; of course, this is no easy task, but with the inspiration of the same creative force protection may be provided for intellectual property against those who weaken it.

As a representative of society, the Public Prosecutor's Office is not alien to such a renewal and it improves its efforts on a daily basis as the body responsible for the criminal protection of intellectual property, innovating in order to establish itself as a true guarantor of the legal property protected by criminal standards.

Strengthening the rule of law requires better instruments so as to ensure that our constitution is in force everywhere, and also greater capacity to apply the law, sanction those who infringe it and settle disputes.

Society wants a constitutional State which guarantees civilized, harmonious and peaceful co-existence i.e. a State which makes legal rules the foundation of social cohesion and of the sum of the efforts made.

In fact, no economic growth strategy may generate the results sought and which the country needs, if at the same time it is not possible to guarantee the validity of the rule of law and public security.

The transformation of our system of justice will only have solid, legitimate and viable foundations if it is based on the general National Constitution, the strengthening of laws and full compliance therewith.

In this context, the exchange of knowledge and experience has always been a fundamental element of the development of civilizations. The great changes in history have, on many occasions, been linked to the incorporation of scientific and cultural innovations. The use of materials and technologies is also an indicator for the classification of the different stages of the future of humanity.

The development of thinking and the vision of history and society have transformed the daily tasks of national communities. Perseverance in preserving individuality, culture, history and values, as well as the capacity to incorporate what is new constitute the axis on which the strength of nations and their development rotates.

In this age of technological and scientific innovations, a stream of which continue to appear, immersed as they are in a globalized relationship based on exchange, the sharing of knowledge becomes something normal and also necessary so that we do not remain in the vanguard of the advancement of knowledge.

The relevance of this meeting is based on the fact that we are able to learn of experiences which differ from our own and on the opportunity to analyze other points of view put forward by well-known specialists, and to examine the proposals which, in other countries, are proposed in order to deal with copyright and industrial property rights' crimes.

From the increase in the production capacity of companies, technological development has allowed mass access to new assets with a subsequent improvement in the quality of life of their users. However, at the same time technological innovations are being used to obtain unlawful gains in the illegal production of goods, commonly known as piracy.

The impact of this criminal phenomenon on the economies and development of countries, which has increased rapidly in the past few years, has been in the form of job losses and investments for the development of society being wasted. This obliges the State to provide means to tackle the problem in a decisive manner.

The scale of the losses estimated for the production and commercialization of fraudulent goods has been translated into demands from the production sectors affected by these practices for effective action from the State bodies responsible for the administration of justice.

In Mexico the problem generated by the unlawful acts committed has been translated, as we have mentioned, into the adoption of appropriate legal standards and, by virtue of the increase in their number, the Federal Government devised a strategy under the name of "seizure plan," the vision of which is to establish an interinstitutional front for the prevention, investigation and prosecution of crimes relating to copyright and industrial rights.

As part of the take-over plan the existence of an interinstitutional committee, as a decision-making central body in which the public, private and social sectors converge, appears to be of particular note. This committee studies, plans, coordinates, supervises and assesses the actions taken and their results for the purposes of establishing a common front against piracy.

The importance attached to this plan and the interinstitutional committee is generated by the participation of the authorities of the National Office of the Attorney-General, the secretariats of economy, treasury and public credit, government, public education, public security and public service, and the representatives of the chambers of various industries affected, authors' societies, representatives of the owners of rights and legal agents of various marks, who represent almost all the parties interested in eradicating such criminal offenses.

Similarly, in the search for the same objective, the National Office of the Attorney-General established, as part of the strategy to improve its operation, the unit specializing in the

investigation of crimes against copyright and industrial property rights, answerable to the Deputy Attorney-General's Office for Specialized Investigation of Federal Crimes, for the purposes of devoting to it the attention due to the phenomenon of piracy.

Combined with the task of the delegations, the operation of this unit has, from its establishment in August 2003 to May 14, 2004, been translated into the seizure of 52,557,900 fraudulent products, an unprecedented figure in the national statistics.

In sharing with you the results obtained, I wish to emphasize that a contribution has been made by those who, seeing themselves affected, have satisfied the requirement of the procedure involved in filing a complaint, so that we may take action. The participation of the representatives of the parties affected is combined with the coordination of government institutions, all of which has allowed us to tackle head on the infringement of the rights of creators and owners of patents and marks.

It is in this context that I wish to emphasize that in the fight against crime, we are seeking to broaden the horizons of what is lawful; and that the efforts with regard to the establishment of a constitutional State require determined support from everyone in order to establish a fair society in which we can live together under the rule of law.

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