



**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) |
- 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.

Awareness Campaign Be your Own Buy Your Own

**WIP
DAY 20
13**

On April 26, World Intellectual Property Day celebrates the invaluable contributions made by innovators and creators across the globe. World IP Day 2013 focuses on **Creativity: The Next Generation**. Come see how IP works to contribute to the flourishing of music and the arts and to driving the technological innovation that helps shape our world.

DATE: 26 April 2013

TIME: 10am onwards

VENUE: University of Pretoria

Microsoft



SARS
South African Revenue Service

PROUDLY
SOUTH AFRICAN

AIRCO

dti
Department of Trade and Industry

RISA



SAFACT
South African Film and Television

**Be your own.
Buy your own.**

EVENT BRANDING - POSTERS



INDUSTRIES AFFECTED BY PIRACY

Software Music Film Gaming Publishing

INTELLECTUAL PROPERTY STARTS WITH AN IDEA

Scam Theft Sensitive/Confidential Seed Egg

INTELLECTUAL PROPERTY NEEDS TO BE PROTECTED

Protect Nurture Sustain Reward

THE LOGO



IDEA CONSERVATION
Be your own. Buy your own.



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
5. 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

TARGETTED ENFORCEMENT ACTION



Multi Agency Joint Operations Planning and Briefing session



Media Coverage



Off site Procession vehicle





RESPONSIBILITY

The responsibility to:

- balance the protection of legitimate businesses

with the responsibility towards

- protecting consumers will always be that of **Government**

