



Training Manual on IP Crime Prosecution

1. INTELLECTUAL PROPERTY CRIMES: OVERVIEW

“Intellectual property” is a generic name

- Patents;
- Trademarks;
- Industrial designs;
- Copyright;
- Rights related to copyright (“neighboring rights”).



How do IP rights arise?

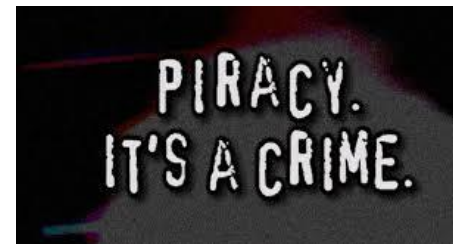
- Patents, trademarks and industrial design rights - registration by the registering authority.
- Copyright - by virtue of creation

Civil or criminal liability?

- Relationship between IPR infringements and IP Crime



- Counterfeiting



- Copyright piracy
- Parallel importation

Defining the playground

- Parallel imports
- Generic drugs

Why criminalising?

- Public health and safety
- Tax, customs, excise income
- Foreign investment and investor confidence
- Prevention of corruption and organized crime
- Compliance with international standards

This Viagra pill costs \$15.
To get it, you
have to go to a
doctor and talk about
your erectile issues.



This knockoff costs \$1.
You can order it over the Internet
without a prescription or
potential embarrassment.
It might work.
It might also contain
brick dust—or worse.

WCO August 2014

World Customs Organization's latest Illicit Trade Report

More than half of reported seized goods were illicit pharmaceutical products

Worth some US\$19 million

Protection of state income

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Prevention of organized crime



Compliance with international obligations



Who should be the target of criminal enforcement?

Complexity of the supply chain

Multiple profiles involved in IP crime

Different levels of knowledge/ involvement

Intermediaries in the physical and virtual worlds