



Training Manual on IP Crime Prosecution

9. EVIDENTIAL ISSUES

What needs to be proved ?

- The entitlement of the IP right holder
- The existence of an infringing act
- The participation of the suspect in the infringing act



Overlapping IP-related charges

- Some objects embody multiple IP infringements
- Pirated goods usually have counterfeit trademarks
- Easier to prove counterfeiting than piracy

Alternative criminal charges for dealing with IP offenders

- Fraud
- Customs and tax
- Drug and food legislation
- Labour related legislation/ human trafficking
- Organised crime
- Corruption
- Money laundering

What if the evidence is abroad?

- . IP crime as a transnational crime
- . Channels for mutual legal assistance
- . UN Convention against Transnational Organized Crime
- . Operational platforms: INTERPOL