

Dear Anticounterfeiting Committee Members,

As the 2012–2013 term comes to an end, the ACC has many accomplishments to reflect on, and still more to look forward to in its last few months.

As you all know, the Leadership Meeting is coming up in Miami. We will use our committee meeting to give a thorough update on the term by highlighting our accomplishments and giving recommendations about where the ACC should head in 2014. We also want to use this chance to celebrate our accomplishments with some drinks at Loews Miami Beach Hotel on Thursday, November 14.

We would like to congratulate our new chair and vice chair of the ACC's 2014–2015 term. New ACC Chair Bartosz Krakowiak (POLSERVICE Patent and Trademark Attorneys Office, Poland) has diligently led the EU Subcommittee this past term and will be a great leader for the ACC. New ACC Vice Chair Ayala Deutsch (NBA Properties, Inc., USA) will provide ample support for the ACC, as highlighted by her efforts leading the current China Subcommittee and the Online Counterfeiting Task Force.

We have been so fortunate to lead such a talented group, and have found the experience to be very rewarding. We are sad to see the end so near, but the friendships we have developed these last two years will certainly continue to grow after the term has ended.

Sincerely,

ACC Chair Gustavo Giay
Marval, O'Farrell & Mairal, Argentina

ACC Vice Chair Michelle Brownlee
Bose Corporation, USA

Anticounterfeiting Committee Policy Roundtables

The ACC conducts policy roundtables to communicate INTA positions on anticounterfeiting to relevant governmental agencies or relevant public policy authorities. These roundtables foster dialogue with governments on policy issues and have become an efficient way to influence policy makers and voice INTA's concerns and interests.

INTA Roundtable on the Practical Challenges of Provisional Decision No. 5 of 2012 in Indonesia



On July 25, the East Asia and Pacific Subcommittee held a roundtable on Provisional Decision No. 5 of 2012 (PERMA No. 5) in Indonesia, which created a fast and simple process to prevent the entry of counterfeit products. PERMA No. 5 allows an aggrieved IP holder who has gathered adequate evidence to request the Commercial Court to issue a provisional decision to confiscate and preserve (and eventually destroy) the counterfeit products. The court is given 48 hours from receipt to either grant or refuse the Petition for Provisional Decision and require the payment of a bond. All of the proceedings shall remain confidential until the issuance of the decision. Subcommittee member Jennifer D. Fajelagutan (patrick mirandah co., Philippines) moderated the event, which was attended by the Indonesia IP Office Director General, the Chairman of the Association of Indonesian IP, and the Representative of the Supreme Court of Indonesia.

Continued Series of Roundtables on the Problem of the Online Sale of Counterfeit Goods in the Republic of Serbia

The Eastern European and Central Asia (EE & CA) Subcommittee held its third and fourth roundtables in a series entitled "The Problem of the Online Sale of Counterfeit Goods in the Republic of Serbia" organized by EE & CA Subcommittee member Mara Janković (Mikijelj

Janković & Bogdanović, Serbia) and hosted in partnership with the Serbian Chamber of Commerce. The third roundtable, on September 25, was a gathering of stakeholders from the Republic Agency for Postal Services, Ministry of Internal Affairs, Customs Office, and the Intellectual Property Office. Candice Li, INTA External Relations Manager for Anticounterfeiting, gave opening remarks, and EE & CA Subcommittee Chair Milan Milojević (Milojević, Sekulić & Associates, Serbia) also participated at the event. On October 9, another larger roundtable on the same topic was held with some of the same players and members of the public prosecutor's office. The roundtable discussions determined that the main issue concerning online counterfeiting in Serbia is that the Law on Personal Data Protection (which went into effect in Serbia in January of 2009) has acted as a barrier to identifying counterfeiters. Similarly, participants found that loopholes in the Law on Postal Services (which went into effect in 2003) were interfering with the identification of infringers as well.



INTA Roundtable on Practical Issues in Combating Counterfeits in Ukraine and at its Borders

On September 27, the EE & CA Subcommittee convened a full-day roundtable at the Ukrainian National News Agency on practical issues in battling counterfeits in Ukraine and at its borders. EE & CA Subcommittee members Alexander Pakharenko (Pakharenko & Partners, Ukraine) and Yaroslav Ognevuyuk

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Policy Roundtables

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(Doubinsky & Osharova, Ukraine) organized the event and invited speakers from the State Customs Service of the Ministry of Revenues and Duties of Ukraine and the State Intellectual Property Service of Ukraine. INTA External Relations Manager for Anticounterfeiting Candice Li, EE & CA Subcommittee Chair Milan Milojević (Milojević, Sekulić & Associates, Serbia) and EE & CA Subcommittee member Daria Beliaeva (Elena Beliaeva, Nina Vasilieva & Partners, Belarus) also spoke at the event. During the roundtable, members and brand owners were able to share their experiences in enforcing their rights at customs and within the territory of Ukraine.

INTA Roundtable on Counterfeiting in Macedonia

On October 7, EE & CA Subcommittee Chair Milan Milojević (Milojević, Sekulić & Associ-

ates, Serbia) hosted a roundtable in Skopje in partnership with the Customs Administration of the Republic of Macedonia. With Macedonian judges, the State Market Inspectorate and members of the Macedonian State Office of Intellectual Property in attendance, the purpose of this roundtable was for INTA and the Customs Administration to start a dialogue with the judges, in particular, about the trend of issuing court decisions in customs seizure cases in favor of the infringers, resulting in nearly 80 percent of seized counterfeit goods being released (80 percent, that is, of those seized counterfeit goods that end up before the courts). It was agreed that there was a lack of awareness about counterfeiting crimes in the local court systems in Macedonia. The roundtable participants decided that possible solutions included training judges and working toward having a centralized IP court in Skopje to handle all counterfeiting cases.



INTA Roundtables on Anticounterfeiting in Australia



The ACC held policy roundtables on anticounterfeiting in Australia, first on October 16 in Melbourne and then on October 30 in Sydney. The events were coordinated and moderated by ACC East Asia and Pacific Subcommittee members Mary Padbury (Ashurst, Australia) in Melbourne and Miriam Stiel (Allens, Australia) in Sydney.

Topics included the anticounterfeiting provisions of the “Raising the Bar” legislation, the latest provision of the Anti-Counterfeiting Trade Agreement, and international developments in anticounterfeiting. Representatives from IP Australia and the Australian Customs & Border Protection Service took part in the discussion. ■

2013 HOT TM TOPICS in the MEASA Region

DUBAI, UNITED ARAB EMIRATES | DECEMBER 9-10

Attend INTA's first-ever conference for trademark owners and legal professionals in the Middle East, Africa, South Asia and beyond. Leading trademark experts and government officials will discuss:

- Public-Private Partnerships
- Trademark Valuation
- Dispute Resolution
- Customs Border Measures
- Well-Known Marks
- Licensing Issues in the Region
- Regional hot IP topics, and more!

Register today! CLE will be offered!

Visit www.inta.org/Dubai2013

Unreal Campaign

Unreal Update

The Unreal Campaign, INTA's consumer awareness program that aims to educate high school students about the dangers of counterfeit goods and the importance of trademarks, was back in action with several U.S.-based activities this fall.

INTA is proud to announce that we are continuing our partnership with Street Law, Inc. and the Constitutional Rights Foundation (CRF)—a partnership that began in August 2012—through the end of 2014. This partnership will support several programs starting in October.

Most notably, INTA is continuing its Unreal Campaign Student Outreach Program, which brings INTA volunteers into classrooms to teach a trademark-related curriculum developed by Street Law, CRF and INTA members. Street Law and CRF are currently reaching out to schools in four cities—Chicago, Los

Angeles, New York and Washington, D.C.—to find teachers who would like to include the two 45-minute Unreal classes in their fall curriculum. INTA will reach out to its members across the U.S. in early October with a call to sign up and volunteer. The organizations will also match volunteers outside of these cities on a case-by-case basis.

Also in October, our Street Law and CRF partnership helped support a student engagement session in Chicago, which took place at the Hotel Sax the day before INTA's Branding and Social Media Conference. On October 2, INTA hosted over 100 local students from three Chicago schools. The event included presentations on trademarks and counterfeit goods and an interactive activity in which students applied the knowledge gained during the presentations. INTA members Jessica Ekhoﬀ (Patishall, McAuliffe, Newbury, Hilliard & Gerald-

son LLP, USA), Heather Steinmeyer (WellPoint, USA) and Amy Keenan (WellPoint, USA) were joined by special agents from Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) to present to the students.

Finally, in partnership with Street Law and CRF, INTA will be sponsoring a student engagement session at the Leadership Meeting at Loews Miami Beach Hotel on Friday, November 15, from 10:00 am to 1:00 pm. Leadership Meeting attendees are also welcome to attend this event as observers. In addition, an Unreal Campaign Member Information Session that will be held on Thursday, November 14, from 4:30 pm to 5:30 pm. U.S. members who are interested in volunteering and teaching Unreal Campaign Student Outreach Program in the spring semester of 2014 are welcome to attend either or both of these events.



Unreal Student Engagement Event in Chicago



Learn more about the Unreal Campaign: www.inta.org/unrealcampaign
Visit the Campaign's teen website: www.unrealcampaign.com

Connect with the Unreal Campaign on social media:



ACC Letters and Submissions

Recommendations on Draft National Policy on Intellectual Property, 2013, in South Africa

On October 3, INTA sent a submission to the request of Dr. Rob Davies, Minister of Trade and Industry, for comments on the Draft National Policy on Intellectual Property, 2013, to outline the objectives and give a background on the issues that the South African government should address. The ACC's contribution to the INTA comments included suggesting that the draft National Policy include more anticounterfeiting provisions, expressing support for customs seizures of counterfeit goods in transit through South Africa and calling for training of enforcement officials.

Commendation of the PIPCU in London

On October 8, INTA President Toe Su Aung (BATMark Limited, UK) sent a commendation letter to the City of London Police Commissioner, Adrian Leppard, on the newly established Police Intellectual Property Crime Unit

(PIPCU) within the City of London Police. Formed on September 12, 2013, the PIPCU is a team of 19 people from the London police force's Economic Crime Directorate that will be dedicated to tackling intellectual property crime, with a focus on offenses committed online. The UK IPO has allocated funds for the next two years to launch this operationally independent law enforcement unit concentrating on counterfeit and piracy affecting physical and digital goods (with the exception of pharmaceutical goods). On September 13, the PIPCU was successful in arresting two men and seizing thousands of counterfeit DVDs being sold on the Internet. For more information about the PIPCU, please see their website: <http://www.cityoflondon.police.uk/CityPolice/Departments/ECD/PIPCU/>.

Comments in Moldova

On September 6, INTA CEO Etienne Sanz de Acedo sent INTA recommendations on a draft Moldovan Customs Regulation to Ion Tiganas, the Deputy Director General of State Agency on Intellectual Property of the Re-

public of Moldova. Mr. Tiganas had personally requested INTA's input on the Moldovan Regulation on Customs Action against Goods Suspected of Infringing Intellectual Property Rights and the Measures to Be Taken Against Goods Infringing Certain Intellectual Property Rights. The ACC's comments included suggestions to increase the number of days customs holds seized goods at the border, to allow regulation to be extended to goods in transit, to share information about the seized goods with brand owners and to take appropriate steps to reduce or eliminate the burdens on trademark owners with respect to the costs of storage and destruction of counterfeit goods.

To read the full submissions highlighted here, please go to www.inta.org/anticounterfeiting and click on the dropdown arrow next to "Testimony and Submissions" under "INTA resources" near the bottom of the page.



Save the date for INTA's 136th Annual Meeting

May 10-14, 2014 | Hong Kong

Expand your professional knowledge and grow your portfolio of international clients at the world's largest and most widely attended trademark conference. Whether you are a newcomer or a seasoned IP professional in Asian markets, the International Trademark Association's Annual Meeting in Hong Kong presents the perfect opportunity to explore new opportunities in this dynamic and fast-growing region.

Plan now! Registration opens January 15.

Visit www.inta.org/2014INTAAM



Release of the EU Observatory Report on the Contribution of IP to the EU Economy

In September, the European Patent Office (EPO) and the Office for Harmonization in the Internal Market (OHIM) developed and released a study titled “Intellectual property rights intensive industries: contribution to economic performance and employment in the European Union.”

The study highlights that IP-intensive industries directly contribute 26 percent of all jobs and generate almost 40 percent of the EU’s GDP. Furthermore, EU industries that are considered “trademark-intensive” directly account for the most number of jobs among the

IPR-intensive industries, with more than 45 million jobs generated—that is, 20.8 percent of total employment in the EU. To read the full report, please click [here](#).

Combating Counterfeit Products Act in Canada: Bill C-8 (formerly Bill C-56)

The Combating Counterfeit Products Act (Bill C-56) was introduced by Industry Canada on March 1, 2013, and significantly improves anticounterfeiting measures by amending the Trade-marks Act in Canada. INTA, with the support of the ACC, has submitted recommendations to the bill and has been thoroughly engaged with Industry Canada, Public Safety Canada, Canada Border Services Agency and the Canadian IP Office. On October 3, ACC North America Subcommittee member David Lipkus (Kestenberg Siegal Lipkus LLP, Canada) attended the most recent meeting with Industry

Canada to discuss the top amendments that INTA would like to see in Bill C-56.

The Canadian Parliament officially prorogued as of September 13. The principal effect of prorogation is to terminate all unfinished business, providing a fresh start for the next session. Bills like Bill C-56, which have not received Royal Assent before prorogation, must be reintroduced in the new session as if they had never existed or be reinstated by motion at the start of the new session at the same stage they had reached at the end of the previous session.

On October 28, Bill C-56 was reinstated by the new parliamentary session in the same form as in the previous session at the time of prorogation as Bill C-8, “An Act to amend the Copyright Act and the Trade-marks Act and to make consequential amendments to other Acts.” The new Bill C-8 is deemed read a second time and was referred to the Standing Committee on Industry, Science and Technology. INTA plans to continue to support Bill C-8 as it heads to Committee and advocate for INTA’s proposed amendments to make the bill even stronger.

INTA Memorandums of Understanding (MOUs) in Brazil and Singapore

INTA President Toe Su Aung (BATMark Limited, UK) signed two more Memorandums of Understanding (MOUs) this summer. On August 21, Ms. Aung signed a Memorandum of Understanding with the National Institute of Industrial Property of Brazil (INPI) President Jorge Ávila during a high-level delegation visit to the country. On August 28, she signed a second MOU with Tan Yih San, Chief Executive of the

IP Office of Singapore (IPOS). The MOU in Singapore is the first of its kind with a government in Southeast Asia. INTA now has MOUs with Brazil, Singapore and Mexico and cooperation agreements with China’s State Administration of Industry and Commerce and with its General Administration of Customs. These agreements strengthen our partnership with these offices and guide our collaborative efforts in an array of

future projects in the field of trademarks and IP protection.

Click [here](#) for more information on the Brazilian MOU.

Click [here](#) for more information on the MOU in Singapore.

ACC Mission Statement

The ACC evaluates treaties, laws, regulations, procedures and other enforcement mechanisms with respect to anticounterfeiting and enforcement. In addition, the Committee advocates policies to advance protection against counterfeiting and infringement and provides anticounterfeiting and enforcement education.

Chair

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Marval, O’Farrell & Mairal

Vice Chair

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Bose Corporation

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Ayala Deutsch, USA
NBA Properties, Inc.

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Although every effort has been made to verify the accuracy of items in this newsletter, readers are urged to check independently on matters of specific interest.

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