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Enforcement Measures Against Counterfeiting and Piracy, 1998 *The Economics of Counterfeit Trade* Peggy E

Chaudhry, Alan Zimmerman, 2009-02-21 The expansion of world trade has brought with it an explosive growth in counterfeit merchandise Estimates put the world total for counterfeit products at about one half trillion dollars annually although it is impossible to accurately determine the true size of the counterfeit market What is known is that this illicit trade has infected nearly every industry from pharmaceuticals to aircraft parts Software and music piracy are easy targets widely reported in the media In 2007 the Business Software Alliance BSA estimated that 38% of personal computer software installed worldwide was illegal and the losses to the software industry were 48 billion worldwide The Recording Industry Association of America RIAA reported a 58% increase in the seizures of counterfeit CDs Overall a wide range of industries agree that there is a severe problem with the protection of intellectual property rights IPR throughout the world yet there have been virtually no attempts to describe all aspects of the problem This work aims to give the most complete description of various characteristics of the IPR environment in a global context We believe a holistic understanding of the problem must include consumer complicity to purchase counterfeit products tactics of the counterfeiters pirates as well as actions or inaction by home and host governments and the role of international organizations and industry alliances This book establishes the full environmental aspects of piracy describes successful anti counterfeiting actions and then prescribes measures IPR owners should take to protect their intellectual property *Trademark Counterfeiting, Product Piracy, and the Billion Dollar Threat to the U.S. Economy* Paul Paradise, 1999-09-30 Called the business crime wave of the 21st century trademark counterfeiting and product piracy are worldwide in scope and cost the U S economy billions of dollars every year High technology and the globalization of business have made it possible to counterfeit and pirate a seemingly limitless number of products from t shirts designer jeans films and books to auto and airplane parts and prescription drugs The 1995 1996 trade dispute between the U S and China shows how serious the problem has become for American business and for U S diplomatic relations Paradise explores the history of counterfeiting and piracy shows how they are done and the strategies that U S businesses are using to combat them With interviews commentary and anecdotes by corporate attorneys business leaders and private investigators this well written book is essential for anyone interested in the damage that violations of intellectual property law are inflicting on world trade and what is being done to stop it Called the business crime wave of the 21st century trademark counterfeiting and product piracy are worldwide in scope and cost the U S economy billions of dollars every year High technology and the globalization of business have made it possible to counterfeit and pirate a seemingly limitless

number of products from t shirts designer jeans films and books to auto and airplane parts and prescription drugs The 1995 1996 trade dispute between the U S and China shows how serious the problem has become for American business and for U S diplomatic relations Paradise explores the history of counterfeiting and piracy shows how they are done and the strategies that U S businesses are using to combat them With interviews commentary and anecdotes by corporate attorneys business leaders and private investigators this well written book is essential for anyone interested in the damage that violations of intellectual property law are inflicting on world trade and what is being done to stop it Paradise lays out the problem in Chapter 1 with a clear explanation of the differences between trademarks copyrights and patents and the laws covering each In Chapter 2 he looks at the role played by organized crime gray market goods the lack of intellectual property laws and ultimately the threat to U S business He discusses the recent investigations and disputes with China and its aftermath throughout Southeast Asia Chapter 4 focuses on the knockoff chapter 5 on street peddlers and flea markets and how merchants are retaliating and chapter 6 on the tracking of counterfeiters The entertainment industries and the pharmaceutical industries are then closely examined He follows with equally comprehensive and chilling studies of automobile and aircraft parts counterfeiting and piracy in cyberspace Paradise ends with a look at what is being done to counteract the inroads that piracy and counterfeiting have made into the global economy and offers a provocative call for more and better efforts in the future

The Economic Impact of Counterfeiting and Piracy OECD,2008-06-19 This study develops and applies a rigorous methodology to estimate the incidence of counterfeit and pirated items in world trade

A New Framework For Combating Piracy And Counterfeiting Jörg Drischel,2004-07-11 Master s Thesis from the year 2004 in the subject Business economics Business Management Corporate Governance grade 72% University of the West of England Bristol Bristol Business School MSc International Management language English abstract This study deals with the growing problem of piracy and counterfeiting successful companies have to face nowadays The aim of the study is to recommend suitable strategies that victim companies should adopt in reaction to Intellectual Property Rights IPR infringement and trademark counterfeiting In order to formulate appropriate strategies one must first gain an understanding of the rationale behind counterfeiting for both producers as well as purchasers It is also imperative to distinguish between different types of counterfeiting as some types certainly have a greater potential for harm Each category requires a different approach A look into buyer behaviour is necessary in order for firms to be able to formulate a successful anti counterfeiting advertising campaign and to target the right audience as well as an investigation into the varying vulnerability to counterfeiting of different product categories Companies as well as society as a whole are plagued by a phenomenon that is clearly not yet receiving the attention it deserves Theft is a problem for every employer It occurs in shops where would be customers shoplift but it does not stop there Employees stealing company property is a much bigger problem This does not merely refer to a company s own workforce but also everyone at any stage of the supply chain The trend toward outsourcing

certainly has not helped as it is difficult enough to keep an eye on your own workforce without having the additional problem of policing the supply chain. Products can and do go missing due to theft. The phenomenon this study investigates is not conventional theft but rather theft of a different sort: theft of intellectual property and counterfeiting. Piracy and counterfeiting are not theft of finished products but of ideas, inventions, creations and discoveries which are protected by trademarks, patents and copyrights. *International Piracy*, 1986. *Handbook of Research on Counterfeiting and Illicit Trade*. Peggy E. Chaudhry, 2017-07-28. This unique Handbook provides multiple perspectives on the growth of illicit trade, primarily exploring counterfeits and internet piracy. It includes expert opinion on a wide range of topics including the evaluation of key global enforcement issues, government and private sector agency initiatives to stifle illicit trade and the evolution of piracy on the internet. The authors also assess the efficacy of anti-counterfeiting strategies such as targeted consumer campaigns, working with intermediaries in the supply chain, authentication technology and online brand protection.

Economic Impact of Counterfeiting and Piracy, 2007. **The Case for Criminalizing Copyright Piracy on a Commercial Scale and the Appropriate Level of Penalties**. Ainee Adam, 2014. The establishment of criminal offences for copyright infringements has a long history under certain national copyright laws including the laws of Australia and Malaysia. A new stage in the evolution of criminal laws for copyright infringements was however reached in the mid 1990s with the introduction of the first international standard for criminal enforcement measures in the form of Article 61 of the Trade-Related Aspects of Intellectual Property Rights Agreement, the TRIPS Agreement. The Article 61 standard, which is the current international standard, criminalizes among other things wilful copyright piracy on a commercial scale and compels WTO Members to impose imprisonment and/or monetary fines sufficient to provide a deterrent consistently with the level of penalties applied for crimes of a corresponding gravity. The Article 61 standard, however, could potentially be eclipsed by new and potentially more severe standards of criminal enforcement measures which are being proposed and negotiated between countries to be included in emerging multilateral treaties, namely the Anti-Counterfeiting Trade Agreement and the Trans-Pacific Partnership Agreement. The attempts to strengthen the international standard for criminal enforcement measures have resulted in considerable controversy, partly due to the expansion of the scope of conduct being criminalized. The recent and ongoing controversies concerning the application of the criminal law to copyright infringements are related to more general controversies regarding the purpose and proper scope of copyright protection, especially in the digital environment. In view of the apparent movement towards increasingly prescriptive international standards of criminal enforcement measures and bearing in mind that copyright infringements have historically been essentially regarded as private wrongs, there is an urgent need for a principled analysis of the application of the criminal law to certain forms of copyright infringement. This thesis examines this general issue by addressing two key research problems: whether the criminalization of copyright piracy on a commercial scale is legitimate and if so, what are the objectives of imposing criminal sanctions and in

light of the objectives what are the appropriate levels of criminal punishment for copyright piracy Although the subject of much current debate these issues have been under researched in the academic literature In relation to the first research problem applying Joel Feinberg s version of the Harm Principle the thesis tentatively concludes that there is a prima facie case for criminalizing intentional or reckless acts of copyright piracy on a commercial scale In relation to the second research problem the thesis establishes that the overarching objective of establishing criminal penalties in Article 61 is to deter serious copyright infringements essentially meaning intentional piracy on a commercial scale In accordance with this objective the penalties set by national enforcement regimes should be assessed by reference to the principles arising from the deterrence theory of criminal punishment Focusing on the Australian and Malaysian penal provisions the thesis assesses whether the level of penalties set in the relevant criminal provisions comply with deterrence theory in that they are sufficiently severe to deter infringements but nevertheless proportionate Accepting that the Article 61 standard requires that the penalties to be made available must be consistent with the level of penalties applied to crimes of a corresponding gravity and that most commentators on the TRIPS Agreement agree that offences for non violent theft are crimes of a corresponding gravity the thesis uses the penalties set for such offences as benchmarks for assessing the penalties set by representative criminal provisions under the relevant national copyright laws The thesis demonstrates that the penalties set in the Australian and Malaysian penal provisions prima facie comply with the current TRIPS standard which is inherently flexible Further empirical research on factors such as the current enforcement and sentencing practices however is necessary to arrive at a definitive conclusion on the extent to which the criminal penalties set under Australian and Malaysian law represent an effective but proportionate deterrent Reflecting the complexity of the issues in this controversial area many of the conclusions reached in the thesis are tentative and qualified Nevertheless the analysis of the two key research problems undertaken in the thesis represents an advance over the extant literature by establishing a rigorous conceptual framework for addressing the two key research problems which hopefully may guide future research in this area The law in the thesis is as at 23 June 2014

The Economic Effects of Counterfeiting and Piracy Carsten Fink, 2016 Policy makers around the world recognize the potentially harmful consequences of trademark counterfeiting and copyright piracy Indeed many countries have recently initiated policy reforms to strengthen the enforcement of intellectual property rights IPR Further minimum standards of enforcement have been incorporated in many international treaties especially trade agreements This emphasis on enforcement raises basic questions about the actual impacts of IP rights infringement which differ across the types of IPR and economic sectors The authors review the academic literature and other studies in the public domain to evaluate what has been learned about these socioeconomic effects with an emphasis on developing countries where possible They also identify important gaps in our understanding of the consequences of counterfeiting and piracy and develop recommendations on how governments might collect data and conduct studies to better inform IPR enforcement policy

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