



INTERPOL

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Working with the international police community and other stakeholders to fight transnational organized counterfeiting and piracy

John Newton is the IPR Programme Manager, Intellectual Property Rights Programme at the International Criminal Police Organization – INTERPOL



The relevance of counterfeiting and piracy to INTERPOL

The International Criminal Police Organization – INTERPOL has been focused on combating intellectual property (IP) crime¹ since 2002 and a significant amount of resources are committed to the cause. The reason IP crime is given priority by INTERPOL is the clear involvement of transnational organized criminals who manufacture and distribute counterfeit and pirate products on an industrial scale on a regional and increasingly global basis. It seems that no industry is exempt from the attentions of these persistent and unremitting international criminals who derive significant illicit profits from their activities.

This is evidenced by the wide breadth of industries who work in partnership with INTERPOL and other stakeholders in an effort to take on and disrupt the activities of the

¹ Intellectual property (IP) Crime is a generic term used by INTERPOL to describe all types of counterfeiting and piracy

counterfeiters. Industries currently working with the INTERPOL IPR Programme include: agrochemicals; baby milk; battery; beverages; business software; certification (product health and safety); chemicals; condoms; electrical; games software; food; household goods; image consumables; luxury goods; recording; medical product; motion picture; motor vehicle manufacturers; plastic; pharmaceutical; shoe polish; skin care; spirits; telephone; tobacco; toys; and, watch manufacturers. Many more are indirectly involved through their membership of national organizations such as the US Chamber of Commerce.

Of central concern to these industries are the almost infinite trademark and copyright infringements that adversely affect their commercial interests. However, INTERPOL does not expend much energy focusing on definitions or discussions about the relative importance of trade marks over copyright and visa versa. On the contrary, emphasis is placed on doing something about it. The reason for this approach is that modern day organized criminals are effectively commodity brokers who do not distinguish between counterfeiting and piracy, but concentrate on manipulating any illegitimate commodity to generate massive profits. Consequently INTERPOL efforts centre on the common denominator in all types of counterfeiting and piracy, and increasingly illicit trading - the transnational organized criminals themselves.

Against this background INTERPOL consistently delivers three main international functions. The first is raising government policy maker and chief police officer awareness about the links between IP crime and transnational organized criminals. Customs agencies, by the very nature of their work at national borders, have always been involved in the interception of incoming shipments of counterfeit and pirate products. Typically national police forces have not been involved to any degree and INTERPOL is at the forefront of efforts to encourage chief officers to dedicate more resources to fighting transnational IP crime.

The second core function is collecting intelligence about international criminals at the core of organized counterfeiting and piracy. The INTERPOL Database on International Intellectual Property (DIIP) Crime is designed to identify criminal organizations that attack more than one industry sector or a group of industries. When links are discovered INTERPOL leads proactive regional cross-industry law enforcement interventions to disrupt these criminal conspiracies.

Facilitating and coordinating these international enforcement operations is the third activity. INTERPOL is an international organization and does not have the power to make these interventions within the territorial jurisdictions of its member countries. The actual enforcement work is done by national police and customs officers in target countries. INTERPOL's role is to identify an 'intervention point' for collective efforts and then bring together the enforcement agencies, IP crime affected industries, cross-industry associations and other stakeholders to make meaningful interventions happen.

Evolution of the IPR Programme

In 2002 one police officer was committed to IP crime. In 2009 there are five full-time officials comprising of police officers and other officials who drive the programme forward. Their efforts are enhanced by an ability to generate support from national police agencies in INTERPOL's 187 member countries using the I-24/7 Global Police Communications System. As of February 2009, 89 member countries (48 per cent) from every INTERPOL region have provided intelligence on counterfeiting and piracy and are actively working with the IPR Programme to combat transnational IP crime.

Raising awareness about the nature and extent of transnational organized IP crime among policy makers and chief police officers in member countries has contributed to the increased momentum. However, the real driver for the growth has been leadership and the proactive stance taken by the IPR Programme. This has manifested itself in the four important interconnected outputs. These are the collection of information for action; bespoke IP crime training; coordinating and facilitating regional cross-industry law enforcement interventions into transnational organized IP crime; and, bridging the gap between police and the public health sector to combat counterfeit medicines in the context of the World Health Organization (WHO) International Medical Products Anti-counterfeiting Task Force (IMPACT).

Database on International Intellectual Property (DIIP) Crime

The INTERPOL Database on International Intellectual Property (DIIP) Crime was established in 2007 with the active support of the United States Chamber of Commerce. The database has become a unique central point of reference for private industry worldwide to provide information on IP crime. One of its functions is to maintain reliable data on the scale of counterfeiting and piracy to determine more clearly the nature of crimes against brand integrity. The IP Crime Unit analyses the data to identify possible links between IP crimes across different industry sectors to ensure that scarce collective resources can be directed where they will be most effective. The database is now used systematically to support all INTERPOL IPR Programme operational deployments on a regional and global basis.

Apart from making investigations more efficient the database is becoming a valuable tool for informing the strategic development of the IPR Programme. For example, analysis of information has confirmed transnational organized criminals in Southeast Asia are responsible for the flow of counterfeit antimalarial medicines into parts of Africa. While this was suspected for some time the analysis has enabled police forces in both regions to coordinate their efforts on the same criminal organizations. It is expected these advances will lead to proactive investigations and operational successes in 2009 and beyond.

IP crime training

Raising police awareness about the nature and extent of transnational organized IP crime has led to a tremendous increase in demand for training from INTERPOL member countries. This is especially so in countries where the IPR Programme acts as a catalyst for collective law enforcement interventions in the activities of these criminals. The IP Crime Training Programme initially started in South America to prepare police officers to

participate in anti-counterfeiting operations in the Tri-border Area at the junction of Argentina, Brazil and Paraguay.

While these sessions were useful in themselves it was recognized that a more systematic approach was needed. It was decided to aim INTERPOL training efforts primarily at the needs of police middle managers with responsibility for investigating IP crimes. Beginning in 2008, the INTERPOL and Italian Guardia di Finanza co-hosted one-week courses have been attended by over 100 middle managers from 63 member countries. Another 138 customs, drug regulatory body and police middle managers from 26 Eastern and Southern Africa countries received the same training at the INTERPOL and Kenya Police co-hosted IP Crime Training and Operational Workshops held in Kenya in November 2008. Over 120 other drug regulatory body and police managers in Africa and Southeast Asia received similar training on counterfeit medical products to prepare them for operational interventions that took place as part of the IMPACT Programme.

Providing 358 operational middle managers with quality training on all aspects of transnational organized IP crime in one year is a considerable achievement and it is hoped to emulate this in 2009. However, a characteristic of policing is that there is often a rapid turnover of staff as officers are either promoted or assigned to other duties. In an effort to counter this loss of expertise and provide consistent learning opportunities, INTERPOL is working with private sector organizations represented on its advisory body, the INTERPOL Intellectual Property Crime Action Group (IIPCAG), to develop an interactive modular IP crime training course which will be accessed through the Internet.

A working model will be presented at the INTERPOL, An Garda Síochána and the Police Service of Northern Ireland co-hosted 2009 International Law Enforcement IP Crime Conference in Dublin on 29 September. Once the course has been quality-assured the intention is to identify a police IP crime training coordinator in each INTERPOL member country to ensure the training materials on the Internet are made widely available and are an integral part of national police training. It is expected that this will lead to a better level of awareness about transnational organized IP crime and an increased willingness by police officers to target this criminality.

2009 International Law Enforcement IP Crime Conference

The conference in Dublin is the third consecutive international law enforcement IP crime conference co-hosted by the INTERPOL IPR Programme. The 2007 and 2008 events, attended by over 400 participants from nearly 50 countries, were co-hosted by the Royal Canadian Mounted Police and held in Canada in partnership with Underwriters Laboratories. The format is specifically aimed at providing front line IP crime investigators from public and private sector organizations with practical knowledge and core IP crime investigation skills. As a result the accent is on enabling attendees to intervene in the activities of transnational organized IP crime rather than just talking about doing so.

This objective will be further emphasised in 2009 with the introduction of 16 different IP crime specific workshops to give participants an opportunity to explore and develop a

number of particular interests. Although workshops will follow the conference theme “making a difference – delivering operational success” they will each focus on a different aspect of the problem posed by transnational organized criminals. For example, criminal involvement in the context of IMPACT and collective efforts to tackle counterfeit medical products.

Coordinating and facilitating regional cross-industry law enforcement interventions

IP crime intelligence and training are only valuable if they are used to support proactive operations. This is an area which has seen steady growth since 2004. The first INTERPOL and WCO-led Operation Jupiter – South America pilot deployment in the Tri-border area achieved modest results in the three participating countries with seizures of counterfeit and pirate goods valued at circa US \$10 Million. Argentina, Brazil and Paraguay were joined by Chile and Uruguay in the second Jupiter deployment which resulted in seizures of US \$35 Million. The experience and lessons learnt in the formative years combined with better coordination led to seizures in excess of US \$121 Million and 185 arrests in Operation Jupiter III in early 2008. Jupiter IV, with the operating area extended to include Bolivia and Peru, was concluded in late 2008 and the results exceeded those achieved in Jupiter III.

The working partnership developed between INTERPOL, WCO, the customs, police and IP crime affected industries in South America has been very productive and enabled the Operation Jupiter model to be refined. It has now been successfully applied in all four INTERPOL regions - Africa, the Americas, Europe and Asia - targeting transnational organized criminals involved in manufacturing and distributing a diverse range of counterfeit and pirate products. For example, in Operation Storm in 2008, police across Southeast Asia made a series of arrests and seized fake drugs worth over six million dollars in an operation supported by INTERPOL, the World Health Organization (WHO) IMPACT Programme and the World Customs Organization (WCO).

The operation targeted individuals and groups involved in the manufacture and distribution of four classes of counterfeit medical products identified as posing a significant public health risk – anti-malarials, anti-tuberculosis medicines, anti-HIV medicines and antibiotics, specifically those for pneumonia and child-related illnesses.

Operation Storm confirmed the unique ability of INTERPOL to coordinate such operations. This was recognized by the world renowned PLoS medical journal which commented, “...it is universally accepted that the involvement of INTERPOL was crucial, acting as a bridge between the health sector (including the World Health Organization and the physicians and scientists) and national police agencies to act as a catalyst for action².”

² Source: PLoS Medicine - www.plosmedicine.org - February 2008/ Volume 5/ Issue 2/ e32/ pp.0001-000111

International Medical Products Anti-counterfeiting Task Force (IMPACT)

Since its inception, the IPR Programme has been broad-church in the sense that every effort is made to work with all industries affected by IP crime. However, the last two years has seen more emphasis placed on counterfeit products which have the potential to adversely affect the health and safety of consumers. Some 25 per cent of available resources are dedicated to these activities. The most obvious example of this is the full-time secondment of an IPR Programme crime intelligence officer to the WHO IMPACT Programme.

IMPACT is a global coalition of stakeholders, created in 2006, that aims to develop international collaboration between WHO member states, international organizations, NGOs, law enforcement agencies and health professional groups. The aim is to raise awareness of the dangers of counterfeit medical products and curb their manufacture and distribution.

The purpose of the secondment is to assist the health sector to offset the damage caused to patients by fake medicines which often contain no active ingredients. Public health authorities and drug regulatory bodies frequently encounter fake medicines for life threatening diseases such as malaria, tuberculosis and HIV Aids. However, they do not have the investigative capacity or knowledge to identify sources or intervene in the distribution networks for fake medicines. This is especially so in cases involving transnational organized criminals.



INTERPOL briefing Ugandan officers during Operation Mamba, the first combined INTERPOL-IMPACT operation in Africa

The INTERPOL role is to collate available information and encourage national police forces to intervene. For example, Operation Mamba, the first combined INTERPOL-IMPACT operation in Africa targeted over 230 outlets suspected of selling counterfeit pharmaceutical products throughout Tanzania and Uganda in September 2008. The operation resulted in the seizure of some 100 types of unregistered and suspected counterfeit products. Among the confiscated drugs were antimalarial, anti-fungal, multivitamin, cardiac, hormonal, multivitamin, skin and veterinary medicines. 2009 will see INTERPOL-led enforcement operations systematically deployed throughout Eastern and Southern Africa.

Private sector and other stakeholder dimension

INTERPOL is proud of its achievements in combating transnational organized IP crime. However, there is one other common denominator which the IPR Programme does not take for granted. That is the constant support it receives from all IP crime affected industries and other stakeholders working together in partnership with INTERPOL to make a difference.

Nevertheless, with the current economic downturn there is an even greater need for all stakeholders to have a common purpose and work towards agreed objectives if the momentum gained since the first International Law enforcement IP Crime Conference held in 2007 is to be maintained and enhanced. This will be uppermost in the minds of the organizing committee as we work with participants at the 2009 event to deliver operational success.