



News Flash

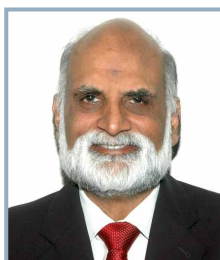
Financial Crisis Sparks Cigarette Smuggling in Greece

09 May 2014 | Greek Greece Reporter

Nearly a quarter of tobacco products used in Greece are likely to have been smuggled in to the country, according to the latest data from the Center For Planning and Economic Research (KEPE). KEPE's survey aimed to define the extent of the problem and to gauge its effects on Greece's economy and public revenues, and to suggest realistic solutions. Using data from the Hellenic Statistic Authority (ELSTAT) and the Ministry of Finance, KEPE revised its estimates of the scale of the illicit trade in tobacco products up to 10.8 percent of the smoking market in 2010, 14.9 percent in 2011 and 17.2 percent in 2012. KEPE predicts that cigarette smuggling will have exceeded 23 percent in 2013. As far as tobacco taxes are concerned, Greece had the highest specific excise duty and the lowest ad valorem duty in the EU, the agency noted.

<http://greece.greekreporter.com/2014/05/09/financial-crisis-sparks-cigarette-smuggling-in-greece/>

Chair's Message



Anil Rajput,
Chair FICCI CASCADE,
Sr. VP Corporate Affairs, ITC Ltd

"Putting in place a solid enforcement regime is critically important for India to reach its economic potential. Enforcement agencies are the key players in a nation's fight against smuggling and counterfeiting cases. The level of awareness of officers and the quality of their training can also impact on the nationwide effectiveness in dealing with such activities. FICCI CASCADE, in various ways, engages with law enforcement agencies in its effort to sensitize them regarding the relevant laws and procedures while dealing with cases related to smuggling and counterfeiting. Some recent initiatives in this regard were a Training Workshop organized for the Delhi Customs officers and the release of the Copyright Enforcement

FICCI CASCADE in News

29 April, 2014 | Business Standard

Business Standard

Police to protect Intellectual Property Rights

Press Trust of India | New Delhi April 29, 2014 Last Updated at 19:14 IST

Delhi Police Commissioner B S Bassi today said that his department will protect the Intellectual Property Rights (IPR) of the citizens, and in case of any violation, it will investigate the occurrence professionally.

He was speaking at FICCI's 'Roundtable on Copyright Enforcement Tool Kit' where he launched the Copyright Enforcement Tool Kit.

The Police Commissioner emphasized that copyrights are extremely important and must be respected and protected as they encourage innovation and creation.

Bassi assured the industry that the police department will protect the Intellectual Property Rights (IPR) of the citizens.

He also urged the industry that in the quest for protection of IPR, it should not prevent dissemination of knowledge which is of society's good.

Speaking at the ceremony, Anil Rajput, Senior Vice President-Corporate Affairs, ITC, Chair, FICCI CASCADE Committee and Co-chair, FICCI IP Committee, said that the Tool Kit devised by FICCI is a compilation to assist in understanding the concept of counterfeiting and piracy by giving different modes in which it takes place and the threat it could pose on innovation, national security and competition.

The Kit also gives an outline of the regulatory framework for combating counterfeit and piracy in India, he said.

"The document will serve as a ready reckoner to the enforcement officials which contains all the relevant provisions of law, methodologies to detect counterfeit products and a checklist for the police officials while enforcing copyright with relevant statistics and data," he said.

http://www.business-standard.com/article/pti-stories/police-to-protect-intellectual-property-rights-114042901225_1.html

Customs Training Programme

April 30, 2014 | Delhi

Smuggling and counterfeiting in India are growing in scope and magnitude with every passing day. The extent and effects of smuggling and counterfeiting are of such significance that they compel strong and sustained action from governments, enforcement agencies, business, media, legal experts and consumers.

As more effective enforcement is critical in this regard, we need to build the awareness levels and execution skills of concerned officials to combat smuggling and counterfeiting. With this in view, FICCI CASCADE organised a training program of Customs officers to sensitize them on the menace of smuggling and counterfeiting, in Delhi on 30th April, 2014.

Ms. Neeta Lall Butalia, Commissioner of Customs, Delhi shared her views and insights on the menace of counterfeiting and smuggling. She addressed the gathering and invited FICCI CASCADE to conduct more such training programmes for Customs officials in the future.

Mr. Dipankar Barkakati, Additional Director, FICCI in his special

address, highlighted the initiatives taken by FICCI CASCADE and emphasised on the need to curb smuggling and counterfeiting by strengthening the legal and regulatory frameworks, enhancing enforcement and generating awareness of the consumers on the need to fight the twin menace.

The training programme was attended by over 35 Customs officials and provided a useful platform for the exchange of ideas and experiences in the detection and prevention of counterfeit and smuggled goods entering into the country.

Representatives of Dow Corning, Puma and Burberry gave presentations and exhibited samples of their original products alongside their counterfeit copies. The objective was to highlight the key technical aspects of their products which could facilitate the detection of counterfeit products. The participating Customs officials found the presentations constructive and interacted actively both with the company representatives as well as among themselves. It was decided that an additional training session would be organized by FICCI CASCADE for another batch of Customs officers, in July 2014.



Customs Training Programme in session



Mr. Dipankar Barkakati, Additional Director, FICCI presenting FICCI's Special Tree Certificate to Ms. Neeta Lall Butalia, Commissioner of Customs, Delhi

Roundtable on Copyright Enforcement Tool Kit

April 29, 2014 | 04:30pm– 06:00pm

Delhi Police Commissioner Mr. B S Bassi launched the Copyright Enforcement Tool Kit developed by FICCI at a 'Roundtable on Copyright Enforcement Tool Kit' organized by FICCI on April 29, 2014, in New Delhi.

Addressing the round table, Mr. Bassi emphasized that copyrights were extremely important and must be respected and protected as they encouraged innovation and creation. He assured the industry that the police department would protect the Intellectual Property Rights (IPR) of the citizens, and in case

of any violations, would investigate the incidences professionally.

He also urged Industry that in its quest for protection of IPR, the industry should not prevent dissemination of knowledge which was for society's overall good.

Mr. Anil Rajput, Senior Vice President-Corporate Affairs, ITC, Chair, FICCI CASCADE Committee and Co-chair, FICCI IP Committee, informed that the Tool Kit devised by FICCI was a compilation to assist in understanding the concept of counterfeiting and piracy by explaining the different modes in



Mr. B S Bassi, Police Commissioner, Delhi releasing the Copyright Enforcement Tool Kit

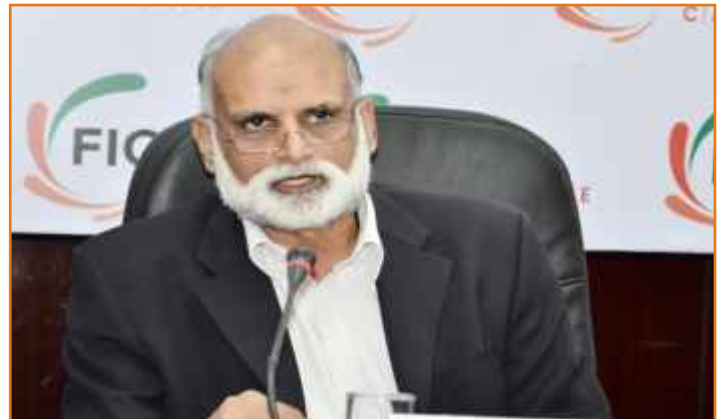
which it took place and the threat it could pose to innovation, national security and competition. The Kit also gives an outline of the regulatory framework for combating counterfeit and piracy in India.

Mr. Rajput added the document would serve as a handy ready reckoner to the enforcement officials, as it contained all the relevant provisions of law, methodologies to detect counterfeit products and a checklist for the police officials while enforcing copyright, along with relevant statistics and data.

The Kit was developed keeping in view the upsurge of technological developments which has made the protection of intellectual property an imperative issue to foster innovation and economic growth. The police department, being the primary law enforcement agency, administers the government's economic, trade and tariff policies, handles international traffic of imports and exports and aids to minimize

demerit goods from augmenting in the markets. With low barriers to market entry and infiltration, the police plays a significant role in ensuring and enforcing the protection of copyrights. Hence, the need to devise a ready reference to assist and apprise the enforcement authorities of the various laws and tools enshrined therein to enforce Copyright Law was imperative.

Copyright enforcement is of utmost importance for sustainable growth of the economy, said Mr. Hemant Singh, Managing Partner, INTTL ADVOCARE. Police is the primary law enforcement agency in India. Hence, for protecting IPR, the Tool Kit is a step towards assisting the Police, serving as a ready reference for the officials.



Mr Anil Rajput, Chairman FICCI CASCADE addressing the Roundtable on Copyright Enforcement Tool Kit

Awareness through Art



Illustration by a participant in the FICCI CASCADE Facebook Art Competition on Fake and Smuggled Goods



Vikrant Rana
Managing Partner
S S Rana & Co.

Vikrant Rana is the managing partner of S.S Rana & Co., a premier Intellectual Property Law Firm of India. He is an Advocate-on-Record with the Supreme Court of India (2006) and is a registered patent agent. For over a decade, Vikrant has been providing practical legal advice to many Fortune 500 companies and some of the world's most esteemed corporations on securing, protecting, and enforcing their IP assets in India and world over. He is a proficient litigator and appears in Courts all over India, primarily at the Supreme Court of India, various High Courts, Intellectual Property Appellate Board (IPAB), Trade Marks Registry, Patent Office, and the Copyright Board of India

Counterfeit Food And Medicinal Products

The challenge of counterfeited and smuggled goods has emerged as a global problem. With low barriers to the market entry and infiltration and with the advent of e-commerce, no country is immune from the impact of counterfeiting and no single sector can be said to be an exception. Counterfeit food/beverages and medicines, apart from causing significant economic loss to the government in terms of taxes, customs duty, loss of jobs etc., also pose risks to millions of individual consumers in terms of health and safety.

Counterfeit/fake medicines may be contaminated or contain the wrong or no active ingredients. Alternatively, they could have the right active ingredient but at the wrong dose. For example, some spurious drugs contain chalk or talcum powder mixed with a pain reliever to trick and defraud the patients. A survey of New Delhi pharmacies found that 12 percent of sampled drugs were spurious.¹

India's drug industry is one of the country's most important economic engines, exporting \$15 billion in products annually, making India one of the major exporters of medicines and prescription drugs.² However, today there is a growing concern over the safety of Indian medicines around the world. The World Health Organization estimated that one in five drugs made in India are fakes.³ The Commissioner of the United States Food and Drug Administration, Dr. Margaret A. Hamburg, on her recent official visit to India



expressed her unease over safety lapses, falsified drug test results and selling fake medicines.

Legislative and Regulatory Infrastructure: In India, the Drugs and Cosmetics Act, 1940 and the Food Safety and Standards Act, 2006 regulate the import, manufacture, distribution and sale of drugs/cosmetics and articles of food respectively. The Drugs and Cosmetics Act, 1940 defines and provides various prohibitions on misbranded, adulterated, spurious drugs/cosmetics and similarly the Food and Safety and Standards Act, 2006 provide various prohibitions on unsafe, misbranded, sub-standard food or food containing extraneous matter. However, for effective regulatory implementation and enforcement, a coordinated action at the local level is essential between health authorities, police, customs, and judiciary institutions to ensure proper regulation, control, investigation and prosecution.

Intellectual property and Counterfeit products: Intellectual property rights protection especially trademark protection in India must be improved to tackle the issue of counterfeiting and smuggling. The intellectual property right holder should be urged to use various technological measures to secure the identity and authenticity of the product.

Awareness among the key stakeholders: In light of the dangerous consequences of counterfeit food and medicinal products it becomes extremely important to alert key audiences, stakeholders and the general public about counterfeit products. Increased public information is essential for patients, dispensers, pharmacies etc. about suspected goods in the market and awareness of the risks they run when purchasing medicines from internet through unknown sources.

¹ Fake Drugs being offered at cheaper rates, *The Hindu*, New Delhi, May 21, 2010 available at <http://www.thehindu.com/news/cities/Delhi/fake-drugs-being-offered-for-cheaper-rates-survey/article435268.ece>

² Gardiner Harris, *Medicines Made in India Set Off Safety*, *The New York Times*, February 14, 2014
India is the second largest exporter of over-the-counter and prescription drugs to the United States. It highlights United States unease with the safety of Indian medicines available at http://www.nytimes.com/2014/02/15/world/asia/medicines-made-in-india-set-off-safety-worries.html?_r=0 (Last visited on May 3, 2014)

³ *Counterfeit Medicines*, World Health Organization, 2006 available at http://www.who.int/medicines/services/counterfeit/impact/ImpactF_S/en/index1.html

International News

Department of Revenue reports on cigarette enforcement

27/04/2014 | *Brainerd Dispatch*

Department of Revenue reports on cigarette enforcement activities

Since July 1, 2013, the Minnesota Department of Revenue has completed over 1,000 inspections of retailers to ensure they are selling only state-stamped cigarettes. The department has worked with law enforcement agencies in numerous seizures of unstamped cigarettes. State stamps on cigarettes are proof that the seller paid Minnesota's cigarette taxes.

The increase in cigarette and tobacco taxes that took effect July 1, 2013, reflects the state's commitment to emphasize a healthy community and reduce the number of young people using tobacco. The cigarette tax increase will also help cover the long-term public health costs associated with tobacco use.

<http://brainerddispatch.com/news/2014-04-27/department-revenue-reports-cigarette-enforcement>

In brief: Record fake cosmetics seizure in Dubai

20/04/2014 | *Securing Industry*

The authorities in Dubai have seized 1.4m counterfeit cosmetics and personal care products with an estimated market value of AED 16m (\$4.4m).

The goods were seized by police and the Department of Economic Development (DED), according to a report in Gulf Today, which said the record haul included shampoos, soaps and skin creams, amongst other products.

Enforcement officers uncovered the counterfeits at a manufacturing facility and attached warehouse in a desert area of Dubai and have taken the owner of the site into custody.

<http://www.securindustry.com/cosmetics-and-personal-care/in-brief-record-fake-cosmetics-seizure-in-dubai/s106/a2021/>

Women Arrested For Tobacco Smuggling

17/04/2014 | *GABZ*

A 24 year old woman has been arrested by Phitshane Molopo Police, in connection to a case in which Tobacco worth 200 Thousand Pula was smuggled into the country. Speaking to Gabz Fm News this Morning, Assistant Superintendent Benjamin Modimo-osi said the Police got a tip off from reliable sources, that certain vehicles suspected to be carrying tobacco were at the border. Modimo-osi said upon arrival at the border, the suspects fled the scene but Police later discovered one of the cars was registered in the woman's name. She told the Police that even though the car is registered in her names, her South African ex boyfriend, whom she broke up with 2 years ago, had been the one using it on the day it was discovered. The car was carrying 46 boxes with 50 cartons, containing 20 cigarettes each

<http://www.gabzfm.com/women-arrested-tobacco-smuggling>

National News

Scented tobacco, paan masala worth Rs 31lakh seized

25 April 2014 | *The Times of India*

GONDIA: The Food and Drug Administration (FDA), Bhandara, officials have seized around 6,000 pouches of various types of scented tobacco and paan masala worth Rs 31 lakh at Deori check post on Chhattisgarh-Maharashtra border. Two four-wheelers in which the material was being smuggled have been seized too.

<http://timesofindia.indiatimes.com/city/nagpur/Scented-tobacco-paan-masala-worth-Rs-31lakh-seized/articleshow/34176842.cms>

Hotlines set up to check for counterfeit medicines in India, Nigeria

14 May 2014 | *REUTERS*

NEW DELHI (Thomson Reuters Foundation) - Social enterprises in India and Nigeria have come up with text messaging services to help patients check that their medicines are safe and are not products of the counterfeit drugs industry which kills many thousands of people annually. From expensive pills used to treat life-threatening conditions like cancer to cheap painkillers, fake and poor quality drugs are entering the supply chain where unsuspecting customers risk their lives buying them over the counter or the Internet.

<http://webcache.googleusercontent.com/search?q=cache:http://in.reuters.com/article/2014/05/13/health-india-nigeria-medicines-idINKBN0DT1RS20140513>

Dodgers Give Hard Time to Commercial Taxmen

16 May | *The New Indian Express*

KOCHI: The city is the commercial hub of the state, but it is also causing huge losses to the government exchequer in the form of commercial tax evasion. Officials with the Commercial Taxes Department said that around 60 percentage of such cases reported in the state are from Kochi. "For the last several years, around 60 percentage of commercial tax evasion cases were reported from Kochi. This is because, business activities are high in Kochi and it is also located at the central part of the State. The tax rate is around 14 percentage and by evading it, the small scale businessmen can gain good profit," said K Sundar, Deputy Commissioner, Commercial Taxes Department. The tax-evaded goods first reach Kochi and from here it is supplied to other parts of the state.

<http://www.newindianexpress.com/cities/kochi/Dodgers-Give-Hard-Time-to-Commercial-Taxmen/2014/05/16/article2226790.ece>

World Anti Counterfeiting Day

05 June, 2014, New Delhi

On the occasion of World Anti Counterfeiting Day, on June 05, 2014, FICCI CASCADE will celebrate the occasion by felicitating officials from the Police & Directorate of Revenue Intelligence for their exceptional performance in handling cases of smuggling and counterfeiting. FICCI CASCADE, which is

working actively on youth awareness generation, will also reward the winners of the inter-school and inter-college Elocution Competition organized on the theme 'Youth Against Counterfeiting and Smuggling'.

Roundtable on Smuggled and Counterfeit Food Products

June 2014, New Delhi

Smuggling and Counterfeiting is considered as one of the world's fastest growing 'industry'. It is an enduring problem that escalates each day in scope and magnitude and thus impacts industries, consumers, governments and economies. Smuggling and counterfeiting can have broad economy-wide effects on trade, foreign investment, employment, innovation, criminality, environment and most importantly on the health of the consumers. The smuggled and counterfeit food products business is 'doing well' in our country,

affecting the health of our consumers. The magnitude and effects of smuggling and counterfeiting are of such significance that they compel strong and sustained action from the governments, business and consumers. With this in view, FICCI CASCADE, in association with the Ministry of Consumer Affairs, Government of India has initiated the work of its Task Force to enhance knowledge support and learning on the subject and formulate prevention and management strategies.

Socio-economic impact of Counterfeiting and Smuggling Capacity Building Programme

June 2014, New Delhi

The grey market economy is fuelling illegitimate industry and leading to increased criminalization in the society in the form of organized crime, including terrorism. The magnitude of the problem of counterfeiting and smuggling is huge which

requires urgent action from the enforcement agencies. FICCI CASCADE will organize a capacity building programme on the Socio-economic impact of Counterfeiting and Smuggling for the Customs officers at the National Academy of Central Excise and Tax during June 2014.

Judiciary Roundtable on Smuggling, Counterfeiting and Piracy

June 2014, Jodhpur and Chandigarh

FICCI CASCADE believes that awareness and outreach is an essential element in building a proactive strategy to curb counterfeiting, smuggling and piracy. FICCI is organizing Roundtables on Smuggling, Counterfeiting and Piracy for the

Judiciary in Jodhpur and Chandigarh during June 2014. The primary purpose of the roundtable is to focus on issues and challenges, which the Judiciary is expected to address in resolving IP disputes in the changing scenario of technology, trade policies and developments in law on the subject.

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<https://www.facebook.com/#!/FicciCascade>