

Anti-Counterfeiting in the Caribbean— a Trinidad & Tobago Perspective

Fanta Punch
M. Hamel-Smith & Co
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Identifying the global Environment

Illicit Trade can be described as *the production, import, export, purchase, sale or possession of goods failing to comply with a country's legislation.*

Identifying the global environment

“It is estimated that the global economic value of counterfeiting and piracy could reach \$2.3 trillion by 2022”

- 2017 report on the Economic Impacts of Counterfeiting and Piracy, commissioned by the International Chamber of Commerce and International Trademark Association (INTA).

Identifying the global environment

“The value of imported fake goods worldwide based on 2016 customs seizure data stood at USD 509 billion up from USD 461 billion in 2013 (2.5% of world trade)”

- 2018 report on Trade In Counterfeit and Pirated Goods by The Organization for Economic Cooperation and Development [OECD]

Identifying the global environment

“The estimated losses due to counterfeiting of clothing, textile, footwear, cosmetics, handbags, and watches amount to 98 Billion USD which includes both offline and online mediums-

- According to the Global Brand Counterfeiting Report 2018 referenced by online publication - Research and Markets.

What does Counterfeiting Involve?

The illegal production and sale of goods, including packaging, bearing without authorization a trademark which is identical to a validly registered trademark or which cannot be distinguished from such a trademark.

The Legal Landscape

Trinidad & Tobago

Trade Marks Act Chap 82:81

Copyright Act Chap 82:80

Customs Act Chap 78:01

Trade Descriptions Act Chap
82:04

Proceeds of Crime Act Chap
11:27

Consumer Protection and Safety
Act Chap 82:34

Standards Act Chap 82:03

Food & Drugs Act Chap 30:01

Challenges in the fight against Counterfeiting

Trinidad & Tobago

- *Practicalities for Brand Owners*
- *Responding to the crisis..... Any successful initiatives?*

Practicalities for Brand Owners in the local context

- Trinidad and Tobago 's geographical location
- Available resources and associated costs
- Lack of adequate statistical data on local counterfeit industry
- Attitude of Local Purchasers
- Market size and proliferation of counterfeit goods
- Growth of online infringement

Responding to the Crisis

- Role of Regulatory bodies
- Input/support from brand owners
- Ongoing consumer awareness

NEWS

\$.5M in Christmas tree lights seized

By RHONDOR DOWLAT

OFFICIALS of the TT Bureau of Standards (TTBS) swooped down on two popular business places in San Juan and El Socorro yesterday where they seized 15,000 strings of Christmas lights valued at more than \$.5 million.

The exercise was as a result of surveillance which was carried out over a period of time and was in collaboration with the Underwriter's Laboratories and the TT Police Service.

It commenced at about 9 am and ended at about 3.30 pm.

Speaking with *Sunday Newsday*, TTBS Head of the Implementation Unit, Steve Williams, confirmed that 30 different mod-

els of the lights were seized but no one was arrested.

The TTBS was informed through ongoing surveillance efforts within recent weeks that persons were selling Christmas lights which were defective to unsuspecting members of the public.

Williams indicated that these lights were being tagged with labels which were used to mislead customers into purchasing them under the false pretext that they are safe for use. He added that tests on the labels indicated that the information contained on them was in fact misleading. "Apart from health and safety risks which such merchandise pose to consumers, the Bureau believes it is vital that consumers are aware and educated during these challenging eco-

nomie times about the need to properly examine all items which they are intent on purchasing to ensure that they obtain value for money," Williams said.

He assured that the TTBS will be continuing to monitor other products in similar fashion. "This is in keeping with the Bureau's mandate to develop, promote and enforce standards, in order to improve the quality and performance of goods produced or used in the country."

The Bureau which was originally established as a corporate body on July 8, 1974 under the Standards Act of 1972, also has a mandate "to ensure industrial efficiency and development, promote public and industrial welfare; health and safety and protect the environment."



Fakes worth USD 60 million seized in operations across Americas and Caribbean

1 June 2015

LYON, France – Car parts, fuel, food, detergent, cigars, shampoo and steel were among fake goods worth nearly USD 60 million seized in a two-week operation across the Americas and the Caribbean. Codenamed Maya II, more than 2,000 interventions by police, customs, investigators and Intellectual Property (IP) units were carried out at key locations including markets, border control points and shops across 19 countries and territories as part of the operation coordinated by INTERPOL's Trafficking in Illicit Goods and Counterfeiting unit.

Investigations carried out by national authorities led to the identification and dismantling of several organized crime networks as well as entire businesses selling counterfeit goods. In El Salvador, police arrested an individual linked to one of the 'most wanted' criminals connected to trafficking in illicit goods.

Costa Rican police took down an entire network selling fake work safety products including masks and air filters, and in Colombia more than 1,600 counterfeit pesticide bottles were seized after officers uncovered a sales ring targeting farmers.

In the Dominican Republic, where deforestation is an increasing problem, authorities seized more than 100 bags of charcoal at the Haitian border, in addition to identifying and closing down two illegal factories manufacturing laundry detergent.

A shopping centre in Santo Domingo was also found to be selling fake goods alongside genuine brands after their supply chain had been infiltrated by organized crime networks. A bootleg distillery was also shut down, and tests on the illegal alcohol seized during the raids showed it to contain potentially lethal additives.

"The Dominican Republic's involvement in Operation Maya II through NCB Santo Domingo underlines our

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Counterfeit condoms sold in T&T

By Joel Julien 173 days ago

Sat Nov 12 2019

COUNTERFEIT SLAM

- Different logos (NE or TU UP)
- No Spanish, English and French used throughout packaging. SLAM uses 3 languages, English, Spanish & French
- Language statements are placed differently
- Eye compares illustration
- Copied the Genuine barcode
- Counterfeit are not manufactured to these specifications as stated
- Counterfeit LOT Number 20180516
- Counterfeit Made in China

GENUINE SLAM

- Genuine SLAM carries the Pink Pury Illustration
- Genuine SLAM is manufactured in Thailand
- Genuine SLAM has European Authorized Representative (CE) Mark, Safety for Healthmark
- Genuine European Conformity CE Number

ILLEGAL GUN IN HOME
 SORT raids Post
 Sports journalist
 Not true Dr Row
 Woman chopped
 51 arrested during
 Kamla: H...
 Business
 Brianna
 AG: Split

Joel Julien

Counterfeit condoms are being sold in T&T, one of the popular brands available locally has warned, saying that the situation poses a threat to public health.

However, contacted on the issue yesterday Health Minister Terrence Doyal Singh said he was unaware of any such situation taking place here.

SLAM condoms yesterday placed an advertisement in the newspaper criticising the "inferior" counterfeits and highlighting ways that the fakes can be detected by consumers.

Genuine Slam condoms are made in Thailand by Thai Nippon Rubber Company Limited.

However, the counterfeits claim to be made in China.

Moving forward.....

- *Consider all legal options*
- *Structure an Effective Adaptable Strategy*
- *Solidify Stakeholder relationships*
- *Don't give up!*

THANK YOU

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