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**COUNTERFEITING AND PIRACY: HOW TO PRACTICALLY
ENFORCE RIGHTS**

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**Counterfeiting &
Piracy: How to**



**Practically Enforce
Rights**



Counterfeiting and Piracy:

- **Intellectual property rights (IPR's) - (copyrights, trademarks, patents), are increasingly becoming an asset of considerable value to athletes, sporting clubs & organisations and for sponsors.**
- **These assets range from an athletes name, teams and events surrounding the appearance of these athletes as well as their logos, colours and signatory statements, which has significant commercial marketability.**

With the increase in the commercialisation of these sporting assets comes the need for greater protection from counterfeit and piracy.



DIFFERENCE BETWEEN COUNTERFEIT AND PIRACY:

COUNTERFEIT:

An unauthorised imitation of a branded good with the intent of passing it off as genuine. These counterfeit goods are widely known as “knockoffs”.



DIFFERENCE BETWEEN COUNTERFEIT AND PIRACY:



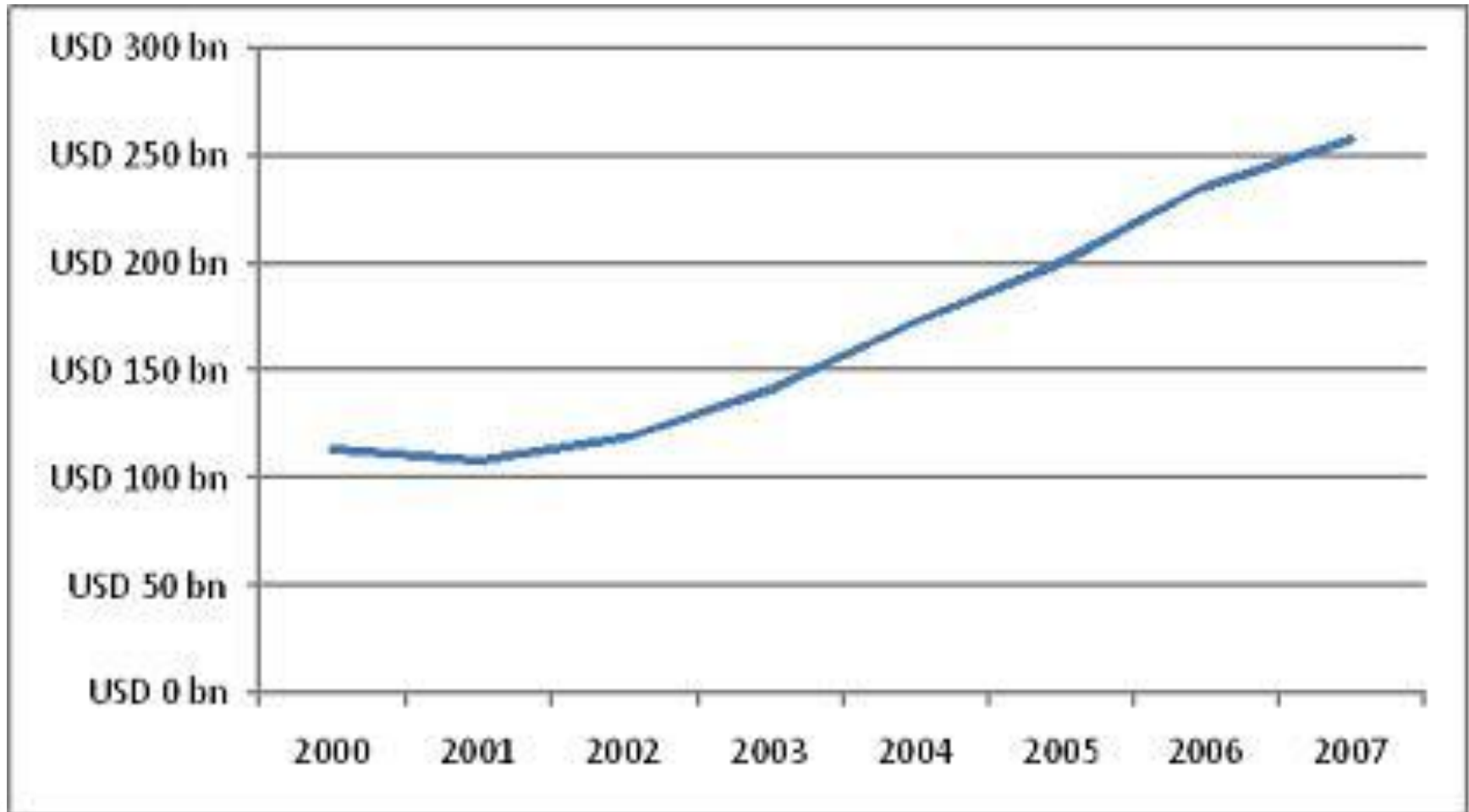
PIRACY:

Piracy occurs when there is an unauthorised exact copy, not merely a simple imitation, of an item that is covered by an intellectual property right.

The Organisation for Economic Co-operation and Development (OECD) in a study entitled [The Economic Impact of Counterfeiting and Piracy](#) attempted to quantify the scale of the effects of these illicit activities.

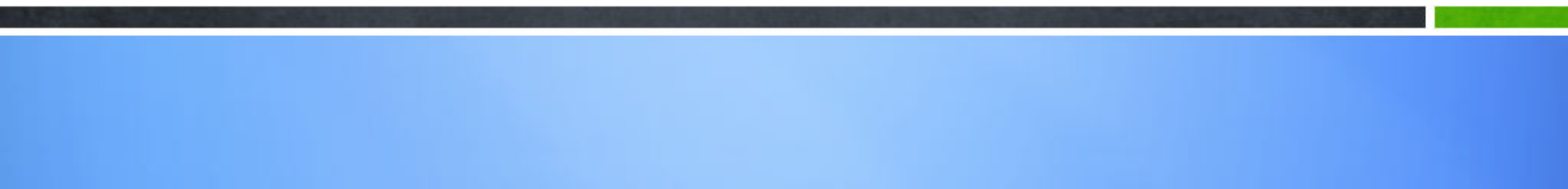
The study focused on the infringement, through counterfeiting and piracy, of trademarks, copyrights, patents and design rights, to the extent that they involved physical products.

Evolution of trade in counterfeit and pirated products (upper limit)





LEGAL REMEDIES AVAILABLE:

- Destruction, recall or permanent removal of pirated or counterfeited goods from the market;**
 - Financial compensation;**
 - Injunctions; and**
 - Damages.**
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PRACTICAL ENFORCEMENT OF THESE RIGHTS:

This requires a collective effort in order to catch both the vendor, who is the maker or distributor of these unauthorized products and who often operate beyond the territorial reach of the law enforcement of a single country, as well as clamping down on the purchasers.

Practical Enforcement of these Rights:



1. Treat all infringements of intellectual property on a commercial scale as a criminal offence.
2. Implementing modernised customs legislation setting out clear conditions under which the customs authorities may intervene in cases where goods are suspected of infringing intellectual property rights.
3. Exchange of experiences with other jurisdictions dealing with counterfeiting and piracy;

Practical Enforcement of these Rights cont'd:

- Creating public awareness;
- Sharing best practices on enforcement techniques;
- Creating a body served with the mandate of gathering, monitoring and reporting crucial information that will sensitise others on about the dangers of counterfeiting and piracy.



Counterfeiting & Piracy: How to Practically Enforce Rights