

COUP DE PROJECTEUR SUR LES FAUX LOGICIELS A L'OCCASION DE LA JOURNÉE MONDIALE ANTI-CONTREFAÇON

L'UNIFAB – Union des Fabricants – s'est associé à ses principaux adhérents du monde du logiciel, professionnel et de loisir, pour organiser l'édition française de la Journée Mondiale Anti-Contrefaçon afin d'alerter les entreprises et les consommateurs des dangers des faux logiciels.

Aujourd'hui le taux de contrefaçon de logiciels dans le monde est de 42%, soit une valeur commerciale de plus 50 milliards d'euros (Etude BSA). Ce chiffre révèle que près d'un logiciel sur deux est copié, toutes catégories confondues. A l'échelle nationale, en 2011, le marché du faux logiciel représentait 2 milliards d'euros contre 3,7 milliards d'euros pour le marché légal.

Il est donc essentiel d'alerter les utilisateurs sur les dangers des faux logiciels qui représentent une réelle menace en particulier pour la sécurité des données personnelles. En effet, 78% des faux logiciels téléchargés sur internet ont introduit des cookies et des logiciels espions sur les PC concernés et 20% ont installé des programmes malveillants (Etude IDC « Le monde dangereux de la contrefaçon de logiciel »).

«A ce rythme, fin 2013, un ordinateur sur trois sera infecté par un programme dangereux » déclare Christian Peugeot, Président de l'Unifab.

De plus, ce vol de propriété intellectuelle nuit gravement à l'innovation et à la santé économique du secteur car les entreprises fraudeuses bénéficient d'un avantage économique déloyal. Par ailleurs il est important de souligner que faire baisser de 10 points ce taux de contrefaçon permettrait, en France, de créer plus de 14 000 emplois dans ce secteur.

Comme chaque année, cette journée est l'occasion pour le **Groupement Global Anti-Contrefaçon (GACG)**, association regroupant les organismes nationaux luttant contre les faux dans le monde entier, de remettre, à Paris, les **Trophées de la lutte anti-contrefaçon**. En 2013 ont été primés pour leurs actions 2012 : **Interpol** dans la catégorie service public international, le **Ministère malaysien de la Santé** dans la catégorie service public national, l'**association de lutte anti-contrefaçon indienne FICCI-CASCADE** et l'entreprise **Procter & Gamble**. Par ailleurs l'autorité anti-trust italienne, Johnson & Johnson, BSA, ANDEMA et Silvio Paschi de l'INDICAM ont, pour leur part, reçu un prix spécial.

Enfin, le **Musée de la Contrefaçon de l'UNIFAB** ouvre ses portes gratuitement aujourd'hui à tous les visiteurs pour que chacun puisse mesurer l'impact et les nombreuses conséquences de la contrefaçon. (Musée de la contrefaçon : 16 rue de la faisanderie – 75016 Paris)

Contact presse : Delphine Sarfati-Sobreira – 01 56 26 14 14 / 06 16 41 48 85 – www.unifab.com



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Awards for protection from dangerous fakes on World Anti-Counterfeiting Day 2013

The 2013 Awards to INTERPOL and to the Malaysia Health Service focus on the exceptional work these public bodies have done in the fight against trafficking in illicit and sometimes dangerous goods and against fake medicines respectively. In other categories, the enthusiastic lift-off last year of a new anti-counterfeiting committee FICCI-CASCADE in India is recognised and the continuing work above and beyond expected objectives of the Procter and Gamble company is rewarded. And Silvio Paschi, the retiring Secretary General of INDICAM – the Italian Anti-Counterfeiting organisation receives an individual award to mark his long-standing and untiring work in Italy and his wise and selfless advice and contribution to the success of other international campaigns.

The winners of the fifteenth annual Global Anti-Counterfeiting Awards, sponsored by Reconnaissance International's *Authentication News*TM and the Global Anti-Counterfeiting Group (GACG) Network were announced in Paris today on World Anti-Counterfeiting Day. The awards were made as a continuing recognition of special achievements by individuals, companies and organisations.

The winners (details in attached note) announced today, are:

Individual Achievement Award

Silvio Paschi – Secretary General INDICAM (Italy)

International Public Body Award

INTERPOL Trafficking in Illicit Goods and Counterfeiting Programme

National Public Body Award

Ministry of Health Malaysia Pharmaceutical Enforcement Department

Highly Commended:

AGCM, The Italian Anti-Trust and Consumer Protection Authority

Company Award

Procter and Gamble Global Brand Protection (Anti-Counterfeiting Team)

Highly Commended:

Johnson & Johnson Global Brand Protection

Association Award

FICCI-CASCADE (India)

Highly Commended:

BSA | The Software Alliance

ANDEMA (Spain)

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John Anderson, Chairman of the GACG network of national and regional anti-counterfeiting organisations said “The awards this year again highlight the wide range of co-operation that is needed – and provided - by different individuals and organisations, across the public/private sector divide, in the campaign against the international trade in fakes. I am especially impressed with the emphases on both co-ordination between the public and private sectors and the importance of raising public awareness that was evident in many of the nominations.”

Ian Lancaster of Reconnaissance International, publisher of *Authentication News*, said “We are proud to sponsor and participate in the annual GACG awards. The process of nomination, judging and presentation of the awards highlights the challenges of brand protection and IPR enforcement. The projects recognised here all demonstrate the success of a strategic protective approach, which integrates legal mechanisms, authentication solutions, investigation and enforcement”.

The awards presentations were made in Paris on 28th May at the offices of Microsoft France during the World Anti-Counterfeiting Day event hosted by the Union des Fabricants. Some of the award winners were present to receive their prizes along with some of the Highly Commended winners who were present to receive their certificates. The remaining awards will be presented at suitable occasions during the coming weeks.

For further information contact:

Reconnaissance International

Ian M Lancaster

Phone: +44 1932 785680

Mobile: +44 7818 061431

Email: Ian.Lancaster@Reconnaissance-Intl.com

GACG Network

John Anderson

+44 20 7152 4479

+44 77 71860101

janders.gacg@btinternet.com

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Details of 2013 Award Winners

Individual Achievement:

Silvio Paschi - Secretary General INDICAM has been promoting and protecting Intellectual Property Rights for most of his professional career. His recent work at the head of the Italian anti-counterfeiting organisation – INDICAM – has seen him at the forefront of most recent campaigns in Europe and internationally. In Italy he has been instrumental in co-ordinating industry and government to produce better enforcement and above all better public awareness of the economic and social impact of counterfeiting and piracy. Silvio was one of the driving forces in the foundation of the GACG Network in 1998 and has been a Vice-Chairman of the group since 2002.

International Public Body:

INTERPOL Trafficking in Illicit Goods and Counterfeiting Programme grew out of the Intellectual Property Crime Unit set up in the early 2000s to tackle the increasing incidence of international and multinational criminal involvement in counterfeiting and piracy. The INTERPOL team have increasingly taken the fight against fakes to the ‘sharp end’ with real enforcement against serious criminals: significant seizures, and many subsequent convictions. Operating in co-operation with both national police forces, with customs authorities and other official bodies they have mounted several specific anti-counterfeiting operations throughout the world. The INTERPOL team have consistently co-operated with individual business and with industry groups to ensure the success of their programme.

National Public Body:

Ministry of Health Malaysia Pharmacy Enforcement Division has taken a comprehensive, strategic and effective, legislatively mandated, approach to protecting its citizens from the problems of fake medicines and related products. It has not rested on its laurels but has ensured that the Meditag secure label design is improved to take advantage of technical developments and thus to stay ahead of the counterfeiters. while also increasing the number of well-trained Pharmacy Enforcement Officers. The result of the introduction of the Meditag scheme in 2005 was initially a huge increase in the number items seized and then in recent years a sharp decline – as the counterfeiters got the message!

Company:

Procter & Gamble Global Brand Protection (Anti-Counterfeiting Team) have been involved in nearly every major industry anti-counterfeiting initiative for as long as the judges can remember. Not only very successfully looking after their own corporate interests but selflessly co-operating within their industry with their competitors but also more strategically with pan-industry and other IPR groups across the board to tackle national, regional and international issues. They have crucially provided high quality individuals to Councils and Boards of various anti-counterfeiting and brand protection groups worldwide and have been exceptionally successful in raising public awareness campaigns.

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Association:

FICCI-CASCADE The Committee Against Smuggling and Counterfeiting Activities Destroying the Economy of the Federation of Indian Chambers of Commerce and Industry was recently established in increasingly difficult times for the campaign against fakes in India. They have successfully engaged all relevant stakeholders in government, enforcement agencies, customs and officials on the public side as well as, consumers, industry and the media on the private side. Including robust research in their programme of public education, they have also engaged internationally to exchange best practices with their peers throughout Asia and the rest of the world. FICCI-CASCADE is further working closely with youth to create a national level “Youth Movement Against Counterfeiting and Smuggling”.

Highly Commended Winners: *The Italian Anti-Trust Authority* for work on protecting consumers from unfair practices involved in selling fake goods over the web; *Johnson and Johnson Global Brand Protection* for a continuing success with a comprehensive and well organised brand protection programme; *BSA | The Software Alliance* for continuing success with the reduction to the software piracy rates across the world, (for example the software piracy rate in France went from 42% in 2007 to 37% by 2011) with targeted education and engagement programmes; and *ANDEMA* the Spanish anti-counterfeiting organisation for two outstanding initiatives in Spain: a joint research report on the value of IP with the SPTO: “The Impact of Trade Marks on the Spanish Economy”, and an innovative public awareness campaign: “Trademarks – Your Future”.

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The **Global Anti-Counterfeiting Awards** are presented for outstanding achievement by individuals or organisations involved in combating counterfeiting and piracy, either to protect their own brands or products or in the development of an environment which encourages the combating of counterfeits and pirate products. The Awards are given in five categories – individual achievement, national public body, international public body, company, and association. These Awards are not intended to recognize producers and suppliers of anti-counterfeiting technologies, services or products.

Counterfeit and pirated goods could cost the global economy up to €1 trillion per year according to some estimates, and this translates into loss of legal employment, lack of investment in new jobs and increased prices of legal goods. It also means less public funding for services such as health, education and social welfare. INTERPOL in particular have also noted the continuing increase in the distribution and consumption of products which are highly dangerous to human health and safety and the United Nations Inter-regional Crime and Justice Research Institute have reported the specific involvement of major international organised criminal gangs in the trade in fakes. Many individuals, organisations and companies are taking effective action against these dangerous and sub-standard goods to protect consumers, promote investment in new jobs and increase government revenues. Some of them ‘go the extra mile’ and the GAC awards are recognition of this outstanding performance.

The awards are open to nominations from anyone with an interest in brand protection, anti-counterfeiting, and anti-piracy activities, particularly in the international context, ensuring a wide spread of nominations from across the world. The awards were judged by a panel from Reconnaissance International, the GACG Network, and representatives of previous award winners.

World Anti-Counterfeiting Day was established by the GACG Network members to enable the organisation of local, national and regional events under the umbrella of an international campaign which could focus on the particular problems of counterfeiting and piracy in the countries or regions involved. The WAC Day events are usually held on the same day in summer each year but are individually organised by the national or regional associations themselves who may or may not take up themes suggested by the GACG or being used by other associations. In 2013, events have already taken place in Ukraine and Germany and many more are expected to co-incide with the event organised in Paris by the Union des Fabricants – including Finland and India and later Spain. There have also been related events in Switzerland and Brazil.

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L'association française de lutte anti-contrefaçon

Créée en 1872, l'Union des Fabricants (UNIFAB), association française reconnue d'utilité publique, regroupe plus de 200 entreprises issues de l'innovation, de la tradition et de la création, et les plus grandes fédérations professionnelles.

Elle promeut la protection internationale de la propriété intellectuelle et lutte contre la contrefaçon en menant des opérations de lobbying, de formation et de sensibilisation.

Ses missions

AGIR auprès des instances nationales et internationales pour améliorer la protection des titulaires de droit et tendre vers une meilleure application des lois sur la propriété intellectuelle. Elle publie des « position papers » et des rapports opérationnels, participe à de nombreux groupes de travail (CNAC, OMD, OMPI, Interpol...) et collabore à de nombreux travaux de la Commission européenne en tant qu'expert.

SENSIBILISER LE CONSOMMATEUR pour soutenir et fédérer les arguments des entreprises en France pour qu'ils prennent conscience des conséquences sociales, économiques, commerciales, environnementales et criminelles de la contrefaçon. Elle organise des campagnes d'information, l'édition française de la Journée Mondiale Anti-Contrefaçon, anime le « Musée de la Contrefaçon » à Paris, et assure l'information continue des médias sur son site internet www.unifab.com

COOPERER avec les services publics (Douane, Police, Gendarmerie, DGCCRF, Justice), dont elle coordonne la formation, afin d'harmoniser les intérêts de ses entreprises adhérentes avec les actions préventives et répressives des institutions nationales et internationales.

INFORMER les entreprises, fédérations professionnelles et spécialistes, tous secteurs d'activité confondus, lors de réunions et opérations liées à l'actualité juridique, législative et opérationnelle. Pour parfaire la diffusion d'informations, elle a mis en place des Commissions juridiques et techniques, coordonne des missions à l'étranger et reçoit de nombreuses délégations en France. Elle organise également le Forum Européen de la Propriété Intellectuelle (FEPI) qui réunit une fois par an à Paris tous les acteurs européens de la lutte anti-contrefaçon. Elle diffuse une information générale sur la lutte anti-contrefaçon accessible sur son site Internet : www.unifab.com et les réseaux sociaux (Twitter et Facebook)

L'UNIFAB promeut la défense des droits de la propriété intellectuelle, assure la synergie des forces compétentes pour lutter efficacement contre le faux et éduque le grand public pour freiner les achats de contrefaçons.

Définition

Dictionnaire : action de reproduire par imitation une œuvre littéraire, artistique ou industrielle au préjudice de son auteur, de son inventeur – résultat de cette reproduction.

Approche juridique : violation d'un droit de propriété intellectuelle protégé par les lois de propriété intellectuelle internationale ou d'un pays déterminé.

A cette définition, la loi ajoute que l'importation de produits contrefaisants est assimilée à leur fabrication. **La contrefaçon s'apprécie selon les ressemblances et non selon les différences.** Elle consiste à reprendre un ou plusieurs éléments qui pour un acheteur d'attention moyenne risquent de porter à confusion.

La contrefaçon peut concerner :

	Durée de la protection en France
➤ Le brevet , si l'innovation technique est protégée dans le pays.	20 ans
➤ La marque , signe distinctif qui, apposé sur un produit ou accompagnant un service, permet de l'identifier et de le distinguer.	10 ans renouvelables éternellement
➤ Le dessin ou modèle , reprise des caractéristiques d'apparence extérieure.	5 ans renouvelables 4 fois
➤ Le droit d'auteur ou droit voisin.	Jusqu'à 70 ans après la mort de l'auteur
➤ Les obtentions végétales	20 ans
➤ Les appellations d'origine / Indications géographiques , permettent identifier le lieu de provenance de produit, et constitue de ce fait une garantie de qualité pour le consommateur	Protection illimitée dans le temps

Conséquences

Aux niveaux national et international, la contrefaçon génère de considérables dommages :

Pour la santé et la sécurité

La santé publique est menacée par ces produits qui ne respectent aucune norme. Ils sont dangereux, provoquent des allergies, des accidents, mettent en péril de consommateur. Non seulement la contrefaçon engendre des pertes financières considérables, mais surtout elle porte atteinte à la sécurité du consommateur. Les contrefacteurs s'attaquent à toutes les activités productives confondues. **La sécurité et la santé publique sont menacées** lorsque des produits issus des secteurs de l'automobile, de l'électroménager ou encore du jouet, des boissons et même des médicaments sont contrefaits.

