The attached questionnaire is designed to develop information on counterfeiting and piracy developments in individual countries/economies. Delegates are requested to provide their responses to the Secretariat by 15 September 2005.

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COUNTERFEITING AND PIRACY PROJECT

Country/Economy Survey

1. On 28 April 2005, the OECD Council agreed to carry out a project on counterfeiting and piracy [see DSTI/IND(2005)1]. Work on Phase I of the project has since been initiated [see DSTI/IND(2005)2]. This Phase will include a review of the situation in economies and an assessment of the efforts that governments and other authorities are making to combat counterfeiting and piracy. Information and data which are crucial for the review will be developed primarily through the attached questionnaire. A related questionnaire is being sent to industries affected by counterfeiting and piracy.

2. Please note that the questionnaire concerns Phase I of the project. This Phase covers infringements of trademarks, copyrights, patents and design rights, when the infringements involve tangible products. Intangible, digital products which are not embodied in a tangible medium (such as a CD or a DVD) will be covered in Phase II.

3. In addition to completing the questionnaire, submission of reports or studies related to the project would be welcome.

4. If you have any questions regarding the survey or the project please contact:  

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Replies to the questionnaire are requested by no later than 15 September 2005 and should be sent preferably by e-mail to: counterfeit@oecd.org or by mail to the address above.

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1 Definitions of these terms are as defined in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

2 During the month of August please direct any enquiries to Wolfgang Hübner (phone: 331 4524 9132; email Wolfgang.Hubner@oecd.org.)
OECD COUNTERFEITING AND PIRACY PROJECT

Country/Economy Questionnaire

| COUNTRY/ECONOMY: |  |
| CONTACT PERSON: |  |
| Telephone/Fax: |  |
| E-mail: |  |

**Note:** The term *counterfeiting and piracy* in this questionnaire covers infringements of trademarks, copyrights (and related rights), patents and design rights. It relates to tangible products only [i.e., intangible digital products which are not embodied in a tangible medium (such as a CD or a DVD) are not covered; these products will be examined in a subsequent phase of the project]. In responding to questions, please address trademark, copyright, patent and design issues separately (to the extent possible).

Q 1 How have the magnitude and scope of infringements of trademarks, copyrights, patent and design rights (*i.e.*, counterfeiting and piracy) changed in your economy in recent years (*e.g.*, over the last 5 years)?

A description of the techniques and sources of information you have used to estimate the magnitude and scope would be appreciated.

Points that could be covered:

- With respect to your domestic economy, the extent to which counterfeiting and piracy is taking place within your borders and the nature of the counterfeiting and piracy activities:
  - principal types of products being counterfeited and pirated in your economy;
  - indication of how the magnitude and scope have changed in recent years;
  - how operations for counterfeiting and pirating products are organised (*i.e.*, from the acquisition of protected inputs to the manufacture of products) and financed;
  - description of how counterfeit and pirated products are being moved from production centres or other locations into domestic and foreign markets, and who benefits from the illicit commerce;
  - role of organised crime in production and distribution of products;

- Exports of counterfeit and pirated products from your country/economy:
  - principal exports markets and the principal products being exported;

- Imports of counterfeit and pirated products:
  - principal import sources and the principal products being imported;
  - principal means that are used to penetrate your market;
  - role of organised crime in facilitating imports;

- How the volume of trade in counterfeit and pirated products (*i.e.*, the level of imports and exports) has changed in recent years in your economy;
**Principal factors that explain the changes in the scope and magnitude of counterfeiting and piracy worldwide and in your economy**

**Q 2**  
What have been the principal effects of counterfeit and pirated products on your economy?  
This would include the health, safety and the economic effects on producers, holders of the IPR rights, consumers/purchasers, workers and society at large, including governments. Effects on governments and society at large would include international trade, foreign investment, tax revenues and law enforcement.  
A description of the techniques that were used to measure the effects would be appreciated.

**Q 3**  
Please describe the principal policies and programmes being used in your economy to combat counterfeiting and piracy, and otherwise protect the intellectual property rights concerned. How have these policies and programmes changed in recent years?  
Areas covered could include (i) the legal framework for combating counterfeiting and piracy, (ii) enforcement (internal and border measures) through criminal, civil and administrative systems, (iii) training and technical assistance, (iv) public awareness initiatives, and (v) international co-operation and co-ordination.  
In providing a response, please avoid a simple cataloguing of laws and related instruments. A more qualitative description would be preferred.  
Points that could be covered:

- Judicial and other means available for domestic rights holders, foreign rights holders and governments to combat infringements;  
- Financial and other costs associated with industry and government efforts to combat infringements;  
- Scope and severity of criminal, civil and administrative penalties for infringements, and the extent to which these penalties are applied

**Q 4**  
Taken as a whole, how effective have the policies and programmes (including public/private partnerships) been in combating counterfeiting and piracy, (i) within your domestic economy and (ii) at borders and (iii) internationally?  
Points that could be covered:

- Identification of policies and programmes that have been the most effective in reducing counterfeiting and piracy;  
- Ways that policies and programmes need to be strengthened;  
- Ways that international co-operation and co-ordination to combat counterfeiting and piracy need to be improved at the national and multilateral levels
| **Q5** | What additional points would you like to make concerning counterfeiting and piracy? |