

**(CONFIDENTIAL)**

**The Brand Owners Protection Group – GCC & Yemen**

**The General Meeting-March 8, 2012**

**Media Rotana  
Dubai, United Arab Emirates**

**Attendees**

Chairman – Abdullah Hasayen  
Nestlé - Judy Cuevas

**Members:**

Al Tamimi & Co. – Omar Obeidat  
Beiersdorf – Cameron Walker  
BMW – Rami Abdallah on their behalf  
Clyde & Co – Rob Deans  
Daimler – Mohamed Soliman  
Ford – Alexander Liske  
Louis Vuitton – André Jahel  
Nestlé – Omar Shteivi  
Nissan – Rashid Khan  
Nokia – Abdullah Hasayen  
Philip Morris International – George Nassif  
Philip Morris International – Kamran Chassebi  
Rouse & Co. International – Sara Holder  
SABA & CO. – Hady Khawand  
Sanofi-Aventis – Dominique Woloch  
SMAS IP – Zahra Ragbi  
SNR Denton – Joby Beretta  
3M – Seyavash Rahmena  
Unilever – Abdalla M. Al Obaidli

**Guests:**

Dubai Police – Major / Dr. Abdelrahman Almuaini (Gen. Dept. of Total Quality)  
French Embassy – Anthony Brelet (Customs Attaché)  
French Embassy – Marion GUTH ( Regional Counselor for IP Matters (Middle East).

## **MINUTES OF THE MEETING:**

The meeting started at 9:40 with a welcome greeting from the BPG Chairman, Abdullah Hasayen (AH).

AH gave a presentation on the Highlighted BPG Activities.

### **First training for the judges and public prosecutors in Dubai held on November 22, 2011.**

The training stressed on the importance of taking the crime of counterfeiting seriously by the judges and public prosecutors and its real negative impact on the society and the economy.

Some brand owners attended the panel discussion and emphasized that punishment for counterfeiters are not deterrent enough. They also raised the issue on repeat offenders, that they should be given a higher penalty if sentenced for the same crime of counterfeiting.

Suggestions were raised such as: (1) to have another workshop for judges and public prosecutors with the participation of more brand owners. (2) training to be co-branded e.g. BPG and the Judicial Training Institute. (3) training/workshop with judges, customs authorities, public prosecutors and police.

### **First Regional Training and Exhibition in Doha, Qatar held on January 15-18, 2012.**

The training was sponsored by the Consumer Protection Department and was attended by key officials from all GCC countries.

BPG and its members participated in the event through provision of training.

This activity opened the door for BPG to expand into GCC countries.

### **Union in France for Manufacturers (UNIFAB) Conference held on February 9-10, 2012.**

BPG was invited to the event and AH presented the BPG activities and IP enforcement in Dubai. This elicited a huge interest by French businesses on our group and calls to continue effort in addressing issues and problems faced in the free zones.

UNIFAB has been in existence for 100 years with members consisting of French manufacturers and brand owners. The group has lots of influence. They have a concrete policy on counterfeiting.

### **Strategy Meeting held on January 23, 2012.**

A voting session was held during the meeting to choose 3 priority activities of the group based on the survey done in 2011.

The following are the priority activities for 2012:

#### **Saudi Arabia:**

- increase collaboration with Customs
- conduct training for the identification of counterfeit products
- achieve a transparent monitoring and enforcement system

**Free Zones:** to conduct a study on the counterfeit business in free zones in order to identify areas where improvements are needed and assess the same with relevant authorities.

**Qatar:** The Customs do not have a clear process in place. Therefore, BPG will:

- increase collaboration with Customs and Consumer Protection
- aim to achieve a transparent monitoring and enforcement system

The three priority activities will be the main focus of the group. However, other issues are also important and will be dealt with such as the following:

### **Measuring Performance of Enforcement Authorities**

Brand Owners to provide an excel sheet on the number of seizures in order to assess the training needs of the officials and to assess the level of awareness of the public and government departments.

In addition to that, there was a suggestion to talk with the Customs and double check if the figures submitted by the Brand Owners are the same figures which are on their database.

Brand Owners should submit the report and if there are issues on company policies such as confidentiality and any other comments, to let Yara know.

Service providers can provide the brand owners' data upon approval from the brand owners.

### **Study on the Impact of Counterfeiting**

There are plans to commission/support/sponsor a study that identifies the impact of counterfeiting on the GCC region in terms of market share, lost revenue, economical and social impact.

It is suggested that an independent body should do the study, preferably one of the universities and AUS is identified as the best option.

The study will highlight the extent of counterfeiting business and the real negative impact of counterfeiting.

The study will also enhance public awareness. The more we publicize, more people will be aware.

There is a suggestion from the group to get a research specialist instead of commissioning one university however it will be expensive and the results are biased. The proposed study will be just like a university research and will not be associated to BPG.

## **CLUSTER PRESENTATION**

### **GCC Cluster Presentation done by Alex Liske (AL)**

The following are the main objectives of the cluster:

- GCC-wide focus expansion
- Stronger presence in GCC as benefit for BPG members
- Opportunities for closer cooperation with authorities
- Regular GCC-wide training sessions
- Attendance and organization of conferences, public awareness campaigns

First meeting was held with the Customs and the Ministry of Commerce and Industry (MOCI) in Saudi. BPG is currently working on setting up another meeting with the Saudi Customs for the notification process. Presently KSA Customs collaborates with selected Service Providers only

MoU with authorities is an option provided that effective processes will be put in place and there will be transparency.

In the second quarter to refresh talks with KSA Customs and MOCI

There was a suggestion to focus more on MOCI because they play a major role in the market. The Minister and the Deputy is a strong supporter of the same causes which the group is fighting.

Strong support from private sector should be established. AL passed around the brochures of IIPPF which are found in the Customs offices in Saudi. AL recommended that the group replicate the same to raise awareness both to the inspectors and the public.

Qatar Workshop has been successful with a small exhibition showing fake vs genuine products. The exhibit was organized by the Consumer Group. Plans of another training session will be discussed.

Oman is currently inviting the private sector to participate at the anti-counterfeiting exhibit in Muscat, Oman from 17<sup>th</sup> of March and for a period of one month. Even if Oman is a quiet market, this event may open opportunities for discussion on training customs authorities in Salalah.

Way forward:

- ✓ Determination of IP contacts at Qatari Customs. Setting up a BPG training session
- ✓ Initiate, refresh discussions with Saudi authorities
- ✓ BPG to support regional activities in terms of funding as well as contributions like training, speaking on forums, organization of workshops etc.

### **Communications Cluster Presentation done by Sara Holder (SH)**

Final works on the website are on-going.

- Public facing pages are updated
- Member-only pages are currently updated
- Member logins are currently disabled because of the on-going maintenance. New ones are coming soon and members will be informed.

What to expect:

- ✓ Forum on LinkedIn
- ✓ Public documents to be published on the website like international reports e.g. OLAF.
- ✓ Link to member's websites and contacts.

### **Special Project Cluster Presentation done by Cameron Walker (CW)**

Aims and Objectives for 2011-2012

- Studies and statistics to support BPG's arguments against counterfeiting
- BPG may sponsor or co-sponsor such studies by third parties (e.g. co-sponsored with the MOE or Customs).
- Manage BPG initiative for proper monitoring of free zones.
- Manage BPG initiative against notorious markets such as Dragon Mart, Karama, etc.

CW emphasized that Dubai is always mentioned in relation to IP cases.

Coverage of Jebel Ali, the most important hub in the Region, where most of the products are passing through & no proper visibility for TM owners. BPG to meet with JAFZA authorities in order to tighten IP enforcement. Operational groups will be formed to focus on the same.

### **Presentation of Guests:**

#### **Foreign Customs Experiences Regarding Free Zones Anthony Brelet, Customs Attache, French Embassy in the UAE**

"Stopping counterfeiting is possible".

French companies did an efficient job in lobbying with the French government on tightening the IP law.

The presence of customs representative in the country is to:

- ✓ support French companies in the country in their fight against counterfeiting
- ✓ coordinate with the relevant authorities
- ✓ invest to identify threats to be faced by French companies who wants to establish business in the country.

In terms of IP enforcement in the country, they rely on external information and expertise from legal firms. He said that the manner in which decisions are enforced is largely dependent on how you present your case in Court.

There are no free zones in France. Based on experience there are no concrete programs to address the issues in the free zones. A bilateral meeting should be held with the authorities.

During the discussion AH stressed that counterfeiters exploit the free zone areas because of the absence of a monitoring system. They also do not have enough manpower to check all shipments. The concern of the group is about counterfeit goods which are transshipped.

**Emirates Intellectual Property Association (EIPA)  
Dr. Abdelrahman Almuaini, General Department of Total Quality  
Dubai Police**

"This is the time for innovation."

Dr. Almuaini gave a presentation on the mission, vision and activities of EIPA.

EIPA is a non profit organization and has a one year existence.

Vision: In a strong and safe union, knowledgeable and innovative Emiratis will confidently build a competitive and resilient economy. They will thrive as a cohesive society bonded to its identity and enjoy the highest standards of living within a nurturing and sustainable environment.

In summary aims to make UAE:

- ✓ One of the best countries in the world in 2012.
- ✓ One of the advanced countries in the field of IP protection.

They also aim to increase awareness of the community in the areas of intellectual property through the provision of consultancy and awareness campaigns.

In order to achieve their objectives their strategy are as follows:

- ✓ Participation in international and regional forums.
- ✓ Strengthen partnerships with international, ministries, local government and relevant institutes.

EIPA has signed 2 MoU's and is currently encouraging youth entrepreneurship. During the month of Ramadan they gathered all IP authorities and went to Beirut for collaboration and cooperation. They also held the Sharjah book fair and participated as observers in WIPO.

**General Discussion:**

**Re-exportation of Counterfeit Goods**

In the discussion regarding this issue, the following were suggested by the members.

- ✓ In the sponsorship of IP events, discuss the issue with the Customs. Provide a complete documentation and discuss directly with the Head of the Customs.
- ✓ Focus on the Federal Customs. We can sponsor Federal Customs event but not full sponsorship. Federal Customs is more of administration but they also have influence.
- ✓ Put pre-conditions on the sponsorship. BPG has been sponsoring IP event since 2005. Sponsorship is irrelevant to the issue but can open the door to discussion about the same. Keep the sponsorship, ask for a separate meeting regarding the issue.
- ✓ In case the issue is not solved at this level, to ask a meeting with Sheikh Mohammad or his representative.
- ✓ To organize a big event for BPG where officials from Customs, Embassies, public and private authorities and stakeholders will be present and the topic will be re-exportation of counterfeit products or future of IP in the UAE.
- ✓ To write a letter to the Customs but this can be taken against the group.

Meeting was adjourned at 1:20 pm.