

INDICAM



Istituto di Centromarca
per la lotta alla contraffazione

REPORT
2018

www.indicam.it

As a system of institutions, businesses and consumers, we cannot longer afford to lose competitiveness. We have to strengthen IP and protect the ideas of those who work with creativity, either it consists in writing a song, a book or creating an industrial product.

Mario Peserico, President
13 Novembre 2018, Palazzo Pirelli Milano

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The Association

Since 1987 INDICAM has been fighting against counterfeiting and protecting intellectual property rights (IPRs).

For INDICAM 2018 was a year of great activity and a test bed for the constant evolution of the association, a leader in the field of IPRs protection.

2018 was the year of new initiatives, relevant results and a growing commitment to support enforcement and achieve tangible effects.

Following the change of Government our advocacy action remained intense and led us to remap our interlocutors from scratch.

We trained lots of professionals by sending messages which are important to us and by giving them updated and fresh points of view on IP protection.

The number of associates has increased and with this Report we would like to remind them of some key points of 2018 and to reaffirm our responsibility to raise the level of our commitment every single day.

OUR ASSOCIATES

In 2018 INDICAM counted 144 associates, including companies, associations, organizations and professional consulting and legal firms, all committed to IP protection.

2018 brought the following new associates:

- **COMPANIES**

- Sergio Rossi
- LVMH – Louis Vuitton Moët Hennessy
- LUSH Italia
- Furla Italia
- Golden Goose
- MM Profumi
- Renault Italia
- Supreme

- **TECHNOLOGIES**

- Corsearch

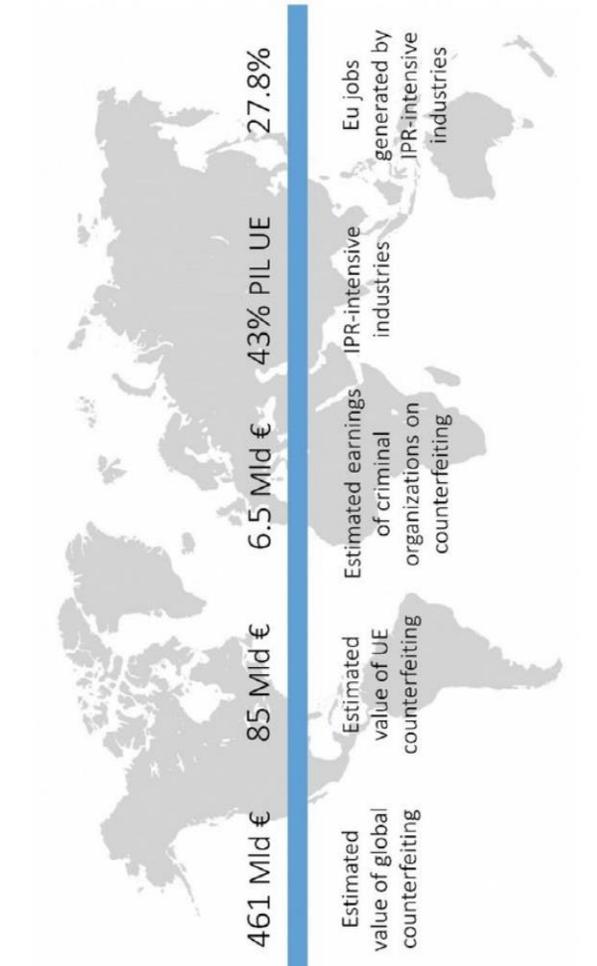
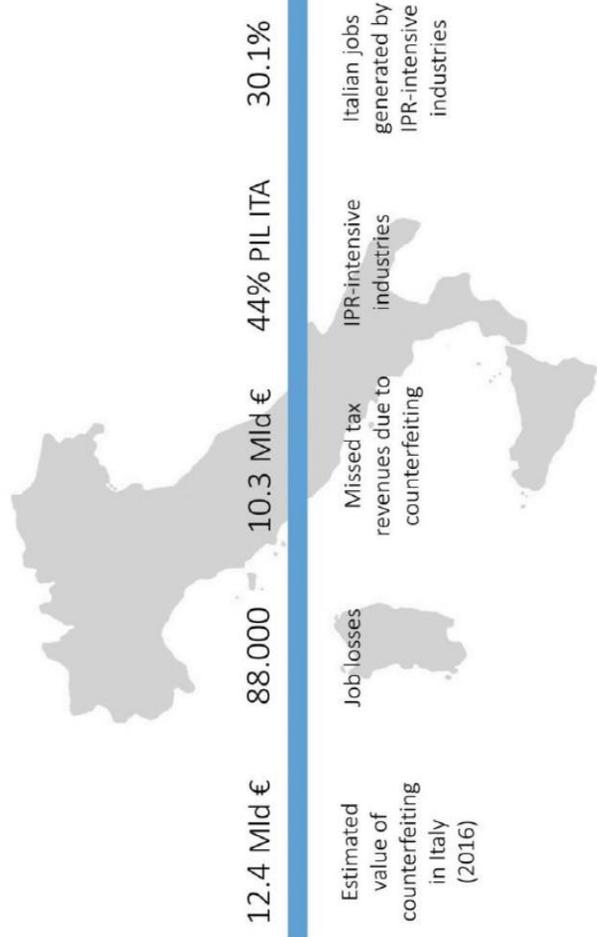
- **PROFESSIONAL CONSULTING AND LEGAL FIRMS**

- Camino, Brelles y Asociados
- Dragotti & Associati
- Buzzi, Notaro & Antonielli d'Oulx

ECONOMICAL AND SOCIAL CONTEXT

Evaluating the **business of counterfeiting** has been and always will be a difficult task. It is indeed a market which operates outside the legal commercial logics: it does not draw up any financial reports, it does not pay any taxes, and it does not provide any data on the enormous profits it generates.

Probably the evaluations are even too cautious: the direct damages, the impoverishment of businesses which work hard on innovation, the decrease of employment and the social and health harm caused by counterfeiting are just some of the aspects which are raising the stake.



REFERENCES
 OECD/EUIPO (2016), *Trade in Counterfeit and Pirated Goods: Mapping the Economic Impact*, OECD Publishing, Paris. <https://doi.org/10.1787/9789264252653-en>
 MISCEGENSIS (2016), *La contraffazione: dimensioni, caratteristiche e speso di criminalità*
 OECD (2018), *Il commercio di beni contraffatti e l'economia italiana: Nuove prove e proprietà intellettuale del'Italia*, OECD Publishing, Paris. https://www.oecd-ilibrary.org/governance/it-commerce-of-counterfeit-goods-and-its-economic-impact_9789264302653

OUR ACTIVITIES

WORKING GROUP

By pooling data, information and cases, in 2018 Working Groups dealt with:

DESTRUCTION OF SEIZED GOODS

The WG went on with its task aiming at creating sustainable best practices to be applied at a national level.

Several meetings took place with the previous and current Ministry of Justice and the topic got in the 2018/2020 plan of the National Committee Against Counterfeiting.

LEGAL

The WG planned the cycle of accredited seminars for Milan lawyers and IP consultants and developed the topics tackled during the 2018 workshops.

ONLINE INFRINGEMENTS

The WG proceeded the dialogue with Alibaba Group, constantly exchanging information and requests, measuring KPIs with the associates and directly meeting up in our headquarter.

The WG with Amazon Corp. Was launched, with a first meeting to identify the priorities that needed to be addressed.

We followed our relationship with eBay and intensified the dialogue with the Ministry of Economical Development in order to improve governmental awareness on unsolved issues regarding online intermediaries and hostile digital platforms.

YOUTH EDUCATION

16 January 2018

«**Multifaceted counterfeiting: the web and the mafia of fakes. Let's talk about it in classroom**» event marked the beginning of 2018: 500 students attended the play «All I am going to tell you is fake» on counterfeiting phenomenon, Made in Italy and the supply chain of fake goods.

02 March 2018

As in 2017, even this year, thanks to the national project «**I AM ORIGINAL**» we had the chance to talk to 100 students of «Ettore Majorana» high school in Turin that watched the docu-film «The phantom factory»

04 May 2018

Annual appointment at the Faculty of Law of the University of Trento for the final lecture in the Criminology course.

Focus of the lecture: brand protection strategies.

The Italian Federation of Musical Industry and the Federation against Musical Piracy were also present.

16 May 2018

In occasion of the new extended plan of the european project Autenticità we met 90 students attending the Nomentano High School in Rome. What about the format? Brand new and come up by INDICAM!

13 November 2018

A roundtable exploring the topic of counterfeiting in its multifaceted aspects during **the Week of Creativity 2018**.

An opportunity of exchange and discussion with students in the Giorgio Gaber Auditorium inside the «Pirellone» building of Lombardy Regional Council.

CONSUMERS EDUCATION

11 May 2018

During Expo Consumatori 4.0. in Rome, INDICAM was called to intervene as a speaker in the «I AM ORIGINAL» Roundtable, to talk to consumers about fake goods, anti-counterfeiting and IP protection together with CODACOND, Guardia di Finanza and the Italian Office for Trademarks and Patents.

06 August 2018

#IBUYREAL DAY for Forte dei Marmi: this event was organized together with the Municipality of Versilia following the BASCAP «I BUY REAL» format for International Campaign. 400 t-shirts and 2000 flyers were distributed in 100 beach resorts in Forte dei Marmi during a whole day dedicated to IP protection and awareness.

13 September 2018

«Vogue for Milan 2018» represented the appropriate occasion for INDICAM to reinforce its consolidated partnership with the Anti-abusivism Group of the Local Police in Milan, the Chamber of Commerce and the Customs, that work together to organize an **Anti-counterfeiting Gazebo**, an effective space of confront and dialogue with citizens on the threats of counterfeiting and the importance of buying original products.

EDUCATION FOR THOSE WHO WORK IN THE FIELD

Thanks to the precious contribution of our Legal Working Group, INDICAM has organized a cycle of 4 **seminars for lawyers and IP consultants** in order to touch various IP topics: from digital communication and IPRs online protection to the new borders of technology, from recent normative and judiciary developments to alternative tools for the protection of IP. This initiative marked INDICAM's role as a point of reference and junction of know-how, while obtaining lots of subscription, especially thanks to the practical slant of the speeches.

Our 2018 lectures for journalists collected the warm participation of many professionals working for different newspapers in a 3 seminars cycle aiming at educating journalists on counterfeiting and IP violations, whose narrative is often imprecise and incomplete.

The contents were various: european and extraeuropean panorama of the business of fakes, money trafficking, contraband, organized crime and the threats of the digital era. The response was very positive and showed a growing interest towards topics that need to be communicated to the public with accuracy and reliability.

EDUCATION FOR THOSE WHO WORK IN THE FIELD

12 June 2018

INDICAM intervened at the **School for Guardia di Finanza supervisors in L'Aquila**. 300 officers were able to have a better understanding of counterfeiting dynamics and the priorities they will have to deal with during their work on the territory. The lecture was held together with the Comando Unità Speciali of the Body.

03 October 2018

INDICAM was lecturer at the **National School of Administration for institutional managers**. Focus on counterfeiting and online world, the Association spread practical information and highlighted current critical issues.

09 November 2018

INDICAM was invited to lecture the participants of the IP Master of Sole 24 Ore newspaper on online counterfeiting, protection strategies, gaps and potential measures from the brand owners point of view.

A comparative analysis about normative scenarios in EU and China was also undertaken.

POLICE RELATIONSHIP MANAGEMENT

Our PRM continued for its third year as a training program aiming at providing a constant support from brands to the officers committed to the fight against counterfeiting.

From May to September the initiative involved many Italian Customs Offices: Trieste, Orio al Serio, Malpensa aeroporto, Napoli, Gioia Tauro, Palermo, Genova, La Spezia, Civitavecchia, Civitanova, Ancona, Bologna, Piacenza, Livorno and Cagliari.

150 Customs operators participated in the program, which succeeded by connecting different know-hows directed to the same goal.

And there was more: under PRM umbrella even the Custom of Malaszewice, in Poland, had its two days training, to raise attention among agents in a critical point due to the trains coming from China. PRM also regarded 9 Guardia di Finanza Commands: Udine, Firenze, Genova, Palermo, Milano, Bari, Napoli, Pesaro and Bologna, with more than 200 officers attending the event.

News for 2018: trainings for Local Polices, realized under operative protocols signed with the city of Rome and Forte dei Marmi.

In the latter we trained 20 agents hired for the summer season according to the anti-abusivism plan for 2018 developed by the Municipality.

In Rome the dialogue between brands and enforcement was dynamic and productive, which proved the necessity of a constant collaboration among different stakeholders that as a matter of fact led to the seizure of 20000 pieces of electronic products.

Moreover, two trainings were held in Turin thanks to our cooperation with the Chamber of Commerce: Local Police, Guardia di Finanza and Customs were involved.

SMEs EDUCATION

A real road show brought INDICAM to a confrontation with a very particular interlocutor: 36 Chambers of Commerce. The training started from a joint initiative between the Ministry of Economical Development and INDICAM and it was promoted by Unioncamere.

The goal is to lead SMEs to be familiar with the several aspects characterizing IP as a means to strengthen business.

It was a great opportunity to offer Italian SMEs our expertise and know-how in IP matters, by sharing new protection strategies in order to encourage small and medium companies to invest in IP and to see IP as a tool for growth and competitiveness.

CHART ITALIA

INDICAM and Netcomm, directed by the Ministry of Economical Development, identified the flow of notifications and the model for the engagement of consumers.

On Netcomm website users can submit notifications through a specific webpage that will be then processed by different actors, rightholders first. This sharing system allowed INDICAM to present Chart Italia to the National Committee Against Counterfeiting and to its president Mr. Dario Galli, as a reference model to reinforce the dialogue with intermediaries that at the time being are very reluctant to manage IP protection.

Chart Italia is ready to enter its phase number 2 to become a standard for confrontation among Government, private sector and intermediaries.

AUTENTICITÀ

In 2018 the net of «virtuous cities» actively committed to the fight against counterfeiting got stronger and widened its links!

Thanks to the action plan promoted by the Ministry for the Economical Development and the ICLAD funds, the project realized by INDICAM together with ANDEMA and UNIFAB has lived a very intense year in Italy.

Besides having a renewed interest in the project as to the already Italian «Autenticità» (Rome, Cervia and Ravenna), we increased the network of cities involved in this IP awareness plan, by bringing new cities as Milan and Turin.

And then? A Facebook campaign allowed us to find out what makes our cities really «authentic»: a journey through different locations, tastes and unique atmospheres that led to a remarkable increase of both the visibility of the Facebook page of the project and the number of followers.

RESEARCH CENTRE

In 2018 our relationship with the most important Italian universities got stronger: since 2015 the Research Centre is a meeting point between the academic and the industrial world, Its main goal is to provide students with high-level information and know-how.

INDICAM has indeed supported the elaboration of two Master degree thesis at the Faculty of Law in Trento and Bologna. We are proud to underline that the student from Trento, once a graduate, is now working in INDICAM.

The first thesis, «Counterfeiting and terrorism: evidence and measures of contrast» focuses on the role of fakes as a source of funding for terrorists; the second work, still ongoing, analyzes the IP panorama in China, with a major focus on the IP-KEY CHINA program, which INDICAM had already collaborated with in the past.

As far as consumptions and marketing universe is concerned, thanks to the strong relationship with the Università Cattolica del Sacro Cuore, INDICAM will support the thesis «Counterfeiting and consumptions: an empirical survey based on the slippery slope framework», whose results will be available in 2019.

EVENTS AND MEETINGS

13-16 March 2018

INDICAM and Unifab have been involved by the EUIPO Observatory in the II° «**EDB Forum**» in Alicante.

The EU enforcement database that INDICAM supports from the very beginning was the main focus of the event.

The Association has brought its contribution by highlighting how EDB represents an effective tool to overcome national divisions and to achieve a big data analysis. Besides, it has been noted that associations can work as a fundamental support and point of reference as to EDB for less organized enterprises, which are less used to systematically operate on an enforcement database.

20 March 2018

Advertising and communication / Layout and packaging / GDPR / Law 231 / Arbitration / Selective distribution: these are the new IP challenges in a company (as the pay off suggests) of INDICAM «**INNOVATION STRATEGY**»

In order to talk about these topics we have chosen a dynamic method: 6 different thematic tables, 40 minutes to spend at each table to later change table and therefore subject.

From this very appreciated meeting 3 spin-off events have been developed: «GDPR: the day after – a dialogue with the Data Protection Supervisor» on 17° September, a few days before the publishing of the relative decree; «Arbitration and mediation for IP protection: two extra tools» on 25° September and «Brand identity, product protection, layout and packaging» that has seen the most heterogeneous audience.

EVENTS AND MEETINGS

11 April 2018

Over 100 law firms representatives and companies took part to the «Recent trends in selective distribution» event organized by INDICAM together with LES Italia and under the patronage of Confindustria Moda.

The event gave the chance to show an overview on selective distribution, a very current subject in USA, EU and China.

16 April 2018

«**All the faces of e-commerce**» is the self-explanatory seminar that Studio Ferrajoli under the patronage of the Municipality of Treviglio and Unioncamere has organized with our collaboration at the Auditorium Teatro Nuovo in Treviglio (BG).

16 April 2018

Mega trend and economy paradoxes. Demographic, technological, environmental and economical trends.

Technological revolution, lifestyles and economical models: these are the topics that were tackled at UBS in Milan in April.

EVENTS AND MEETINGS

01 June 2018

INDICAM was asked by IP-KEY to share with some Chinese judges the updated panorama on IP violations in China from the Italian point of view.

Like other times, INDICAM members who were involved in the meeting worked to compare the same case to strengths and weaknesses of the Chinese system, aiming at highlighting deficiencies that in Europe could not exist.

26 January / 24 April / 06 June / 26 November 2018

INDICAM was involved by **Consumer's Choice Center** in a dialogue about brands and IP within the Working Group born inside the European Parliament, coordinated by On. Stefano Maullu and composed of Italian and European congressmen. The goal was drafting a document as a legacy for the European Parliament in order to not scatter IP and brands heritage.

The activity consisted in various private and public meetings and it represented a great opportunity to raise awareness among congressmen on violations and regulatory and approach shortcomings.

POLICY DIALOGUE

INTA, MISE and INDICAM have held in Milan the first «Policy Dialogue» on IP violations and the online world.

Both private and public sectors intervened and offered an opportunity of confrontation on fundamental topics and the outcome revealed an important gap as to policies regarding IP violations.

The goal was to achieve some proposals of collaboration and to create an annual meeting to tackle various matters from a very practical point of view, in order to reach models of dialogue, as the title says, that are concrete and represent best practices in the sector.

FORUM INDICAM 2018 - #meetIN18

INDICAM Forum 31st edition was held on 8th October 2018. The debate aimed at sharing open issues and available strategies to effectively tackle crimes against brands. OECD and Ministry of Economical Development data were the main focus of the conversation. MED was represented by Deputy Minister Dario Galli, that together with our President Mario Peserico and Andrea Di Carlo (EUIPO) has introduced the round table moderated by INDICAM Vice-president Carlo Alberto Demichelis. The roundtable addressed the following topic: «Crimes against brands: common issues, different perspective and possible strategies». Euro MP Nicola Danti and Stefano Maullu, AIM Senior Trademarks and Brand Protection Manager Marie Pattullo, Alejandro Camino from CBA Law Firm, Ivo Ferrario from Centromarca and Alessandro La Rosa from Previti Law Firm have participated in the roundtable. OECD Chief Economist Piotr Stryszowski and UIBM – MED Director Loredana Gulino wrapped-up the day. More than one hundred of participants and more than 30 press releases both online and offline. INDICAM Forum represents a very important meeting to get to know the best practices in the sector and to evaluate, by directly engaging with the main stakeholders, the panorama of actions against illicit traffics and for IP protection.

PARTNERSHIP & NETWORKING

OPERATIVE PARTNERSHIP – LOCAL POLICE IN MILAN

INDICAM continued its collaboration with municipalities to strengthen the fight against IP infringements. The operative protocol signed with the City of Milan has finally allowed us to enter in a structured work phase with the Anti-abusivism Team, to constantly support, train and inform the law enforcement. The partnership has already led to important results in terms of seizures.

ANTI-ABUSIVISM PROGRAM

PROGRAMMA ANTIABUSIVISMO FORTE DEI MARMI

INDICAM answered the call launched by the Mayor in Forte dei Marmi to strengthen anti-counterfeiting and anti-abusivism control on territory. Our participation aimed at creating tools to raise awareness and spread information regarding IP and culminated in the «I BUY REAL» campaign on 6th July. INDICAM trained Police officers and kept a constant monitoring on activities that had led us to a growing number of seizures and a drastic reduction of counterfeit products on the territory. There were various meetings with the Mayor, the Chief of Police and the media, also to support a place until then very critical for many associates.

SPECIAL PROJECTS

VIGILIUM

INDICAM coordinates the «Vigilium» project, that will officially kick off in 2019. It is an innovative approach for the analysis and tackling of urban infringements, with a specific focus on fake manufactured tobaccos in the city of Naples.

In december INDICAM President Mario Peserico signed the protocol sealing a collaboration with the Public Administration and our private partners after almost 2 years of patient work. Vigilium's goal is to create a risk map that predicts crime and deviance flux and describes the sense of security of Naples citizens, with a special regard to a complex area for illicit activities, primarily contraband and counterfeiting of manufactured tobaccos.

This tool will be left at the disposal of the Municipality to carry out a thorough analysis on the development of criminal phenomena and for a better allocation of resources.

The project, which is innovative and cost-free for the Administration, is a first in Italy and it will be possible thanks to the partnership with Intellegit, a start-up from the University of Trento, Bosch and SaferPlace.

The Association takes care of both the process and the resources management, with the financial support of our Associate Philip Morris Italia.

FINAL CONSIDERATIONS

As already mentioned, 2018 was a year full of activities.

Others, not mentioned here, were the corollary of INDICAM life.

Come avete appena letto, il 2018 è stato un anno denso di attività.

Since may we have a new Government. We cannot jump to any conclusions yet, but Italy turn-around on the Directive on Copyright in the Digital Single Market, is not positive.

We have a new Deputy Minister, president of the National Anti-Counterfeiting Council, but there is no step ahead yet regarding a new Committee of inquiry or a new approach that put the fight against counterfeiting as a priority.

On a national level there were positive signs about an innovative jurisprudence on copyright matters that provides more obligations for online intermediaries: interesting ideas for sure.

In 2018 OECD published the first report on counterfeiting in Italy: numbers are impressive and underline a national issue. There was no response on various problems from data sharing to a unified customs action in Europe.

European institutions are about to finish their journey: what conclusions can we draw? Not great ones: no opening from Bruxelles on the revision dossiers within the Digital Single Market Strategy, as far as the E-Commerce and the Enforcement Directives are concerned.

The massive pressure by online intermediaries has affected the European legislator's agenda. Gaps also regard Customs, that are not working well, with evident drops in terms of seizures and a poor power of persuasion towards countries such as China and Turkey that are the major cribs for world counterfeiting.

In 2018 IP protection is still a very private issue, linked to enterprises' action. It is necessary to work as a system, because only working together companies can represent a front capable of bringing IP in the centre of the spotlight. Associations can have a fundamental role as stakeholders. For this reason, INDICAM will continue to strengthen its activity for the protection of the intellectual property with new initiatives, tools, proposals and unchanged commitment.

What about 2019?

Coming
Soon!

INDICAM

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