

Assessment Tool and Interventions Summary for Legislators

<i>Conduct a comprehensive assessment of existing laws and policies</i>
Are your laws aligned with international law?
Are your laws harmonized within regional groupings to which you are a member?
Is an adequate budget established in all agencies for basic functions and functions related to combating counterfeits?
<i>Implement ACTA Elements in pro-public health manner</i>
Implement pro-public health measures: recognize population health as a participant and for proportionality concept, mandate destruction if health at stake, no return to commerce if health at risk, adopt ex officio for products that can harm, consignees get assurances, expedite process for health products
<i>Add any missing anti-counterfeit legislative elements</i>
Definition: IP reference; add substandard and illegal (SIC) if can cause harm
Criminalize any activity related to a SIC product if it can cause harm
Crime of counterfeiting – actual or potential harm or commercial scale
Sanctions – more severe if harm to health
Make other acts crimes – warehouse, transport, manufacturing, packaging, labeling, etc
Check laws on any type of products that when SIC can cause harm
IP coordinator/coordination agency
Staffing; adequate inspectors in all sectors
Powers; inspect, seize, shut down, arrest, citations, sample, remediate
Customs: enhance with ex officio and admin penalties
Other measures: supplier verification, certificates of compliance with standards for imports, recall powers, bar imports for non-compliance

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Enhance the regulatory authority for the NMRA, MOH and CPSC, or any other agency that has jurisdiction over any product that when SIC can harm: include a single point of contact within each agency; regulation of the supply chain; a code of good practice for inspections; adopt a functional definition of counterfeit in civil and criminal law and have it as uniform or harmonized as possible; enforce good manufacturing practices; provide for cooperation between law enforcement and regulatory agencies.

Add prevention measures, victim and witness protections, universal jurisdiction. Mandate data collection and evaluation.

Increase Sanctions

Impose severe sanctions for threats to or actual harm to public health

Penalty relief for voluntary disclosure

Penalty for exporters of infringing goods

Mandate Data Collection, Monitoring and Evaluation

Require monitoring and evaluation and relevant data collection