SUNAT
SUPERINTENDENCIA NACIONAL DE ADMINISTRACION TRIBUTARIA

EXPERIENCE OF CUSTOMS IN PERU : MEDICCAL PRODUCTS

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Anti-smuggling Division - Customs PERU

MEXICO -2009

Potential “Revenue”

- ***100% profit on sale of kilogram of cocaine***
- ***420% profit on sale of heroin***
  - ***Global Illicit Drug Trends 2002, United Nations Office for Drug Control***
- ***800% profit on sale of Pirate DVDs in UK (distributed: Malaysia)- Internal MPA Research (2002)***
- ***900% profit on pharmaceuticals***

Who Cares?
Who Benefits?

- ***Smuggling Activities increasing on demand .***
- ***Only groups of organized crime have the infrastructure, expertise, financial backing, and capability to meet the demand for smuggling on a commercial scale.***

Why is Important to combat counterfeiting

- Effective Anti counterfeiting Enforcement:
  - Protects Public Health & Safety
  - Economically and Socially Beneficial
- Counterfeit products are dangerous
- To avoid IPR Violations
- To allow Creative development of Economies & Individuals

Some examples .....

CUSTOMS DELITS

1. Smuggling for all products
2. Smuggling plus restringed goods for pharmaceutical products and others derived (this includes counterfeit)
3. Counterfeit of products different than those in 2 → coordination through IPR rules

Borderlines measures

Current situation:

- Increase of the free world trade without precedents
- Latin America: trend to economic integration and free trade
- Increase in the commercialization of counterfeit pharmaceuticals
- Global increase of the violations to the rights of intellectual property

BORDERLINES MEASURES - PERU

- LEGISLATIVE DECREE 1092 Approves borderlines measures for the protection of copyright and related rights and the rights of brand 12 /01 /2009.
- Measure adopted in fulfillment of the agreements signed by the Peruvian State (World Trade Organization, CAN) and implementation of the Trade Promotion Agreement.

Borderlines measures

Objectives :

- To avoid the introduction of illegal goods to the commercial circuits, protecting the economy of the countrry
- To constitute a line of defense against the piracy and counterfeiting in: land, sea and air

Agreement on the ADPIC Borderlines measures

Counterfeit Goods

GOODS IN WHICH THERE APPEARS WITHOUT AUTHORIZATION A BRAND OF FACTORY OR TRADE DUE REGISTERED OR WHICH DAMAGE THE RIGHTS OF THE HOLDER OF THE BRAND.

- **COPIES MADE WITHOUT THE CONSENT OF THE OWNER OF THE COPYRIGHT OR DULY AUTHORIZED PERSON**

Regarding pharmaceuticals

Bordelines measures plus existing Crime Customs Legislation allow criminal interpose because of the crime of traffic of restringed goods

What to do against the trade of counterfeit goods ?

Better coordinations between all involved: sensibilization and training

- Judges
- Public Ministry
- Legislators
- Customs officials
- State and municipal authorities
- IPR office

What to do against the trade of counterfeit goods ?

Work harder to improve legislation

THANK YOU

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