F.No. II(11)112/2019-NACIN

Madam/Sir,

Subject: Request to nominate officers to participate in the Regional Workshop on "Anti-Counterfeiting Enforcement and Collaboration: Online and Offline" on 17.10.2019 at the Habitat World, India Habitat Centre, New Delhi – reg.

Please find attached D.O. Letter No: P35012/22/2019-CIPAM dated 20.09.2019 of Sh. Rajiv Aggarwal, IAS, Joint Secretary, Department of Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, Govt. of India alongwith a copy of Agenda of the above workshop.

2. Centre for IPR Promotion and Management (CIPAM) in association with International Trademark Association (INTA) is organizing a Regional Workshop on "Anti-Counterfeiting Enforcement and Collaboration: Online and Offline" on 17.10.2019 from 9:00 AM at the Habitat World, India Habitat Centre, New Delhi.

3. As desired by CBIC, it is requested that suitable officers from your Zones/Commissionerates/Directorates may please be nominated for the above workshop with the directions to report directly to the Habitat World, India Habitat Centre in New Delhi at 8:30 AM on 17th October, 2019 under intimation to this office.

4. This may be treated as urgent please.

Yours faithfully,

Encl: As above

(Rajesh Kumar)
Joint Director
E-mail: nomination.istnacin@gmail.com

Copy to: Ms. Ritika Gairola, Assistant Manager, CIPAM (email: ritika.gairola@gov.in).
To

1. The Pr. Chief Commissioners/ Chief Commissioners of Customs (All)
2. The Pr. Chief Commissioners/ Chief Commissioners of CGST & Central Excise (All)
3. The Pr. Director General / Director General (All Directorates General under CBIC)
4. The Chief Departmental Representative, CESTAT, New Delhi
5. The Pr. Commissioners/ Commissioners of Customs (All)
6. The Pr. Commissioners / Commissioners of CGST & Central Excise (All)
7. The Pr. Commissioners/ Commissioners of Audit Commissionerates (All)
8. CBIC & NACIN Website
The customs department has been undertaking several laudable measures for the effective enforcement of Intellectual Property Rights (IPRs) in India, including capacity building of its officials.

As you may recall, the Government of India adopted the National IPR Policy in May 2016 that has helped in fostering an ecosystem of creativity and innovation in the country. One of the main objectives of the National IPR Policy is the "Enforcement and Adjudication of IPRs". In order to strengthen the enforcement mechanism, multiple training programs on effective enforcement of IPRs have been organized by the Cell for IPR Promotion and Management (CIPAM), under the aegis of DPIIT, in various states across India for the law enforcement officers.

It is observed that nations must work together and exchange information and ideas that will eliminate the threat posed by counterfeit goods. To promote and facilitate better cooperation between government and industry to advance protection against counterfeiting, a regional workshop on "Anticounterfeiting Enforcement and Collaboration: Online and Offline", is being organized by CIPAM in association with International Trademark Association (INTA) at the Habitat World, India Habitat Centre in New Delhi on October 17, 2019.

Distinguished speakers from the public and private sectors are expected to be present and discuss the important issue of enforcement and awareness on counterfeiting. The goal of this workshop is to discuss anticounterfeiting collaboration with neighboring jurisdictions.
It is my privilege to kindly request you to grace the occasion as keynote speaker for the opening session on October 17, 2019 from 09:00 am. You may also like to consider nominating 45 Customs officials from across the country to attend the workshop.

It would also be in the fitness of things if Central Board of Indirect Taxes and Customs could join us as a co-organizer and knowledge partner of the event (no financial commitment required).

For any further details or additional information, please do not hesitate to contact Ms. Ritika Gairola, Assistant Manager, CIPAM (email: ritika.gairola@gov.in, phone no.: 9511955760). A brief note on INTA and the draft agenda are enclosed herewith.

I look forward to an early response.

Yours sincerely

(Rajiv Aggarwal)

To,
Shri Pranab Kumar Das
Chairman,
Central Board of Indirect Taxes and Customs,
North Block, Central Secretariat,
New Delhi- 110001
Regional Workshop on "Anticounterfeiting Enforcement and Collaboration: Online and Offline"

Agenda

Habitat World, India Habitat Centre
Lodhi Road Quarters, Lodi Colony, New Delhi
October 17, 2019

9:00 a.m. - 10:00 a.m. Welcome and Opening Remarks
- A representative from, DPIIT
- A representative from Customs (CBIC)
- A representative from INTA

10:00 a.m. - 10:20 a.m. Keynote Address
- Representative, Delhi High Court

10:20 a.m. – 11:20 a.m. Best Practices in Border Enforcement and Collaboration
Speakers-
- Customs, India
- Customs, Nepal
- Customs, Sri Lanka

Moderator- Member of ACC Sub Committee

11:20 a.m. – 11:40 a.m. Coffee/Tea Break

11:40 a.m. – 12:40 p.m. Best Practices in Combatting Online Counterfeiting
Many different industries face online counterfeiting. Various industries will share their internal structure and process for dealing with online counterfeiting—what is working, where they see improvement, and how they work with governments and online platforms collaboratively and effectively to stop online counterfeiting.

Speakers:
- Representative, Regional Brand Owner
- Representative, Regional Brand Owner,
- Representative, PSP

Moderator-Member of ACC Sub Committee

12:40 p.m. – 2:00 p.m. Sponsored Lunch

2:00 p.m. – 3:00 p.m. Innovative Initiatives by E-Commerce Platforms
Moderator- Member of ACC Sub Committee

3:00 p.m. – 4:00 p.m.  Private-Public Anticounterfeiting Collaboration
A dialogue on how the brand owners and customs officials can work better together.
Speakers:
- Customs, Bangladesh
- Representative, ICC-BASCAP
- Representative, Brand Owner

Moderator- Member of ACC Sub Committee

4:15 p.m. – 4:30 p.m.  Tea Break

4:30 p.m. – 5:30 p.m.  Brand Identification Training (20 minutes each)
- A representative from an Industry Association
- Brand Owner
- Brand Owner
What Is INTA?
The International Trademark Association is a global association of brand owners and professionals dedicated to supporting trademarks and related intellectual property (IP) to foster consumer trust, economic growth, and innovation.

- **Membership:** INTA's members are more than 7,200 organizations from 187 countries. INTA's member organizations represent 32,000 trademark professionals and include brand owners from major corporations as well as small and medium-sized enterprises, law firms, and nonprofits. There are also government agency members as well as individual professor and student members. Except for a few limited categories, INTA membership is not by individual but by organization. Every employee at a member organization's location can take advantage of member benefits and volunteer for a committee, project team, or other service opportunity.
- **Global presence:** INTA undertakes advocacy work throughout the world and offers educational programs and informational resources of global interest. The Association has headquarters in New York City; offices in Brussels, Santiago, Shanghai, Singapore, and Washington, D.C.; and representatives in Geneva and New Delhi. As a not-for-profit association, INTA's role is to serve its members and society as a trusted and influential advocate for the economic and social value of brands.
- **Policy priorities:** INTA's major policy priorities focus on areas of global concern, including:
  - The value of trademarks and brands — informing government officials and consumers about their value to local economies and society at large.
  - Harmonization — advocating for harmonization of laws and regulations across jurisdictions, resulting in less uncertainty and confusion and fewer violations of local laws and regulations for trademark owners, as well as greater cross-border protection for consumers.
  - Brand restrictions — encouraging governments to take a balanced approach and consider the bigger public policy picture, and to ensure the integrity of their intellectual property (IP) systems as a means to promote investment and economic growth.
  - Counterfeiting — working in partnership with all stakeholders to advocate for stronger anticounterfeiting measures online and offline, to promote cooperation in enforcement efforts across agencies and borders, and to increase awareness of the harms of counterfeiting.
  - Internet Governance and the Domain Name System — playing a prominent role in ensuring a secure, stable, and resilient Internet.

2018–2021 Strategic Plan
INTA's 2018–2021 Strategic Plan focuses on the following three strategic directions:

1. **Promote the value of trademarks and brands**
   - Encourage the protection of trademarks and related IP
   - Support the harmonization of laws and convergence of practices
   - Support trademark enforcement
   - Promote the business value of brands

2. **Reinforce consumer trust**
   - Reinforce trademarks as sources of information and brands as promises of delivery

3. **Embrace innovation and change**
   - Communicate the contribution of brands to economies and society
   - Promote brand equity
   - Evaluate changes as a result of technology, innovation, and evolving consumer needs and values
   - Educate members on the impact of innovation, technology, and change on brands
   - Provide innovative, valuable services to members

Volunteer Involvement: To implement the Strategic Plan, more than 3,000 talented and dedicated volunteers serve on INTA's nearly 200 different committees, subcommittees, and project teams. The Association's committees form three major groups: Advocacy, Communications, and Resources.

INTA Impact Studies
INTA's Impact Studies Committee commissions and coordinates research projects and studies on behalf of the Association.

- **INTA's Gen Z Insights: Brands and Counterfeit Products** study (May 2019) explores the relationship between Gen Z and brands, and their attitudes and perceptions of counterfeit products; and unpacks the importance of different practical and ethical considerations influencing Gen Z's purchase of counterfeit products. The study covers 10 countries: Argentina, China, India, Indonesia, Italy, Japan, Mexico, Nigeria, Russia, and the United States.
- **INTA published The Economic Contribution of Trademark-Intensive Industries in Indonesia, Malaysia, the Philippines, Singapore, and Thailand** (August 2017), analyzing the contribution of trademark-intensive industries to five major economies in Southeast Asia, with a focus on gross domestic product (GDP), share of exports, and employment.
- **INTA commissioned the New gTLD Cost Impact Survey** (May 2017) to determine the impact of gTLDs on trademark enforcement.
- **Commissioned by INTA and ICC-BASCAP, The Economic Impacts of Counterfeiting and Piracy** (February 2017) examines the scope of counterfeiting and piracy in international trade as well as the wider social and economic impacts on displaced economic activity, investment, public fiscal losses, and criminal enforcement.
Policy Development and Advocacy
Testimony and Submissions Submitted on Various Issues Around the World: visit www.inta.org/Testimony

Amicus Briefs Filed in 2019:
- On September 5, 2019 INTA filed an amicus brief with the United States Court of Appeals for the Sixth Circuit in the case of The Ohio State University v. Redbubble, Inc. INTA notes that the Court should remand the case to the district court for fact finding on whether the defendant is advertising, distributing, and/or offering goods that are potentially infringing or counterfeit and clarify the use in commerce, pursuant to 15 U.S.C. § 1114, includes more than the act of selling goods.
- On August 12, 2019 INTA filed an amicus brief with the Court of Appeal in Santiago, Chile in the case of Evercrisp Snack Products de Chile S.A. v. Fisco de Chile. INTA notes that the Court should confirm the trademark owner's right to freely use its registered distinctive signs in connection to packaged food as under Article 19 of Chilean Industrial Property Law (Law 19.996).
- On July 22, 2019 INTA filed an amicus brief with the U.S. Supreme Court in the case of Laura Peter, Deputy Director, U.S. Patent and Trademark Office v. NantKwest, Inc. INTA notes that the Court should affirm the Federal Circuit's interpretation of the American Rule and Section 145 of the Patent Act and hold that attorney's and paralegal's fees are not included within the scope of "all the expenses of the proceedings" under Section 145.
- On March 25, 2019, INTA filed an amicus brief with the U.S. Supreme Court in the case of Andrei Iancu, Under Secretary of Commerce for Intellectual Property and Director, Patent and Trademark Office v. Erik Brunetti. INTA notes that the Court should affirm on the basis that trademarks are commercial speech, that governmental regulations thereof are subject to intermediate scrutiny, and that the immoral or scandalous provision of Section 2(a) of the Lanham Act is unconstitutional by that standard.
- On February 28, 2019, INTA filed an amicus brief with the French Court of Cassation in the case of France.com Inc. v. GIE Atout France and the French State. INTA states that the Court of Cassation should disregard the Paris Court of Appeal's reasoning that the French state has an earlier and exclusive right to the name "France", equivalent to the right that persons have to their names. INTA believes that the fundamental principles of public international law do not recognize an exclusive right of states to geographic terms, including country names, which are registrable under the Paris Convention and the TRIPS Agreement.
- On January 10, 2019, INTA filed an amicus brief with the World Trade Organization Appellate Body of Dispute Settlement Panel on Australia—Measures Concerning Trademarks and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging. This brief highlights the errors in the WTO Reports of the Panels dated June 28, 2018, and INTA's continuing concerns that Australia's plain packaging tobacco law is inconsistent with Australia's obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights, in particular, Article 20.

Board Resolutions Passed (2017–present):
- Appointment of Third Party Expert Witnesses in Judicial Anticounterfeiting Cases (May 2019)
- Low Bar to Copyright (May 2019)
- Right of Publicity Minimum Standards (March 2019)
- Guidelines for Examination of Industrial Designs (November 2018)
- Copyright Registration as a Precondition of Infringement Suit (November 2017)
- Copyright Protection of Trademarked Material (September 2017)
- Hague Convention on Recognition and Enforcement of Judgments (September 2017)
- Amendment of the Lanham Act to Include a Rebuttable Presumption of Irreparable Harm (May 2017)
- Madrid Protocol: Dependency Period (March 2017)
Education

INTA's Annual Meeting is the world's largest gathering of brand owners, trademark professionals, and other IP professionals. INTA's 141st Annual Meeting, held May 18-22 in Boston, Massachusetts, USA, drew a record crowd of more than 11,000 registrants.

- **142nd Annual Meeting**: Singapore, April 25-29, 2020

INTA holds two other yearly meetings:

- **Trademark Administrators and Practitioners (TMAP) Meeting**: Berlin, Germany, September 15-17, 2019
- **Leadership Meeting** (for INTA volunteers): Austin, Texas, November 19-22, 2019

INTA hosts topical conferences and workshops for the IP and business community in different regions throughout the year. The following will take place in the fall 2019:

- **India Workshop**: New Delhi, India, September 25, 2019
- **2019 Asia Conference: Brands in Changing Times**: Kuala Lumpur, Malaysia, October 17-18, 2019

For 2020 events, visit [www.inta.org/2020Events](http://www.inta.org/2020Events)

2020 Academic Competitions:

- **Annual Saul Lefkowitz Moot Court Competition**: This competition is open to teams of students from accredited law schools throughout the United States. The National Finals of the Oral Argument Competition took place in March 2019, in Washington, D.C. The 2019-2020 competition launched in September 2019.
- **Asia-Pacific Moot Court Competition**: Introduced in 2018, this competition is open to all law students outside the United States. The second annual event was held in Singapore, March 1-2, 2019; 21 law schools from 7 countries participated. The 2019-2020 competition will be held in March 2020 in Singapore.
- **Annual Ladas Memorial Award Competition**: This award is presented in student and professional categories for a paper on trademark law or a matter that directly relates to or affects trademarks. The submission process opens each November.
- **Pattishall Medal for Teaching Excellence**: This medal is presented every four years to an educator in the business and legal fields for outstanding instruction in the trademark and trade identity field. It will be presented again in 2020.

Legal Resources

INTA membership gives everyone in a member office access to all of INTA's Member Resources, including:

- **The Trademark Reporter**: The Trademark Reporter (TMR) is currently ranked by the Washington and Lee School of Law's Law Journal Rankings Project (the only one of its kind) as among the top 15 IP journals worldwide to be cited by U.S. state and federal courts, and among the top 50 IP journals worldwide overall.

The TMR was cited by the U.S. Supreme Court in *Janus v. Brunetti* (June 2019), in which the Court struck down the U.S. Trademark Act's (Lanham Act's) bar to registration of "immoral" or "scandalous" marks as violating the free speech clause of the First Amendment to the U.S. Constitution. The TMR was also cited by the Advocate General of the Court of Justice of the European Union in *Constantin Film Produktion GmbH v. European Union Intellectual Property Office (EUIPO)* (July 2019).

- **Searchable Guides**: Practical information covering trademark and related areas of law, contributed by seasoned experts throughout the world, including: Country Guides; Essential Information on Trademark Protection Worldwide; Enforcement: An International Litigation Guide; Trademark Cancellations: International Practice and Procedures; International Opposition Guide; Practitioner's Guide to the Madrid Agreement and Madrid; Geographical Indications, Certification Marks and Collective Marks; and Trade Dress: International Practice and Procedures.

- **Fact Sheets**: Fact sheets provide answers to basic questions about trademarks and related topics. INTA's top fact sheets are: Protection of Olympic Trademarks, U.S. Trademark Registrations: Principal Register vs. Supplemental Register, Trademarks vs. Generic Terms, Loss of Trademark Rights, and Marking Requirements.

- **Practitioners' Checklists**: Help ensure that critical considerations are not forgotten and that details are managed efficiently, with our series of Practitioners' Checklists, including our top five checklists: Clearance Search, Assuming Responsibility for a Trademark Portfolio, Cease and Desist, Due Diligence, and Trademark Filings in Foreign Countries.
Unreal Campaign
The Unreal Campaign educates young consumers (ages 14–23) about the importance of trademarks and brands and the dangers of counterfeit goods. The Campaign aims to do so through student engagement presentations as well as online engagement on Instagram and Facebook. Since its inception in 2012, the Unreal Campaign has reached 40,000 students in 38 countries and 117 cities. In 2019, so far, the Campaign has reached more than 7,200 students through 90 student presentations and 2 conferences in 21 jurisdictions.

On May 19, 2019, INTA President David Lossigol issued the Unreal Campaign Challenge. The goals of the Challenge are two-fold: by December 31, 2019, to galvanize 100 INTA members to become volunteers for the Campaign and to raise awareness among 2,000 students about the importance of trademarks and brands and the dangers of counterfeit products. As of early September, more than 220 INTA members have accepted the Challenge and kicked off their educational efforts with presentations in collaboration with the Future Business Leaders of America and the Children's Aid Society of Ottawa.

There are multiple ways to support the Unreal Campaign, and accept the Unreal Campaign Challenge, including hosting student engagement presentations, donating products to demonstrate real vs. fake goods for social media campaigns, and becoming a sponsor.

Learn more and get involved: www.unrealcampaign.com

INTA Officers and Counsel (2019)

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