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illicit trade

1 Illicit trade viz smuggling, counterfeiting and piracy are considered as one of the world's fastest growing economic activity. They have spread adverse effects on trade, foreign investment, employment, innovation, criminality, environment, and most importantly, on health of the consumers. It escalates each day in scope and magnitude. Over the period of last ten years the magnitude of illicit trade has grown from USD 650 billion to about USD 3 trillion. This illegal business operation represents 10 per cent of the global trade and has rightly been termed as the prime criminal activity of the 21st century by the FBI.

Illicit trade and transnational organized crime are interlinked. It restricts economic growth, individual prosperity, and corporate profitability. Transnational organized crime has close links with criminal syndicates, both at national and local levels. Such links result in trafficking of people and goods; and also support international terrorism.

No country is immune to the impact of counterfeiting and smuggling and no single sector can be said to be an exception. The wide availability of such products is one of the biggest challenges faced by Indian industry, impacting 'Brand India' globally. According to a report by FICCI CASCADE estimated loss to only 7 industry sectors was Rs.

1,05,000 crores in 2013-14, with an increase of 44% between 2011-12 and 2013-14. The total revenue loss to the government on account of this illicit trade was Rs. 39,000 crores in 2013-14 from these 7 sectors alone.

In another report published in the year 2016 in respect of 5 top items of smuggling, also highlighted the large adverse impact of this illegal activity on Indian economy and the government's revenue. In 2019 FICCI CASCADE's study- 'Invisible Enemy: Impact of Smuggling on Indian Economy and Employment' estimated that both revenue and livelihood opportunity lost due to smuggling in five specific industries. According to the study the total direct livelihood opportunity lost in Textiles, Tobacco Products (Cigarettes), Readymade Garments, Capital Goods (Machinery and Parts) and Consumer (Electronics) Durables is about 5.01 lakh in 2017-18. This further leads to a total livelihood opportunity loss in the economy of about 16.36 lakh in 2017-18 due to backward linkage and multiplier effects of these five industries.

Some of the factors responsible for existence and continuity of the grey market are: high profitability, large market size, tax arbitrage, easy access to distribution channels, and ease of concealing operations coupled with inadequate enforcement.

FICCI CASCADE

Committee Against Smuggling and Counterfeiting Activities Destroying the Economy

FICCI has been focusing on curbing the problem of growing illicit trade in counterfeits, pass offs and smuggled goods, and accordingly has dedicated a forum by establishing CASCADE - Committee Against Smuggling and Counterfeiting Activities Destroying the Economy. FICCI CASCADE is working closely with the Industry and Government to create awareness on how counterfeiting and smuggling has become a serious menace to public health and safety, and why all concerned must address these important issues.

FICCI CASCADE has been successful in stirring an active debate on the menace of smuggling and counterfeiting nationally through various awareness programmes and initiatives engaging industry, policy makers, law enforcement officials, voluntary organizations and consumer at large. Since its inception, FICCI CASCADE has over the years organised various awareness programmes and initiatives across the nation to fight the hazards of counterfeiting, piracy and smuggling. It has been successful in stirring an active debate on the topic nationally and internationally. These awareness programs were well attended comprising across sectors, consumer rights activists, youth, government officials, the judiciary, police, customs and border enforcement officials, and have received wide public appreciation and media coverage.



FICCI CASCADE engages with various ministries at the National and State level. CASCADE works closely with the Ministry of Consumer Affairs in their vision to protect the rights and interests of consumers, to spread awareness about consumer rights, duties and responsibilities and to promote consumer welfare by strengthening consumer movement in the country.

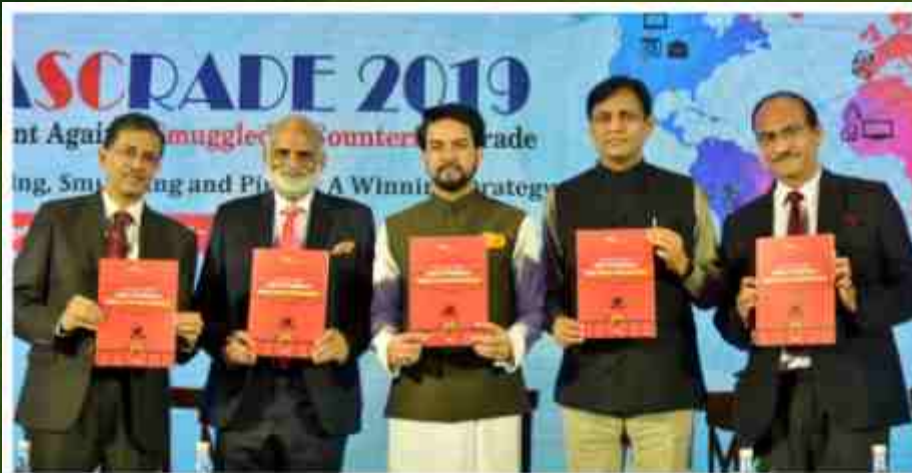
An integral part of FICCI CASCADE is to conduct multi-stakeholder dialogues focused on identifying opportunities for joint action between governments, enforcement agencies, international institutions and the private sector to combat illicit trade. In furtherance of this mandate, CASCADE has organized 7 editions of its flagship international conference. The objective being to bring together and encourage deliberations between the stakeholders on the alarming magnitude of unfair trade practices such as counterfeiting, smuggling & piracy, and to spread awareness about its adverse socio-economic impact. These forums saw overwhelming response in terms of delegate participation, media coverage and witnessed a host of international and national speakers who deliberated on the theme. Post conference reports and suggestions were shared with policy makers at the highest levels.



GLIMPSES OF PAST

**INTERNATIONAL
CONFERENCES**

Glimpses of Past



International Conferences







AGENDA

Theme- IMPACT OF COUNTERFEITING AND SMUGGLING ON PERSONAL HEALTH AND SAFETY

21-22 January 2021 | Virtual Edition

21st January	DAY 1
03:15 pm – 03:30 pm	LOGGING IN Session Moderated by Mr. Arun Chawla, Deputy Secretary General, FICCI
03:30 pm – 03:35 pm	INAUGURAL SESSION Welcome Address Mr. Uday Shankar, President, FICCI
03:35 pm – 03:45 pm	Special address by Guest of Honour Mr. Kunio Mikuriya, Secretary General, World Customs Organization
03:45 pm – 03:55 pm	Special Address Justice Manmohan Sarin, Former Lokayukta, NCT of Delhi, Chief Justice, High Court of Jammu & Kashmir, Judge, High Court of Delhi and Think Tank Member, FICCI CASCADE
03:55 pm – 04:10 pm	Inaugural Address by Chief Guest Dr. Harsh Vardhan, Hon'ble Minister, Ministry of Health and Family Welfare, Govt. of India
04:10 pm – 04:15 pm	Concluding Remarks by Mr. Chetan Krishnaswamy, Vice President, Policy Public, Amazon
04:45 pm – 05:00 pm	LOGGING IN
	PLENARY SESSION 1
05:00 pm – 6:30 pm	Illicit trade amid public health crisis – Global perspectives Amid the chaos created by the covid-19 pandemic and the various policy responses designed to contain its spread, illicit players have used the pandemic as an opportunity to increase their nefarious activities, causing significant damage on the economy of the nation, health and safety of people worldwide. Session will talk about: <ul style="list-style-type: none"> ▪ Mapping the impact of smuggling, counterfeiting and tax evasion on public health ▪ Global and regional trends in the proliferation of smuggled, counterfeit and spurious healthcare and essential items - What have governments, and institutions been doing to address the problem? ▪ A comprehensive global strategy in achieving increased access to quality, safe and licit products

	<ul style="list-style-type: none"> ▪ Policy reforms and international cooperation for reduction and deterrence of the risks in a post COVID scenario <p>Welcome Address: Mr. Anil Rajput, Chairman, FICCI CASCADE</p> <p>Session Chair: Mr. Najib Shah, Former Chairman, Central Board of Indirect Taxes and Customs</p> <p>Speakers:</p> <ul style="list-style-type: none"> ▪ Mr. Jeffrey P. Hardy, Director General, Transnational Alliance to Combat Illicit Trade (TRACIT) ▪ Mr. Huw Watkins, Head of Asia Policy, UK Intellectual Property Office ▪ Mr. B. V. Kumar, Former Director General, Directorate of Revenue Intelligence and Former Director General, Narcotic Control Bureau, Govt. of India ▪ Mr. Renaud GAILLARD, Counsellor for Intellectual Property India & South Asia, Embassy of France in India
22nd January	DAY 2
12:15 pm – 12:30 pm	LOGGING IN
	PLENARY SESSION 2:
12:30 pm – 01:30 pm	<p>INDUSTRY REACTS</p> <p><i>Industry and businesses have an important role to play in addressing the health and economic impacts of the COVID induced crisis. With illicit players identifying new sources for supply of components and packaging material, and the emergence of new markets for manufacturing and import of counterfeit/smuggled goods, protecting consumers as well as a company's brand identity is more important than ever during the current challenging times.</i></p> <p>Welcome Address: Mr. Anil Rajput, Chairman, FICCI CASCADE</p> <p>Industry Presentations:</p> <p><i>Some Savings are not Worth It (FMCG Industry)</i> – Mr. Sandeep Kaul, Divisional Chief Executive, ITD, ITC Ltd.</p> <p><i>Illicit Operators are Cashing the Crisis (Healthcare Industry)</i> – Mr. Milind Palany, Global Brand Protection Lead - India & South Asia, Johnson & Johnson</p> <p><i>Brand protection for consumer's protection (E-commerce Industry)</i> – Mr. Sumit Kapoor, Global Brand Relation Manager, APAC region, Amazon</p>
01:30 pm– 02: 45 pm	LUNCH BREAK
02:45 pm - 03:00 pm	LOGGING IN
03:00 pm – 04:15 pm	PLENARY SESSION 3
	<p>Placing Public Health and Safety at The Heart of The Fight Against Smuggling and Counterfeiting</p> <p><i>Counterfeiters and smugglers prey upon the vulnerabilities and takes advantage of the average customer at any cost. The Covid-19 pandemic has played havoc on society and perhaps been the most</i></p>

inconvenient and vulnerable period for the public at large. The current scenario creates an entirely new wave of threats and consequences for consumers. Demand comes from consumers, so engaging consumers, influencing public opinion and understanding demand behavior are critical in the fight against smuggling and counterfeiting.

The session will talk about:

- What are the costs, health and safety risks to society from counterfeit and smuggled consumer goods? What can governments, businesses and consumers do to stop these
- Consumer protection and empowerment in the marketplace based on consumer rights
- Co-ordinated strategies to build fair, safe, resilient and sustainable economies through consumer protection
- Approaches to include consumer interest in anti-counterfeiting, anti-smuggling and brand protection strategies

Welcome Address: **Mr. Anil Rajput**, Chairman, FICCI CASCADE

Session Chair - **Mr. Hem Pande**, Former Secretary, Dept. of Consumer Affairs, GoI and Think Tank Member, FICCI CASCADE

Speakers:

- **Ms. Ulla Sieber**, IP Counsel, PUMA SE, **Mr. Anuj Bedi**, Legal Counsel – Brand Protection, PUMA Sports India Pvt Ltd
- **Ms. Delphine Sarfati**- Sobreira, General Director, UNIFAB - Union des Fabricants
- **Ms. Bhavika Ranparia**, Manager Legal, Marico Limited

05:00 pm – 05:15 pm **LOGGING IN**

05:15 pm – 06:30 pm **PLENARY SESSION 4**

Quarantining Counterfeiting and Smuggling – Accelerate Action Against Criminals

While governments across the globe are committed to fighting this crisis, there are also criminals who have been quick to seize the opportunity to exploit the calamity. Needless to state that the implications of the coronavirus pandemic for governance and law enforcement is bound to be profound. With increasing number of seizures/raids being reported every day, it is highly possible that the total seizures may just be the tip of the iceberg of a much larger criminal network. Illegal activities and related crimes are a serious disrupting factor and diverts the efforts to ensure public health and safety. That is why it is extremely vital to reinforce the fight against such crimes.

The session will talk about:

- Changes in the modus operandi of organized criminal groups triggered by the COVID-19 pandemic

- Cybercrime a growing coronacrime- Increased cyber-attacks, and online scams aimed to profit from the global health concern
- Turning intelligence into investigations and the importance of generating, analyzing and sharing information

Welcome Address: **Mr. Anil Rajput**, Chairman, FICCI CASCADE

Session Chair – **Mr. D P Dash**, Former Pr. Director-General, DRI and Former Chairman, Enforcement Committee, World Customs Organisation (WCO) and Think Tank Member, FICCI CASCADE

Speakers

- **Mr. Suvashis Choudhary**, IPS, Jt. Commissioner of Police, Delhi Police
- **Mr. David M. Luna**, President & CEO, Luna Global Networks and Chair, Business at OECD, Anti-Illicit Trade Expert Group
- **Mr. Donald Bruckschen**, Criminal Intelligence Officer, Organized and Emerging Crime Directorate, INTERPOL
- **Col T. ISSMI Vincenzo Tuzi**, Guardia di Finanza Attaché, Embassy of Italy



SUMMIT REPORT

A crumpled piece of light-colored paper sits in the center of a dark, textured surface. Several silver paper clips are scattered around the paper, some attached to it. Faint, light-colored chalk marks are visible on the surface, including a large 'X' shape behind the paper and various scribbles and lines. The overall lighting is dramatic, with strong highlights and deep shadows.

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SUMMARISED REPORT

It has long been known that illicit trade in terms of counterfeiting and smuggling make up a vast 'global businesses', representing a multibillion-dollar illegal industry that creates a significant drain on the world economy. Further, it negatively impacts legitimate economic activity and facilitates an underground economy and organized crime that deprives governments of revenues for vital public services, forces higher burdens on taxpayers, dislocates hundreds of thousands of legitimate jobs and exposes consumers to dangerous and ineffective products.

The COVID-19 pandemic has called for greater focus on addressing the growing hazards of counterfeiting and smuggling which are severely impacting the economy and endangering lives of consumers. While the government is continuously intensifying efforts to combat the spread of the coronavirus by enacting various measures to support public health systems, safeguard the economy and ensure the safety of its citizens, illegal operators are taking advantage of the pandemic by providing illicit alternatives of items both online and offline.

SUMMARIZED REPORT

Even before the onset of the pandemic, OECD in 2019 stated that trade in counterfeit and pirated goods has risen steadily over the last few years and stood at 3.3% of global trade. Unfortunately, the pandemic not only complicated it but has made matters worse with estimates from The World

Economic Forum stating that over US\$2.2 trillion (3% of global GDP) will be lost due to illicit trade leakages in 2020.

The current environment most certainly presented a new opportunity for all stakeholders to tackle this long-standing problem. It is with the above background that FICCI's Committee Against Smuggling and Counterfeiting Activities Destroying the





Economy (CASCADE) organized the 7th edition of its annual programme MASCRATE (Movement Against Smuggled and Counterfeit Trade) 2021 on January 21-22, with a theme of 'Impact of Counterfeiting and Smuggling on Personal Health and Safety'. MASCRATE 2021 focused on addressing the debilitating impact of counterfeiting and smuggling on global economies. This conference was a conscious and well directed attempt to bring in the best minds from the fields of policy making, law, brand protection, industry, enforcement agencies and media to find a holistic and permanent solution to the problem of counterfeiting and smuggling, which if left unchecked, threatens to subvert the economic and societal stability of countries across the world.

Dr. Harsh Vardhan, Union Minister of Health and Family Welfare inaugurated the 7th Edition of MASCRATE 2021 and emphasized the challenges of COVID 19 pandemic and illegal operator of drugs. He stated, "As we are all aware, amid the chaos created by the Covid-19 pandemic and the various policy responses designed to

contain its spread, illicit players have used the pandemic as an opportunity to increase their nefarious activities, causing significant damage to the economy of the nation, health and safety of people worldwide."

Dr. Harsh Vardhan also called for greater focus on coming together to address the growing hazards of counterfeiting and smuggling. In this regard, he said, "Businesses and industry must come together and partner with the government to become a greater force in fighting this growing threat with the ultimate goal of keeping consumers safe. The methods by which spurious, misbranded and adulterated drugs enter the distribution channel have become increasingly complex. Weak points in the distribution processes of pharmaceutical products provide an avenue for entry of such products in the supply chain. This is an issue where industry players can and must play an active role to help identify and plug these loopholes," he said.

Mr. Kunio Mikuriya, Secretary General, World Customs Organization in his keynote address said, "While the movement of people has been severely restricted at the

borders, customs has been working tirelessly to ensure the smooth cross border movement of essential goods including medicines and medical supplies. On the other hand, we are mindful that criminal organizations could exploit the current pandemic to obtain illegal profits, hence Customs-Business Partnership in addressing together the scourge of counterfeiting and smuggling is imperative."

In a special address, Hon'ble Justice Manmohan Sarin, Former Lokayukta, NCT of Delhi, Chief Justice, High Court of Jammu & Kashmir, Judge, High Court of Delhi and Think Tank Member, FICCI CASCADE highlighted the harmful effect of smuggled and counterfeit goods shared the importance to introduce and enhance laws related to such crimes and make the requisite deterrents to dissuade those indulging in it.

Mr. Uday Shankar, President, FICCI welcomed the dignitaries and complimenting the government's call for Vocal for Local said, "an 'Atmanirbhar Bharat' will not only increase share of manufacturing in the country's GDP, create job opportunities in India and drive home the value of indigenously produced goods, but will also build 'Brand India' and deter cross border illicit trade.

The perpetrators of illicit trade have made deep inroads into popular pandemic products like sanitizers, face masks, PPE Kits, medicine, disinfectants, toiletries and much more. The fake FMCG market is growing at an annual rate of 44.4% which is higher than the growth rate of the overall FMCG market. Moreover, 3 lakh crore of FMCG products circulated in India are counterfeit. Highlighting this challenge, Mr. Anil Rajput, Chairman, FICCI CASCADE said, "It is a fact that the Industry is reeling under the impact of the COVID pandemic with some sectors expected to make faster recovery. While for many others it will be a slow and painful way back to the pre-COVID levels." Drawing similarities between illicit trade and the COVID pandemic, Mr. Rajput said, "COVID virus and illicit trade have a lot in common as both cause immense economic, social and individual distress. While we are at a point of countering the virus, it is illicit trade that has and continues to damage humankind in a massive manner".

The two-day long event, which was held virtually on 21-22 January:

- Looked at the economic consequences of counterfeiting and smuggling and the policies needed to deter this activity.





- Contributed to an integrated vision of security and public safety.
- Deepened the understanding of "grey markets" for smuggled and counterfeit goods which has seen a surge during COVID times.
- Assessed the impact and tried to provide practical recommendations and effective strategies to mitigate this challenge especially in a post COVID era.

Various issues such as Illicit trade amid public health crisis; Placing

Public Health and Safety at The Heart of The Fight Against Smuggling and Counterfeiting and Quarantining Counterfeiting and Smuggling - Accelerate Action Against Criminals among others were deliberated in the two-day dialogue. The need for a systematic treatment and persuasion by global community for stronger enforcement to combat this menace was reiterated by a host of notable international speakers from World Customs Organization, INTERPOL, OECD, TRACIT, UKIPO, Italian Law Enforcement Agency, senior enforcement officers from the field and captains from the industry.





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Welcome Address by

Mr. Uday Shankar

President, FICCI

a very warm welcome to the 7th edition of MASCRADE - Movement Against Smuggled and Counterfeit Trade organized by FICCI's Committee Against Smuggling and Counterfeiting Activities Destroying the Economy (CASCADE).

Over the years MASCRADE has focussed on different facets of illicit and has tried to address it in the best possible manner. After the onslaught of the pandemic, it is only befitting that we understand and gauge the impact of smuggling and counterfeiting on public health and safety. It is also important to realize that if the spread of illicit trade is not checked, the consequences will be disastrous for societies and economies alike. It is with

this background that MASCRAGE 2021 will seek tangible solutions to address this rising menace.

I am delighted to have with us Dr Harsh Vardhan, Minister, Ministry of Health and Family Welfare, Govt. of India. I must take this opportunity to also congratulate you and your ministry for the successful roll out of the COVID-19 vaccine programme in India which promises to be the world's biggest and most successful immunization programme.

I welcome Justice Manmohan Sarin, Former Lokayukta, NCT of Delhi, Chief Justice, High Court of Jammu & Kashmir, Judge, High Court of Delhi. Thank you for being with us today and we look forward to hearing your perspective on the subject. I also welcome Mr. Kunio Mikuriya, Secretary General, World Customs Organization for taking out time from his schedule and joining us today.

Ladies and gentlemen, illicit trade in terms of smuggling and counterfeiting, is one of the biggest challenges facing nations across the world. As per OCED (Organization for Economic Cooperation and Development), trade in counterfeit and pirated goods has risen steadily in the last few years and now stands at 3.3% of total global trade. A recent study by FICCI CASCADE had estimated that due to smuggling, Indian economy incurred a loss of Rs 1,17,253 crore, and further loss of 16.36 lakh livelihood opportunities during 2017-18 in just five key sectors namely - Textiles, Tobacco Products (Cigarettes), Ready made Garments, Capital Goods (Machinery and Parts) and Consumer (Electronics) Durables.

It is also important to highlight the fact that while smugglers and counterfeiters have tried to exploit the current situation by supplying illicit alternative of goods and products both offline and online, in India there have been a record number of

seizures during the Covid-19 period. I take this opportunity to express FICCI's and our members appreciation for our enforcement agencies who despite the challenging situation have seized large numbers of smuggled, spurious and counterfeit sanitizers, masks, PPE Kits, disinfectants, toiletries and cosmetics, electronic goods, cigarettes, packaged food, spices, alcohol and several other items across various states.

Realizing the magnitude of this problem, FICCI CASCADE has been consistently working with the government, enforcement agencies, industry, media, legal experts and consumers focusing on the need to combat this issue. In addition, CASCADE has undertaken a nationwide campaign in combating counterfeiting and smuggling during the COVID-19 pandemic, with the aim to sensitize the people on the ill effects and involve the government at the centre and the states to deal with this challenge in the best and most effective manner. It is clear that collective actions and public-private partnerships have become more critical than ever before, be that in the form of information-sharing, capacity building trainings, or joint public-awareness campaigns.

The current environment most certainly presents a new opportunity for all

stakeholders to tackle this problem.

MASCRAGE 2021 will ensure a multi-stakeholder dialogue for actionable and innovative solutions that can reverse the rising tide of counterfeit, smuggled and spurious products. We are

delighted to have an array of distinguished speakers from across the globe, senior officers from the field and leading industries to discuss this global issue, and to chart out concrete recommendations and strategies for prevention and management of the problem.

I welcome you all once again and look forward to an engaging two days.





Special address by

Mr. Kunio Mikuriya

Secretary General, World Customs Organization

While the movement of people has been severely restricted at the borders, customs have been working tirelessly to ensure the smooth cross border movement of essential goods including medicines and medical supplies. WCO has immediately taken up the challenges and provided guidance to facilitate cross border clearance.

On the other hand, we are mindful that criminal organisations could exploit the current pandemic to obtain illegal profits. Here we need customs-business partnership in addressing the scourge of counterfeiting and smuggling. It is because these illicit activities hurt health and safety of people, they also put business environment at risk and may cause harm to company's reputation in safeguarding consumer protection, public finance is also put at risk with revenue frauds.

To counter these risks business communities, have the expertise in identifying the authentic products at the knowledge on supply chains as well as pertinent commercial data to identify risks.

Customs and private sector can go hand in hand to be the game changer in bringing a real change on the ground. Customs could understand business needs and model and thereby provide benefits to the compliance economic operators whereas the business could understand the role of customs in a way to improve compliance and thereby improve the competitiveness of the Indian economy.

To help build the capacity of a custom officer on risk analysis and promote network of the exchange of information the WCO periodically coordinates international operations in a variety of risks. India often shows a great contribution in this respect. They include wildlife, hazardous waste and ozone depleting substances to protect environment and cultural heritage, drugs and

narcotics to protect health and safety, tobacco, currency and even vehicles involved in the misuse of ATA carnet issued by Chambers of Commerce to protect revenue sources.

WCO has produced many guidance documents in managing these risks and develop the technology platform



to improve the smooth flow of information and intelligence among customs administration. This WCO approach has been applied to pandemic as well. WCO coordinated the operation 'STOP' against illegal trafficking linked to COVID 19 this summer with the participation of 99 members and which resulted in a he seizure of medicines and medical supplies. WCO invited pharmaceutical industry as partners who gave the custom officers expert knowledge by analysing seizure data we found that the small packages in the online ecommerce was the major means of transport. This lesion requires effective implementation of the WCO framework in 2018 by customs to enhance partnership in ecommerce and get advance information from them. Another finding was the exploitation of free trade zones by illicit activities which take advantage of the lack of appropriate oversight therein.

WCO

stresses the importance of partnership with the business community to tackle the negative effects of illicit trade on citizens' Health and Safety

January 25, 2021

*a*t the invitation of the Federation of Indian Chambers of Commerce and Industry (FICCI), the WCO Secretary General, Dr. Kunio Mikuriya, delivered a virtual opening speech at the 7th Edition of "MASCRADE 2021" - Movement against Smuggled & Counterfeit Trade which was held on 21 January 2021.

The aim of the meeting was to foster a healthy discussion on the latest practical strategies to mitigate the challenges posed by counterfeiting and smuggling, especially in the post-COVID-19 era.

Together with the Union Minister of Health and Family



Welfare, Dr. Harsh Vardhan, and other dignitaries, Dr. Mikuriya stressed the importance of Customs-Business Partnership in the fight against smuggling and counterfeiting, especially in the context of the COVID-19 pandemic.

Secretary General Mikuriya described the role of Customs during the pandemic, under the WCO's leadership, in ensuring the smooth cross-border movement of essential goods, including medicines and medical supplies. He explained that the Organization's robust partnership with its stakeholders had resulted in the issuance of guidance documents and in proactive joint actions with partner international organizations in trade and transport, aimed at addressing bottlenecks and also at assisting micro, small and medium-sized enterprises (MSMEs) at the peak of the crisis.

To counter the various security risks exacerbated by the pandemic, namely counterfeiting and smuggling, Dr. Mikuriya emphasized the need for Customs officers to base their risk analysis on accurate and advance electronic data on each cargo shipment as well as on information provided by business. Accordingly, Customs and the private sector should work hand in hand to adapt to the new business environment. He also informed the audience about WCO Operation STOP to combat illegal trafficking linked to the COVID-19 pandemic. Some 99 WCO Members had taken part in the Operation, which had resulted in substantial seizures of medicines and medical supplies. Dr. Mikuriya noted that according to data obtained from seizures, small packages linked to E-Commerce were one of the main ways of transporting illicit goods. He therefore recommended implementation of the WCO Framework of Standards on Cross-Border E-Commerce for enhanced partnership and use of advance information to tackle this risk. He added that data also revealed that free trade zones were being exploited for illicit activities, taking advantage of a lack of appropriate oversight. In this regard, he referred to the new WCO Guidelines on Free Zones to address this issue.

Secretary General Mikuriya concluded by stating that given the challenges ahead, the WCO would dedicate 2021 to Recovery, Renewal and Resilience for a sustainable supply chain, with the support of the Customs community.



Special Address by
Justice Manmohan Sarin

*Former Lokayukta, NCT of Delhi, Chief Justice
High Court of Jammu & Kashmir, Judge
High Court of Delhi and Think Tank Member
FICCI CASCADE*

Due to COVID-19, MASCRADE 2021 is being held virtually. We have begun well with a warm-hearted welcome address by Mr. Uday Shankar, to make sure COVID-19 does not dampen our spirits. Mr. Kunio Mikuriya, who brings with him a wealth of experience in battling smuggling and counterfeiting across the globe, has given his insight and views for the customs and business community to work as partners in addressing the scourge of counterfeiting and smuggling, which

undoubtedly is the need of the hour. Indisputably, we need to urgently check, contain and eliminate the spread of illicit trade, which has disastrous consequences for the public at large, economies of the nations, industry and employment. It also affects the social fabric of the society.

It is indeed a proud moment and privilege for FICCI CASCADE to have Dr. Harsh Vardhan, as Chief Guest, for our inaugural function. We are grateful to you, sir, for having spared the time to address us, virtually, despite being in the midst of overseeing and monitoring the largest vaccination programme in the world and your involvement as Chairman in the ongoing WHO Executive Board programme. We have in Dr. Harsh Vardhan, not only an eminent ENT surgeon, who along with his thriving medical practice, simultaneously devoted himself to public service, nurturing his constituency and winning 5 times, consecutively, from 1993. Later, he got elected to the Lok Sabha from Chandni Chowk constituency in 2014 & 2019 and holds charge of Ministry of Health and Family Welfare, Ministry of Science and Technology and Ministry of Earth Sciences. He has to his credit, as State Health Minister of Delhi, the successful implementation of the Pilot Project of Pulse Polio Programme, where more than one million children upto the age of 3 years in Delhi which was later replicated in the whole country in 1995 where 88 million children all over the country were immunized, ultimately culminating in India being declared polio-free by WHO in 2014. The Delhi Prohibition of Smoking and Non-smoker's Health Protection Act where under, smoking was prohibited in public places and around educational institutions leading on to the statutory warnings on packaging and in cinematographic films of the injurious effects on health of cigarettes and tobacco consumption, was made mandatory. It is our good fortune that he is in-charge of portfolio of health during COVID-19, to bring in his experience and expertise.

Illicit trade, smuggling, counterfeiting and piracy are considered as one of the world's fastest growing economic activity adversely impacting trade, foreign investment, employment and most importantly, the health and life of the consumers. Some of the factors responsible for existence and continuity of smuggling and counterfeiting are high profitability, large market size, tax arbitrage, easy access to distribution channels, and ease of concealing operations coupled with inadequate enforcement.

It encompasses a wide range of manufactured goods, automotive parts, children toys, mechanical devices, pharmaceuticals, cigarettes, tobacco, cosmetics, electronic goods, watches which are the subject matter of counterfeiting and smuggling. The extent and magnitude of illicit trade can be gauged as per an OECD study estimating that counterfeit and pirated products at US\$ 509 billion i.e. approx. 3.3% of the World trade in 2016. It is expected to grow to US\$ 3 Trillion by 2022.

FICCI stands committed to make its contribution in curbing the menace of ever-growing illicit trade in counterfeit products, passing off and smuggled goods. It has established CASCADE i.e. Committee Against Smuggling and Counterfeiting Activities Destroying the Economy. The CASCADE has a think tank comprising, inter alia, stalwarts from the industry, judiciary, former heads of department of the Custom, Revenue, Intelligence, Enforcement Agencies, Police, Former Secretaries to the Government of India and experts who work together to explore ways and means to contain this menace affecting public health and safety and the economy. The CASCADE, ably led by Mr. Anil Rajput, Chairman, with his zeal and commitment, has organised over 100 awareness programmes and taken initiatives across the country to fight the hazards of counterfeiting and smuggling. This is done by creating general awareness, capacity building of law enforcement

agencies, proposing and recommending reforms in law, sharing and developing good practices.

The temptation of acquiring counterfeit goods is given an impetus by the low prices at which the counterfeit and smuggled goods are available to the detriment of the genuine products manufactured by the domestic and legitimate industry. It is therefore necessary, that we reduce this gap and make dealing in and possessing counterfeit goods not economically viable. This is to be achieved by introducing and enhancing, in law, the requisite deterrents to dissuade those indulging in it. Judiciary has contributed significantly towards this, the trend of judicial pronouncements has been to impose exemplary and prohibitory costs, in cases of infringement and passing off trademark and piracy of software. Judge-made law is also contributing to fill up the vacuum and lacunae, pending legislative reforms so as to attain the aim and object of the legislation. This is done by issuance of guidelines (Vishakha) and beneficial and purposeful interpretation. There is need to further sensitise the judiciary and law enforcement agencies on these aspects so that the violators do not take advantage of technicalities and to ensure imposition of maximum costs and penalty on offenders.

The theme of MASCRADE 2021 is Impact of Counterfeiting and Smuggling on personal health and safety, which assumes significance since we are all meeting in the shadow of COVID-19. The pandemic unleashed its fury world over and brought activities in all spheres of life to a halt and slowdown. Not to mention the fatalities. On one hand we had the State and its instrumentalities, committed social, philanthropic and voluntary organisations and the Corporate sector and members of the public at large, contributing their bit to fight and contain the pandemic. On the other hand, those involved in illicit trade and smuggling, took advantage to exploit the miseries of the teeming millions by dealing in

spurious and duplicate healthcare equipment, PPE Kits, sanitisers and touting vaccines. This was further aggravated by dependence of people, quarantined in their houses, on e-commerce websites. While it provides convenience, by delivery of essentials at doorstep and contributed to keep the economy moving, unfortunately, it also become channels for distribution of counterfeit goods. Besides the harmful effect of smuggled and counterfeit goods, in general, on industrial growth and employment, counterfeiting in healthcare equipment and medicines is far more dangerous because it affects the health and safety of citizens. Pandemic has been a boon for criminal networks, who have acted with despatch to exploit shortages and sudden upsurge in demand. EUROPOL (European Police) in its report – 'Pandemic Profiteering' states that the sale of counterfeit and/or sub-standard foods, hygiene items and everyday goods is booming in the pandemic economy and there is a risk that the perpetrators of crime will use shortages in the supply of some goods to increasingly provide illicit alternatives both on and offline. Further, Interpol and Europol have also warned against frauds in which consumers are tricked into buying non-existent medical supplies or making payments intended for medical care into criminal accounts.

Counterfeit products are often trademark infringing and not tested for compliance with health and safety norms by authorities. Criminals have exploited public fear, lack of information or misinformation and confusion, for example, the United States has reported instances of increase in counterfeit Chloroquine. The Interpol's PANGAEA XIII operation reported a 100% increase in illicit chloroquine seizures. In India, since the imposition of lockdown, Indian authorities have raided and seized smuggled, spurious and counterfeit sanitizers, masks, PPE Kits, disinfectants, toiletries and cosmetics, electronic goods, cigarettes, packaged food, spices, alcohol and several other items across various states. In a commendable feat,

authorities have seized illicit cigarettes worth around Rs. 412 crores between June and October 2020 across India a raise from Rs. 52 crores from 2019. India appears to be an attractive destination for tobacco smugglers but is being duly taken care of by the commendable work of our enforcement agencies.

A co-ordinated action is the need of the hour. No single company or sector can fight counterfeiting alone. Legitimate manufacturers hold the information necessary to distinguish their products from the fakes on the market. E-commerce platforms hold information about the third-party sellers dealing in fake products. Search providers have a broad view of how actors can move across different platforms. Payment providers are a critical piece of tracing illicit gains to counterfeiters and cutting off their access. Input from each of these sources is necessary to allow both the government and private sector to have full insight into the paths of counterfeit goods and to track those responsible. We need to:

- a. Developing new mechanisms for collaborative information sharing on counterfeiting activity online.
- b. Create new programs or certifications, such as "verified" product listings.
- c. Controlling access to domain names by policy and to make legislation change to ensure registries are accountable. "Know Your Customer" policy can have a positive effect on ensuring safety and legitimacy.
- d. When sites are found to be peddling counterfeit drugs or false information, domain name registrars

should, immediately upon notice from law enforcement or trusted third parties, lock and suspend those domain names.

- e. From a policy perspective, it is imperative that we develop jurisprudence on contributory trademark infringement. By fixing liability on an entity that may be held liable for selling counterfeits even though they do not actually engage in the actual offending activity

There is a silver lining eg. Amazon detected price gouging and ill-described (including coun-terfeit) goods. Amazon reacted quickly and has worked closely with legal and communication teams and collaborated with EU law enforcement to share information related to fraudulent goods related to COVID-19 pandemic. Malaysia has undertaken a massive public awareness campaign against counterfeit



medical items by distributing car stickers, broadcasting radio and video warnings and involved functionaries regularly giving TV interviews on the issue. Fortunately, in India, the licensed vaccines are being distributed by government agencies under strict supervision to ensure their use and genuineness.

In the sessions to follow, today and tomorrow, there is an august line-up of eminent panelists who would deal on individual issues in detail and give their perspectives.



Inaugural Address by
Dr. Harsh Vardhan

*Hon'ble Minister, Ministry of Health and
Family Welfare, Govt. of India*

We are all aware the chaos created by the covid 19 pandemic and the various policy responses designed to contain its spread. Illicit players have used the pandemic as an opportunity to increase their nefarious activities causing significant damage to the economy of the nation and safety of the people worldwide. It gives me great pleasure to note the galaxy of speakers and experts who have joined us today at the 7th edition off MASCRADE to deliberate and discuss actionable innovative policy solutions that can reverse the rising tide of smuggled and spurious products.

Indian healthcare sector is experiencing new waves of opportunity that are emerging in every section be it providers players or medical technology. the covid-19 pandemic has placed unprecedented demands on the healthcare systems.



Health care providers are re-inventing existing delivery models to bring healthcare closer to patients over the past one year while the government has been cautiously intensifying efforts to combat the coronavirus by enacting various measures to support public health systems safeguard the economy and ensure the safety of its citizens, illegal operators are taking advantage of the pandemic by providing illicit alternatives of essential and non-essential items both online and offline. As the current pandemic has unfortunately illustrated healthcare products will continue to be one of the most targeted industry for counterfeiters. This is a problem that impacts patients and consumers across the globe business and industry must come together and partnered with the government to become a greater force in fighting this growing threat with the ultimate goal of keeping consumers safe.

I would like to draw your attention to the fact that the Government of India

has taken various measures to check menace of spurious drugs. The drugs and cosmetics act 1940 was amended under the drugs and cosmetic amendment Act 2008. Under this act if any drug is deemed to be adulterated or spurious the offender or liable person will face

imprisonment for a term which shall not be less than 10 years, but which may extend to imprisonment for life. Special courts for trial of offences under the drugs and cosmetics act for speedy disposal have been established of whistleblower scheme was announced by the Government of India to encourage vigilant public participation in the detection of movement of spurious drugs in the country. Offense for sale and manufacturing of spurious and adulterated drugs have been made cognizable and non bailable.

To protect the integrity of drugs and medical products where is technologies like bar codes holograms radio frequency identification devices are available. With a well-developed legal framework and significant education efforts the government has taken steps to protect consumers health and safety from dangerous counterfeiting and smuggling. These technologies although provide considerable protection but they have certain limitations. These technologies cannot by themselves stop such drugs they only help in better detection and authentication. The methods by which spurious misbranded and adulterated drugs enter the distribution channel have become increasingly complex. Weak points in the distribution processes of

pharmaceutical products provide an avenue for entry of such products in the supply chain. This is an issue where's industry players can and must play active role to help identify and plug these loopholes.

I understand that MASCRADE 2021 will foster a healthy discussion for practical strategies to mitigate the challenges of counterfeiting and smuggling, especially in a post covid era. Chief among them should be focus on generating awareness. There is an urgent need for our citizens to better understand the difference between fake and original goods. We need to highlight the fact that smuggling, counterfeit trade, and piracy hold back progress, impact health of the economy, raise cost of goods, leads to tax evasion, hamper job creation and create safety hazard for consumers.

From the economic point of view the world seems to have changed for quite some time now as the reset button pressed owing to massive supply chain disruptions. One thing is for sure that nations are increasingly looking inward to fulfil their needs and requirements. Our Honourable PM, Shree Narendra Modi ji'sclarion call for an 'atmanirbharbharat' and vocal for local indeed provides solutions to a host of challenges that lie ahead of us. As India starts to produce strong domestic brands and gradually reduces its dependence on foreign products avenues for profiteering by smugglers encounter features will sooner become limited, law enforcement will also become more effective in identifying and prosecuting producers of spurious products. Therefore, vocal for local

will be an extremely potent tool in our fight against illicit trade.

The Government of India at all levels has introduced laws that are not only compliant with our international obligations but are in many ways progressive. However due to the complexity and alarming growth of the illicit trade more intergovernmental efforts and public private alliances are needed to identify approaches leading to the development of a holistic strategy. Reviewing current legislations relating to smuggling counterfeiting piracy, using latest technology to aid security forces and enforcement agencies, raising the penalties for those committing these crimes and allocating of more financial and human resources to counter this activity are some areas where adequate thrust can be given.

I'm glad to know that the event has brought together all stakeholders from government, private sector, international organisations, law enforcement agencies and civil society on one platform for a series of dialogues to chart out action driven road map to combat illicit trade. I greatly appreciate FICCI MASCRADE recognising the work of the law enforcement agencies and felicitating the best performing officers each year for their outstanding achievement in the prevention of counterfeiting and smuggling and enforcement of anti-smuggling and anti-counterfeiting laws. I am sure this MASCRADE will provide actionable insights to the government and other stakeholders to effectively handle counterfeiting and smuggling of goods.



Concluding Remarks by **Mr. Chetan Krishnaswamy**

Vice President, Policy Public, Amazon

it is a great pleasure to join some of the thought leaders here today as we discuss the harms of counterfeiting and smuggling on personal health & safety, economic growth and development of nations. As per a recent report by OECD, trade in illicit goods is now 3.3% of world trade and rising. Ladies and gentlemen, it is clear from the discourses of our distinguished guests that Illicit trade in counterfeiting and smuggling is damaging national progress by impacting its financial, social and physical health across the globe and unfortunately, the pandemic has not only complicated this situation but has made matters worse. Hence, the current environment

demonstrates the need for action and presents a new opportunity for all of us to tackle this long-standing problem.

I would like to take this opportunity to thank Dr. Harsh Vardhan, Hon'ble Minister, Ministry of Health and Family Welfare, Govt. of India for taking out time from his busy schedule and being with us today. Thank you for sharing with us, your vision in combating this menace of counterfeiting and smuggling which impacts not only consumer's health and safety but also is leading to a huge economic dent. We look forward to your continued support in our endeavour to curb this menace and we will work shoulder to shoulder with your ministry to make a more sustained effort in this direction.

I thank Mr. Kunio Mikuriya, Secretary General, World Customs Organization for joining us today. Thank you Mr. Mikuriya for your enlightening address. It is heartening to see that the World Customs Organization has taken several proactive measures to strengthen international borders and enforcement agencies in protecting and safeguarding nations from the ensuing menace. FICCI CASCADE is committed to the cause of curbing the menace of illegal cross border trade and work towards an effective strategy to strengthen our laws and increase enforcement against such practices. We seek your support and guidance in continuing this initiative across India.

Thank you, Justice Manmohan Sarin, Former Lokayukta, NCT of Delhi, Chief Justice, High Court of Jammu & Kashmir, Judge, High Court of Delhi and Think Tank Member, FICCI CASCADE for your thought-provoking address. As rightly pointed out by you, during a public health crisis such as the current COVID-19 pandemic, tackling the global scourge of smuggling and counterfeiting becomes even more acute and urgent. Greater public awareness,

adoption of reforms & policies and stringent enforcement are the need of the hour to stop criminals and economic offenders who through illegitimate business practices are siphoning national wealth from tax and causing immense damage to consumer's health and safety.

I must also thank Mr. Uday Shankar, President, FICCI for being with us today. We are glad to partner with FICCI CASCADE to address this menace. Over a period of time Amazon is making considerable investments in machine learning and other systems to proactively detect and remove

suspect listings. Amazon employee dedicated teams of software engineers, applied scientists, program managers and investigators to operate and continually refine our anti-counterfeiting programs. Our systems continuously scan numerous data points to detect activity that we indicate as potentially counterfeit.

There are a host of notable international and national speakers lined up for the conference slated ahead in the day. Senior functionaries from leading international institutions like WCO, INTERPOL, Transnational Alliance to Combat Illicit Trade, UK Intellectual Property Office International Chambers of Commerce, along with key dignitaries from Indian government and captains of the industry will be attending and taking part in the deliberations in the conference. I would like to take this opportunity to thank them for their presence today. I hope their experience sharing and generation of new ideas through deliberations will be benefited by one and all today.





Mr. Arun Chawla

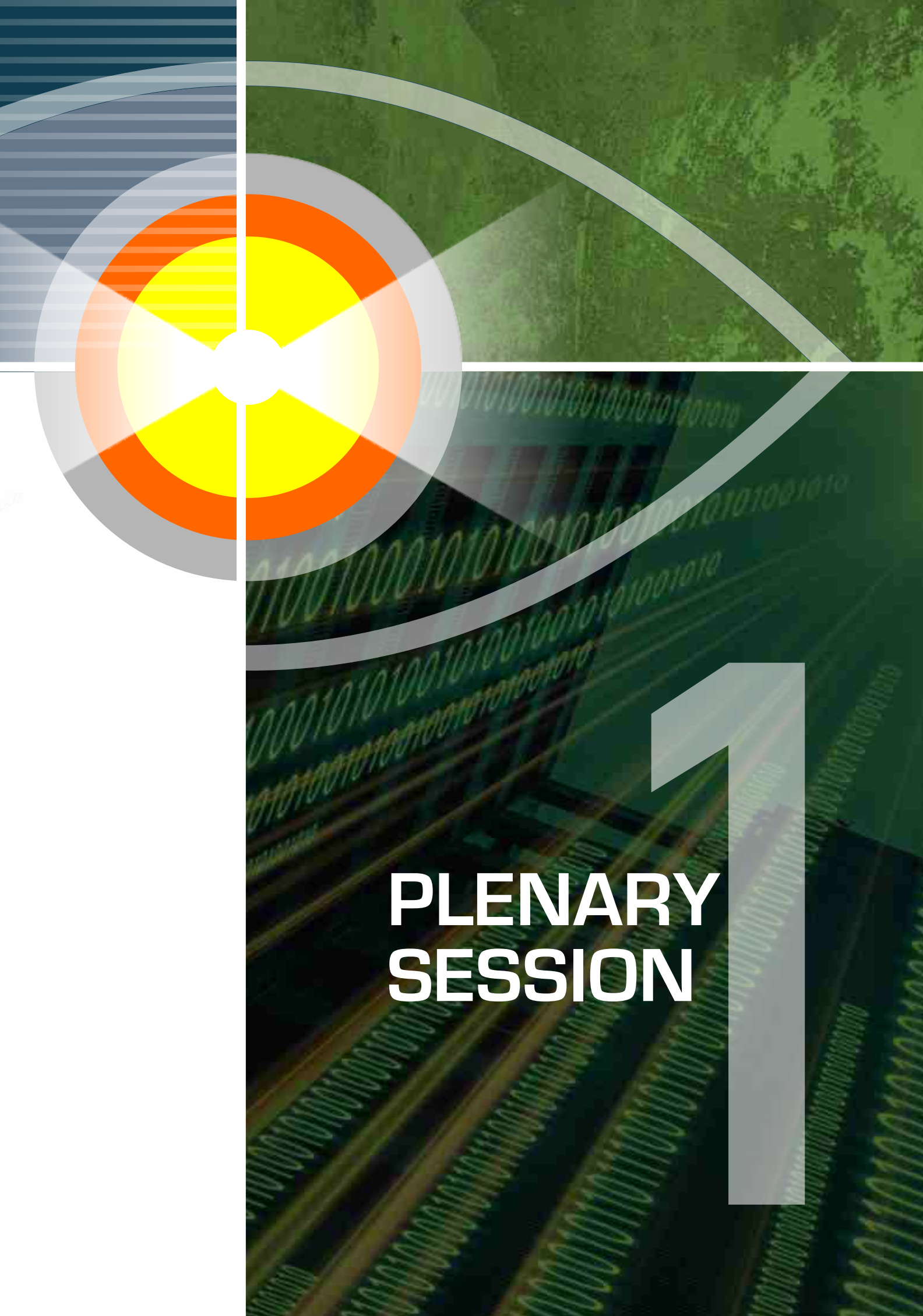
Deputy Secretary General, FICCI

I am happy to share that year after year the movement against smuggled and counterfeit trade has become stronger and has yielded tremendous results. The year 2020 has had an unfortunate and unprecedented impact on mankind. While the government is continuously intensifying efforts to combat the spread of the coronavirus by enacting various measures to support public health systems, safeguard the economy and ensure the safety of its citizens, illegal operators are taking advantage of the pandemic

by providing illicit alternatives of products both online and offline.

The current environment most certainly presents a new opportunity for all stakeholders to tackle this long-standing problem. It is in this background that FICCI's Committee Against Smuggling and Counterfeiting Activities Destroying the Economy (CASCADE) has organized MASCRATE (Movement Against Smuggled and Counterfeit Trade) 2021 which will focus on actionable solutions and greater awareness generation to address the growing threat of counterfeit, smuggled and spurious products.





PLENARY SESSION

1



ILLICIT TRADE AMID PUBLIC HEALTH CRISIS – GLOBAL PERSPECTIVES

Mapping the
impact of
smuggling,
counterfeiting
and tax
evasion on
public health

Global and
regional
trends in the
proliferation
of smuggled,
counterfeit
and spurious
healthcare
and essential
items - What
have
governments,
and
institutions
been doing to
address the
problem?

Policy reforms
and
international
cooperation
for reduction
and
deterrence of
the risks in a
post COVID
scenario

2021, is indeed a year of respite for the entire humankind, with the vaccinations in place and the nightmare of this virus, in all probability ending. It's been a ride to hell that has till date impacted 95 million people and caused well above 2 million fatalities world over. Covid virus and illicit trade have a lot in common, both cause immense economic, social and individual distress. They are indeed pure evil and while we are at a point of countering the virus, its illicit trade that has and continues to damage humankind in a massive way. Even before the onset of the Covid crisis, OECD in 2019 stated that illicit trade has been rising over the years and stood at 3.3% of the global trade.



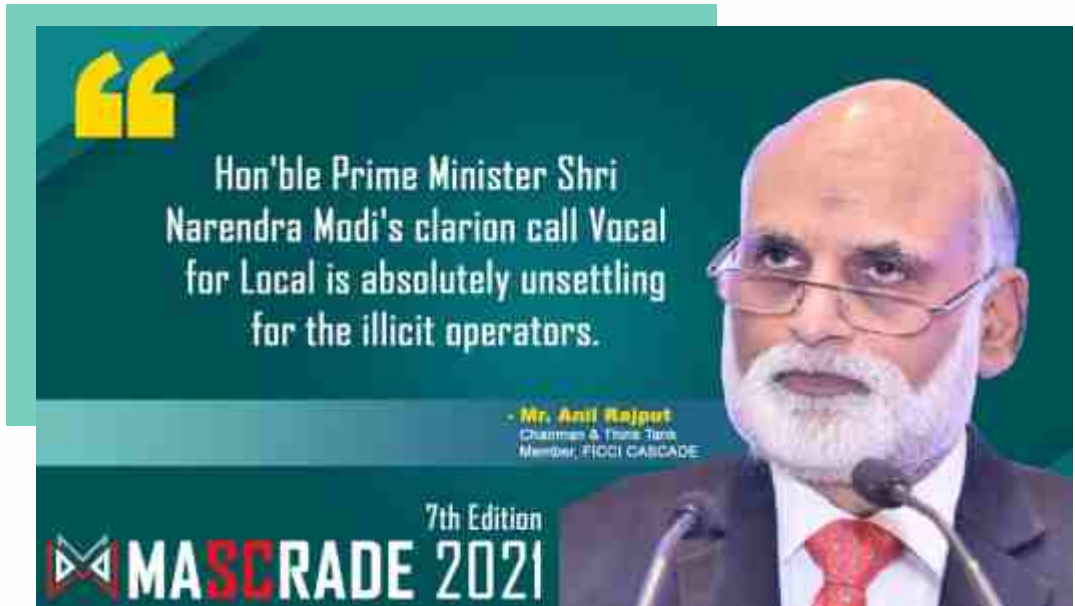
Welcome Address

Mr. Anil Rajput

Chairman, FICCI CASCADE

In all this the perpetrators of illicit trade, smuggling and counterfeiting continued to spread their vicious tentacle even in this worldwide human tragedy. They have continued to look for ways and means to further their evil agendas. As humankind continued to grapple with this mammoth tragedy, these people were so bereft of morals and ethics that they used this situation to generate even more ill-gotten wealth, they improvised and increasingly got into the production and trade of items that were used during this crisis that is why world over

we see a spike in the illicit trade of sanitizers, face masks, PPE suits, disinfectants, medicines....so on and so forth. Over the past months Europol and Interpol have seized millions of dollars' worth of counterfeit medical supplies, fake food, illegal alcohol, tobacco and much more owing to the millions of counterfeit listings posted online daily, the



sale of counterfeit goods is projected to reach \$ 1.8 trillion this year. In the United States there have been nearly 1000 covid related seizures of prohibited test kits and medicine along with a host of other equipment which has accounted for nearly \$ 18 million in disrupted transactions and recovered funds.

Illicit traders have gone all out to take advantage of the preoccupation of the enforcement agencies of dealing with the covid 19 tragedy. However, in India as in many other countries they have been left bitterly disappointed, the enforcement agencies in India have seized an astounding quantity of illicit products like alcohol, currency, gold, electronic goods and so on. An example that has stood out is the seizure of cigarettes worth 412 crores in just the past 5 months.

The Indian Prime Ministers clarion call of Vocal for Local has been extremely unsettling for the illicit traders, if more products are manufactured within the nation, the reliance for foreign goods will gradually come down and people will increasingly buy locally made goods and the footprint and profit margins of all involved in illicit trade will begin to go southwards. Here the onus is on the local manufacturer to make quality goods at a competitive price and also on the consumers to increasingly patronize domestic goods which meet the above parameters. The government on its part has been going all out to encourage such an ecosystem.

A recent report by FICCI CASCADE has stated that if we are able to control smuggling in India, then there is a potential to create 16 million job opportunities owing to the backward linkages and multiplier effects of the sectors that were included in the report. Other nations too will gradually benefit on this parameter, as increasingly this menace is brought under control.

This session will bring perspectives, views and opinions of the esteemed guests on mapping the impact of smuggling, counterfeiting and tax evasion on public health. Global and regional trends and how the governments and institutions are doing to address them. A comprehensive global strategy in achieving increased access to quality, safe and licit products along with policy reforms and international cooperation for reduction and deterrence of the risks in a post covid scenario.

The 7th edition of MASCRADE is a reflection on the fact that problem continues and also, it has been impacting all of us badly, that there is a need to constancy exchange our views and tightening up processes to tackle this menace.

The fact that it causes damage, there is loss of revenue, impact on genuine manufacturers, there are health and safety concerns, and most importantly illegal activities triggers money which can be used for various criminal activities. It is in everybody's interest that we tackle this menace.



Session Chair
Mr. Najib Shah

*Former Chairman
Central Board of Indirect Taxes
and Customs*



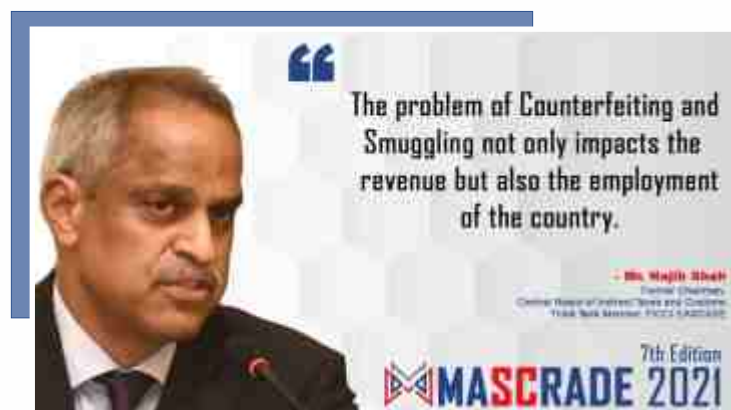


Experiences across the globe enforcement agencies have shown that the response also can be tightened if there is greater cooperation and sharing of information. What the pandemic has shown is that the unsuspecting elements take advantage in every single situation the government reacted to the virus by imposing lockdowns, that seems to be the only best way to tackle the virus in the absence of any vaccines. What lockdown in fact resulted in was creating a demand as it shut down businesses and legitimate activity across the spectrum and this demand was unfortunately met by unsuspecting elements.

This session would need to deliberate upon

- A) Figure out how did we handle the crises during the pandemic.
- B) There is a lot of optimism about the vaccine being globally available, but we are still trading on unknown territory as we go forward we need to see what lessons we can learn and going forward how we can strengthen the enforcement machinery.

Criminal across borders cooperated with each other much more efficiently than enforcement agencies. There is huge trust deficit between enforcement agencies, it does not help matters at all and session such as these help in bridging the gap and building a common response to a common enemy.





Mr. Jeffrey P. Hardy

*Director General
Transnational Alliance to
Combat Illicit Trade (TRACIT)*

t RACIT was developed to find an aggregated approach which is needed to tackle illicit trade. Businesses can be a smart partner to government and government can be more effective through a more holistic approach. Government and inter Government have a lot of tools but are scattered. By being together across sectors we can address common vulnerabilities, lot of it are hotspots in the supply chain where multiple forms of illicit trade are facilitated.

Associating with associated crimes occurs to facilitates illicit trade such as financial frauds, money laundering. To facilitate harvesting of raw material or manufacturing of fakes, dealing with human trafficking and organized crime. It is a very interconnected problem that we are seeking to tackle like between illicit trade and country's ability to achieve the SDGS. There are massive economic losses such as loss of jobs and tax revenue, squandered natural resources, environmental damage, crime, corruption and informal economy. All these sounds like the mirrors to what UN is trying to accomplish through SDG's.

For each of the negative impact on sustainable development there is the mirror UN's SDGs to create economic growth, to preserve life on land and underwater, to fight climate change, to preserve peace and justice, for example TRACIT did a study to check does illicit trade impacts all of the UN SDGs, are the impacts interconnected, are developing countries adversely impacted and can the learnings help government improve their development policies.

Every SDGs are impacted by different forms of illicit trade. Two SDGs are impacted by all forms of illicit trade.



GDP, jobs and tax revenue are drained from economies and limits public investment and same goes for SDG 16. Illicit trade funds criminal activities, fosters corruptions and undermines rule of law. They are interconnected. Medicines with no active ingredients and toxic illicit alcoholic beverages both set back progress on goals for good health and well-being for SDG number 3. Same goes for food fraud, commodity smuggling, illegal agrochemical undermines sustainable farming, limit crop yields and jeopardize delivery of fair, safe and sustainable food supplies, slowing progress on the goal for zero hunger.

The main areas severely impacted due to covid-19 pandemic are pharmaceuticals and PPE and illicit trade in alcoholic beverages. There was a massive pump in online counterfeiting and food frauds during the crisis. These are amplification of existing problems. Number of Pharmaceuticals and PPE fraudulently available online according to Europol increased by 2800%. Criminals were willing to exploit people when their fears were greatest. Covid-19 pandemic significantly incentivized organized crime, to step in and fill the market with illicit products due to supply restricted by laws or supply chain were not able to deliver fast enough.

Indian enforcement increased in seizures, when enforcement agency decides that illicit trade is a priority, they can be effective. If the government can priorities all year long and the government can fund enforcement agencies, we can cure the problem.

We need to address illicit trade, need to understand the interconnected nature of illicit trade, use the funding to make better policy and built shared responsibility.

Lessons learned from lockdown?



● **1** Illicit traders mirror the genuine legal trade groups and very often illicit goods are such copies that they are openly traded.

Criminal access demands, check the next big thing. This directly relates to stay abreast of what's currently in demand. When law enforcement decides that a particular criminal group are next in line for enforcement activities, inevitable success follows. It is ensuring that how do we make sure that illicit trade is a global problem. The big problem we have worldwide is that public attitude for counterfeits and illicit goods whether it be wildlife crime, alcohol, tobacco is they want a bargain. The biggest challenge is to remove this demand. A lot of criminal goods come from South East Asia. Between China and Hong Kong, they produce 85% of world's counterfeits. Make in India is a good example of using home-based technology to drive the economy forward.



Mr. Huw Watkins

*Head of Asia Policy
UK Intellectual Property Office*



What if we all worked together?



If government agencies share information and share common goal, we can disrupt criminals, cost criminals money and create problem. Potentially if this framework is adopted of unifying a national response to illicit trade and coordinating fight against illicit trade.

Transnational crime requires a transnational response. Illicit trade cost both human and business. It has a national impact. India and UK are converging on trade, which is an opportunity to implement anti illicit policy measures for mutual prosperity.

One of the good thing that has happened during COVID-19 restrictions was reduction in the less serious crime but at the same time it has also increased some serious crimes including counterfeiting, cyber crime and illicit trade and also mafia entering into the picture because smugglers or mafia heads have no preference for any particular good but where ever they see high profits they more in, and where ever there are less restrictions or less alertness on the part of enforcement agencies that is the area they more in.

So, keeping that in mind one of the things that has happened as a result of this lockdown is people working from home, who are cyber experts in India and also outside India have access to less secure business addresses. If they go on accessing a particular company which has a lot of intellectual development or intellectual rights which they have developed over a period of time and after spending a lot money to develop that particular product. Theses cyber crime experts are accessing that information and selling it to competitors, this is one



Mr. B. V. Kumar

*Former Director General
Directorate of Revenue Intelligence
and Former Director General,
Narcotic Control Bureau
Govt. of India*





of the types of crime that has been noticed in India and other countries. It is a very serious thing as it takes a lot to develop a product whether a pharmaceutical product or the one required in software Industries, they unfortunately become easy victims to hackers.

Working from home is being utilized by many of the brilliant young software experts or people getting into this business, employing people to hack and steal intellectual property. Secondly, utilizing the products which are essential for lifting or combating this pandemic particularly online sale of pharmaceutical products. Interpol recently made a study and they verified about 3000 website out of which 1000 website were bogus, their main objective was to do phishing and if possible take away the funds of people placing the orders. In Australia recently there was a case that hapetin was smuggled through in a bottle of sanitizer, sanitizer bottle may be small, but the business can be multiplied.

International cooperation is very important, we have between countries World Customs Organization's various multilateral and bilateral agreements which gives assistance in investigation of various types of cases including violation of law. One example is operation Stolen Promise formulated in US, organization involved in this operation were US customs border protection, FDA, US inspection service, US secret services, Internal Revenue Service, and 5 Eyes Law Enforcement Working Group. A similar coordination is required in India and other countries to combat in a coordinated way the crime which is the crime of 21st century.

awareness campaigns are very important to educate and inform consumers. We have a French Anti -Counterfeiting Committee, it is a very strong public private partnership created in 1995. It is chaired by a member of the Senate. It is very important to have such political voice to ensure that laws are followed.

It brings around the table public stakeholders such as Ministers, (Economic Finance, Commerce, Industry, External Affairs, Culture, Home Affairs and Justice) along with Customs, Regulatory Control Agency, IPO



Mr. Renaud GAILLARD

*Counsellor for Intellectual
Property India & South Asia
Embassy of France in India*

The National Anticounterfeiting Committee



A Strong Public/Private Partnership created in 1995



- Chair by a member of the Senate
- INPI DG (French IPO) acts as General Secretary



and Police. It also includes private sector representatives such as Business Association, IPR holders and Industry Association. There are 4 working group on awareness and communication, law and regulations, International cooperation and cyber counterfeiting. A holistic approach is followed wherein we share information, share best practices and share experiences. Gather data about the marketplace both physical and online where we can find counterfeited and illicit products, we reinforce legal framework and raise public awareness.

Action to take bad businesses out is to dry up the financial resources of counterfeiters. To control cyber counterfeiting it is important to work in close cooperation with online advertising platforms and online payment players.



Public awareness



FAUSSE CARTIER VRAI CASIER



NE MÊLÉZ PAS LE CONTREFAÇON !
EN FRANCE LA LOI PÉNALT JUSQU'À
300 000 € D'AMENDE ET 3 ANS D'ÉMANCEMENT





PLENARY SESSION



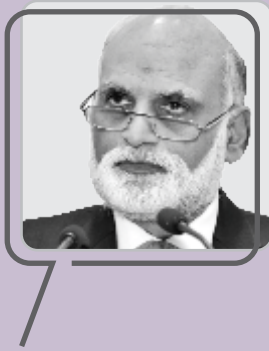
INDUSTRY REACTS

Industry and businesses have an important role to play in addressing the health and economic impacts of the COVID induced crisis. With illicit players identifying new sources for supply of components and packaging material, and the emergence of new markets for manufacturing and import of counterfeit/smuggled goods, protecting consumers as well as a company's brand identity is more important than ever during the current challenging time

Some Savings
are not Worth
It (FMCG
Industry)

Illicit Operators
are Cashing
the Crisis
(Healthcare
Industry)

Brand
protection for
consumer's
protection
(E-commerce
Industry)



Welcome Address

Mr. Anil Rajput

Chairman, FICCI CASCADE

2021, is a year humankind will remember for years, for it brings with hope and victory over an adversary that ran its evil course for most of last year. It impacted all spheres of human life, be it at the individual, social or the economic level nothing was spared from its wrath. The pandemic made work from home a new normal and economic set-up were turned upside down due to the temporary closure of many businesses' world over. An UNCTAD report states that since the outbreak of the corona virus the global economy is expected to contract by 4.3% in 2020. In addition, millions of jobs and livelihoods have been lost.

The reset button has been pressed and supply chains have been reconfigured and reviewed, nations are now increasingly looking within to fulfil their requirements with the overarching objective of gradually becoming self-

dependent. Our Prime Minister's clarion call of Vocal for Local/Aatmanirbhar Bharat is indeed the need of the hour, powerful local brands are in any scenario needed, and the current situation has made their requirement even more necessary. With more and more traction in the e-commerce platform, it is vital that the industry focuses on this and figures out ways and means of consistently providing quality products, addressing consumer concerns and complaints in an effective manner, remain ahead of the curve as far as innovation is concerned and bring in technologies that can thwart cyber-attack. All this is a must as e-commerce is projected to rise to US \$ 200 billion by the year 2026.

It is a fact that the Industry is reeling under the impact of the covid pandemic with some sectors expected to make faster recovery while for many others it will be a slow and painful way back to the pre covid levels. The situation is particularly grim for the developing countries as even before the covid scenario, a FICCI CASCADE study had estimated that due to smuggling, the Indian economy incurred sales loss of Rs. 1,17, 253 crore and a further loss of 16.36 lakh livelihood opportunities in 2017-18 in just 5 key sectors namely Textiles, Tobacco Products (Cigarettes), Ready made Garments, Capital Goods and Consumer Durables. In India, the fake FMCG market is growing at an annual rate of 44.4% and this is higher than the growth rate of the overall FMCG market. In addition, 3 lakh crore of FMCG products circulated in India are counterfeit.

The perspective of the industry, its demands, its responsibilities along with the measures required for accelerated recovery are on top of our mind with a proactive government by our side. It is in the overall interest of all governments, societies, industries and individuals that we focus on the way ahead and provide a better overall system in place for a better and brighter tomorrow.



Some Savings are not Worth It- FMCG Industry

the whole menace that illicit products are creating for an economy which is hoping to grow this country out of its poverty. Call of our Prime Minister on Atma Nirbhar Bharat, it is a vision that propels all of us to greater efforts and some of these activities of illegal products, smuggling and counterfeiting is coming in way in actualising that vision.

While there is a lot that can be done to fight this menace, important thing is awareness. If the consumers start behaving and believing in the right manner through guidance and education, then we stand a good chance of collaborating with our consumers and creating a hygienic atmosphere. In some cases, unfortunately consumers sometimes willingly, sometimes unwillingly are duped into buying products which are illicit. Why this happens? In some situation there are members of the chain which penetrates the legitimate supply chain of goods and are able to dupe consumers into believing that these are genuine products. There is another set of situations where because of huge differences in pricing often caused by the root cause of large amount of price arbitrage caused by taxes and this has particular impact on goods where tariff rates are very high and their movement across borders is easy.

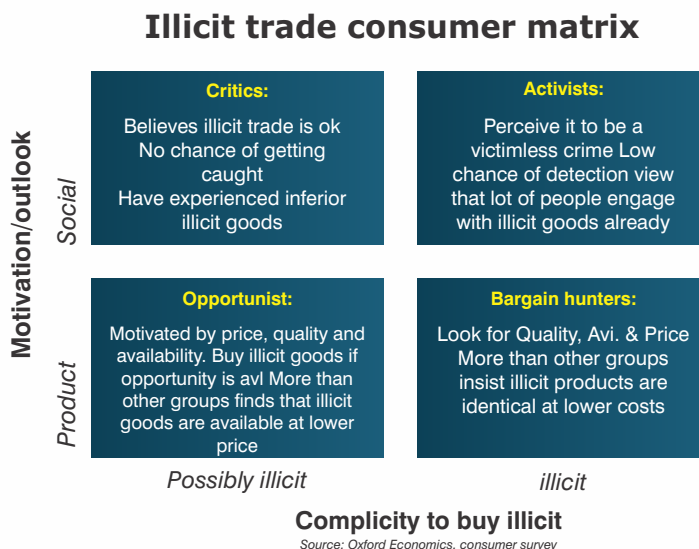


Mr. Sandeep Kaul

*Divisional Chief Executive
ITD, ITC Ltd.*

A consumer survey conducted by Oxford economics explains this from a rationale perspective and says that how we can decode the consumer behaviour matrix.

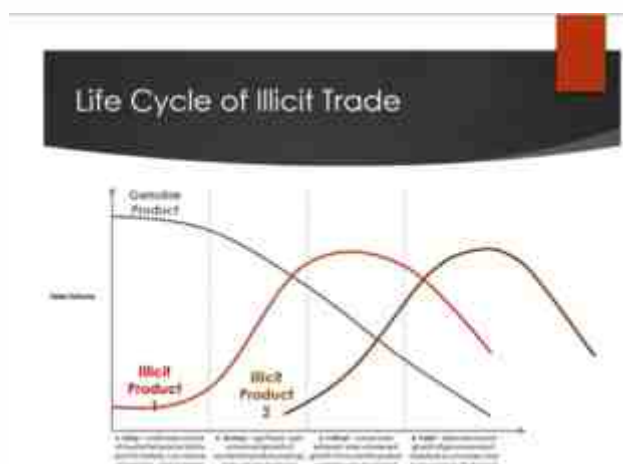
From the supplier side the unfortunate part is because of the lucrateness of the chain of smugglers and illicit goods there are always consistently improving.



So, the illicit products are persistently improving quality and trying to narrow the gap with good quality products created by reputable organisations across the country and world who have spent many years of research, product development, investment in brands to try and create a great consumer experience. Often this is replicated by cheating on taxes and because of huge resources that are at their command due to arbitrage the opportunity occurs. They are willing and able to invest in the illicit product so that the quality of illicit product keeps improving and they start charging prices close to the genuine product and cheat the genuine consumers.

Because of the trade patterns that exist in our society and many other countries in the world they penetrate to the legitimate channels, so the products get mixed up. Then comes the element of criminality because of high degree of profits that happens. Many of these channels have been converted to opportunities by criminal syndicates, terrorist, mafia, and once they get hold of this supply chain they start intimidating and scaring scrupulous people and driving them away from the legitimate product. There is a rapidly merging ecommerce channel which has its own advantages and opportunities for country and its consumers but it has also given opportunity for some unscrupulous sellers to use the façade of anonymity and use the channels to penetrate the supply chain with illicit products and once they take root, it is very difficult for the genuine product to maintain their edge.

One must always remain ahead of the curve by the legitimate brand owners and keep working and be vigilant that the penetration of the illicit products is minimised to some extent. While at the same time root cause of the problem needs to be addressed which is large degree of arbitrage often caused by taxes. In the end the genuine product declines, consumer no longer have access to correct products, future of the industry comes into question as nobody invests in it further, and government loses taxes.



Adverse impact of illicit trade- economic

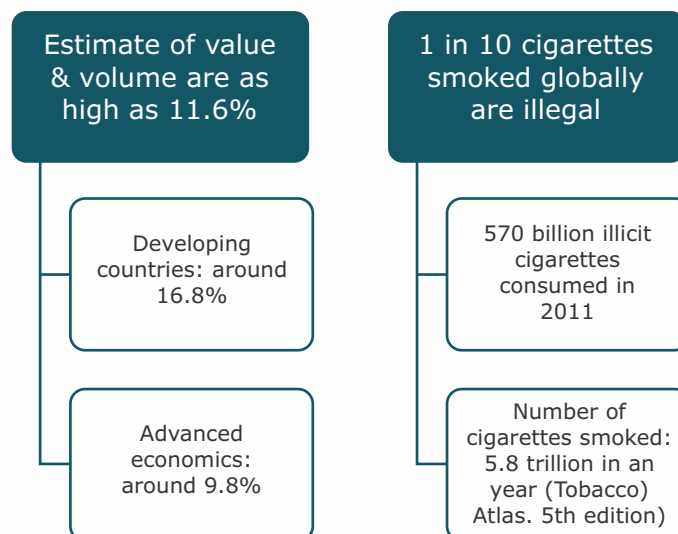


Source: World Economic Forum

Scale of illicit trade is reaching almost 10-15% of Global GDP. Tax revenue in cigarettes is to the extent of almost \$50 billion worldwide. In our own country it has reached upwards of Rs. 15,000 crores.

Prominent terrorist organisation such as Hesbollah, Lashkar-e-Taiba, Al-Qaida have also started leveraging these illicit channels to finance their operations. Challenges of local cigarette industry in India is due to very high rate of taxes compared to most other countries in the world. The scope of penetration of these products is 10%, in developing countries it is 17%, and in India which particularly high degree of taxes this menace of illicit cigarette gas continuously grown, and penetration is almost 25%. One in every 4 cigarettes according to Euromonitor in India is illicit.

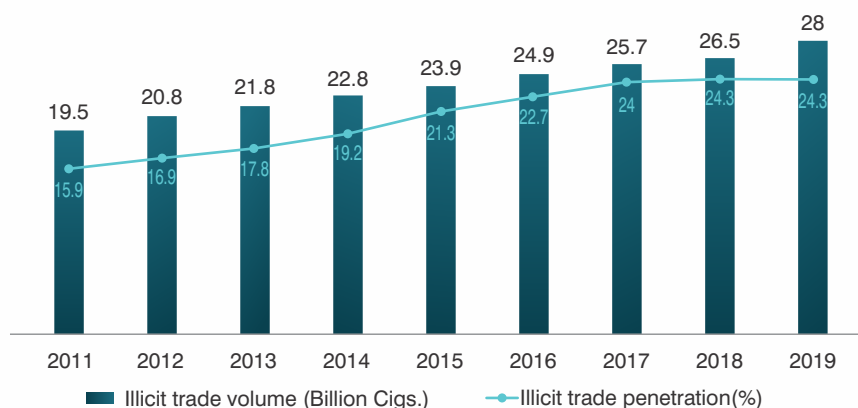
Global illicit tobacco trade



Source: OECD

Source: UN office on Drugs & Crime

Estimate of illicit Cigarette trade in India

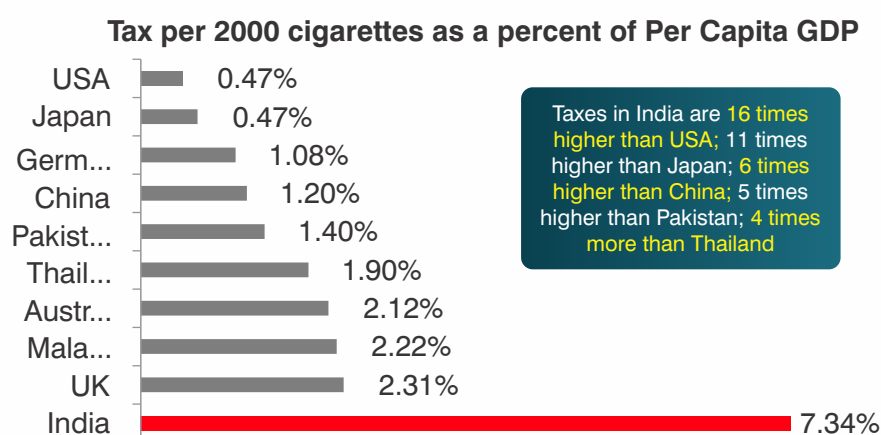


India the 4th largest illegal cigarette market in the world

Source: Euromonitor International

The scale is enormous. Causes being relative ease of production and movement, low penalties, low detection rate, source of revenue for terrorist and high profit margins. Corporates must engage in consumer forums, disseminate information, bring awareness and supply chain management. Consumers have to play a very important role. Enforcement agencies are doing a lot of hard work, as responsible citizens we must assist them. Collectively all constituents of economy, the regulators, enforcement machinery, policy makers, government, industry and consumer with coordinated approach can beat this menace.

Cigarette taxes in India the highest in the world



Source: Tax data - WHO Report on Global Tobacco Epidemic, 2019; Per Capita GDP - IMF (Data for the year 2018)

Illicit Operators are Cashing the Crisis- Healthcare Industry

Johnson and Johnson mission is to safeguard people, business and brand equity against the risk posed by illicit trade. In this tough COVID times J&J has devised strategies which covers disrupting illicit supply chain, enhancing value chain integrity, building capabilities, and strengthening impact through partnership both internal and external.

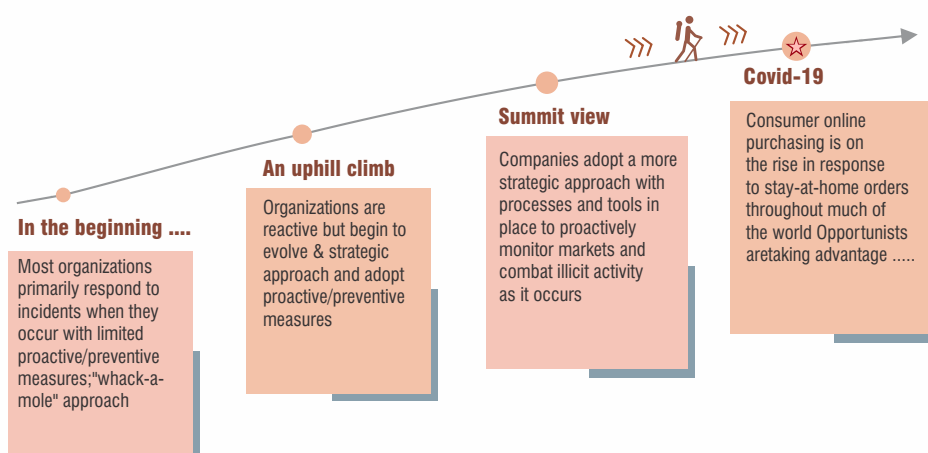


Mr. Milind Palany

*Global Brand Protection Lead -
India & South Asia
Johnson & Johnson*



During COVID 19, illicit trade is on the rise especially in emerging markets such as Brazil, India, Russia, China etc. Counterfeiting, product tempering and diversion are on the rise as bad actors become more sophisticated, making it harder to protect patients and consumers.



Source: Michigan State University, A-CAPP and Deloitte Benchmarking research



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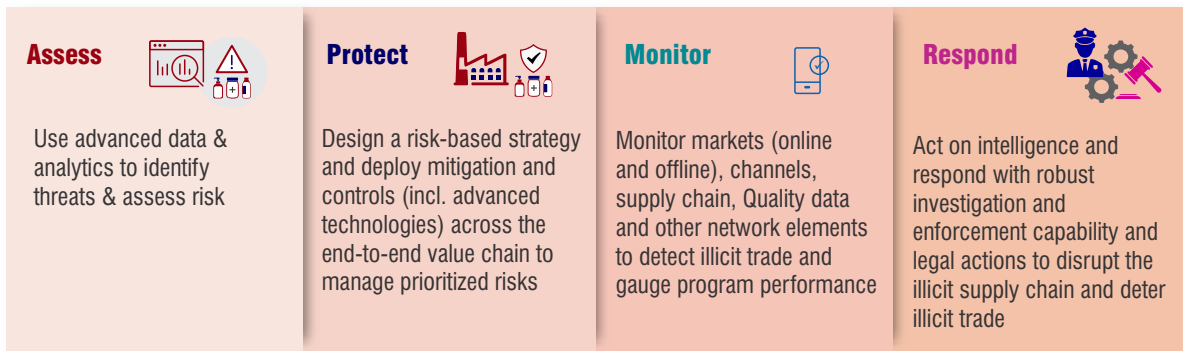
Collaboration is the key to success with both internal and external stakeholders. Within our organisation we collaborate with multiple departments like global security, quality, law, regulatory, commercial supply chain, packaging, government affairs, and many more. It has to be collaboration and joint efforts to tackle this menace. Our endeavour is to deliver solutions which are across E2E value chain, from the external perspective, J&J collaborates with industry associations, where FICCI CASCADE is on the top of priority, across the globe J&J works with IACC, QBPC etc.



Mr. Milind Palany
Global Brand Protection Lead - India & South Asia, Johnson & Johnson

“We aim to deploy a global cross-segment customs program to identify, enforce and destroy counterfeits at borders across priority markets and products.”

MASCRAD 2021
7th Edition



Illicit trade is a victimless crime. We are trying to priorities this among enforcement agencies, we collaborate with industry partners to have a unified approach and share best practices, we also work with government agencies to develop and execute strategic brand protection enforcement initiatives. When we move from brick and mortar to technology especially during COVID era technology and data enabled core operational systems and processors are very important. Digitalisation is a key, so we strategized it and broke it into four parts:

e-Commerce channels are proliferated with illicit products, this exposes consumers to significant safety concerns and reduces opportunities for brands. We have strategic vendors with global reach, agile delivery and 90% marketplace coverage for 24*7 online monitoring of high-risk products/marketplaces to proactively protect brands.



There is a need for:

Product protection features: 3 impact factors are scored to determine protection levels. It is patient safety and consumer parameters where severity and demographics of customers are impacted from consumption of counterfeit, diverted or tempered products. How much it impacts business from a trust mark or financial perspective, measuring strategic importance or priority of brands including financial importance ad projected illicit trade impact. Risk is measured based on a statistical model used to estimate financial impact of illicit trade by country and brands.



J & J continues Customs partnership as a global programme. The endeavour is to make sure Custom officers have adequate information on what needs to be done and where to seize a consignment. The goal is to deploy a global cross segment Customs programme to identify, enforce and destroy illicit products at borders across priority markets and products. There is a need for strategic, scalable, and coordinated approach to address global importation of counterfeit products. This partnership will benefit in establishing relationships with law enforcement, gather intelligence regarding source and destination regarding illicit trade and create a global repository of records.



Brand protection for consumer's protection- E-commerce Industry

these are tough times and more than ever we need to stand strong and give back to the communities across the globe. The conventional ways of protecting a brand have seen a shift and rightly so, we keep a close eye on this movement and accordingly train our tools to provide best experience to brands and right owners. At Amazon we employ some of the most advanced machinery capabilities inwards, focused on being proactive and stopping the bad actors before that get a product up for sale. A number of proactive measures to detect potential issues and to take



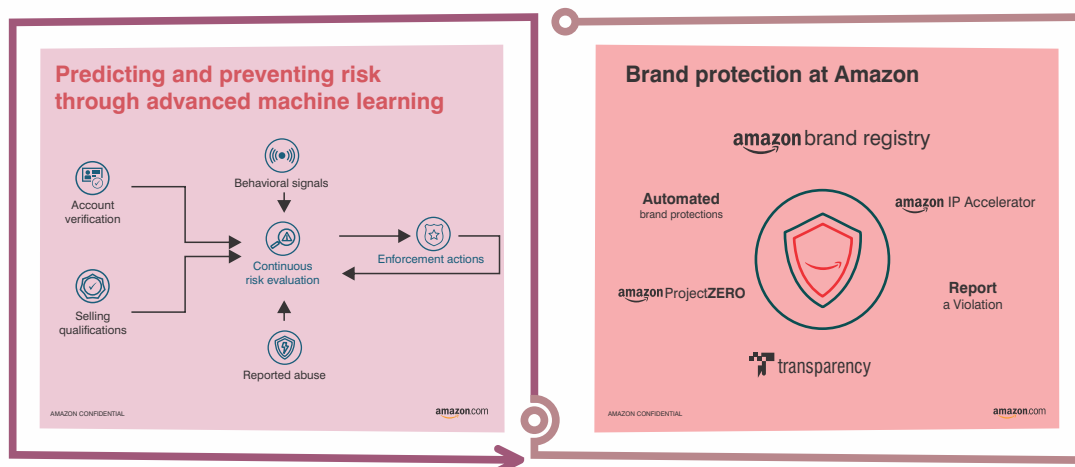
Mr. Sumit Kapoor

*Global Brand Relation Manager
APAC region, Amazon*



remedial actions before we ever receive a notification from right holders. We continue to innovate, use technology to identify patterns that help to detect offers and sellers that pose a high risk of counterfeits or infringement.

Our goal is to identify and remove potentially problematic products and sellers from the marketplace before they have a chance to create a negative experience. These efforts have been to reduce the risk of counterfeits during COVID-19 related products and specifically in the medical supplies. We also focus on protecting customers from price gauging during this time. Bad actors are trying to take advantage of the global health crisis, we invest heavily both in terms of funds and also company energy to prevent the sale of counterfeits. We have Brand Registry and Project Zero programme to give the right owners greater control over the product listing and intellectual property as well as access to the powerful tools to proactively detect and remove the counterfeit listings. These tools have been very helpful and effective in the fight against infringing products during these challenging times. We need to continue to enhance these programmes and leverage learnings through engagement with brands and associations.



In trying times like these collaborations become even more important. 350000+ brands from all over the world are enrolled in Brand Registry. For every 1 notice of infringement that brands report more than 100 suspecting listings are removed. The global investigators work 24*7 acting on notices of potential infringements.

Automated Brand Protection is an automatic brand proactive tool based on machine learning approach. Some of the type of brand to power these automated brand protection tools are category detail, manufacturing details, images, and logos. Project Zero gives the right owner the power to directly remove a listing.

It combines automated protection product serialisation and a powerful new tool of self-service removal of counterfeit. Transparency is another method which is a product serialisation service that helps identify individual units and proactively prevent counterfeits from reaching customers. It enables data transparency codes to all products to ensure authentic products are reached to customers.



PLENARY SESSION



PLACING PUBLIC HEALTH AND SAFETY AT THE HEART OF THE FIGHT AGAINST SMUGGLING AND COUNTERFEITING

What are the costs, health and safety risks to society from counterfeit and smuggled consumer goods? What can governments, businesses and consumers do to stop these

Consumer protection and empowerment in the marketplace based on consumer rights

Co-ordinated strategies to build fair, safe, resilient and sustainable economies through consumer protection

Approaches to include consumer interest in anti-counterfeiting, anti-smuggling and brand protection strategies



Welcome Address

Mr. Anil Rajput

Chairman, FICCI CASCADE

As MASCRADE celebrates its 7th edition, it is the backdrop of the pandemic that makes this edition even more historic. The world for most part of last year came to a screeching halt as the individual, the societies and the economies were battered by the Covid virus. The damage caused has been absolutely unprecedented. Humanity truly was dented, be it economically and socially or be it physically and mentally. One thing however was beyond doubt, that was the spirit and resolve of humankind. This remained unscathed.

Public health and safety are of paramount concern for the government and also for the legal manufacturers. While the government ensures proper procedures are followed and then certifies the manufacturers, the manufacturers themselves invest in research and development, and set high standards as far as quality of their products is concerned. This however is completely absent from the mind set of those who participate in illicit trade. Their overall objective is to maximize profits at any

cost. Counterfeit, smuggled and illicit products hurt the consumers in many ways. Personal care products, medicines, electronic goods, automobile parts and other illicit goods can induce unsuspected human suffering and even death in many cases. Most of these products do not conform to the established standards and thereby put the consumers in harm's way. An example of this is from Nigeria where in 1995, 2500 Nigerians died from receiving a counterfeit Meningitis vaccine. Recently INTERPOL, EUROPOL and many other agencies have issued alerts and warnings to prepare for potential criminal activity in relation to falsification, theft and illegal advertising of Covid-19 and flu vaccines.

Consumer awareness campaigns need to be intensified as many a times consumers are unaware of what is a fake. Educating them about the detrimental impact of purchasing such products, insisting on a bill with every purchase so on and so forth can go a long way in dealing with this menace. In-addition FICCI CASCADE has been organising competitions, candle-light congregations, rallies and cyclothons to create awareness among the consumers. FICCI CASCADE over the years has also worked closely with the enforcement agencies, law officials, youth and the Ministry of Consumer Affairs through the Jago Grahak Jago campaign to generate awareness on this issue. With the Consumer Protection Act, 2019 coming into effect it has also provided the necessary impetus to consumer rights and protection along with punishments for illegal trade practices and manufacture and sale of spurious goods.

In our country it is important to reach out to the state governments and address specific issues faced by different states. In this regard, FICCI CASCADE has engaged with many state governments since the beginning of the pandemic and brainstormed about the issues and the road ahead. The consumers remain at the heart of all our initiatives. This session too focusses on them and their well-being. I'm confident that the views, opinions and assessment of all the distinguished panellists will go a long way as far as public health and safety being at the heart of our fight against counterfeiting, smuggling and illicit trade is concerned.



Counterfeit and smuggled goods cause human harm in many ways. Drug manufacturers in particular and consumers specially have to be aware. This session will talk about how industry and businesses are taking care of consumer awareness and what is the role of governments and industry associations in curbing this menace. With consumer awareness of fakes and smuggled being low, many consumers are unaware that they are buying such goods—and equally unaware of the consequences. Consumers must be emphasized on taking a bill on every purchase and sellers on providing a bill for every item sold. However, with online commerce in boom now, consumers are being provided with a bill, but whether the item is genuine or not remains a challenge. The online platform owners have to be careful that they are not passing on spurious or fake products to consumers. Continuous awareness generation on the ill impact of counterfeit, fake, spurious and smuggled products will educate the consumers about potential risks and detrimental impact of buying and using such products on oneself and on the society.

It is important to understand that counterfeits, smuggled and illegal products cannot exist if consumers reject them. It is in this direction that FICCI's Committee Against Smuggling and Counterfeiting Activities Destroying the Economy (CASCADE) has been working relentlessly on generating consumer awareness on this issue and has



Session Chair

Mr. Hem Pande

Former Secretary

Dept. of Consumer Affairs

GoI and Think Tank Member

FICCI CASCADE



worked closely with the Ministry of Consumer Affairs at the center under their Jago Grahak Jago campaign.

The Indian Consumer Protection Act provides for 6 rights for the consumers as it is across the world. The new act which amended the act of 1986 has a slew of measures and tightens the existing rules to further safeguard consumer rights. The government has set up a three-tier institution, NCDRC at the center, state commissions at the state levels and 700 consumer dispute redressal centers at the district level. These work in our country to address an important right of a consumer that is dispute redressal between a buyer and a seller. Out of the remaining 5 rights, 2 rights namely educating a consumer about a particular product or service and hearing consumer complains properly comes within the exclusive domain of industry and businesses. Trust that a brand builds with its consumers is consumer empowerment through education and quick learning. Accessible brand promoters to hear consumer complains and providing speedy redressal is the key for industry and businesses. Remaining 3 rights of a consumer, namely, safety of the product or a service, information of the product or service that one uses and choice of the product or a service could be through combined efforts of the government including voluntary consumer associations and industry/industry associations. So, both will have to come together along with consumers for the consumers to get right information, know that it is safe and has a choice of products and services. With the Consumer Protection Act 2019 coming into effect recently, it has also provided the necessary impetus to consumer rights and protection along with generating awareness against malpractices of unfair trade such as counterfeiting and smuggling. With this much-needed step from the government of India, FICCI CASCADE is committed to work with concerned stakeholders to protect consumers from unfair trade practices and address their concerns.

All stakeholders must take advantage of opportunities to raise awareness of the dangers of illicit goods among all consumers, especially the younger generations still forming their purchasing habits. The youth of India being the country's future, it becomes imperative to understand the power of the consumers of tomorrow. With youngsters becoming a key stakeholder for advocating socially responsible behaviour, FICCI CASCADE believes that it is important to bring them on board the awareness campaign and through them influence the society as a whole. We believe that an idea planted in their minds can become an instrument of change.

Anti-counterfeiting and anti-smuggling enforcement necessitate cooperation and collaboration among all stakeholders. The response must be tactical, coordinated and multifaceted, with all stakeholders acting in unison towards a common goal. Challenges in enforcement will always remain a work in progress. However, consumer awareness and empowerment will be the key. A trusted consumer could be the best bet in securing a brand or an industry. Hence, Placing Public Health and Safety at The Heart of The Fight Against Smuggling and Counterfeiting is vital more so in the current scenario which creates an entirely new wave of threats and consequences for consumers. This session has representatives from the international and national organizations who have worked intensively and extensively with consumers to fight this menace and I'm sure that their views and suggestions will go a long way in providing practical solutions to counter the impact of this scourge especially when the situation has been compounded by the covid-19 pandemic.

Finally in the age of circular economy (resource efficiency) and artificial intelligence, it is imperative that business and brand security strategies in the field are robust and dynamic. While challenges in enforcement will always remain, consumer awareness and empowerment will be the key. An attitude of zero tolerance for counterfeit and smuggled goods is the need of the hour. This is only possible when industry comes forward and helps regulators and enforcers which will lead to a win-win situation for stakeholders and eventually a trusted consumer, which undoubtedly could be the best bet in securing a brand or an industry.

b Brand protection and consumer protection go hand in hand. They both are important from consumers point of view. PUMA enforces to protect its consumers. It has a zero-tolerance policy at the global level. It endeavours to clean the market from counterfeits and minimize the risk for its consumers. PUMA has activated an email address where several consumers write to check the authenticity of items and gives response to the customer queries as fast as possible. Consumers, therefore, are very important for companies which help them to find the bad actors, location where the illicit products are being sold and distributed. PUMA also educates the young people by engaging with them at the school and college level, increasing their knowhow on such crimes and infringements, the consequences of buying counterfeits and how to distinguish



Ms. Ulla Sieber

IP Counsel, PUMA SE





Mr. Anuj Bedi

*Legal Counsel – Brand Protection
PUMA Sports India Pvt Ltd*

between fake and genuine products. The sporting goods industry is another industry which is severely plagued by counterfeiting and illicit products. Social media has also become a problem area for the organization especially during the pandemic where several counterfeit goods were sold online. So, it was important to regularly monitor and clean it. On a monthly basis the infringement value of PUMA's goods is about one hundred thousand USD, on a yearly basis it turns to be more than a million USD. If all these products that have been sold as counterfeit would have been brought genuine from PUMA, it would have made, specifically in this region about 4-5 million USD a year.

Social Media (incl. Facebook, Instagram) is one of the biggest platforms for sale of counterfeit



goods these days With regards to engagement with enforcers, PUMA does offline and online enforcement and regularly train enforcement authorities on how to distinguish between fake and genuine. It also conducts market service and identifies traders and manufacturers indulging in illicit manufacturing

and take civil and criminal actions accordingly. Recently the office of the United states president released a list mentioning the most notorious markets in India which has existed for several years now. Consumers need to be aware and need to check before buying any products from such markets. As the

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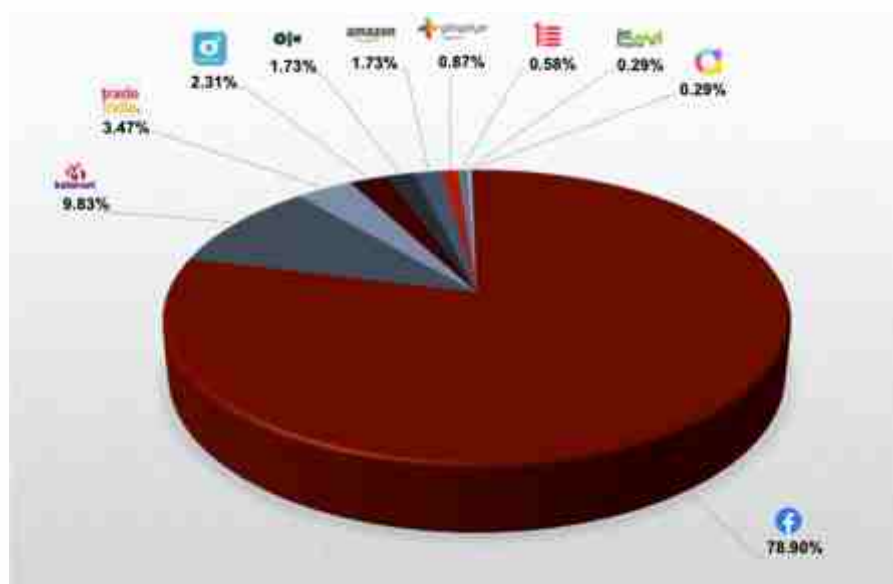
In the Year 2017, during Diwali Season, Indian shoppers spent INR 19000 Cr on online shopping. An independent investigation revealed that 60% of sporting goods and 40% of apparel being sold online are counterfeit.

MASCRADE 2021 7th Edition



Ms. Ulla Sieber
IP Counsel, PUMA SE

world has gone online, the markets too have gone online with counterfeiters also going online as well. Marketplaces like Facebook, Instagram etc have become major players play areas where the counterfeiters have started targeting the



consumers. Consumers, being unaware of the predators on these markets who try to be genuine, are in due course cheated with fake goods by these notorious players. Consumer laws which have been revamped in 2019 empowers consumers. It is hoped that it greatly benefits the genuine manufacturers and consumers. PUMA's products at the face of it do not pose grave risks to consumer health but it may because it is not sure of what materials and chemicals are being used in counterfeits of the same which may lead to severe skin diseases and allergies.

ACHIEVEMENTS

Monthly Infringement Valuation Estimates

\$110,948.03

Yearly Infringement Valuation Estimates

\$1,331,376.41

Yearly PUMA's Products Valuation

\$3,377,413.53



UNIFAB is a French Association of about 200 companies with the mission of providing legal assistance to its members, custom & police officer training, addressing counterfeiting in online marketplaces and consumer awareness regarding effects and consequences of counterfeit goods on the health and security. UNIFAB also manages the one and only museum in Paris which is of counterfeit products. Consumer is the last link in counterfeiting chain but unfortunately is the first victim. Hence safeguarding consumers and sensitizing them on the issue is of



Ms. Delphine Sarfati

Sobreira, General Director

UNIFAB- Union des Fabricants

prime importance. The last edition of UNIFAB's annual awareness campaign raised awareness of 17 billion people. Such large numbers were possible due to strategic partnerships from stakeholders such as Facebook, Instagram Google etc. As everyone knows that the COVID19 pandemic has not slowed down the phenomenon of counterfeiting and smuggling, on the contrary it has significantly increased. Illicit goods in the markets especially on the Internet represents a turnover rate of 19 billion euros. Apart from counterfeit and smuggled goods being available in the physical world it is now easily offered on the Internet and particularly on virtual marketplaces such as the social media platforms. Consumers must be extremely aware of the worrying counterfeit products on ecommerce in order to avoid being fooled. The pandemic gave counterfeiters ideas and they quickly adapted to the scenario and started producing anti epidemic products without any regards for public health or consumer security. According to a French official survey 37% of French consumers have already bought a fake product thinking that it was a genuine one.

During this time our fight against illicit needs to be strengthened more than ever. The French National Assembly understood the urgency and released a report recently which included concrete propositions to fight counterfeits, which currently represents almost 3.3% off world trade and costed 8 billion euros to the French economy and an employment loss of 14,000. The report also highlights several elements such as nomination of a person responsible of IP rights within national governments, the administrative procedure for warning and blocking fraudulent websites, adaptation of legal environment to increase international ecommerce platform by attribution of judicial chambers for large disputes related to ecommerce. It further, suggests the possibility for right holders to fight their cases online and the limitation of rotation of magistrates in specialist position linked to IP and disputes relating to ecommerce.

The inclusion of counterfeiting in the European Union political road map with Europol and European Anti-Fraud office and the recognition of the responsibility of the ecommerce platforms on social networks with regards to

the sale of counterfeit products is a key step forward to address the problem which has spiked during the pandemic. UNIFAB and its members will continue to work closely with all stakeholders to fight this menace.



marico is India's leading consumer goods company operating in the beauty and wellness space headquartered in Mumbai. It has presence over 25 countries and emerging markets of Asia and Africa. Marico has a turnover of more than 7000 crores and touches lives of one out of every 3 Indians through a wide variety of products that it has.

With regards to unfair competition, Marico takes focused enforcement action while engaging with several independent investigative agencies. It also works closely with its sales teams in identifying leads. These leads are investigated independently by agencies and the products and samples that are collected are tested for quality and identified if the suspected products are counterfeits or not. Subsequently, it is followed by actions that could be both civil and criminal. Cases of refiling of its popular hair oil has been rampant and widely reported recently. This shows the eminent risk posed to public health and safety. To address this threat, Marico continuously scans markets, gather leads, and take criminal actions against such acts.



Ms. Bhaveka Ranparia

Manager, Legal, Marico Ltd.

GEOGRAPHICAL PRESENCE

Marico aspires to be a leading emerging market MNC with a leadership position in the categories of Leave-in Hair Nourishment, Foods, Skin Care and Male Grooming in a few chosen markets in Asia and Africa.



The Company also exports its products to markets in the Indian sub continent such as Nepal, Bhutan & Sri Lanka as well as Indian diaspora markets across the globe.

Marico's Project Up cycle is a unique anti-counterfeiting and sustainability initiative. For any counterfeiting initiative, the key to success is to eliminate the illicit manufacture and that is the essence of project up cycle. It was found that counterfeits of Marico's product Nihar Natural Jasmine hair oil were plagued in West Bengal's 24 parganas. Noting that most of the counterfeiting was done through refilling, an initiative was taken by Marico to engage with the aggregators and collect the used bottles at the source itself. The project included engagement with the scrap dealers where all the empty, used bottles were there. This was primarily the source for counterfeiters where they purchased the bottles from the scrap dealers and used it for refilling. Secondly, the entire lot of the bottles procured by the scrap dealers were shredded and converted into pallets which were used at Marico's factory for storage purpose. From the counterfeiting point of view, Marico has curtailed the source of the counterfeiters by limiting the availability of these bottles which otherwise were being used for refilling. From this sustainability point of view, it had a huge positive impact. Several tons of plastic which would have ended in landfills and water bodies was also limited through this initiative, curtailing the negative impact of plastic waste on environment.

PROJECT UPCYCLE



Project Upcycle is an initiative to curb counterfeiting of Nihar Natural's Jasmine Hair oil at its source by limiting the availability of used empty bottles.

Step 1: Procuring scrap HDI bottles from select aggregators in North 24 Parganas

We partnered with third party agencies to procure scrap HDI bottles from identified scrap aggregators.

Step 2: Shredding of scrap HDI bottles procured

The procured scrap bottles were later shredded to avoid the risk of leakage or reuse.

Step 4: Pallets used for storage in Sarad Factory

The plastic pallets created out of this process are then sent to the Sarad factory where they are currently used in the Sarad factory for storage.

Step 3: Shredded plastic converted to pallets

Shredded plastic is then sent to another third party in Maharashtra where it was converted into usable pallets.



PLENARY SESSION



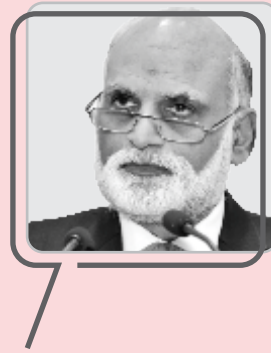
QUARANTINING COUNTERFEITING AND SMUGGLING – ACCELERATE ACTION AGAINST CRIMINALS

Changes in the
modus operandi
of organized
criminal groups
triggered by the
COVID-19
pandemic

Cybercrime a
growing
coronacrime-
Increased cyber-
attacks, and
online scams
aimed to profit
from the global
health concern

Turning
intelligence into
investigations and
the importance of
generating,
analyzing and
sharing
information

Quarantine is a word we all have heard so much about over the past 10 months or so that I want you all to think what wonders quarantining illicit trade would do. Illicit trade is the fuel that drives some of the most lethal terror organisations like Al Qaeda, Taliban, Hezbollah, ISIS and many more. These organisations use the proceeds from illicit trade to give shape to their sinister plans and unfortunately end up implementing many of them.



Welcome Address

Mr. Anil Rajput

Chairman, FICCI CASCADE

According to the UNODC, the profits that the transnational organised crime derived from the shadow industries have been estimated to be as high as \$ 870 billion which is equivalent to 1.5% of the global GDP. As the situation has changed over the past many months, so has the strategy of the those engaged in illicit trade. They are now exploiting the e-commerce platform through cybercrime and gaining access to sensitive and confidential information which many top companies are increasingly keeping in the cloud or drive format. They are flooding the computers with fake sites, selling counterfeit, smuggled and illicit goods. thereby duping the customer or providing sub-standard products and eventually using this money to fuel the terror machine. These people have also made deep inroads into popular pandemic products like sanitizers, face masks, PPE Kits, medicine, disinfectants, toiletries and much more. This requires our absolute attention and collective efforts to quell such nefarious agendas is the need of the hour.

FICCI CASCADE has been working closely with the enforcement agencies, raising the issue of increasing their mandate, advocating speedy and strict punitive action against the counterfeiters and smugglers, and making an example out of them. It has also been engaging the state governments with the aim of greater awareness and increasing the ability of enforcement agencies to counter the specific threats emanating from the spread of illicit trade in different parts of the country.

I am confident that concerted efforts will yield the desired results and looking at the panellists and their collective wisdom, I'm sure there will be qualitative and far-reaching takeaways from the deliberations in this session.

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ng: Anil Rajput





Session Chair

Mr. D P Dash

*Former Pr. Director-General
DRI and Former Chairman
Enforcement Committee
World Customs Organisation
(WCO) and Think Tank Member
FICCI CASCADE*

As we know the mantra of Covid 19 is quarantine that adds up to a 4-pillar strategy i.e. identify, test, isolate and treat. In the connect of quarantining criminals, a similar strategy is adopted – identifying, isolating, and punishing the criminals. Every country is confronted with the problem of counterfeiting and smuggling. The degree however varies from country to country. Some countries are known for producing counterfeit goods and illegally trading them. While the routes of smuggling are known, the types of products vulnerable to counterfeiting are also known. The European Union Intellectual Property Office has stated that that trade and counterfeit and pirated goods has raised steadily in the past few years and now stands at 3.3% of global trade.

As per another study counterfeiting has been damaging the global economy to the tune of 323 billion dollars. Because of this, genuine business entities lose business, government lose tax revenues and further a study by FICCI CASCADE reveals that this leads to loss of employment generation as well. Even with such huge impact we have we not succeeded. At the international level, there is a close cooperation among agencies such as WCO,

INTERPOL, OECD, WHO and WIPO. Such counterfeiting trends among the global pandemic prompted the customs administration and the health regulatory authorities from 90 countries with the collaboration of the Interpol and WCO to take part in collective action against illicit sale of medicines and medical products termed as OPERATION PANGAEA.

Similarly national agencies have entered into MOUs with their counterparts. Indian customs have bilateral agreements with not only their counterparts, but also with the specialized agencies such as UK, MHRA (Medical Healthcare Regulatory Agency), Customs and Border Protection of the US, and with other agencies with almost 41 countries. Directorate of Revenue Intelligence (DRI) of India has helped their counterparts in abroad in seizing huge consignments of contraband products, including spurious cigarettes and drugs. DRI is a lead agency which has bravely fought against the smugglers during the Corona pandemic and has affected seizures of gold, narcotic, drugs, cigarettes, and many other items. At the domestic level, DRI has set up SCord, national anti-smuggling coordination centre, with 21 agencies to coordinate their activities against smuggling. This is a unique example to improve inter-agency cooperation. In case of narcotics and fake Indian currencies, there are similar coordination mechanisms. There is a need for setting up a similar setup for counterfeit goods, calling it Ccord with all the stakeholders to battle counterfeiting effectively.

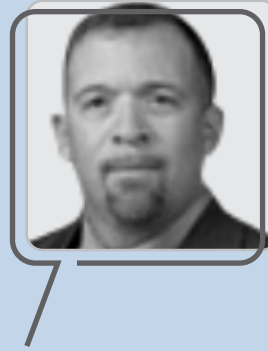
There is also need for close cooperation between police and customs which will generate a lot of intelligence on the organized smugglers and counterfeiters. In the field of IPR, like the recordation and enforcement tool - IPM, which was initially developed by

WCO, Indian customs has developed a more robust application to help the enforcement agencies and protecting the rights of the right-holders. In this management system, almost 90% of the cargo is cleared without physical

examination by the custom officers, so it is very important that industry shares their feedback and inputs with the customs so that the risk parameters are modified dynamically to make it more effective. Hence, there is a need for business and industry to partner with the government to combat this menace. Effective enforcement action through greater industry and government partnership will act as a vaccine and the general public will be activated to produce antibodies against the virus called counterfeiting and smuggling.



●
Interpol covers all IP crimes, food safety, pharmaceuticals, trademark infringement, and digital piracy including smuggling of products. Any product can be counterfeited and falsified and the profit from these crimes go on to fund other organised crime. Interpol conducts a lot of conferences for raising awareness. It also carries out regional operations which is smaller and more targeted on specific products and areas. In response to Covid 19, lot of criminals have moved to covid related crimes. As things related to COVID become important, criminals move to counterfeiting for mask, sanitizers, testing kits, illicit vaccines. Non delivery fraud is also one of the largest frauds on the online space where fraudsters offer products but do not have them in actuality. Cases of fake vaccine certificates are also being seen and as a result of it several countries are trying to put together a notice to warn against this trend. Cybercrime is the largest crime which Interpol is facing and trying to address during covid times.



Mr. Donald Bruckschen

*Criminal Intelligence Officer
Organized and Emerging
Crime Directorate, INTERPOL*



To address the issue of counterfeits and illicit, public private partnerships plays an important part and to this Interpol is partnering with various private entities to spread the message that no legitimate vaccines are going to be sold online. During such a pandemic, law enforcement should share information / intelligence among other law enforcement agencies across the world. Interpol's Operation Vigilant Interdiction (VI) is aimed to prepare for illicit vaccines before it hits the market. Operation VI included webinars, and

industry engagement with companies who have put their vaccines in the market or are about to do so. Key points of operation VI included national operational planning, response planning, analysing intelligence, understanding previous current and future trends, PPP, support and tangible results. Interpol will continue its global effort to combat illicit vaccines and crimes in general.





Col T. ISSMI Vincenzo Tuzi

*Guardia di Finanza Attaché
Embassy of Italy*



Peculiar criminal dynamics have been noticed during the Covid 19 pandemic. The covid 19 pandemic has been a historical moment characterized by the rapid spread of the pandemic that took the civil society and crime by surprise.

The lockdown period which included a series of containment measures led to an overall decrease of crimes. The decrease was mainly because of the inability to move out and hence criminal acts such as drug trafficking could not happen. However, other online crimes increased during the lockdown period. The current phase has a series of restrictive measures in a situation of economic crisis despite suffering of the people. In this context, the critical issue of public order and security are primarily due to organized crime. During this period in Italy, cyber crimes have increased by 35%. The pandemic has offered an opportunity for fast cash as criminals who have exploited citizens' anxieties and shortfall of goods. Taking advantage of the situation, criminals produced and distributed substandard goods of products which are used in the fight against the virus including medical equipment's, masks, sanitizers, test kits, disinfectants and anti virals. Transaction involving the



exchange of medical products was in high demand and hence led to greater organized crime in such products. Some criminal groups also focussed on counterfeit food items because of citizens' fear of food shortage during such uncertain times. Guardia di Finanza, in this context, have addressed custom frauds, transnational illicit trafficking of medical devices, operation The Net (Internet Protocol Television Fraud) etc.

Regarding smuggling during this period, Guardia di Finanza has also intensified investigative actions concerning tobacco smuggling. Key recommendations were as follows:

1. Monitoring the full web
2. Support international cooperation
3. Stipulate memoranda with significant ecommerce groups
4. Collaboration with companies operating in financial services
5. Collaboration agreements with express courier companies

● In India, during the lockdown, there was a dip in the crime rate initially. It was during this period that the country also witnessed the migrant issue where migrants started walking back home from the national capital. Delhi police was at the forefront of tackling this issue by providing food, shelter and ensured that the situation was kept under control. Subsequently, Delhi police had to also enforce social distancing norms and wearing of masks among the population. Amid this there was an uptake in the crime rate. This was primarily due to joblessness of several people and daily wage earners. During this time, police arrested several first-timers who were venturing into criminal activities. The online marketplace also saw an influx of



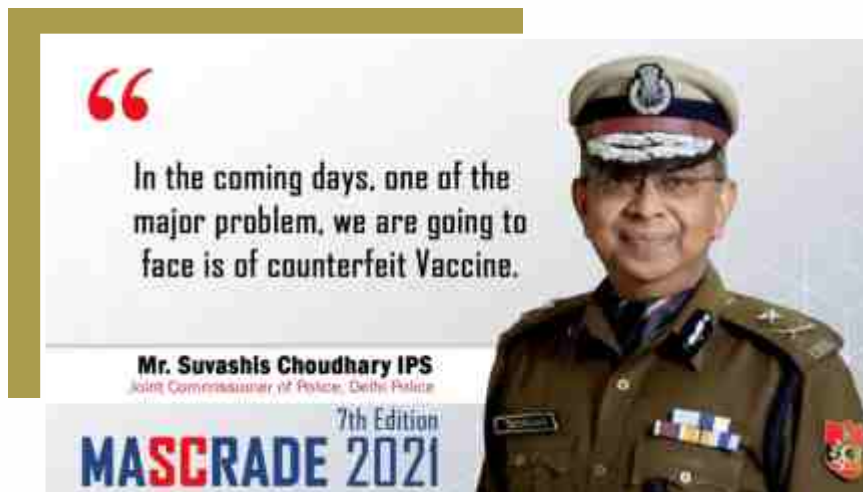
Mr. Suvashis Choudhary

*IPS, Jt. Commissioner of Police
Delhi Police*



counterfeits and spurious products and hence a lot of cases were also being reported in this area as well.

For the police, priority for crimes of counterfeiting and other forms of illicit trade is far less when compared to other heinous crimes and maintenance of law and order. Although several complaints are being registered for economic offences such as counterfeiting and smuggling but still, addressing this issue lacks urgency for the police forces. However, such activities should not be treated as victimless crimes and hence, should not be placed at a lower end of priority. For example, when a fire takes place due to a counterfeit or spurious electrical part, not only the



property is lost, but several lives are also lost in due course. Hence greater importance should be attributed to these crimes.

Counterfeit vaccines will be another area which might pose a huge problem in the coming

days which will not only be harmful to a particular person, but it will also impact herd immunity which we are aiming at. Public awareness is increasing, and It is heartening to see that. Many of the police seizures which have been taken place, are because of cooperation from the people. An area where the police is facing a challenge is with regards to the the storage of seized counterfeit/smuggled products – be it in liquor, cigarettes, electronic products and drugs. The storage capacity is limited, but for conviction, prosecution of the offenders, these have to be produced in the court which becomes an issue. The court procedure must be simplified. Photographs or some alternatives, rather than producing the entire lot of seizures for evidence should be thought of. Also, copyright and trademark offences, are bailable. It is important to note that some of these crimes involves loss of lives. Hence, where lives are getting affected, non bailable provision needs to be brought in. The tenure for punishment is also from 6 months to 3 years where criminals are hardly given a 3-year sentence. Moreover, the conviction rate is also very low because trial period is long. It has also been seen that complainants at times are only interested in raids and seizures of counterfeit goods and not in conviction. A summary or short trial with greater punishment is needed which will act as a deterrent against such crimes.



Mr. David M. Luna

*President & CEO, Luna Global
Networks and Chair, Business at
OECD, Anti-Illicit Trade Expert Group*

Public Private Partnership and information sharing are key issues in addressing crimes related to counterfeiting and smuggling. These issues are not only important to the Indian economic prosperity but to social progress and international security. As illicit trade increases, not only in India, but globally, it is becoming important that we work cross-borders to dismantle the bad actors who are engaged in smuggling, trafficking and are involved in various contraband activities. It is not only the public health dimension, but it also becomes a threat multiplier. We have heard about Lashkar, Al Qaeda,



Taliban, Hezbollah and how more and more criminal organizations are diversifying to illicit portfolios that engage beyond narcotics and human trafficking in a very profitable business. If we look at the D Company or the land cartels, the criminal penetration to institutions and corruptions, are creating greater insecurity and instability across the globe. Hence it becomes very important that we work cross border, cross sectors to address the wicked effects of the threat emanating from illicit trade. The diversification during Covid 19 to PPE, medicines or vaccines have been very profitable enterprise for criminals in plying their illicit and fake products. But again, as more of these illicit wealth garners more possibilities and opportunities for criminals, it finances greater insecurities and instabilities in many of our markets. It is not only 7 billion dollars in proceeds of organized crimes that we are looking at, but when we factor in corruption and money laundering, we are looking at several trillions of dollars that are being made by these bad actors and criminal organizations. Some reports put that to 9-15% of the global GDP. It is not only the retail market, where the illicit trade is going around. In fact, there is a report of the cyber security ventures, that crimes relating to cyber security will double every 5 years. This is unfortunate for people around the world who get online and are easily exploited by various criminal actors. Report further estimates that cyber crime might reach to 10.5 trillion dollars by 2025.

Criminal organizations are determined to make lots of money with no consideration for health or Government institutions. Undoubtedly, these issues are very complex and requires not only leadership, but innovation and partnerships to address it. Business at OECD is working to elevate public private partnerships across regions, cross markets to leverage capabilities across sectors. This can help law enforcement and market intelligence to disrupt criminal networks. We have brought out several evidence-based report and we continue to mobilize energies to work with several industry partners to disrupt illicit trade in their particular sectors. In addition to counterfeit goods, we are also working with international communities on the role of ecommerce and online markets fuelling illicit trade - an issue that is not nation specific. The transit, demand, markets are critical and so the misuse of containerships are very important. We are also looking at free trade zone in their role of illicit trade where criminals are exploiting and abusing free trade zones to conduct their criminality. Moreover, Business at OECD continues to target the issue of corruption that feeds illicit trade and acts as an enabler, working cross communities - both in Government and outside of it. Actionable intelligence is very important. Information sharing is critical for us to not only collect and penalize, but also to pinpoint criminals and different markets in which they operate. Technology, whether it is blockchain or AI can really help us to do more especially in issues such as trade-based money laundering. Bad actors exploit through under or over valuation. So, it is vital to work together and monitor the risk. Finally, it is important that we educate the public on not only the scale but how on a daily basis, illicit trade can hurt them and take a toll on human lives.



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- Continuous awareness generation on the ill impact of counterfeit, fake, spurious and smuggled products will educate the consumers about the potential risks and detrimental impact of buying and using such products on oneself and on the society. In order to undertake this activity, further impetus is needed to the Ministry of Consumer Affairs campaign "JagoGrahakJago", by including a campaign with reference to fake, smuggled and spurious products. The campaign could highlight the following:

- Taking a bill on every purchase. This will ensure that the product is genuine and tax paid.
- Every time a counterfeit or smuggled good is purchased, the country is cheated of revenue and the consumer is fooled into believing that what he or she is buying is genuine as only genuine and authentic products ensure quality, purity and safety.
- Illegal trade involving counterfeiting and smuggling has far reaching impact on the economic growth of the country, increases black money, has linkages to terrorism, leads to environmental degradation, and lowers research and development.
- With every purchase on bill consumers are making this nation tax compliant and doing their part towards progressive nation building.

- All stakeholders must take advantage of opportunities to raise awareness of the dangers of illicit goods especially among the younger generations who are still forming their purchasing habits. The youth of India being the country's future, it becomes imperative to understand the power of the consumers of tomorrow. With youngsters becoming a key stakeholder for advocating

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socially responsible behaviour, it is important to teach them on this subject as a part of their school education by including a chapter on smuggling and counterfeiting in their curriculum.

- The temptation of acquiring counterfeit and smuggled goods is given an impetus by the low prices at which these goods are available to the detriment of the genuine products manufactured by the domestic and legitimate industry. It is therefore necessary, that we reduce this gap and make dealing in and possessing illicit goods not economically viable. This is to be achieved by introducing and enhancing, in law, the requisite deterrents to dissuade those indulging in it.
- An essential element for an effective enforcement of any law is expeditious investigating of cases and ensuring prosecution in a time bound manner. To ensure expeditious completion of adjudication proceedings in such cases, it may be prescribed that adjudication proceedings as far as possible must be completed within one year after its initiation. With a view to reduce the number of adjudication and prosecution proceedings there is a need to put in place the ADR (alternate dispute

resolution) mechanism whenever the offence is compoundable.

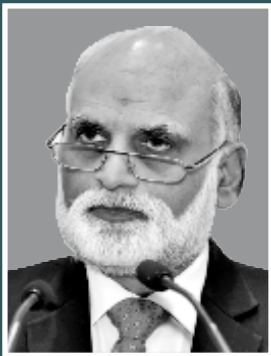
- The police face a limitation with the storage capacity of seized products. However, for conviction, prosecution of the offenders, these have to be produced in the court which becomes an issue. The court procedure must be simplified. Photographs or some alternatives, rather than producing the entire lot of seizures for evidence could be considered.
- Recognize counterfeiting as a criminal offence under IPC. Extant bail provisions are not severe - bail to be granted on execution of exorbitant security so that it becomes very difficult for illegal operators to undertake such activity. It is important to note that some of these crimes involves loss of lives. Hence, where lives are getting affected, non bailable provision needs to be brought in. For repeat offenders making the offence non-bailable may be considered.
- The tenure for punishment is also from 6 months to 3 years where criminals are hardly given a 3-year sentence. Imprisonment should be more rigorous than at present. Could be enhanced the punishment to 1 - 5 years.
- The conviction rate is also very low because trial period is long. A summary or short trial with greater punishment is needed which will act as a deterrent against such crimes.

- There is a need to further and continual sensitisation of the judiciary and law enforcement agencies on the menace of counterfeiting and smuggling so that the violators do not take advantage of technicalities.
- A co-ordinated action is the need of the hour. No single company or sector can fight counterfeiting and smuggling alone. Legitimate manufacturers hold the information necessary to distinguish their products from the fakes on the market. E-commerce platforms hold information about the third-party sellers dealing in fake/spurious products. Search providers have a broad view of how actors can move across different platforms. Payment providers are a critical piece of tracing illicit gains to the criminals and cutting off their access. Input from each of these sources is necessary to allow both the government and private sector to have full insight into the paths of illicit goods and to track those responsible. In order to achieve this, we need to:
 - Develop new mechanisms for collaborative information sharing on any illicit (counterfeiting & smuggling) activity online.
 - Create new programs or certifications, such as "verified" product listings.
 - "Know Your Customer" policy can have a positive effect on ensuring safety and legitimacy.
 - When sites are found to be peddling counterfeit or illicit products or false information, domain name registrars should, immediately upon notice from law enforcement or trusted third parties, lock and suspend those domain names.
- From a policy perspective, it is imperative that we develop jurisprudence on contributory trademark infringement. By fixing liability on an entity that may be held liable for selling counterfeits even though they do not actually engage in the actual offending activity
- The Directorate of Revenue Intelligence has set up SCord, national anti-smuggling coordination centre, with 21 agencies to coordinate their activities against smuggling. This is a unique example to improve inter-agency cooperation. In case of narcotics and fake Indian currencies, there are similar coordination mechanisms. There is a need for setting up a similar setup for counterfeit goods, calling it CCord with all the stakeholders to battle counterfeiting effectively.
- The Government of India at all levels has introduced laws that are not only compliant with our international obligations but are in many ways progressive. However due to the complexity and alarming growth of the illicit trade more intergovernmental efforts and public private alliances are needed to identify approaches leading to the development of a holistic strategy. Reviewing current legislations relating to smuggling counterfeiting piracy, using latest technology to aid security forces and enforcement agencies and allocating of more financial and human resources to counter this activity are some areas where adequate thrust can be given.



ARTICLE

FIGHTING *the* FELONY



Welcome Address

Mr. Anil Rajput

Chairman, FICCI CASCADE

*i*t has now been established beyond doubt that illicit trade is growing exponentially, and is increasingly putting the individual, societies and economies in harm's way. It is called the invisible enemy, a pure evil, that causes immense damage and compromises the safety and security of nations world over by fuelling the terror machine and organised crime networks.

According to several estimates, the global economy is losing more than US\$2 trillion annually due to smuggling, counterfeiting and other forms of illicit trade. Nations are increasingly recognizing the threat posed by this illegal business and are intensifying their efforts to create an effective deterrence against such activities. In India, FICCI CASCADE (Committee Against Smuggling and Counterfeiting Activities Destroying the Economy)

is at the forefront of generating awareness on the detrimental impact of smuggled, contraband and counterfeit products amongst the consumers and citizens, building capacities of law enforcement agencies, proposing reforms, sharing best practices and providing knowledge and support to the industry members about this menace.

Over the years, FICCI CASCADE has been encouraged by the support of several international organizations which have worked assiduously in addressing this issue at the global level, and this eventually led to the emergence of MASCRAGE (Movement Against Smuggled and Counterfeit Trade) in 2013. Since its inception, institutions such as WIPO, UNODC, Interpol, OECD, WCO, UKIPO, USPTO, US Department of Homeland Security, JETRO, Australian Border Protection, TRACIT, HMRC, Italian Law Enforcement and others have joined hands with this initiative to fight and heighten our response against illicit trade.

MASCRAGE has been the only forum in India which has played a pivotal role in creating awareness about the horrifying magnitude of this danger, find tangible solutions and chalk out a sustainable road map to blunt the impact of this unholy activity. In addition, with the objective of encouraging and acknowledging the work of our law enforcement agencies, each year MASCRAGE and FICCI CASCADE felicitate the best performing officers for their outstanding achievement in the prevention of counterfeiting and smuggling, and enforcement of anti-smuggling and anti-counterfeiting laws.

Every year this dialogue has focussed on different facets of illicit trade and has tried to address it in the best possible manner. The previous six editions included:

- 1) 'Trade in Counterfeit, Pirated and Smuggled Goods- A Threat to India's National Security and Economy' (September 2013)
- 2) 'Illicit Trade- Threat to National Security and Economy' (January 2016)
- 3) 'Illicit Cross Border Trade in Goods- Impact on Economy and Consumers' (December 2016)
- 4) 'Protect Your Brand Globally Fight Counterfeiting, Smuggling and Piracy' (October 2017)
- 5) 'Ensuring Brand Security for Sustained Businesses and Employment Generation' (November 2018)
- 6) Containing Counterfeiting, Smuggling and Piracy: A Winning Strategy (September 2019)

This year, the theme of the conference was 'Impact of Counterfeiting and Smuggling on Personal Health and Safety'. After the deadly run of the Covid-19 virus world over in 2020, and its severe consequences that we continue to face in all dimensions of life, it became critical to understand and gauge the impact of smuggling and counterfeiting on public health and safety in the backdrop of the pandemic. While governments across nations were committed to fighting the

coronavirus, the criminals viewed this crisis as an opportunity to expand and intensify their illegal operations. MASCRADE 2021 therefore intended to devise actionable and innovative solutions to reverse the rising tide of counterfeit, smuggled and spurious products. It was also important to generate increased awareness amongst stakeholders, and underscore the point, that if the spread of illicit trade is not checked, the consequences will be disastrous for societies and economies alike, especially in a post COVID era. It also became important to expose the proponents of illicit trade, and their complete disregard for humanity and ethics even when the world reeled under this tragedy.

With health taking centre stage over the past year, this edition of MASCRADE was inaugurated by Dr. Harsh Vardhan, Union Health Minister of India. The minister highlighted how the methods by which spurious, misbranded, and adulterated drugs which enter the distribution channel have become complex, and how the industry must play an active role to help identify and plug these loopholes. He also agreed that reviewing current regulations related to smuggling and counterfeiting, using latest technology to aid security forces and enforcement agencies, raising the penalties for those committing this crime, along with allocation of more financial and human resources to counter this activity are important areas where adequate thrust should be given.

The two-day event which was held on January 21-22 witnessed wide participation from policymakers and stakeholders. Key issues such as Illicit trade amid public health crisis, flagging morale of genuine industry, placing public health and safety at the heart of the fight against smuggling and counterfeiting, funding of terrorism by illicit trade, to accelerating action against criminals were discussed in detail.

The forum also shared the best practices which have borne positive results to contain this problem and promoted the need for international enforcement cooperation which is vital for nations to mitigate this challenge. I am also of the firm belief that strong indigenous brands, are bound to reduce the country's dependence on foreign products, they will also subsequently demotivate the advocates of illicit trade by considerably reducing the footprint of foreign products in India, and eventually severely denting their profits and lowering their morale.

With top class ideation during MASCRADE 21, I have no doubt in my mind that in the times ahead, we will be able to make steady and meaningful headway in understanding, engaging, and considerably lowering the detrimental impact of illicit trade on the financial, industrial, and societal health of our country. The IMF has recently projected an impressive 11.5% growth rate for India in 2021, making India the only major economy of the world to register a double-digit growth this year. However, we cannot afford to lower our guard, and need to stay ahead of the curve while dealing with this enemy that remains unfazed and extremely determined.



SOCIAL MEDIA

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MEDIA**

Social Media



DISCUSSION
 22 January 2021 | 3:00 PM - 4:15 PM IST
 VIRTUAL EDITION

Quarantining Counterfeiting and Smuggling
 – Accelerate Action Against Criminals

FICCI CASCADE

7th Edition
MASCRADE 2021
 Movement Against Smuggled & Counterfeit Trade

 Welcome Address Mr. Anil Rajput <small>Chairman, FICCI CASCADE</small>	 Session Chair Mr. D P Dash <small>Former Pt. Director General, DIO & Former Chairman, Enforcement Committee (WCO) and Task Force Member, FICCI CASCADE</small>	 Mr. Suvashis Choudhary, IPS <small>Jt. Commissioner of Police, Delhi Police</small>	 Mr. David M. Luna <small>President & CEO, Luma Global Networks and Chief, Business at OECD Anti-Smuggling Trade Expert Group</small>	 Mr. Donald Bruckschen <small>General Intelligence Officer, Organized and Emerging Crime, (Petrobras), A/CIRPSC</small>	 Col T. ISSMI Vincenzo Tuzi <small>Quartier & Financial Attaché, Embassy of Italy, Ministry of Italy</small>
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SPEAKERS



DISCUSSION
22 January 2021 | 3:00 PM - 4:15 PM IST
VIRTUAL EDITION

Placing Public Health and Safety at the Heart of The Fight Against Smuggling and Counterfeiting

Guests:

- Mr. Anil Rajput** - Director, ITCI, India
- Mr. Hem Pander** - Director, Customs, India
- Ms. Ulla Sieber** - Director, Customs, Germany
- Ms. Delphine Sarfati** - Director, Customs, France
- Ms. Ekta Sarin** - Director, Customs, India

7th Edition
MASCRADE 2021
Movement Against Smuggled & Counterfeit Trade

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FICCI CASCADE

DISCUSSION
21 January 2021 | 2:00 PM - 4:00 PM IST
VIRTUAL EDITION

Illicit trade amid public health crisis- Global perspectives

7th Edition
MASCRADE 2021
Movement Against Smuggled & Counterfeit Trade

Guests:

- Mr. Anil Rajput** - Director, ITCI, India
- Mr. Hem Pander** - Director, Customs, India
- Mr. Jeffrey P. Hardy** - Director, Customs, USA
- Ms. Ulla Sieber** - Director, Customs, Germany
- Ms. Delphine Sarfati** - Director, Customs, France
- Ms. Ekta Sarin** - Director, Customs, India

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FICCI CASCADE

MEET
Mr. Jeffrey P. Hardy
Director General
Transnational Agency to Combat Drug Trade

21 January 2021

7th Edition
MASCRADE 2021
Movement Against Smuggled & Counterfeit Trade

FICCI CASCADE

7th Edition
MASCRADE 2021
Movement Against Smuggled & Counterfeit Trade
21-22 JANUARY 2021 | VIRTUAL EDITION

IMPACT OF COUNTERFEITING AND SMUGGLING ON PERSONAL HEALTH AND SAFETY

Dr. Anshu Verma
Director, ITCI, India

2 Days | 25 Speakers | 8 Sessions | 1 Conference



Mr. Kunio Mikuriya - Secretary General, World Customs Organization

Mr. Jeffrey P. Hardy - Director General, Transnational Agency to Combat Drug Trade

Mr. Huw Watkins - Head of Asia Policy, UK Intellectual Property Office

Mr. Renaud Gaillard - Coordinator for Intellectual Property India & South Asia, Embassy of France in India

Ms. Ulla Sieber - IP Counsel, PUMA SE

Ms. Delphine Sarfati - Director, C/O, UNFPA - Union des Femmes

Mr. David M. Luna - President & CEO, Loro Global Networks and Chief Business at OECD, Anti-Ill Trade Expert Group

Mr. Donald Bruckschen - Criminal Intelligence Officer, Organized and Emerging Crime, Directorate, INTERPOL

Col T. ISSMI Vincenzo Tuzi - Director of Foreign Affairs, Embassy of Italy

SEE YOU TOMORROW!

FICCI CASCADE

7th Edition
MASCRADE 2021
Movement Against Smuggled & Counterfeit Trade

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COMMENT

MASCRADE 2021





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David M. Luna (罗文礼) · 22/01/21

"Illicit trafficking remains the lifeblood of today's bad actors, criminal organizations, and terrorist groups. Through #dirty money derived from criminality, these malefactors finance #corruption, #chaos, #insecurity, and #violence: D-Company, #Sinolox an...



David M. Luna (罗文礼), President and CEO on LinkedIn: #di... linkedin.com

2 3

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FICCI CASCADE Retweeted



Chetan Krishnaswamy · 21/01/21

Thank you @Cascadeglobal @ficci_india for these timely and topical conversations.

FICCI CASCADE · 21/01/21

"#Amazon invests heavily in machine learning and other systems to proactively detect and remove suspect listings. We employ dedicated teams to operate and continually refine our anti-counterfeiting programs" ~ @Chetankrishna



Tweets Tweets & replies Media Likes

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Dr Harsh Vardhan · 21/01/21

Look forward to addressing the inaugural session of 7th edition of MASCRAGE organised by @Cascadeglobal via VC at 3:30 PM, today

@MoHFW_INDIA @ficci_india

Watch Live!

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PMO India and 8 others

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PIB in Maharashtra · 21/01/21

Health Minister @drharshvardhan inaugurates 7th edition of #MASCRAGE2021 organized by @ficci_india

Government has taken various measures to check the menace of spurious drugs: Union Minister @drharshvardhan

piib.gov.in/PressReleasePa...



Ministry of Health and 5 others

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FICCI CASCADE · 21/01/21

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Media Coverage

TND News

'Vocal for Local' will be potent tool in fight against illicit trade, says Harsh Vardhan

Speaking at the 7th edition of MASCRADE - Movement Against Smuggled and Counterfeit Trade, Harsh Vardhan said 'The call for an Aatma Nirbhar Bharat'.



New Delhi: Dr. Harsh Vardhan, Union Minister of Health and Family Welfare today said the 7th edition of MASCRADE will definitely and decisively demonstrate public consensus that the Centre for safety and health, smuggled and counterfeit products. He also explained the challenges of MASCRADE in pandemic and digital era.

Addressing the inaugural session of the 7th edition of MASCRADE 2021 - Movement Against Smuggled & Counterfeit Trade, organized by FICCI, Union Minister of Health and Family Welfare, Dr. Harsh Vardhan said, "We are all aware about the challenges for the MASCRADE in pandemic and the various policy responses designed to contain its spread. All players have used the pandemic as an opportunity to sustain their business growth, making significant damage to the interests of the nation, health and safety of people worldwide."

He stressed that the Government is committed to support the movement of people who have been severely impacted as the lockdown, systems like health insurance, etc. have been suspended. He also said that the government is committed to support the movement of people who have been severely impacted as the lockdown, systems like health insurance, etc. have been suspended.

APN NEWS

Thursday, January 28, 2021, Today's Market / Current Time: 09:04 AM

SERIALS / NEWS / BUSINESS / SPORTS / ENTERTAINMENT / SPECIALS / HEALTH

CORPORATE NEWS

High speed, high volume of prices predominantly up in 4th quarter of 2020 with the S&P 500 up 27 per cent

Dr Harsh Vardhan at FICCI MASCRADE

Published on January 28, 2021

New Delhi: Dr. Harsh Vardhan, Union Minister of Health and Family Welfare today said the 7th edition of MASCRADE will definitely and decisively demonstrate public consensus that the Centre for safety and health, smuggled and counterfeit products. He also explained the challenges of MASCRADE in pandemic and digital era.

Addressing the inaugural session of the 7th edition of MASCRADE 2021 - Movement Against Smuggled & Counterfeit Trade, organized by FICCI, Union Minister of Health and Family Welfare, Dr. Harsh Vardhan said, "We are all aware about the challenges for the MASCRADE in pandemic and the various policy responses designed to contain its spread. All players have used the pandemic as an opportunity to sustain their business growth, making significant damage to the interests of the nation, health and safety of people worldwide."

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4Ps Industry Update

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New Delhi, 21 January 2021: Union Minister of Health and Family Welfare today inaugurated the 7th Edition of MASCRAD 2021, Movement Against Smuggled & Counterfeit Trade organized by FICCI, Delhi.

In his address, the Union Health Minister stressed that the 7th edition of MASCRAD 2021 will promote and ensure authentic, innovative and quality products that can reduce the rising tide of counterfeit, smuggled and spurious products.



SMUGGLING AND COUNTERFEIT TRADE HOLD BACK PROGRESS, IMPACT HEALTH OF THE ECONOMY AND CREATE SAFETY HAZARDS FOR CONSUMERS- DR HARSH VARDHAN

Source: New Delhi, 21 January 2021

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WE THE WORLD NEWSLINE

Harsh Vardhan backs Modi's 'Vocal for Local' stance to fight illicit trade

By: India News International, Pm: 22 Jan 2021



New Delhi (India): Restating the call for 'Vocal for Local' (VFL) by Prime Minister Narendra Modi, Union Health Minister Harsh Vardhan on Thursday said that the Atmanirbhar Bharat and VFL could provide solutions to a host of challenges that lie ahead of the country.

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Speaking at the 7th edition of MASCRAD 2021 - Movement Against Smuggled and Counterfeit Trade, Harsh Vardhan said, "The call for an Atmanirbhar Bharat and Vocal for Local could indeed provide solutions to a host of challenges that lie ahead of us."



Dr Harsh Vardhan inaugurates 7th MASCRAD 2021 held by FICCI

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Need For Close Cooperation Between Police Customs Organizations To Combat Menace Of Illicit Trade Former Pr Director General DRI



'Need for close cooperation between police & customs to combat illicit trade'

Addressing a meeting on MASCRAD 2021, Movement Against Smuggled and Counterfeit Trade organized by FICCI, Customs and Excise, New Delhi.

21 January 2021



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2021 Media



Vocal for Local extremely potent tool in fight against illicit trade: Vardhan

Noting that healthcare products are one of the most commonly targeted industry for counterfeiters, Health Minister Harsh Vardhan on Thursday said India will be an extremely potent tool in its fight against illicit trade. He said the government is working on the benefits of self-reliance mode, Vardhan said as India starts to produce strong domestic brands and gradually reduce its dependence on foreign products, it will be able to protect its domestic industry and also ensure that the country is not left behind in the global market. He said the government is working on the benefits of self-reliance mode, Vardhan said as India starts to produce strong domestic brands and gradually reduce its dependence on foreign products, it will be able to protect its domestic industry and also ensure that the country is not left behind in the global market. He said the government is working on the benefits of self-reliance mode, Vardhan said as India starts to produce strong domestic brands and gradually reduce its dependence on foreign products, it will be able to protect its domestic industry and also ensure that the country is not left behind in the global market.



Vocal for Local extremely potent tool in fight against illicit trade: Vardhan

Continued, Hyderabad: 23 Jan 2021, 08:08 PM IST

- Harsh Vardhan said as India starts to produce strong domestic brands, pioneering by smugglers and counterfeiters will never become limited.
- He said the methods by which spurious substandard and adulterated drugs enter the distribution channel has become increasingly complex.



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The Daily Guardian



अथैव कारोबार के संकट से निपटने के लिए गठजोड़ की जरूरत

नई दिल्ली, जेएनएन। बीआरआई के पूर्व पीआर डायरेक्टर जनरल और वर्ल्ड कास्टम्स ऑर्गनाइजेशन (डब्ल्यूसीओ) के पूर्व चेयरमैन व फिक्की कार्सेड के चिक टैंक मेबर डीपी दाश ने कहा, अथैव कारोबार के संकट से निपटने के लिए पुलिस और कास्टम संगठनों के बीच गठजोड़ और ज्यादा प्रारंभिक तरीके से कदम उठाने की जरूरत है। अर्थव्यवस्था को तबाह कर रही तस्करी एवं जालसाजी जैसी गतिविधियों के खिलाफ फिक्की की कमेटी (कार्सेड) द्वारा आयोजित मार्च 2021 (मूवमेंट ऑगैस्ट स्मगल एंड काउंटरफिट ट्रेड) के समापन सत्र को संबोधित करते हुए उन्होंने कहा कि खोया एवं सरकार के गठजोड़ से प्रभावी प्रवर्तन जालसाजी एवं तस्करी जैसे वायरस के खिलाफ टीके का काम करेगा। सत्र के दौरान विभिन्न चर्चाओं में यह बात सामने आई कि यूएसओडीए के अनुसार के मुताबिक, विभिन्न देशों में बाली खोया के बावजूद होने वाले आर्थिक संकटों को कमाई अनुमानित तौर पर 870 अरब डॉलर के ऊंचे स्तर पर पहुंच गई है।



Dr Harsh Vardhan inaugurates the 7th Edition of MASCRADE 2021 organized by FICCI

Smuggling and Counterfeit Trade Move which increases impact on health of the economy and creates safety hazards for consumers



राजस्थान पत्रिका

फिक्की कार्सेड से जुड़े वैश्विक स्तर पर अग्रणी लोग

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Partners



In July 2003, ITC made a foray into the biscuits market by launching the Sunfeast range of biscuits. Since then, Sunfeast biscuits have always stood for quality and are known for offering innovative and wholesome biscuits. Sunfeast connotes happiness, contentment, satisfaction and pleasure.



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With \$81.6 billion in 2018 sales, Johnson & Johnson is the world's most comprehensive and broadly-based manufacturer of health care products, as well as a provider of related services, for the consumer, pharmaceutical, and medical devices markets. There are more than 250 Johnson & Johnson operating companies employing over 125,000 people and with products touching the lives of over a billion people every day, throughout the world.



Established in 1927, FICCI is the largest and oldest apex business organisation in India. Its history is closely interwoven with India's struggle for independence, its industrialization, and its emergence as one of the most rapidly growing global economies.

A non-government, not-for-profit organisation, FICCI is the voice of India's business and industry. From influencing policy to encouraging debate, engaging with policy makers and civil society, FICCI articulates the views and concerns of industry. It serves its members from the Indian private and public corporate sectors and multinational companies, drawing its strength from diverse regional chambers of commerce and industry across states, reaching out to over 2,50,000 companies.

FICCI provides a platform for networking and consensus building within and across sectors and is the first port of call for Indian industry, policy makers and the international business community.

www.ficci.in



In the recent past India's economic growth story has attracted world's attention bringing new challenges for the domestic economy. One of the challenges currently faced is the growing illicit trade in counterfeits, pass offs and smuggled goods. These activities are also threatening brands not only in every region of the country but across the globe.

Contraband and counterfeit products hurt the integrity of the brand, further diluting the brand owner's reputation. This not only results in erosion of sales of the legitimate product but further [CASCADE]s onto affect the consumers in the form of health and safety hazards.

With the above insight the Federation of Indian Chambers of Commerce and Industry(FICCI) took the initiative to dedicate a forum by establishing the Committee Against Smuggling and Counterfeiting Activities Destroying the Economy - CASCADE on 18th January, 2011 at FICCI Federation House, New Delhi.

FICCI Committee Against Smuggling and Counterfeiting Activities Destroying the Economy (CASCADE)

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MASCRADE 2022

Movement Against Smuggled & Counterfeit Trade

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