

WCO Counterfeiting and Piracy (CAP) Group

Confirmed by the Council - June 2009

Updated: xxx2019

Established: 2009

Duration: Until superseded or revoked

Chairperson: Representative of a WCO Member

Elections: Members of the Group shall elect the Chairperson for a one-year term

1. Mandate

The Group shall constitute a dialogue mechanism ~~[on]~~ **to address** border measures on trademark counterfeiting and copyright piracy. In its discussions, the Group will respect the national legal regimes of Members, as well as their respective levels of commitments in international agreements, such as TRIPS, to which Members are party. ~~[- and shall not engage in norm setting nor seek to make recommendations or adopt particular measures.]~~

2. Membership

Membership will be open to all WCO Members **and parties with recognized WCO observer status, partner organizations, and other entities, including those representing the private sector, where deemed appropriate.**

3. Purpose and Scope

Within the framework of its mandate, the purpose and scope of the Group are ~~limited to an exchange [and discussion]~~ views, experiences, practices and initiatives of Customs administrations and discussions WCO Capacity Building activities for Members requesting assistance. **This will include developing relevant tools and instruments to respond to emerging risks and Members' needs to enhance their capacity in the fight against counterfeiting and piracy.**

4. Key Deliverables

The Group will deliver a ~~[factual]~~ report to the Permanent Technical Committee after each session.

Matters relating to the enforcement aspects of counterfeiting and piracy within the context of these Terms of Reference shall be discussed during a Member only meeting, and reported for the consideration of the Enforcement Committee.

The Group will develop tools and instruments (e.g. training handbook, self-assessment tool) as appropriate.

5. Means of Operation

- The Group will meet under the leadership of its Chairperson, with membership being determined as specified above.
- ~~[Observers may be invited to participate in open meetings; a balanced participation of stakeholders should be sought.]~~

- The Group will hold its sessions as and when required, subject to approval by the Permanent Technical Committee.
- Except when otherwise decided by the Secretary General and/or the Permanent Technical Committee, the Group will normally meet [~~twice~~ **once**] a year.
- Normally, each session will last two days, depending on the number and complexity of items on the agenda.

6. Resources Required

The general administrative arrangements and provision of support services shall be the responsibility of the Secretariat.