



Brussels, 08 February 2023.

REPORT FROM THE 19TH COUNTERFEITING AND PIRACY (CAP) GROUP MEETING

Terms of Reference (ToR) of the CAP Group

(Item III. (k) on the Agenda)

(“C” Item on the Agenda)

SUMMARY

Purpose of document

The purpose of this document is to present the 19th CAP Meeting Report (TR0077Ea) and of the Review of the Terms of Reference (ToR) of the CAP Group. The WCO Counterfeiting and Piracy (CAP) Group constituted a mechanism for dialogue concerning border measures for tackling the trade in counterfeit trademark and pirated copyright goods.

During the 19th CAP Meeting, delegates endorsed the revised ToR of which would be submitted to the Permanent Technical Committee (PTC) for endorsement and to the Council for final approval.

Action required of the Permanent Technical Committee

The Permanent Technical Committee is invited to:

- discuss and endorse the 19th CAP Meeting Report (TR0077Ea) and of the Review of the Terms of Reference (ToR) of the CAP Group.

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I. Background

1. The World Customs Organization (WCO), as a leading international Customs organization, is with the support of its Members responsible for ensuring efficient and safe trade, while protecting consumers and businesses from the risk of harm worldwide. Unfortunately, counterfeiting and piracy pose a serious threat to national economies, the health of populations and the security of the world, given the ramifications of existing relationships between counterfeiters and criminal/terrorist networks.
2. The WCO Counterfeiting and Piracy (CAP) Group constitutes a dialogue mechanism concerning border measures on counterfeit trademark and pirated copyright goods.
3. The Terms of Reference (ToR) for the CAP Group were adopted at the 113th/114th Council Sessions in June 2009, and the Group was inaugurated during the same year. The ToR were limited to only allow for an exchange of practices, experiences and views on the subject of counterfeiting and piracy. This mandate was deemed appropriate at the time as this was considered to be an area of enforcement under development.
4. During the 16th CAP Group Meeting, held on 30 September and 1 October 2019, the ToR were reviewed, with active contributions from the Members, and were subsequently presented to the 39th Session of the Enforcement Committee (October 2019) and the 227th/228th Sessions of the PTC (July 2020) for approval and further submission to the 83rd Policy Commission (December 2020).
5. The revised mandate of the CAP Group was approved by the 137th Session of the Customs Co-operation Council (December 2020), allowing the Secretariat on the basis of the IPR Strategy 2020, endorsed by the 40th Enforcement Committee (EC), to develop tools to better support Members in addressing emerging trends in counterfeiting and piracy, namely: the IPR Handbook on Legal and Practical Measures Against IPR-Related Offences, the IPR self-assessment tool, the IPR CENcomm platform and its new features and improvements (COVID-19 pre-arrival information template, the Rights Holders' Corner, and the mobiles shortcut), the CLiKC! e-learning module on "Combatting illicit, counterfeit or substandard medicines, vaccines and medical supplies related to COVID-19 and other pandemics and the COVID-19 checklist for Customs enforcement, etc.
6. In line with the priorities set by the 139th/140th Sessions of the Customs Co-operation Council (June 2022) in relation to e-commerce and Green Customs, the Secretariat is working to develop two new tools: the case studies and risk indicators to identify IPR, health and safety infringing goods related to e-commerce, and the Practical guidelines on "Environmentally safe storage and destruction of intellectual property infringing goods".
7. Following the worldwide challenges posed by the restrictions of the COVID-19 pandemic, the Secretariat has put in place new working arrangements for WCO meetings¹. Accordingly, the 17th and 18th Meetings of the CAP Group were held in virtual or hybrid mode, as will the upcoming 19th Meeting.

¹ http://www.wcoomd.org/-/media/wco/public/global/pdf/media/important-notice/important-notice_covid_19_update_24042020.pdf

8. In addition, the 86th Session of the Policy Commission and 139th/140th Sessions of the Customs Co-operation Council (June 2022) approved the WCO Strategic Plan 2022-2025 and its first Implementation Plan for financial year 2022/2023. The Strategic Plan 2022-2025 contains the high-level strategy of the Organization, detailing its structure, its key performance indicators and the strategic cycle followed during its development.
9. The proposed amendments to the ToR (set out in the Annex to this document) aim to take into consideration the Strategic Plan Work Programmes relating to the CAP Group and the extraordinary means of operation.
10. During the 19th CAP Meeting, delegates approved the revised ToR of which would be submitted to the Permanent Technical Committee (PTC) for endorsement and to the Council for final approval.

II. Action required

11. The PTC is invited to:
 - discuss and endorse the 19th CAP Meeting Report (TR0077Ea) and of the Review of the Terms of Reference (ToR) of the CAP Group.

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