

"Intellectual property (IP) is an important instrument in terms of the economic development of countries. However, governments and, to an even greater extent, the populations of countries (in particular, less-developed and developing nations) have yet fully to grasp this fact.

States that are aware of the contribution made by IP, not only to their economy, but also to the improvement of the quality of life of their citizens, have a responsibility to set up mechanisms promoting the development of IP and protecting creations from unauthorized use.

Studies assessing the losses suffered by countries as a result of piracy and counterfeiting constitute one of the mechanisms that have been used to analyze the impact of IP on national economies. However the objectivity, results of such studies have been called into question.

Various mechanisms have also been developed with the aim of strengthening IP between countries, the most effective being those designed to bolster the protection of intellectual property rights. Among these instruments, the following stand out: the development of legislation covering a wide range of infringements; increased penalties; and the creation or strengthening of administrative and legal mechanisms used to combat infringements. Despite all the work that has been carried out to date, levels of piracy and counterfeiting have not been reduced, indeed, in many cases, the number of instances of such activities has increased.

Against this background, having in mind that the problem of piracy and counterfeiting is a transversal issue, that affects developing and developed countries, and that the focus of the action has been directed, until now, to the part of sanctions, for Peru it is important that the future work of the Committee should focus on re-assessing the mechanisms which have until now been used to combat infringements of IP rights, while contributing to the development of new strategies by Member States, which take into account the situation in each country.

We therefore propose:

- **A study be developed using objective parameters be carried out on the economic impact of piracy and counterfeiting in countries.**

There is a market for pirated or counterfeit goods and consequently there is a need to adopt measures to increase effective enforcement in order to reduce its size. However, experience (for instance smuggling and the war on drugs) teaches us that punitive measures on their own are not enough to solve the problem and must be accompanied by preventive measures.

- **The focus of the study should be on identifying preventive actions, measures or successful experiences to complement ongoing enforcement measures, having in mind the different level of development of the Member States and the different problems countries face.**

This would require a comprehensive multi-disciplinary study, involving not only lawyers and economists, but also sociologists, psychologists, educators, etc."