



ADMINISTRATIVE ENFORCEMENT AGAINST COUNTERFEIT GOODS



Cambodia

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AGENDA

I. Legal and Institutional Framework of Cambodian Laws

II. Counter Counterfeit Committee of Cambodia:

- Complaints Procedures
- Initial investigations
- Prosecutor direction and coordination on the initial investigation (Article 37 CPC and Article 70 CPC)

III. Case Study

I. Legal and Institutional Framework

Cambodian Laws

Legal and Institutional Framework

1. Law Concerning Marks, Trade Names, and Acts of Unfair Competition, 2002
2. Law on the Patents, Utility Model Certificates and Industrial Design, 2003
3. Law on Copy Rights and Related Rights, 2003
4. Law on Protection and New Plant Varieties (Breeder Rights), 2008
5. Law on Geographical Indication, 2014
6. Criminal Procedure Codes, 2007

II. Counter Counterfeit Committee

Counter Counterfeit Committee



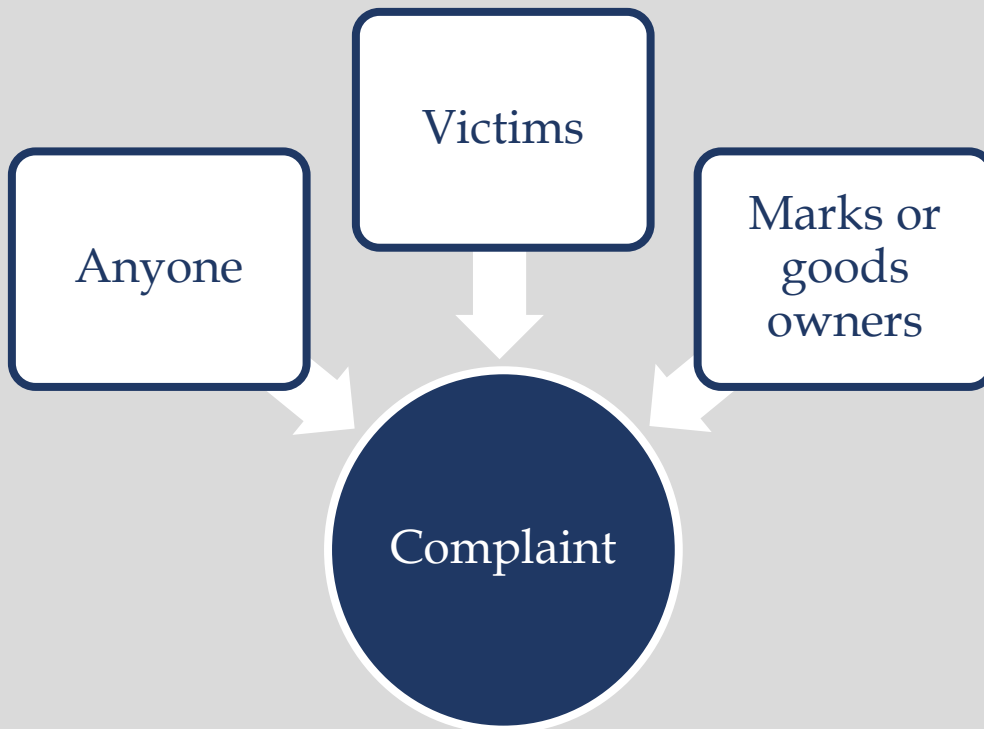
“CCC” is a national inter-agency unit with joint tasks forces.

A hotline that can be reached 24 hours to file complaint of suspected counterfeit goods

A standardized complaint form has been designed to facilitate the filing of complaint by victims.

Working on developing a cellphone application to identify the authenticity of goods and to provide chance to consumers to file any prompt complaint to CCC in case they found counterfeit in their purchases.

Complaints Procedures



Complaint

- (a) Plaintiff Identification,
- (b) Letter of representation,
- (c) Certificate of registered goods in original country or in Cambodia and original product model,
- (d) Information of the crime and the perpetrators (if applicable) and counterfeit product model,
- (f) Lab/ analyzed results to differentiate between the authentic goods and the counterfeit goods; and
- (g) Others

Initial investigations

1. Build
complaint

2. Investigation

3. Crackdown

1. Build complaint

Summons Plaintiffs



Check Evidence



Send complaints
and record to the
Prosecutor.



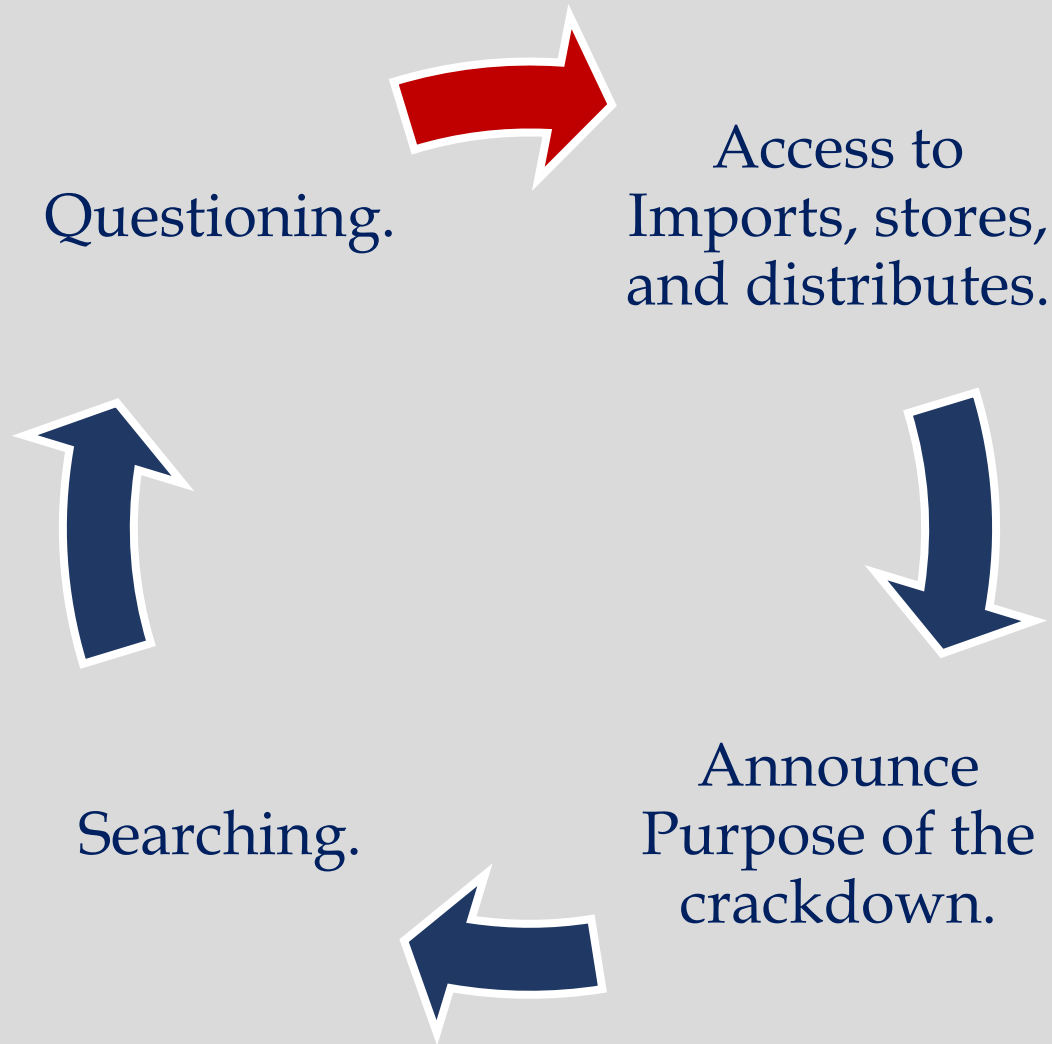
2. Investigation

On Flagrant
offences and
Primary offences

Can do at
counterfeit goods
retainer or supplied
enterprises.



3. Crackdown



Initial investigations

Arrested suspects and seized counterfeit goods have been sent to be prosecuted.

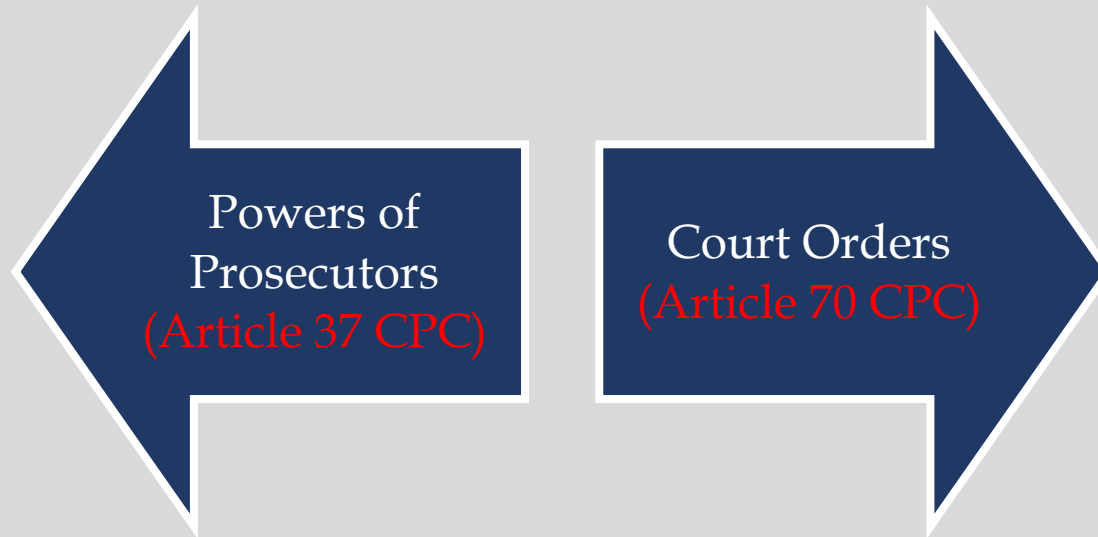


For minor counterfeit crimes, beside the confiscation of counterfeiting goods, CCC may request the perpetrator to sign a personal commitment to no longer repeat the crime with permission of the Prosecutor to close the case.



CCC is pushing for legal punishment for counterfeit crimes be increased in term of severity especially the crime involved substandard and falsified medicine.

Prosecutor direction and coordination on the initial investigation



The prosecutor shall personally direct the search.
(Article 113 CPC)

III. Case Study

Case Study



Case Summary

Procedure

Case Summary

The convicted company had been in operation for 17 years and was established in 2005. This company produced Pill, Capsule, Sachet, Syrup and Pomat using raw materials imported from China and India. It was reported that the company had been illegally distributing medicines to several provinces in Cambodia.

After having been investigated, the company was found to have committed as follows:

1. The temperature of the storage of medicines for delivering was 31 degree Celsius exceeding legal limit;
2. The registrations of 17 types of medicine had been expired;
3. The registrations of 19 types of medicine had been forged;
4. The storage of medicines for delivering was not technically correct;
5. There was no usage description in Khmer language written on the medicine boxes; and
6. There was no company name in Khmer language written on the medicine boxes.



+ ផលិតផលឱសថសាមញ្ញ

- ១. Cofetux (125mg) (50x10x12) 69កែវ
- ២. Beclo-BF (50x10x10) 5កែវ
- ៣. Dexa-BF (150FLx100) 123កែវ
- ៤. Chlofphengl-BF (4mg) (150Bocaux x100) 180 កែវ
- ៥. Bisfon (120x5x10) 18កែវ
- ៦. Predni-BF(5mg) (136x10x10) 20កែវ
- ៧. Neo-Methaxone (50x10) 6កែវ
- ៨. Phardol (60x60) 37កែវ
- ៩. Flamox BF (250mg) (30flx100) 120 កែវ
- ១០. Flamox BF (250mg) (30flx100) 64កែវ
- ១១. Befix (125mg) (50x60) 18កែវ
- ១២. Becold (30x50x4) 14កែវ
- ១៣. Flamox (500mg) (54x100) 62កែវ
- ១៤. Paracetamol (500mg) (100x10x12) 185កែវ
- ១៥. Vitamine C (500mg) (50x10x10) 22កែវ
- ១៦. Pharmadol (100mg) ៧ 150flx100 60កែវ
- ១៧. Pharmadol (100mg) ក្របីម៉ាម (150flx100) 25កែវ
- ១៨. Brfadol (200x2x25) 14កែវ
- ១៩. Cime BF (400mg) (160x100) 44កែវ
- ២០. Amoxiialline (250mg) (50x10x10) 33កែវ
- ២១. Paradal (50x10x10) 38កែវ
- ២២. Newcolgin (80x5x20) 8កែវ
- ២៣. Cetirizin BF (10mg) (96x10x10) 8កែវ
- ២៤. Neco (50x10x10) 30កែវ
- ២៥. Erythromycine (500mg) (60x10x10) 37កែវ
- ២៦. Piroxicam (20mg) (50x10x10) 60កែវ
- ២៧. Newrarin (125x2x10) 75កែវ
- ២៨. MEFENAMIC (50x10x10) 26កែវ
- ២៩. Pharmmadol (500mg) (50x10x10) 9កែវ
- ៣០. Berogin BF (70x10x10) 35កែវ
- ៣១. Befix (500mg) (50x10x10) 40កែវ
- ៣២. Gingsen BF (60x10x10) 16កែវ
- ៣៣. Griscofulvine (70x10x10) 35កែវ
- ៣៤. Befix (250mg) (50x10x10) 72កែវ
- ៣៥. Dexa BF (124x10x10) 10កែវ
- ៣៦. Lincomycine (500mg) (50x10x10) 53កែវ

- ៣៧. Amoxicilline (500mg) (50x10x10) 22កែវ
- ៣៨. Para BF (325mg) (160flx100) 20កែវ
- ៣៩. Saebin BF (650mg) (90x10x10) 13កែវ
- ៤០. Benergyl 40flx100ml 48កែវ
- ៤១. Ciprofloxx BF 36x10x10 57កែវ
- ៤២. Pharmadol (5achets)(200mg) 120bx125acherfs 27កែវ
- ៤៣. Loper Bf (0,3mg) 58box x 12s 4កែវ
- ៤៤. Rhinoflu (125mg) 88box x12s 30កែវ
- ៤៥. Cloxa BF (500mg) (50x10x10) 20កែវ
- ៤៦. Cofetol (sirup) (50flx60ml) 10កែវ
- ៤៧. Ampicillrne (250mg) 50fl x 60ml 30កែវ
- ៤៨. Exotoux (200mg) 60box x 30s 10កែវ
- ៤៩. Micogin (sirup) 40fl x 100ml 6កែវ
- ៥០. Iburaric BF 36x10x10 79កែវ
- ៥១. Befezim (vcfb) (50x10x10) 24កែវ
- ៥២. Biraxan 80x5x20 8កែវ
- ៥៣. Befergl (200mg) (50x10x10x) 20កែវ
- ៥៤. Bifetrim BF (960mg) (50x10x10x) 37កែវ
- ៥៥. Benergyl (25mg) (96x10x10x) 19កែវ
- ៥៦. Etrocin BF 40B x 24s 15កែវ
- ៥៧. Pharmadol (500mg) 40B x 12s 20 កែវ
- ៥៨. Tetracycline (500mg) (50x10x10) 16កែវ
- ៥៩. Flamox BRO (50x10x10) 20កែវ
- ៦០. Brosolvon (8mg) (96x10x10) 31កែវ
- ៦១. Gluta BF (50x10x10) 34កែវ
- ៦២. Pharmadol (500mg) Rose 160fl x 100 28កែវ
- ៦៣. Pharmadol (500mg) Blue 160fl x 100 20កែវ
- ៦៤. Pharmadol (500mg) White 160fl x 100 10កែវ
- ៦៥. Benofet (400mg) (50x10x10) 6កែវ
- ៦៦. Ibu 400mg BF (36x10x10) 23កែវ
- ៦៧. Flamox clox (50x10x10) 7កែវ
- ៦៨. Beferan (50x10x10) 14កែវ
- ៦៩. Cofagan (50x10x10) 14កែវ
- ៧០. Terpline BF (90x4x25) 7កែវ
- ៧១. Micogin (150x3x6) 2កែវ
- ៧២. Befagin (125x2x10) 19 កែវ
- ៧៣. Bifetrim BF (480mg) (60x10x10) 34 កែវ



+ ផលិតផលឱសថពាក់កណ្តាលសំបក

- ១. Pharmadol Blanche (50kg) 4 ផ្ទុំ
- ២. Pharmadol Rose (50kg) 8 ផ្ទុំ
- ៣. Predni (100kg) 1 ផ្ទុំ
- ៤. Pharmadol 100mg (100kg) 2 ផ្ទុំ
- ៥. Paracetamol (50kg) 11 ផ្ទុំ
- ៦. Vitamin C (500mg) (100kg) 2 ផ្ទុំ
- ៧. Berogin (100kg) 4 ផ្ទុំ
- ៨. Para B12/ត្រាប់ (50kg) 3,5 ផ្ទុំ
- ៩. IBU (50kg) 2 ផ្ទុំ
- ១០. Cofetux Capsules (ត្រាប់) (50kg) 3 ផ្ទុំ
- ១១. Parmadol (ត្រាប់) (50kg) 6 ផ្ទុំ
- ១២. Tetracycline (ត្រាប់) (50kg) 3 ផ្ទុំ
- ១៣. Dexa BF (Box/100) (ត្រាប់) (50kg) 2 ផ្ទុំ
- ១៤. Neco BF (ត្រាប់) (50kg) 1 ផ្ទុំ
- ១៥. Para BF (ត្រាប់) (50kg) 1 ផ្ទុំ



Procedure

Investigation

- Primary investigation was conducted.
- The investigation was under the supervision of prosecutor.



Crackdown

- The delivering truck was tracked down and eventually seized.
- The driver was questioned.

Thank you for your attention.

