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Few Piracy Cases — Again

The Public Prosecution Service will not say how much it spent on counterfeiting claims last year, but noted “economic crimes” accounted for one-tenth of its budget. The data was contained in the service’s *Annual Report* to Parliament.

Staff would not say how many files were opened last year to prosecute black marketers; “We will try and get back to you,” a spokesperson said. The Department of Public Safety earlier cited estimates that piracy is a \$30 billion-a year trade in Canada.

“This is an issue affecting Canadian businesses,” MP Glenn Thibeault, New Democrat caucus chair, said in an earlier interview; “Counterfeiting is huge in this economy but I don’t think people are actually seeing it as a problem.”

The Prosecution Service last year reported it charged “about” 100 individuals and companies for counterfeiting in 2012-13 – the equivalent of 00.1 percent of its court files, according to accounts tabled in Parliament. No data for 2013-14 was disclosed.

“Are we actually putting in laws without the teeth to identify and prosecute counterfeiters?” said Thibeault, MP for Sudbury. “Are we giving prosecutors the tools?” The Prosecution Service reported a majority of its cases last year involved drug crimes, reporting:

- 81,057 court cases were active last year;
- 64,456 involved drug offences: “Many are simple cases of possession of small quantities of marijuana while others involve complex schemes to import large quantities of cocaine or to manufacture methamphetamine”;
- 6,933 cases involved unspecified “economic crimes”.

Of the service’s \$185.3 million budget only ten percent, some \$18.6 million, was spent on “economic crimes”, authorities reported. The Prosecution Service employed more than 1,000 attorneys last year, most of them staff lawyers.

Public Safety Canada in a 2013 report cited data from the website Havocscope.com estimating \$30 billion in counterfeiting occurs nationwide, including \$1.14 billion in pirated software and \$118 million in bootleg movies. The data was drawn from academic journals, police reports and media clippings.

“While Havocscope admits the reported values are not perfect, its enormous estimates sourced from publicly-available information demonstrate just how important it is to focus on producing reliable estimates,” reported Public Safety. The department commissioned its own analysis on “detailed methodologies that could be used to estimate the size of the market for counterfeit and pirated goods in Canada.”

A government bill to curb counterfeiting is pending in the Senate. Bill C-8 *An Act To Amend The Copyright Act* grants border officers new powers to seize counterfeit goods, and allows fines of up to \$1 million and five years’ imprisonment for the manufacture, sale and distribution of black market products under the *Trademarks Act* and *Copyright Act*.

However Industry Canada has acknowledged that owners of intellectual property would be charged to detain, store and destroy counterfeit imports. The department has not yet published any schedule of fees.

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