

**ASSOCIATION OF ACCREDITED AGENTS OF THE AFRICAN  
INTELLECTUAL PROPERTY ORGANISATION (AMOAPI).**  
**WORKSHOP IN DOUALA**  
**NOVEMBER 30, 2009 TO DECEMBER 02, 2009**  
**FOCUS: THE FIGHT AGAINST COUNTERFEITING.**

Counterfeiting refers to unauthorised appropriation of a variety of Intellectual Property rights. An astonishing increase in the counterfeiting phenomenon has been witnessed these recent years. Though observed all over the world, this gangrenous practice is taking root in African States and affects all types of products and deeply impacts on their fragile economies.

To address this important question, IP experts and Accredited Agents, through their Association (AMOAPI) launched their first workshop at the GICAM Head quarters in Douala on November 30<sup>th</sup>, 2009 on "The Fight Against Counterfeiting".

With the unconditional support of the African Intellectual Property Organization (OAPI) and the Cameroon Enterprises Organisation (GICAM), the "SAMOAPI Workshop 2009" was a great success.

Presentations focused on the various ways to file for protection at OAPI, litigation at OAPI, protection of copyright and related rights, the role of the Cameroon Customs in the fight against counterfeiting and unfair competition. As a leading IP Firm within the OAPI region, the NICO HALLE & Co. LAW FIRM had a very significant role to play at this Workshop. The Senior Managing Partner Nico Halle, Barrister and Solicitor of the Supreme Court of Cameroon, gave an important talk on the role of the Accredited IP Attorney in the fight against counterfeiting and focused on judicial proceedings. Through a direct T.V show and Press Conference respectively broadcast on November 30<sup>th</sup> and December 1<sup>st</sup>, 2009, the qualified Attorney gave the opportunity to millions of viewers to share a piece of his knowledge.

In essence, he made it clear that counterfeiting is an infringement punished by the existing Laws namely: the Revised Bangui Agreement in its Articles 46 et seq, the Cameroon Penal Code in its Article 330 and the Civil Code. He focused on the necessity to allow a clear distinction between the Intellectual Property title holder and the consumer of the counterfeit products who are both victims; the reason being that the Civil or Penal action for the infringement of IP

right or action for counterfeiting can only be brought by the title holder.

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The consumer of the counterfeiting product on its part can file a criminal suit against the manufacturer of the said goods or claim damages on the ground of delictious liability as provided in the Civil Code in its Articles 1382 et Seq.

In the second part of the program, Barrister Nico Halle answered questions on the limits of the existing Laws and unnecessary length of Court proceedings as shortcomings in the fight against counterfeiting. In his reply, he made it clear that victims should make substantial use of existing Laws instead of criticizing. To that effect, they should contact experts whose specific knowledge of the Law and daily practical experience is of great advantage.

To conclude, he stated that he was not opposed to the improvement of the current legislation but reminded the public that Law without effective and proper implementation is of no use. The real problem is morality. When the State representatives, entrepreneurs and the Civil society will implement good morality in business and daily activities, counterfeiting will be eradicated.