

Preface

The expansion of world trade has brought with it an explosive growth in counterfeit merchandise. Estimates put the world total for counterfeit products at about one half trillion dollars annually, although it is impossible to accurately determine the true size of the counterfeit market. What is known is that this illicit trade has infected nearly every industry from pharmaceuticals to aircraft parts. Software and music piracy are easy targets widely reported in the media. In 2011, the Business Software Alliance (BSA) estimated that 42% of personal computer software installed worldwide was illegal and the losses to the software industry were \$63 billion. These figures represent a significant increase from 2007 when about 38% of software was pirated costing the industry about \$48 billion. Overall, a wide range of industries agree that there is a severe problem with the protection of intellectual property rights (IPR) throughout the world, yet there have been virtually no attempts to describe all aspects of the problem.

This work aims to give the most complete description of various characteristics of the IPR environment in a global context. We believe a holistic understanding of the problem must include consumer complicity to purchase counterfeit products, tactics of the counterfeiters (pirates) as well as actions (or inaction) by home and host governments, and the role of international organizations and industry alliances. This book establishes the full environmental aspects of piracy, describes successful anticounterfeiting actions, and then prescribes measures IPR owners should take to protect their intellectual property.

While there have been many articles in the popular and business press that focus on counterfeit trade, there have been only a small number of books published on the subject that address the predicament facing nearly every industry in a dispassionate, intellectual manner. We believe this book fulfills a unique need for a thorough review of all aspects of the IPR problem.

This book is not targeted at consumers although we hope they will find it enlightening. This is a research-based book that can serve as the basis for further inquiries by academics, institutional researchers, and professionals in the international business and legal communities. We believe it should be a useful reference

for government officials, managers, and law professionals who are combating counterfeiting as part of their everyday responsibilities in countries throughout the world.

This work is a result of our continuing interest in the subject of counterfeit products. Extensive travel to China and other countries or just walking the streets of New York reminds us that this is a pervasive problem. For 20 years we have been working on various aspects of the problem and we have each published journal articles and delivered conference presentations based on the research we have been doing over that period. We would be remiss if we did not thank Victor Cordell and Michael Walsh for stimulating our interest in the subject and contributing to our early publications. In addition we would like to recognize the involvement of Jonathan Peters whose facility with statistics has been invaluable. A special thanks to Dr. Stephan Schläfereit for reviewing our work. We are also most grateful to Tom Snelling, Partner, and his colleagues, Jen Yang and Jillian Caldwell, at Freshfields Bruckhaus Deringer LLP for all their insights and help. Finally, we appreciate the assistance of Stephen Stumpf, Fred J. Springer Chair in Business Leadership, for sponsoring the funding of research and conference presentations through the Villanova School of Business. Overall, it is evident from the preceding remarks and forthcoming acknowledgments that this book is a result of the inspiration and support of many colleagues. Nevertheless we accept complete responsibility for the text including any errors that may have inadvertently occurred.

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Protecting Your Intellectual Property Rights
Understanding the Role of Management, Governments,
Consumers and Pirates

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