

APPLICABLE STATUTES

There are at least four statutes that can be used to bring criminal charges against persons engaged in counterfeiting.

§ 97-23-89 Performer's identity to be displayed. Commonly referred to as the "Name and Address" statute. This statute makes it a crime for any person to manufacture or sell a CD or DVD without the name of the actual performer properly disclosed on the cover.

Penalty:

1st Offense: 0-3 years in jail; 0-\$10,000 fine

2nd Offense: 0-7 years in jail; 0-\$50,000 fine

§ 97-21-57 Sale of goods bearing Trademarks and labels. Commonly referred to as the "Vendor" statute, this statute makes it a crime for any person to sell or possess with intent to sell forged or counterfeit goods.

Penalty:

0-5 years in jail; 0-\$10,000 fine

§ 97-21-53 Trademarks and labels

This statute makes it a crime for any person to forge or counterfeit goods. This statute applies to persons who actually create forged or counterfeit goods.

Penalty:

0-5 years in jail; 0-\$10,000 fine

§ 97-21-55 Implements to forge trademarks and labels. This statute makes it a crime for any person to possess equipment that is used to create forged or counterfeit goods.

Penalty:

0-5 years in jail; 0-\$10,000 fine.

Help the Intellectual Property Theft Task Force give counterfeit goods a "one-two punch."

IF YOU HAVE QUESTIONS OR WANT TO REPORT A POSSIBLE COUNTERFEIT PRODUCT CONTACT

**THE MISSISSIPPI ATTORNEY GENERAL'S OFFICE
CONSUMER PROTECTION DIVISION**

AT

601-359-4230 OR 1-800-281-4418

FOR MORE INFORMATION REGARDING
OPERATION KNOCK OUT KNOCK-OFFS
VISIT

WWW.AGJIMHOOD.COM

OR [HTTP://MIPCC.AGO.STATE.MS.US](http://MIPCC.AGO.STATE.MS.US)



**VISIT THESE SITES FOR MORE INFORMATION
REGARDING COUNTERFEIT PRODUCTS**

U.S. ANTI-COUNTERFEITING CONSUMER PROTECTION ACT

www.ladas.com/BULLETINS/1996/0896Bulletin/US1.0896.html

INTELLECTUAL PROPERTY RIGHTS (IPR) TRAINING PROGRAM

www.training.ipr.gov

THE PARTNERSHIP FOR SAFE MEDICINES

www.safemedicines.org

WORLD INTELLECTUAL PROPERTY ORGANIZATION

www.wipo.int/portal/index.html

WORLD TRADE ORGANIZATION

www.wto.org/english/tratop_e/trips_e/trips_e.htm

INTERNATIONAL ANTI COUNTERFEITING COALITION

www.iacc.org

THE INTERNATIONAL TRADE ADMINISTRATION

www.stopfakes.gov

THE RECORDING INDUSTRY ASSOCIATION OF AMERICA

www.riaa.com

THE MOTION PICTURE ASSOCIATION OF AMERICA

www.mpa.org

NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER

www.ice.gov/iprcenter

OFFICE OF THE UNITED STATES INTELLECTUAL PROPERTY COORDINATOR

www.whitehouse.gov/omb/intellectualproperty

OPERATION KNOCK OUT KNOCK-OFFS



A GUIDE TO COUNTERFEIT PRODUCTS

**IF IT SOUNDS TOO GOOD TO
BE TRUE...
IT PROBABLY IS!**

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LET'S GET REAL MISSISSIPPI-BUY REAL

WHAT'S THE BIG DEAL?

- Every year, counterfeit and pirated goods worth billions of dollars are seized.
- Counterfeit products cost jobs that our state desperately needs, especially during these times of economic uncertainty.
- Consumers are putting themselves and loved ones at risk when they buy counterfeit goods.
- Counterfeit goods may pose serious health and safety risks.
- In Mississippi, it is a felony to sell counterfeit products with a retail value of \$1,000 or more.

OPERATION K.O.K.O.

Operation Knock Out Knock-Offs ("Operation K.O.K.O.") is a multi-phase project funded in part by a federal grant. The phases include the following:

- The formation of a statewide Intellectual Property Theft Task Force consisting of federal, state and local authorities;
- Intensive statewide and regional training of local authorities and task force members;
- Educational campaign geared towards merchants and consumers to build public awareness of the economic and safety impact associated with counterfeit products;
- Created the Mississippi Intellectual Property (IP) Crime Center System, a computerized database for local law enforcement agencies. The dedicated website provides the general public with information on the dangers of counterfeiting, as well as allows for confidential reporting of suspected counterfeiting;
- Established the Mississippi Intellectual Property (IP) Crime Center database website for law enforcement. It gives members of the Mississippi Intellectual Theft Task Force the opportunity to share intellectual property case management information with other task force members.
- Created a media awareness campaign featuring an intellectual property public service announcement that aired at select movie theaters across the state.

WHAT'S BEING COUNTERFEITED?

If it's being made, it's being faked. From clothing, purses, jewelry and shoes to brake pads, curling irons, CD's/DVD's, contact lenses and pharmaceuticals, counterfeiters leave no product category untouched.



HOW DO I KNOW IF I'M BUYING REAL?

- Is the product priced substantially below retail?
 - Does the product appear to be of poor quality?
 - Is the product packaging incomplete, torn, or otherwise suspicious?
 - Is the licensing, copyright and trademark information missing from the packaging?
 - Does the packaging have typographical errors or inconsistencies in the graphics/printing?
 - Is the product sold at a reputable retailer?
 - Is the seller using suspicious sales practices?
 - Does the seller accept payments in cash only?
 - Are the logos properly attached to the products?
- All these are signs that a product may be counterfeit.

**REMEMBER:
IF IT SOUNDS TOO GOOD TO BE TRUE...
IT PROBABLY IS!**

WHAT ARE THE DANGERS?

The sale of counterfeit goods has been linked to drug trafficking, organized crime, terrorist activity, gang violence, child labor and life-threatening health issues.

IT HURTS CONSUMERS.

Counterfeit pharmaceuticals pose health risks due to unexpected side-effects, allergic reactions, or how the counterfeit product may interact with other medications. Reported substances found in counterfeit medications have included cement, gypsum and lead based highway paint. Other counterfeited products can cause permanent damage to consumers' health as well as put their families at risk.

IT HURTS BUSINESSES.

The FBI estimates that counterfeiting and piracy cost U.S. businesses between \$200-\$250 billion annually, a number that is rapidly increasing.

IT HURTS GOVERNMENT.

Counterfeiting and piracy almost always escape taxation. This means lost sales tax, lost excise tax and lost income tax.

IT HURTS AMERICA.

The International Intellectual Property Alliance estimates that U.S. companies suffer \$9 billion in trade losses due to International copyright piracy. In 2004, China accounted for 63% (\$87 million) of all counterfeit goods seized by the U.S. Customs Service at ports of entry into the United States.