

Market for counterfeit goods in Africa on the rise



By [Lucy Signorelli](#)

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As business environments improve, Africa's urbanisation and middle class are growing rapidly. Over the past decade, six out of the 10 fastest-growing economies worldwide were in sub-Saharan Africa. On the technological front, Africa is Facebook's fastest-growing market and the second-biggest mobile market in the world.



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However, these developments have not just created legitimate business opportunities as demand for products across all sectors grows - the market for counterfeit goods in Africa is also on the rise. No industry has been spared the scourge of counterfeit goods and all goods are targeted, from consumables to pharmaceuticals.

The global counterfeit medicine industry is estimated to be worth approximately €75 billion a year. Interpol estimates that around 30% of all medicines in Africa could be counterfeit and, according to the World Health Organisation, around 100,000 deaths a year in Africa are attributable to the counterfeit drug trade. Counterfeit medicines include so-called 'lifestyle' drugs such as aspirin, antacids and analgesics, but increasingly also drugs such as anti-malarials, cancer medication and anti-retrovirals. Serious efforts are being made by brand holders, Interpol and other national and international authorities to address this issue.

In June 2012 Angolan Customs seized one of the largest consignments of counterfeit drugs (specifically, anti-malarials) in history. The consignment was large enough to treat more than half of Angola's annual malaria patients.

As a consequence of the boom in the counterfeit industry, rights holders and law enforcement agencies have come together to combat the influx, manufacture and distribution of such goods and to promote awareness among consumers.

Adams & Adams has made widespread efforts to train officials on anti-counterfeiting procedures and how to identify counterfeit goods in respect of numerous brands. Some of the more recent activities include the following:

- Following an April 2013 workshop for the Kenyan Anti-counterfeit Agency and the Kenyan Copyright Commission, a

search and seizure operation was conducted at a large manufacturing facility in Mombasa, where more than 700 pairs of counterfeit footwear, together with footwear moulds, were seized and destroyed.

- Following a June 2013 workshop for Interpol, Customs and the police in Namibia, in-market operations were conducted at Chinatown premises in Windhoek, Oshikango and Oshakati. During these operations the police seized more than 100,000 counterfeit items. In addition, R3 million in cash was confiscated from a suspect.
- Following a September 2013 workshop for Interpol as well as customs and police officials from Namibia, Botswana and Zambia, raids were conducted at several malls in Gaborone where officials seized over 50,000 counterfeit items. Similar operations were conducted in December 2013 in Botswana.
- In early 2014 Interpol, the police and Customs in Namibia conducted raids at Chinatown malls in Windhoek and Oshikango, where more than 60,000 counterfeit items were seized.
- Training was conducted at 17 container freight stations in Mombasa and seven in Nairobi, Kenya. In subsequent in-market operations, numerous counterfeit goods, including counterfeit oil filters, were seized.
- In early June 2014 raids were conducted in Dar-es-salaam, Tanzania with the Fair Competition Commission, Interpol, the police and Customs. Counterfeit oil filters were also seized there.

Further training sessions and in-market operations are due to take place in the near future in various African countries, including Botswana, Rwanda, Nigeria, Mozambique, Angola and Mauritius, involving Interpol, the police and Customs. Training, increased consumer awareness and proactive enforcement measures are critical to eradicating counterfeit operations. The first step to combating the infiltration of counterfeit goods into the African market is to stop them at the point of entry.

Several African territories provide for formal customs recordal processes (ie, Morocco, Tunisia, Egypt, Mauritius, Ethiopia and South Africa). Such applications should be filed to record brand holders' rights - particularly in Mauritius and South Africa, where the customs recordal process is well established and efficient.

While other African countries have no formal recordal system, it is possible to approach Customs informally to look out for protected brands and to facilitate notification. These territories include Kenya, Namibia, Libya, Tanzania, Liberia, Uganda, Somalia, Ruanda, Burundi, Sao Tome & Principe, Seychelles, Djibouti, Gambia, Zambia, Mozambique, Eretria and Ghana.

Africa is brimming with opportunities in all business spheres and there is much scope for innovation and investment. However, rights holders must adequately protect and enforce their rights. This is virtually impossible without the assistance of national law enforcement agencies. Therefore, rights holders should actively participate in the empowerment of such agencies through training and support.

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