

# CBSA Request for Assistance (RFA) Program

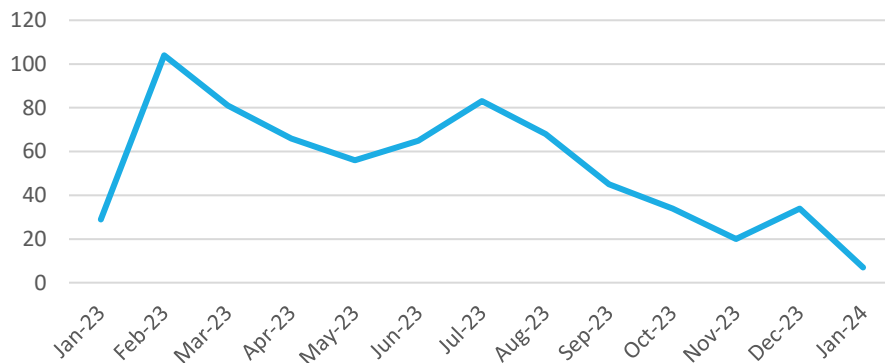


As per *Section 101 of the Customs Act*, the RFA program authorizes CBSA border officers to detain shipments including suspected counterfeit goods. Launched in 2015, the program assists with the detention of suspected counterfeit and pirated goods at official ports of entry, empowering rights holders to take action.

Counterfeit goods are extremely damaging to businesses consumers in Canada.

The RFA program has been an effective tool for IP rights holders to prevent counterfeit goods from entering the Canadian commerce stream, with over 480 rights holders participating in the program. **However, there has been a startling decline in RFA interceptions beginning in Summer 2023, allowing organized crime groups to flourish, and negatively impacting the Canadian economy and consumer.**

CBSA RFA Interceptions (Jan '23 to Jan '24)\*



\*Data provided by the CBSA

Canada is the only G7 country on the 2023 United States Trade Representative Watchlist (USTR), seriously damaging its international reputation and trading relationships.



- Intercepts around 600 shipments per year
- CBSA detains counterfeit goods
- USTR states that Canada has “yet to take full advantage of the expanded *ex officio* powers” granted within the RFA



- Intercepts over 35,000 shipments per year
- CBP seizes and destroys counterfeit goods
- CBP seized over 23 million counterfeit goods in 2023, equating to over \$2.41 billion (USD) in MSRP suggested retail

## Wish List to Restore and Enhance the RFA Program

- ✓ Reassess CBSA training and processes that limit officers from efficient searching/detentions. Invest in more CBSA officers to focus on the RFA program as anticounterfeiting serves as a core pillar of Canada’s Intellectual Property Strategy, and broader investment in innovation.
- ✓ Amend the *Trade-marks Act* to include a section on abandonment or “deemed consent” that allows for more efficient and commercially reasonable recovery of the detained shipment.
- ✓ Add a provision to the *Trade-mark Act* to give courts the power to award significant statutory (or “pre-established”) damages against counterfeiters in recognition of situations where it is difficult for the trade-mark owners to prove their measurable monetary loss or damage.