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# Trademark Enforcement Challenges Across Central Asia

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# 01



## Polpharma: Who We Are



# Polpharma: Who We Are

A Strong Pharmaceutical Group in CEE and Central Asia



## KEY FACTS

**€1,1<sup>bn</sup>** FY 2024 Revenue

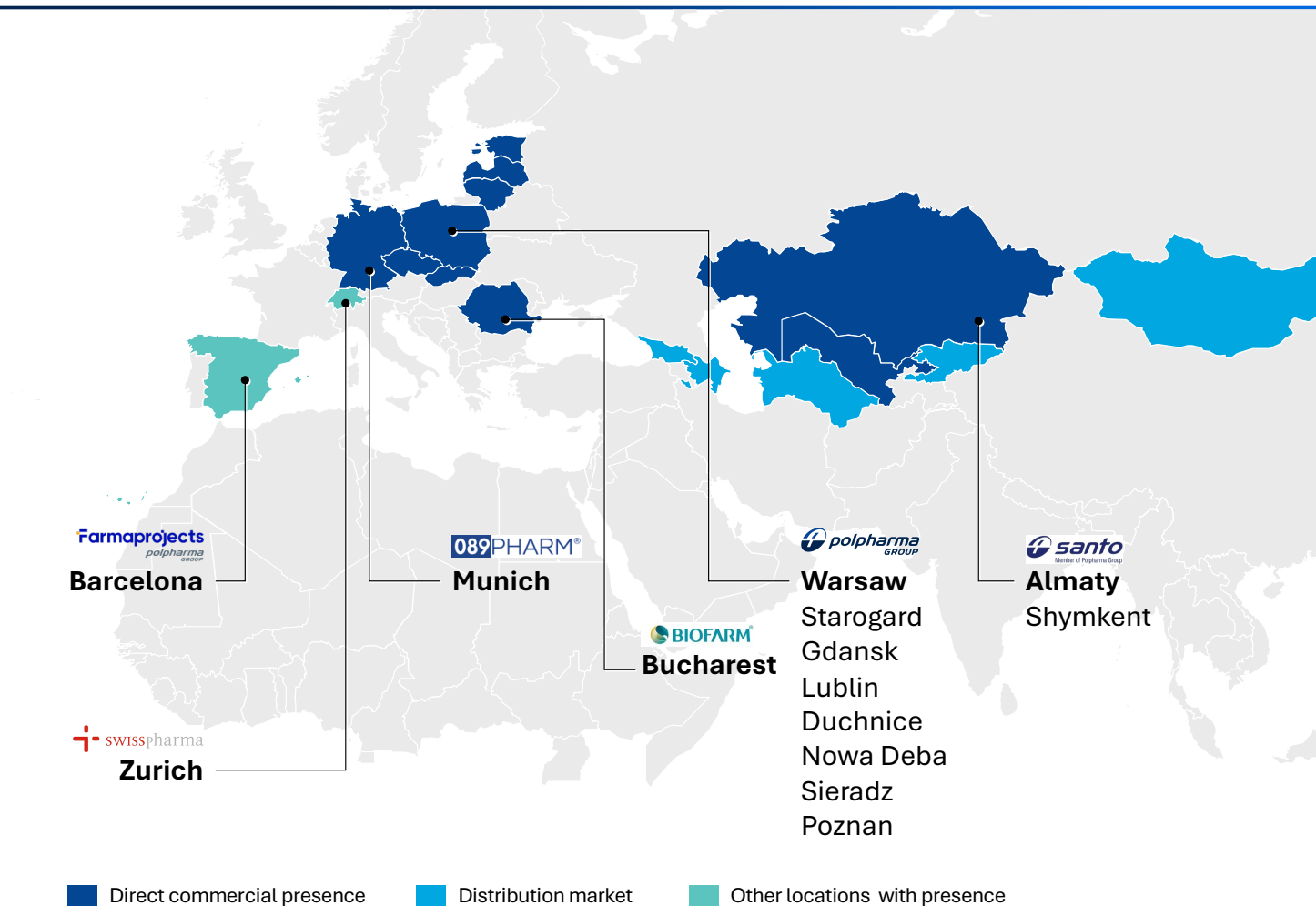
**>500** Products in sales

**>200** Products in development

**4** R&D centres

**6** Manufacturing sites in Poland & Kazakhstan

**>5.600** Employees, at end '24



# 02

## Why Central Asia Matters

 **polpharma**  
GROUP

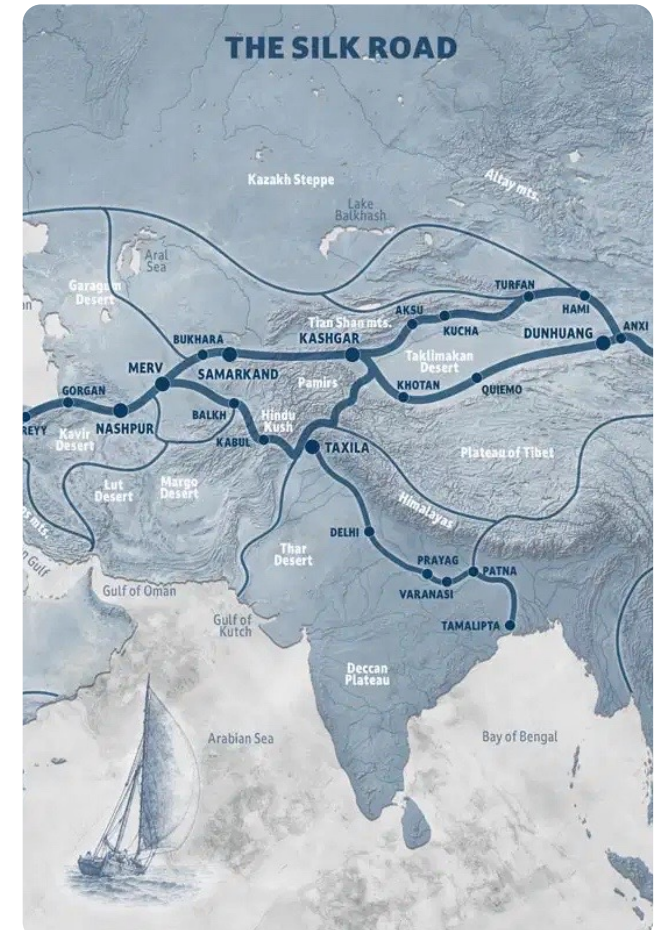


# Why Central Asia Matters

## Central Asia Is No Longer A Peripheral Market

### Why it matters:

- ✓ A growing consumer market of ~ 80 million people
- ✓ Strategically located on the modern Silk Road
- ✓ Key transport corridor between Europe and Asia
- ✓ Increased geopolitical relevance following the Russia-Ukraine war
- ✓ Growing foreign investment, manufacturing and cross-border trade
- ✓ Kazakhstan is the region's leading economy and a key logistics hub



► ***Central Asia may represent a relatively small share of global GDP, but its strategic role in trade, logistics and regional distribution makes it increasingly important for brand owners.***

# Why Central Asia Matters

## New Economic Opportunities Also Create Enforcement Risks

### Factors facilitating illicit trade:

- ✗ Long and porous borders
- ✗ Growing trade flows within the EAEU
- ✗ Uneven cooperation between national customs authorities
- ✗ Large Informal and shadow economy
- ✗ Governance and enforcement challenges
- ✗ Varying levels of IP awareness and enforcement experience

► ***The market is developing quickly, yet enforcement frameworks and market practices have not evolved at the same pace.***



# 03

## The Counterfeit and Copycat Landscape in the Pharmaceutical Sector



# The Counterfeit and Copycat Landscape in Pharmaceutical Sector

## The Scale of the Challenge



### Kazakhstan

2016: nearly 70% of medicines sold from pharmacies were unlicensed or counterfeit



### Uzbekistan

2019: counterfeit medicines represented **10-15%** of the total pharmaceutical market turnover



### Tajikistan

Informal economy is estimated to account for 50% of economic activity



### Kyrgyzstan

2023: More than 10 million packages of medicines and medical products were seized

► *A more interconnected Central Asia brings new economic opportunities, but also increases the risk of facilitating illicit trade.*

Source: Tracit.Org (2023) - Central Asia at the cross-roads of illicit trade – an investigation into illicit trade in Kazakhstan, Uzbekistan, Tajikistan and Kyrgyzstan

# The Counterfeit and Copycat Landscape in Pharmaceutical Sector

## What Are We Fighting Against



### Typical Infringement Patterns:

- **Counterfeit products** – products falsely presented as genuine
- **Copycat / lookalike products** – products using a different name but highly similar packaging, presentation or positioning
- **Trademark misuse** – use of protected signs in product descriptions, online listings, advertisements or promotional materials
- **Unauthorized online sales** – products sold outside authorized channels through marketplaces, websites or social media
- **Misleading health claims and scam-related activity** – creating patient-safety risks

► *Different challenges. Different risks. No single enforcement solution.*

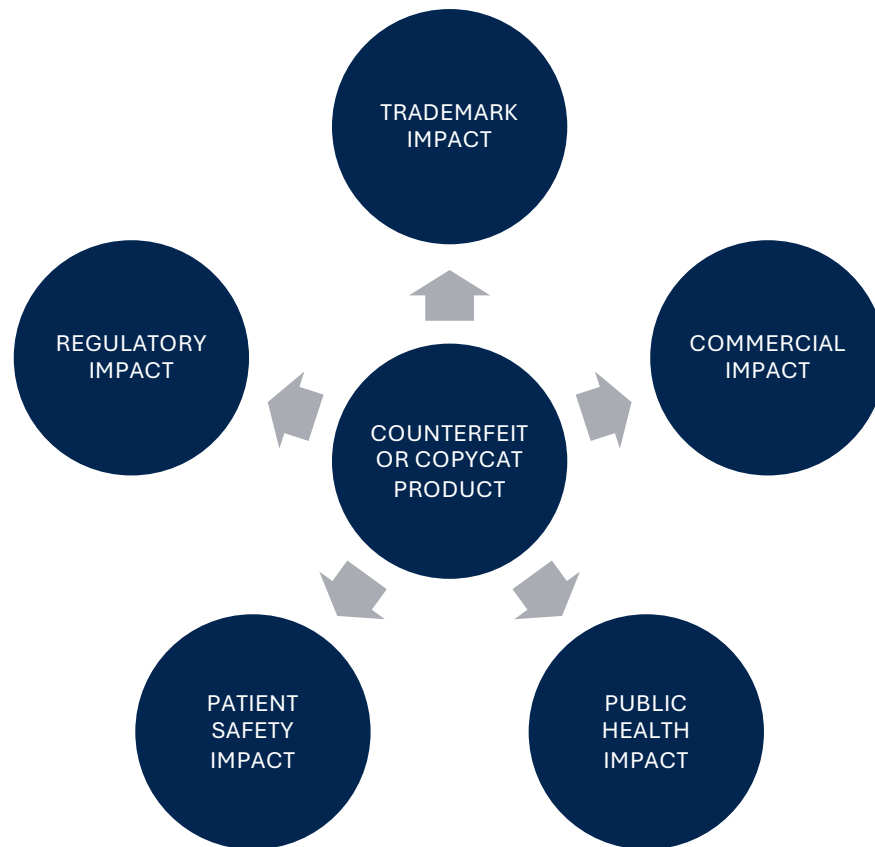
# 04

## Enforcement Realities in Practice



# Enforcement Realities in Practice

## Why Pharmaceutical Infringement Has Consequences Beyond IP



- Which Authority can address the infringement most directly and effectively?

# Enforcement Realities in Practice

## Choosing the Right Enforcement Route



### Administrative Enforcement

#### Ministry of Justice

- Uzbekistan: empowered to conduct on-site investigations and order the seizure of infringing goods.



### Regulatory Enforcement

- Kazakhstan: mandatory digital labelling and traceability system for medicines manufactured from July 2024.



### Judicial Protection

- Uzbekistan: introduction of **criminal liability for serious trademark infringement**, a prerequisite for accession to WTO
- **Unfair competition**: effective route in copycat cases



### Customs Measures

- Uzbekistan: customs authorities vested with *ex officio* powers to suspend goods for up to 24 hours.
- **Eurasian Economic Union**: consists of AM, BY, KZ, KG and RU

# 05

## Case Studies: Three Lessons from the Field



# Case Studies: Three Lessons from the Field

## Tajikistan: Counterfeit Case



### Issue identified:

- Polpharma/SPI owns trademark rights for **FITOLYZIN (ФИТОЛИЗИН)** in Tajikistan
- **FITOLEZIN-URO** and **FITOOLEZIN** products were identified in pharmacies in Tajikistan
- The infringing products originated from manufacturers in Russia and Turkey



### Infringing product



### Polpharma product



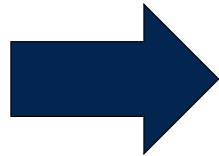
# Case Studies: Three Lessons from the Field

## Tajikistan: Enforcement Journey and Outcome

# 01

## Investigation

- ✓ Test purchase conducted
- ✓ Confirm product availability and unauthorized use
- ✓ Selling pharmacies identified



# 02

## Cease-and-Desist Letter to two Pharmacies

- ✗ One pharmacy could not be reached
- ✗ One pharmacy refused to withdraw the remaining stock.



# 03

## Complaint to Health Care Supervision Authority

- ✓ Counterfeit imports confirmed
- ✓ Written undertakings obtained from the pharmacies
- ✓ Supervisory measures initiated to prevent repeated imports of similar products

# Case Studies: Three Lessons from the Field

## Uzbekistan: Copycat Case

### Issue identified:

- Polpharma/SPI owns trademark rights for **AQUADETRIM** in Uzbekistan
- A local company marketed a food supplement as **AquaDitrim**

### Infringing product



### Polpharma product



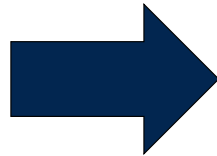
# Case Studies: Three Lessons from the Field

## Uzbekistan: Enforcement Journey and Outcome

# 01

### Investigation

- ✓ Test purchase conducted
- ✓ Packaging and purchase receipt collected
- ✓ Actual market presence documented



# 02

### Complaint to the UZ Antimonopoly Authority based on:

- ✓ Unlawful use of IP
- ✓ Risk of consumer deception
- ✓ Imitation of the name, packaging and overall presentation



# 03

### Administrative Proceedings

- ✓ Unfair competition violation established
- ✓ AquaDitrim sales ordered to stop
- ✓ Use and advertising of AquaDitrim ordered to cease
- ✓ One-month compliance period imposed

# Case Studies: Three Lessons from the Field

## Ukraine: Counterfeit Product Sold Through Multiple Online Channels



### Issue identified:

- Counterfeit „**MAXIGRA GO**” product offered for sale online in Ukraine
- Use of the MAXIGRA trademark on products not originating from or authorized by Polpharma
- Offers appeared on several websites and marketplace pages
- Seller and manufacturer were initially unknown



### Infringing product



### Polpharma product



# Case Studies: Three Lessons from the Field

## Ukraine: Enforcement Journey and Outcome



### 01

#### Investigation

- ✓ Test purchase conducted through online sellers
- ✓ Sales documents and purchase records collected
- ✓ Infringement confirmed and potential infringers identified

### 02

#### Google Counterfeit Complaint

- ✓ Google removed URLs from Google search results
- ✓ One website removed from Google Ads visibility
- ✓ Visibility noticeably reduced
- ✗ Products remained available at the source

### 03

#### Cease-and-Desist Letters

- ✓ To marketplaces, third-party website owners and website registrars
- ✓ Removal of the offer at its source
- ✗ No response from 2 platforms and offers remained active

### 04

#### Criminal Complaint to Cyber Police

- ✗ Authority requested evidence of significant material damage, including brand reputation impact
- ✗ Potentially strong remedy, but subject to a high evidentiary threshold

# 06

## Key Takeaways & Conclusion



# Key Takeaways & Conclusion

## Five lessons



### Pharma counterfeits and copycats go beyond trademark law

They affect brand value, regulatory integrity, traceability, consumer trust, and patient safety



### Legal enforcement system exists

- Well-defined legal structures and enforcement mechanisms
- But their practical impact may be less predictable than in Europe



### Different infringements require different tools

The most effective route may be:

- direct engagement with sellers or manufacturers;
- regulatory complaints;
- online platform complaints;
- actions to Ministry of Health.



### Evidence is often the turning point

Test purchases, screenshots, receipts, product photos, seller identification and regulatory checks can transform a suspected infringement into an actionable case.



### The right tool is the one that creates real leverage

Effective enforcement means identifying who can stop the infringement most directly and effectively



# Thank you!

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