

## Advisory Committee on Enforcement

### Tenth Session

Geneva, November 23 to 25, 2015

### RECENT ACTIVITIES OF WIPO IN THE FIELD OF BUILDING RESPECT FOR INTELLECTUAL PROPERTY (IP)

*prepared by the Secretariat*

1. This document summarizes the activities in the field of building respect for IP undertaken by Program 17 of the World Intellectual Property Organization (WIPO) in the period from January 2014 to July 2015. The activities were guided by the Program's objectives defined in the 2014-2015 Program and Budget, as well as by the Development Agenda Recommendation 45. They focused on responding to Member State requests for legal and technical assistance, also taking duly into account Development Agenda Recommendations 1, 6, 12 to 14, and 17, and on fostering cooperation with partner organizations and the private sector, in order to ensure further integration of development-oriented concerns into joint activities.

2. It is recalled that WIPO Strategic Goal VI "International Cooperation on Building Respect for IP" is a broad, cross-cutting goal which aims to create an enabling environment that promotes respect for IP in a sustainable manner and to strengthen the capacity in Member States for the effective enforcement of IP rights (IPRs), taking into account socio-economic interests and development-oriented concerns. Strategic Goal VI is supported by various WIPO Programs and many of the activities set out under paragraphs 6 to 15 below, benefited from close in-house cooperation, in particular with: Program 9 (Africa, Arab, Asia and the Pacific, Latin America and the Caribbean Countries, Least Developed Countries); Program 10 (Cooperation with Certain Countries in Europe and Asia); Program 16 (Economics and Statistics); Program 19 (Communications); and Program 20 (External Relations, Partnerships and External Offices).

3. In 2014, an Evaluation on Strategic Goal VI: International Cooperation on Building Respect for IP took place through the Internal Oversight Division, assisted by an independent external consultant, to assess whether WIPO, mainly through Program 17, addressed comprehensively and effectively the key objectives of Strategic Goal VI and the relevance of activities developed. The conclusions of this Evaluation are contained in the Annex to this document. The full Evaluation Report of October 16, 2014, is available (in English only) on the WIPO website at: <http://www.wipo.int/about-wipo/en/oversight/iaod/evaluation/>.
4. The following sections list those activities in the field of building respect for IP that were undertaken by Program 17. They do not aim to provide an exhaustive report on all WIPO activities in this area as many other WIPO Programs equally deliver contributions to Strategic Goal VI. Section I focuses on assistance to Member States, while Section II describes the cooperation and coordination between the work of WIPO and other international governmental and non-governmental organizations (IGOs and NGOs), and the private sector. Section III covers publications and training materials in the field of building respect for IP, and Section IV the WIPO Awards Program.
5. A regular update on Program 17's activities in the field of building respect for IP, with links to relevant programs, is made available on the WIPO website at: <http://www.wipo.int/enforcement/en/activities/current.html>.

#### **I. ASSISTANCE TO MEMBER STATES: LEGISLATIVE ADVICE, TRAINING AND AWARENESS RAISING**

6. In the period under review, Program 17 continued to receive numerous requests from Member States for assistance in the field of building respect for IP and the enforcement of IP rights. Requested services included legislative advice, as well as training and awareness-raising activities.
7. Regarding legislative advice, Program 17 focused on scrutinizing the compatibility of current or draft legislation with enforcement-related obligations under Part III of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), taking due account of the balances and the flexibilities incorporated in the Agreement. WIPO provides legislative advice to Member State on demand and on a confidential basis.
8. In addition, WIPO organized specialized national and regional Workshops, Meetings, Seminars, Study Visits, and Colloquia to comprehensively address building respect for IP:
  - *Advisory Mission to Develop a Master Plan on IP Promotion and Awareness Campaigns, Manila, Philippines, January 22 to 24, 2014:* Organized in cooperation with the Intellectual Property Office of the Philippines (IPOPIL), the meetings with representatives from the public and private sectors aimed at assisting IPOPIL in developing and implementing a comprehensive national Master Plan on Building Respect for IP in line with the national IP policy.
  - *National Workshop on Building Respect for IP for Law Enforcement Agencies, Accra, Ghana, March 26, 2014:* Organized in cooperation with the Government of Ghana, the Workshop had the purpose of examining the minimum standards and flexibilities contained in Part III of the TRIPS Agreement; discussing topical issues, including consumer awareness raising and the equitable disposal of infringing goods; addressing recent case law development; and working towards effective inter-agency cooperation at the national level. The Workshop was attended by around 45 participants representing, *inter alia*, the police, customs, the prosecution, the Standards Authority

and officials from both the Registrar General's Office and the Copyright Department of the Ministry of Justice.

- National Colloquium on Building Respect for IP for the Judiciary, Accra, Ghana, March 27 and 28, 2014: Organized in cooperation with the Government of Ghana, the Colloquium had the purpose of examining the minimum standards and flexibilities contained in Part III of the TRIPS Agreement; discussing topical issues, including consumer awareness raising and the equitable disposal of infringing goods; addressing recent case law developments; and working towards effective inter-agency cooperation at the national level. The Colloquium was attended by 18 High Court Judges and two Circuit Court Judges.
- National Workshop on Building Respect for IP for Law Enforcement Agencies, Kampala, Uganda, April 9, 2014: The objective of the Workshop, organized in cooperation with the Uganda Registration Services Bureau (URSB) and the Uganda Judicial Studies Institute, was to enhance the understanding of IP enforcement among law enforcement officials, so as to equip them to provide fair and efficient investigation of IP cases, taking due note of Strategic Goal VI development-oriented concerns. The Workshop was attended by a diverse group of police officers, civil servants and private sector representatives, approximately 25 in number.
- National Workshop on Building Respect for IP for Members of the Judiciary, Kampala, Uganda, April 10 and 11, 2014: The objective of the Workshop, organized in cooperation with the URSB and the Uganda Judicial Studies Institute, was to enhance the understanding of IP enforcement among members of the judiciary, so as to equip them to provide fair and efficient adjudication of IP cases, taking due note of Strategic Goal VI development-oriented concerns. The Workshop was attended by approximately 25 judges of the Uganda High Court, Court of Appeal and Supreme Court, members of the Judicial Training Institute and officers of the URSB.
- Sub-Regional Workshop on Building Respect for IP for Judges of Maghreb Countries, Algiers, Algeria, June 17 and 18, 2014: The Workshop, organized in cooperation with the Algerian National Institute of Industrial Property (INAPI), aimed to examine the minimum standards and flexibilities of Part III of the TRIPS Agreement and to discuss topical issues of relevance for judges dealing with the enforcement of IPRs in the relevant countries. The Workshop was attended by 9 judges of the five Maghreb countries that participated, as well as 45 local participants (representatives of various governmental bodies dealing with counterfeiting and piracy, attorneys, prosecutors).
- Training Workshop for Heads of Police Colleges of ARIPO Member States, Harare, Zimbabwe, July 9 to 11, 2014: The objective of the Workshop, jointly organized with the African Regional Intellectual Property Organization (ARIPO) and INTERPOL and within the framework of Strategic Goal VI, was to enhance IP awareness in the police force and to explore future IP teaching opportunities in police colleges with a view to strengthening capacity in the field of IPR enforcement in ARIPO's member States. Participants included Heads of the Police Colleges and speakers comprised representatives from the Copyright Board, customs as well as the private sector.
- Training Workshop on the Enforcement of IPRs for CBI Investigators and State Police Officers, New Delhi, India, August 20 to 22, 2014: The Workshop was organized in cooperation with the Central Bureau of Investigation (CBI) of India, with the objective to train CBI officers, State police and other law enforcement agencies on the enforcement of IPRs. It also allowed for discussions on the development of training tools and materials to enhance the capacity of the CBI Academy to provide effective IP training to

its officers and other law enforcement agencies. The Workshop was attended by around 50 high-ranking law enforcement officers.

- *National Workshop on Building Respect for IPRs for Law Enforcement Officials, Bandar Seri Begawan, Brunei Darussalam, September 8 and 9, 2014:* Organized at the request of the Brunei IP Office (BruiPO), the Workshop had the objectives to examine the legal framework on IP enforcement in view of the minimum standards and flexibilities contained in Part III of the TRIPS Agreement; to discuss topical issues, including consumer awareness raising and the equitable disposal of infringing goods; and to work towards effective inter-agency cooperation at the national level. Around 25 participants comprising police officers, customs officials, and private sector representatives attended the Workshop.
- *Workshop on the Enforcement of IPRs for Judges and Prosecutors, Kiev, Ukraine, September 9, 2014:* The objectives of the Workshop, organized in cooperation with the State Intellectual Property Service of Ukraine (SIPSU), were to discuss and exchange experiences on practical issues relating to the enforcement of IPRs in judicial proceedings and to improve the skills and level of knowledge necessary to provide fair, efficient and consistent handling and adjudication of IP cases, while taking due note of Strategic Goal VI development-oriented concerns. The participants were around 50 and mainly composed of judges, prosecutors, lawyers and other IP practitioners.
- *Interregional Workshop on Copyright Enforcement, Seoul, Republic of Korea, October 13 to 17, 2014:* Jointly organized by WIPO, the Ministry of Culture, Sports and Tourism (MCST) of the Republic of Korea, and the Korea Copyright Commission (KCC), the Workshop had the objectives to consider the value of copyright and related rights protection and enforcement to the social, economic and cultural development of the participating countries; to provide basic training on remedies and copyright enforcement measures, with a particular focus on the digital environment; to discuss topical issues in the area of building respect for copyright; and to envisage national and transnational strategies for effective cooperation to build respect for copyright. The Workshop was attended by 18 participants from copyright offices, the judiciary, customs, the police, and other Government agencies involved in copyright enforcement activities from the following countries: China, Indonesia, Kazakhstan, Lao PDR, Malaysia, Mongolia, Nigeria, South Africa and Turkey.
- *Regional Colloquium on Building Respect for IP for Members of the Judiciary of the Common Law Countries of the Southern African Development Community (SADC), Pretoria, South Africa, October 29 and 30, 2014:* The Colloquium, organized in cooperation with the Companies and Intellectual Property Commission (CIPC) and with the assistance of the Japan Patent Office (JPO), had the objective to enhance the understanding of IP enforcement among members of the judiciary, so as to equip them to provide fair and efficient adjudication of IP cases, taking due note of Strategic Goal VI development-oriented concerns. The Colloquium was attended by 17 judicial officers, namely High Court judges from Botswana, Lesotho, Malawi, the Seychelles, South Africa, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe, together with the Chairwoman of the Industrial Property Tribunal of Mauritius. Representatives of the JPO, the Japan Intellectual Property Association and the Japan Patent Attorneys' Association attended on both days.
- *Advisory Mission to Develop a National Strategy for Building Respect for IP, Belgrade, Serbia, November 3 and 4, 2014:* Within the framework of Strategic Goal VI, the Meetings aimed to assist the IP Office of Serbia in the development of a national strategy for building respect for IP. A roundtable discussion took place with Government stakeholders with a potential interest in the National Strategy, namely the Ministry of

Interior (Cybercrime Department); the Ministry of Education, Science and Technological Development (responsible for both schools and the IP Office); the Ministry of Trade, Telecommunications and Tourism (Market Inspectorate); the Ministry of Finance (Software Control Department) and the Ministry of Agriculture and Environmental Protection. A similar roundtable discussion took place with private sector representatives.

- *National Workshop on Building Respect for IP for Members of the Judiciary, Chisinau, Republic of Moldova, November 6 and 7, 2014:* The Workshop was organized in cooperation with the State Agency on Intellectual Property of the Republic of Moldova (AGEPI) and the National Institute of Justice, with the objectives of enhancing the judges' skills in the area of IP litigation by examining the minimum standards and flexibilities contained in Part III of the TRIPS Agreement; discussing topical issues such as the gathering of evidence, civil procedure and corrective measures, criminal procedures and penalties; and addressing recent case-law developments. Around 50 judges from first instance and appeal courts as well as one judge from the Supreme Court attended the Workshop, joined by around 10 AGEPI officials.
- *Regional Colloquium on Building Respect for IP for Judges from the South Asian Association for Regional Cooperation, Colombo, Sri Lanka, November 24 and 25, 2014:* Organized in cooperation with the National Intellectual Property Office of Sri Lanka (NIPO), the Colloquium had the objective to enhance the understanding of IP enforcement among members of the judiciary, so as to equip them to deal effectively with IP cases, taking due note of Strategic Goal VI development-oriented concerns. The Colloquium was attended by some 18 judicial officers, namely High Court judges and magistrates from Bangladesh, Bhutan, India, Myanmar, Nepal, Pakistan and Sri Lanka.
- *Advisory Mission to Develop a National Strategy on Building Respect for IP, Colombo, Sri Lanka, November 26, 2014:* The Meetings with public and private stakeholders were intended to permit the development of a feasible and realistic plan for raising awareness for IP in Sri Lanka, in accordance with the Government of Sri Lanka IP Action Plan for 2014. The public stakeholder Meeting was attended by officials from the Consumer Affairs Authority, the Ministry of Media and Communication, the police, customs, the magistracy and the Office of the Attorney General.
- *Training Course on the Enforcement of IPRs, Tokyo, Japan, December 1 to 12, 2014:* The Training Course, jointly organized by WIPO and the Asia-Pacific Industrial Property Center (APIC) of the JPO, consisted of a first week dedicated to Japanese topics, followed by a second week addressing international enforcement issues. The objectives of the course, within the framework of Strategic Goal VI of WIPO, were to enhance the participants' skills and understanding in the area of IP enforcement by reference to the minimum standards and flexibilities contained in Part III of the TRIPS Agreement; to consider evidence in judicial proceedings; to reflect on recent case law developments; and to discuss other related topical issues addressed by the WIPO Advisory Committee on Enforcement (ACE). The 24 participants were judges and prosecutors from Bhutan, Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, Nigeria, Pakistan, the Philippines, Thailand and Viet Nam.
- *National Workshop on Building Respect for IP for Judges, Prosecutors and Law Enforcement Officials, Banjul, Republic of Gambia, May 6 and 7, 2015:* WIPO organized this Workshop in cooperation with the Ministry of Justice of the Republic of Gambia, with the objective to train judges, prosecutors, police and customs officers on the enforcement of IPRs. The Workshop was attended by around 45 participants, who were informed about the principles of balanced enforcement in cases of counterfeiting and piracy, in accordance with WIPO Strategic Goal VI.

- Regional Workshop on Building Respect for IP, Cairo, Egypt, May 26 and 27, 2015: The objectives of the Workshop were to equip and encourage members of the League of Arab States (LAS) to undertake activities to build respect for IP; to explain the support provided by WIPO in such activities; and to allow an exchange of ideas, information and experiences relevant to public outreach and other strategies for building respect for IP. Participants included heads of national IP and Copyright Offices in the Arab countries, the Director of the Gulf Cooperation Council (GCC) Patent Office, as well as local law enforcement officials and right holder representatives.
- National Workshop on Building Respect for IP for Law Enforcement Officials, Sofia, Bulgaria, June 4, 2015: Organized in cooperation with the Patent Office of the Republic of Bulgaria, the Workshop had the objectives to examine the minimum standards and flexibilities contained in Part III of the TRIPS Agreement; to discuss topical issues, including consumer awareness raising and the equitable disposal of IP infringing goods; to reflect on recent case-law developments; and to work towards effective inter-agency cooperation at the national level.
- Training of Trainers Workshop on the Teaching of IP in Police Academies of the ARIPO Member States, Harare, Zimbabwe, June 8 to 12, 2015: The objective of the Workshop, organized in cooperation with the Office of Harmonization in the Internal Market (OHIM), was to strengthen IP enforcement capacities of the police of ARIPO Members States through the development of balanced IP teaching in police colleges, in line with Conclusion 5 of the Executive Summary of the Evaluation Report on Strategic Goal VI referred to in paragraph 3 above: notably, the Training Manual on IP Crime Prosecution for Law Enforcement Authorities and Prosecutors was introduced to representatives of 16 ARIPO member country police training institutions.
- National Workshops on Building Respect for IP, Cotonou, Benin, June 30 to July 2, 2015: Two Workshops, for judges and customs officials respectively, were organized in cooperation with the French National Institute of Intellectual Property (INPI) and the African Intellectual Property Organization (OAPI). The Workshop for Judges had the objectives to develop the capacities in the field IPR enforcement and promotion of respect for IP, to enhance their competencies in judicial procedures, and to familiarize them with the jurisprudence tools developed by WIPO and OAPI. This Workshop was attended by around 30 participants among judges, prosecutors, bailiffs and attorneys-at-law. The Workshop for Customs Officials had the objectives to develop the capacities of customs officials in the field IPR enforcement and promotion of respect for IP, to enhance their competencies in customs measures, and to familiarize them with the jurisprudence tools developed by WIPO and OAPI. This Workshop was attended by around 20 customs officials.

9. Further, Program 17 participated in a number of training programs for Government officials, teachers of IP, and law students. Specific presentations on building respect for IP were made, *inter alia*, at the following events which took place in Geneva, Switzerland: WIPO-World Trade Organization (WTO) Advanced Course on IP for Government Officials, March 10 to 21, 2014; Study Visit of the Qatari Judiciary Delegation to WIPO Headquarters, June 6 to 18, 2014; WIPO-WTO Colloquium for Teachers of IP, June 16 to 27, 2014; WIPO-University of Geneva Summer School on IP, June 23 to July 3, 2014; WIPO-Global Intellectual Property Center (GIPC) Seminar on the Commercial Use of IP in Countries in Transition, December 15, 2014; WIPO-WTO Advanced Course on IP for Government Officials, March 16 and 17, 2015; Study Visit of the Saudi Delegation to the WIPO Headquarters, March 17, 2015; WIPO-University of Geneva Summer School on IP, June 22 to July 3, 2015; and Official Visit of a Lebanese Delegation to WIPO Headquarters, July 6 to 8, 2015.

## II. INTERNATIONAL COORDINATION AND COOPERATION

10. In line with the objectives set out in the 2014-2015 WIPO Program and Budget, Program 17 continued to further enhance its systematic and effective international cooperation in order to ensure a balanced and transparent approach to building respect for IP in accordance with Strategic Goal VI and Development Agenda Recommendation 45, to effectively and efficiently conduct activities related thereto, and to avoid duplication of work. Relevant activities are outlined below:

- Meeting of the EU Observatory Coordination Group on Infringement of IPRs, Brussels, Belgium, January 29, 2014: WIPO participated in the inaugural Meeting of the Coordination Group of the European Observatory on Infringements of Intellectual Property Rights (EU Observatory) at the Office of Harmonization in the Internal Market (OHIM). It was attended by representatives of the European Anti-Fraud Office (OLAF), the EU Observatory, the European Commission Directorates General for Health and Consumer Protection, Home Affairs, Internal Market and Services, Justice and Trade, the European Commission Joint Research Centre (JRC), the European Police College (CEPOL), the European Police Office (Europol), the European Union Judicial Cooperation Unit (EUROJUST), the International Criminal Police Organization (INTERPOL), the World Customs Organization (WCO) and WIPO. The Meeting served to coordinate work in the field of IP enforcement and awareness raising.
- Visit to REACT Facilities for Disposal for IP Infringing Goods, Amsterdam, Netherlands, March 10, 2014: WIPO's visit was intended to attain a better understanding of facilities for cost-effective and environmentally-friendly disposal of counterfeit and pirated goods and to obtain practical information on the feasibility for other, in particular developing countries, to build and use such facilities.
- EUROPOL-EU Observatory Knowledge Building Conference on IP Crimes in Sports, Alicante, Spain, March 26 to 28, 2014: WIPO participated in the Knowledge and Awareness Building Conference on IP Crimes in Sports Conference, co-organized by EUROPOL and the EU Observatory and spoke on 'Building Respect for IP in the Sports Context'. The Conference aimed to raise awareness of the IP crimes in sports, exchange best practices and difficulties through case examples, and enlarge the network of participants (public enforcement officials, representatives from the judiciary, policy makers and brand protection managers).
- IPR Business Partnership Group Meeting and REACT General Assembly, Amsterdam, Netherlands, March 27, 2014: WIPO continued its cooperation with the IPR Business Partnership Group and the REACT General Assembly, to exchange information on enforcement and respect for IP issues.
- United Nations Interregional Crime and Justice Research Institute (UNICRI) Conference on Falsified Medicines: A Complex Problem, Geneva, Switzerland, March 31, 2014: The Conference was organized by UNICRI with the aim of highlighting the different approaches to face the dangers caused by falsified medicines, to underline the significant role played by organized crime and to stress the importance of establishing a multi-sectoral strategy to combat their diffusion. WIPO's contribution as a speaker focused on the IP ramifications of counterfeit medicines.
- EU Observatory Public Sector Representatives' Meeting, Athens, Greece, April 2 and 3, 2014: The Meeting, attended by WIPO as an observer, was organized by the EU Observatory with the aim of updating representatives of national IP offices and interested IGOs on the progress it has made and the plans for its future work program and to seek their inputs and suggestions.

- Tenth WCO Counterfeiting and Piracy (CAP) Group Meeting, Brussels, Belgium, April 28 and 29, 2014: WIPO continued its cooperation with WCO and attended the tenth WCO CAP Group Meeting. The Meeting had the objective to share experiences and practices regarding capacity-building activities and tools, and discussed efforts and initiatives by national customs administrations in the fight against counterfeiting and piracy.
- International Forum Anti-Counterfeiting, Astana, Kazakhstan, May 21 and 22, 2014: WIPO attended the International Forum “Anti-Counterfeit”, which formed part of the VII Astana Economic Forum, Astana. WIPO chaired a panel and provided presentations on IP enforcement on the Internet and the use of proceeds of crime legislation in IP enforcement.
- Fourth INTERPOL Trafficking in Illicit Goods and Counterfeiting Mentoring Program, Middle East and North Africa, Lyon, France, May 26, 2014: The INTERPOL Program aimed to train a group of approximately 20 police officers from 11 different North African and Middle Eastern countries (Algeria, Bahrain, Egypt, Jordan, Kuwait, Lebanon, Morocco, Oman, Qatar, Saudi Arabia and United Arab Emirates) on legal aspects of criminal enforcement of IPR. WIPO participated as a speaker, presenting IPR in North Africa and the Middle East.
- OECD Roundtable on Counterfeit and Pirated Trade: Assessment of Methodologies, Paris, France, May 28, 2014: Gathering representatives from OECD member States, the industry and academia, OHIM, OECD, WCO and WIPO, the roundtable was organized under the auspices of the OECD High Level Risk Forum (HLRF), with the support of OHIM and the International Chamber of Commerce Business Action to Stop Counterfeiting and Piracy (ICC/BASCAP), and explored the feasibility of research aimed at estimating the size of the global trade in counterfeits and piracy and its economic impacts.
- OHIM-UK IPO-European Commission International IP Enforcement Summit, London, United Kingdom, June 11 and 12, 2014: WIPO participated in the International IP Enforcement Summit, speaking on “Strategic Overviews – Respect for IP” and on “Inland Security – Fighting Back”. The Summit brought together a number of high-level speakers from the UK government, the EU Commission, other European countries and the private sector. The Summit Communiqué set out guidelines for participating organizations to work in partnership to provide effective protection for IP rights.
- EU Observatory Coordination Group Meeting, Brussels, Belgium, July 1, 2014: The participating members of the Coordination Group (European Commission, European Patent Office (EPO), OHIM, WCO, INTERPOL and WIPO) exchanged information on their respective work in the areas of building respect for IP and IP enforcement.
- Third Meeting of the Multi-Stakeholder Roundtable on Technical Assistance Against Counterfeit Medicines, Brussels, Belgium, September 8, 2014: Hosted by WCO and gathering representatives of five IGOs (INTERPOL, WCO, WTO, World Health Organization (WHO) and WIPO) and three NGOs (European Generic Medicines Association, International Federation of Pharmaceutical Manufacturers & Associations and Third World Network), the Meeting aimed at bringing together stakeholders active in providing technical assistance against counterfeit medicines in order to enhance the practical cooperation and share relevant information.

- *Eighth International Law Enforcement IP Crime Conference, Hanoi, Viet Nam, September 24 and 25, 2014:* WIPO participated in the Conference, jointly organized by INTERPOL, the Viet Nam National Police and Underwriters Laboratories, as a speaker, covering the topic “Delivering Legal Assistance to Countries on IP Matters: Newly Available Tools, Perspectives and Challenges”. The Conference was attended by around 400 participants, composed mainly of police and customs officials, as well as judges, prosecutors, members of the legal profession and right holders and some representatives of national IP offices.
- *Conference on Copyright and Technology, London, United Kingdom, October 1, 2014:* In this Conference, organized by Giant Steps Media Technology Strategies, WIPO participated as a speaker in a panel discussion on the role of Internet service providers in preventing online copyright infringement.
- *Conference on Enhancing and Protecting Brand Value in the Global Marketplace, Center for Transnational IP, Media and Technology Law and Policy, Bucerius Law School, Hamburg, Germany, October 2, 2014:* WIPO presented its work towards Strategic Goal VI, focusing on selected topics addressed by the ACE, such as understanding the environment of counterfeiting and piracy, awareness raising, and voluntary/self-regulatory mechanisms. The Conference was attended by some 75 participants comprising law students, academics and representatives of local law firms.
- *International Series 2014: Geneva Systems, Challenges, Solutions: Trade, IP, Courts, and Governance, Geneva, Switzerland, October 20 and 21, 2014:* The United States Federal Circuit Bar Association (FCBA), in cooperation with WIPO, WTO and EPO, organized its annual “International Series” dialogue, bringing together judges, government representatives, business leaders and practitioners to share practices across legal systems, as well as how those practices relate to innovation and the betterment of societies. WIPO spoke on “Respect for IP”.
- *INTERPOL Sub-Regional Seminar for the Gulf Cooperation Council (GCC) Countries on Countering Illicit Trade, Manama, Kingdom of Bahrain, October 21, 2014:* In this INTERPOL Seminar, WIPO participated as a speaker, presenting “International Instruments Facilitating the Fight against Illicit Trade in IPR Infringing Products”. The Seminar was attended by around 50 participants, mainly comprised of members of the judiciary, representatives of the Ministries of Justice, Interior and Finance and law enforcement officers (police and customs) of the GCC member States.
- *EU Observatory Plenary Meeting, Alicante, Spain, October 28 and 29, 2014:* The Meeting had the objective to present an overview of the work of the EU Observatory achieved in 2014 and planned for 2015 as well as to discuss and share experience on current trends in the enforcement of IP rights across the EU. It was attended by representatives of Member States of the EU, the private sector, civil society as well as by observers. As a speaker, WIPO presented its activities in the area of international cooperation for building respect for IP.
- *Inaugural Lecture on IP Enforcement, Master’s Degree Program of the University of Strasbourg Center for International Intellectual Property Studies (CEIPI), Ss. Cyril and Methodius University, Skopje, Former Yugoslav Republic of Macedonia, November 4, 2014:* WIPO delivered a lecture on the topic “IP Enforcement and Building Respect for IP at the International Level”, focusing on international instruments to tackle IP infringements with an emphasis on Part III of the TRIPS Agreement, the role of and activities undertaken by WIPO in the area of building respect for IP and the identification of various specific challenges, such as online IP infringements.

- *OHIM-EUROPOL-EUROJUST Joint Knowledge and Awareness Building Conference on Infringements of IPRs on the Internet, Alicante, Spain, November 5 to 7, 2014:* The Conference aimed to raise awareness on the problem of IP infringements on the Internet, to exchange best practices and difficulties through case examples, to highlight current trends and to enlarge the network of enforcement professionals active in the area of online IP infringements. More than 100 participants were present, mostly representing law enforcement authorities from EU Member States and selected third countries, private sector entities and the European Commission. WIPO presented its role in addressing IP infringements on the Internet.
  - *Conference on Jurisdiction in the Internet Era, Geneva, Switzerland, November 6, 2014:* Hosted by the University of Geneva and the Geneva Internet Platform, the Conference focused on jurisdiction in the Internet era. WIPO addressed the topic of “Jurisdiction in Internet IP disputes”.
  - *ITU Conference on Combating Counterfeit and Substandard ICT Devices, Geneva, Switzerland, November 17 and 18, 2014:* ITU organized the Conference with the objectives to discuss the global scope and impact of counterfeiting and substandard ICT products; to highlight the common concerns, challenges, initiatives, practices and opportunities of the various stakeholders in their fight against counterfeiting and substandard ICT products; and to examine the possible role of ICT standards development organizations, particularly ITU, as part of the global strategy to curtail counterfeit devices. WIPO presented “Intergovernmental Initiatives Against Counterfeit and Substandard ICT Products”.
- INTERPOL Global Conference - Ten Years of Combatting Pharmaceutical Crime: Review and Prospects, Dublin, Ireland, November 19 and 20, 2014:* The Conference, jointly organized by INTERPOL, Ireland’s National Police Service and the Health Products Regulatory Authority of Ireland, aimed to take stock of the results achieved and challenges ahead on the occasion of the ten year anniversary of the creation of INTERPOL’s Medical Product Counterfeiting and Pharmaceutical Crime Sub-directorate, and was attended by around 180 participants representing national law enforcement and health regulatory agencies, international organizations, non-governmental organizations as well as pharmaceutical companies. WIPO participated in a panel discussion on the legal framework for effective action against pharmaceutical crime and addressed the IP implications of counterfeit medicines.
- *WTO Regional Workshop on Enforcement of IP Rights for the Central and Eastern Europe, Central and the Caucasus (CEECAC) Countries, Vienna, Austria, December 10 to 12, 2014:* WIPO participated in this WTO training activity for trade and IP enforcement officials in the CEECAC countries, and spoke on Main Principles of IPR Enforcement; Building Respect for IP in WIPO; Consultative Work of the Advisory Committee on Enforcement; and Disposal of Counterfeit Goods.
  - *United Nations Environment Programme South Asia Ozone Meeting, Bangkok, Thailand, December 17, 2014:* WIPO participated in the Meeting with a presentation on cooperation mechanisms to ensure the environmentally friendly disposal of IPR infringing goods. The Meeting was attended by some 30 high-level participants representing, *inter alia*, customs and environmental agencies, and around 20 speakers and other attendees.
  - *WIPO-ILA Seminar on IP and Private International Law, Geneva, Switzerland, January 16, 2015:* Organized in collaboration with the International Law Association (ILA), the Seminar presented four concluded and one ongoing projects on IP and Private International Law (American Law Institute (ALI), European Max Planck Group on Conflict

of Laws in IP (CLIP), Transparency (Japan), Japan-Korea Principles, and ILA), as well as the preliminary findings of a WIPO commissioned “Compilation of National Approaches to Private International Law Issues in Online IP Infringement Disputes with Cross-Border Elements” by Professor Andrew Christie, University of Melbourne, and the work of the Hague Conference on Private International Law (HCCH). The Seminar attracted more than 100 participants and 18 international speakers.

- CEIPI Series on Institutional Perspectives on IP, Strasbourg, France, March 10, 2015: WIPO participated in CEIPI’s Series on Institutional, Political and Social Perspectives on IP with a public lecture on Strategic Goal VI, highlighting the work of the ACE, WIPO’s activities and services, as well as the role of preventive measures to build respect for IP. Around 60 students, professors and other faculty members attended the lecture.
- IPR Business Partnership Group Meeting and REACT General Assembly, Amsterdam, Netherlands, March 19, 2015: WIPO participated in these events in order to further its cooperation with the IPR Business Partnership Group and REACT. The meetings provided an opportunity to stay abreast of focus areas in IP enforcement and respect for IP.
- Hague Conference on Private International Law (HCCH) Meeting of the Council on General Affairs and Policy, The Hague, Netherlands, March 25, 2015: WIPO participated as an observer in the Meeting of the Council on General Affairs and Policy to contribute to the ongoing IP related discussions taking place within the HCCH Working Group on Judgments Project.
- EU Observatory Coordination Group on Infringement of IPRs, Geneva, Switzerland, March 25, 2015: Hosted by WIPO and attended by representatives of CEPOL, EUROJUST, EUROPOL, INTERPOL, ITU, OECD, OHIM, UNICRI and WIPO, the Meeting aimed to identify synergies for cooperation and to avoid the duplication of efforts in the areas of building respect for IP and IP enforcement.
- Third Meeting of the OECD Taskforce on Charting Illicit Trade, Paris, France, March 30 and 31, 2015: WIPO participated in the third Meeting of the OECD Taskforce on Charting Illicit Trade, with particular attention to its session on the Economic Impact of Trade in Counterfeits and Pirated Goods. The Meeting was attended by about 70 representatives of Governments of OECD member States, international organizations and the industry.
- EU Observatory Public Sector Representatives’ Meeting, Riga, Latvia, April 21 and 22, 2015: WIPO participated as an observer at the Meeting organized by the EU Observatory with the aim of updating representatives of national IP offices and interested IGOs the progress it has made and the plans for its future work program. It was attended by representatives of 27 EU member States, Iceland, Norway, as well as the EU Commission, EFTA, OECD, UNICRI, WCO, and WIPO.
- Conference on IPR Enforcement, Riga, Latvia, April 23, 2015: The Conference, co-organized by the EU Observatory, the Latvian EU Presidency, the Patent Office of the Republic of Latvia and the Latvian Chamber of Commerce, featured presentations by various stakeholders on the situation of IP enforcement in Latvia and was attended by 98 participants, representing national EU IP Offices and IGOs as well as local public authorities and right holders.
- International Academic and Practical Conference on Current Issues Concerning Case Law in the Field of Industrial Property, Moscow, Russian Federation, April 22, 2015: The Conference was organized by the Intellectual Property Court of the Russian Federation

as part of the Eighth International Forum “Intellectual Property – XXI Century” and attended by some 180 participants. Participating as a speaker, WIPO delivered a presentation on civil remedies in IPR litigation.

- International Forum on Combating Counterfeiting and Piracy, Kiev, Ukraine, April 23 and 24, 2015: Organized by the Ministry of Economic Development and Trade of Ukraine in cooperation with the SIPSU and the Ukrainian National Committee of the International Chamber of Commerce (ICC Ukraine), the Conference addressed the importance of IP enforcement for economic progress in Ukraine; the “follow the money” approach to IP crime; the need for effective border measures; the importance of consumer education; the need to control piracy and counterfeiting online; and the problems arising from fake agrochemicals, seeds and pharmaceuticals. WIPO participated as a speaker in the roundtable discussion “Responsible Consumers” outlining its work on building respect for IP.
- Fourth Arab Forum on Anti-Commercial Fraud, Counterfeiting and IPRs, Riyadh, Saudi Arabia, May 5 to 7, 2015: WIPO participated in the Forum as a speaker, presenting its work on building respect for IP. The Forum was attended by around 400 participants, including representatives of various Government agencies of Saudi Arabia concerned with commercial fraud and counterfeiting, of customs authorities of 17 Arab States, Brazil, the Republic of Korea, Switzerland, and the United States of America and of IGOs and NGOs.
- OHIM Seminar for Judges of Community Trade Mark and Design Courts, Alicante, Spain, May 5 and 6, 2015: WIPO was invited to attend the Seminar organized by OHIM, which followed the theme of “Civil versus Criminal Proceedings, including a Focus on Confiscation of Proceeds of Crime” in order to enhance IP judicial cooperation and allow for experience sharing. The Seminar was attended by 30 judges and 11 prosecutors.
- St. Petersburg International Legal Forum, St. Petersburg, Russian Federation, May 27 to 30, 2015: WIPO participated as a speaker at the Forum organized by the Ministry of Justice of the Russian Federation with the objective of promoting legal modernization in accordance with international standards. WIPO participated in two roundtables: (i) “Trademarks: Shield or Sword? Current Issues of Legal Practice”, attended by around 150 participants discussing issues related to trademark infringement, unfair competition, right holder responsibilities and case law developments; and (ii) ‘Which Role for International Law in the Prevention and Suppression of Illicit Trade’, attended by around 70 participants.
- Cooperation Workshop Establishing a IP Prosecutors’ Network (EIPPN), Alicante, Spain, June 1 and 2, 2015: WIPO was invited to participate at the inaugural Workshop of the European Intellectual Property Prosecutors’ Network (EIPPN), organized with the aim to bring together IP prosecutors from across Member States and to discuss future steps to enhance the value of such a network with the support of the EU Observatory.
- EU Observatory-EUROPOL-EUROJUST Knowledge and Awareness-Building Conference on Counterfeiting of Cosmetics, Perfumes and Luxury Goods, Alicante, Spain, June 3 to 5, 2015: WIPO was invited to attend the Conference organized by the EU Observatory together with EUROPOL and EUROJUST with the aim to review the impact of counterfeiting in an industry-specific context. The Conference was attended by a number of interested stakeholders representing both the public and private sector.
- WTO National Workshop for Law Enforcement Officials, Minsk, Belarus, July 20 to 22, 2015: At the invitation of the WTO, WIPO participated in a three day national workshop on IP organized by the Belarusian State Concern for Oil and Chemistry,

supported by the Ministry of Trade. The workshop objective was to train government and private sector officials, to understand principles and concepts of IP within the scope of the TRIPS Agreement, with a focus on IP enforcement.

### III. PUBLICATIONS AND TRAINING MATERIALS

11. As part of the series of Casebooks on the Enforcement of IPRs, WIPO published, in September 2014, the second edition of the Casebook in French by Professor Mireille Buydens, Attorney-at-Law at the Brussels and the Paris Bar and Professor at the *Université Libre de Bruxelles*. In May 2014, an Arabic translation of the English edition of the Casebook on the Enforcement of Intellectual Property Rights by the Honorable Justice Louis Harms was published.

12. With the support of the Funds-in-Trust provided by the Republic of Korea, Program 17 developed tools to assist teachers in educating children about IP. These tools comprise five sets of lesson plans for pupils in the age range of 10 to 15 years which will be made available on the WIPO website for downloading and adaptation to local requirements. In addition, Program 17 strengthened its capacity to advise and support Member States by carrying out studies of awareness raising activities undertaken by national IP offices in relation to young people and the use of communications techniques, in particular social media, in undertaking awareness-raising and public education activities.

13. One thematic focus of Program 17 included the intersection of IP and private international law, where conflict of law questions are made more difficult by the challenge of reconciling the ubiquity of the Internet with the territoriality of IP rights. In order to develop a factual overview of the approaches taken by courts in different countries, empirical data was collected in the form of 56 court judgments from 19 jurisdictions and a report was produced on national approaches to private international law issues in online IP infringement disputes with cross border elements. In its work, the Secretariat engages with relevant organizations, including the Hague Conference on Private International Law, and in January 2015, organized, in cooperation with the International Law Association (ILA), a Seminar on IP and Private International Law, reported above.

14. New developments and topical issues in building respect for IP at national and international levels, emphasizing awareness-raising activities, are reflected in a periodic newsletter that is electronically available. Any relevant information that Member States and Observers of the Committee wish to have reflected in the newsletter may be submitted to the Secretariat.

### IV. WIPO AWARDS PROGRAM

15. In the framework of WIPO's support to Member States, the WIPO Awards Program bestowed, during the period in review, 242 medals/trophies and 314 certificates to inventors and creators coming from 45 Member States. New WIPO Awards Guidelines aiming to maintain the profile and prestige of the WIPO Awards came into effect on January 1, 2015.

16. *The ACE is invited to take note of the information contained in this document and its Annex.*

[Annex follows]



**Internal Oversight Division**

Reference: EVAL 2014-01

**Evaluation Report**

Strategic Goal VI: International Cooperation on Building Respect for Intellectual Property

October 16, 2014

## EXECUTIVE SUMMARY

Strategic Goal VI is one of WIPO's nine strategic goals, which were adopted by the Member States in 2009 and aim at supporting WIPO in achieving its mandate within an evolving external environment. It calls for creating an enabling environment that promotes respect for intellectual property (IP) in a sustainable way and strengthens the capacity of Member States for the effective enforcement of IP rights (IPRs) in the interest of socio-economic development and consumer protection. The key purpose of this evaluation was to assess whether WIPO, mainly through Program 17, addressed comprehensively and effectively the key objectives of Strategic Goal VI and the relevance of activities developed.

## PROCESS AND METHODOLOGY

The findings and conclusions of this evaluation were obtained after a thorough analysis of an abundant documentation proactively provided by the Program and through semi-structured interviews and meetings with around 40 internal and external key stakeholders. The Program staff was associated from the beginning in the design and data collection phase of the evaluation. It is to be noted that the constructive spirit of Program managers and staff contributed significantly to the successful and timely completion of this evaluation in an iterative and participatory approach: this is a clear lesson learned from this evaluation.

## CONCLUSIONS

Conclusions presented in this report were validated in consultation with Program 17 for their accuracy and appropriateness:

**Conclusion 1: WIPO's support towards achieving the objectives of Strategic Goal VI was generally considered well managed.**

Most of the internal and external stakeholders interviewed commended the excellent cooperation with management and staff of Program 17. Specifically mentioned were quality, responsiveness and service orientation. Clearer definitions of the logical links between outputs and their contribution to expected results, e.g. by using the logical framework tool at the level of contributing Programs, would help to provide greater clarity over achieved outcomes.

**Conclusion 2: Despite some progress, the proper application of Results Based Management (RBM) principles by WIPO both in designing and monitoring the activities under Strategic Goal VI leaves room for further improvement.**

The application of RBM principles in Program management, including the definition and use of Key Performance Indicators has improved and is available for rather broadly defined outcome objectives. As for all WIPO Strategic Objectives and Programs, specific output targets are not defined. Specific output targets linked to SMART indicators would however be important to measure direct deliverables of WIPO, rather than only broader changes generated by them.

All activities delivered under Program 17 and reported to the Advisory Committee on Enforcement (ACE) contributed to building respect for IP as defined in Strategic Goal VI. Funds spent for legislative advice and capacity building were attributed to Strategic Goals I and III. WIPO's work towards Strategic Goal VI benefitted from significant resources from the Development Sector and Funds-in-Trust (FIT), which are not accounted for under Strategic Goal VI. In the future, disbursement of all Programs should be tagged in such way that they

can be attributed to the corresponding strategic goal and accounted for the purpose which they served (in this case “Building Respect for Intellectual Property”).

**Conclusion 3: The Secretariat provided the right type of high quality and relevant support towards the achievement of Strategic Goal VI.**

Strategic Goal VI remained highly relevant to Member States and was addressed through the right types of support, which combined facilitation of policy dialogue within the framework of the ACE meeting, legislative advice, capacity building, and awareness-raising.

The ACE meeting was perceived as a useful platform for exchanging views and information on practices in building respect for IP.

Activities were well tailored to the specific needs of target beneficiaries. Despite limited financial and personnel resources, the Secretariat delivered planned activities and responded timely and in good quality to the requests of Member States.

**Conclusion 4: WIPO’s support to Strategic Goal VI achieved its planned objectives.**

Planned results as defined in Program and Budget were achieved or in some cases exceeded (e.g. number of countries receiving legislative assistance in 2012-2013). Despite the lack of a formal coordination mechanism, activities within the framework of Strategic Goal VI complemented services provided by other sectors of the Secretariat. Where several Programs are involved into specific projects (e.g. legislative advice, awareness raising, capacity building), clear coordination mechanisms should be defined within the Secretariat, notably with the Bureaus.

**Conclusion 5: Technical assistance was generally delivered efficiently and incorporated the core principles of Development Agenda (DA) Recommendation 45.**

The approach to training has gradually shifted from direct delivery to building institutional training capacities in beneficiary countries (such as for instance judicial academies, police training schools). Where feasible, this approach should be furthered as it is not only more cost effective (wider reach), but also likely to contribute to sustainability of results.

A key value added of WIPO was recognized in its input to awareness raising strategies.

Existing and new Memoranda of Understanding (MoUs) with other organizations should if possible define specific areas of collaboration, programs or projects with clearly formulated targets.

**Conclusion 6: Initial although not yet systematic steps towards enhancing sustainability at the level of Member States were taken.**

Examples of activities include: (a) the shift from direct capacity building to strengthening training institutions, (b) supporting Member States to build their own strategies, notably in the field of awareness raising, and (c) assisting Member States to prepare and implement their own programs on building respect for IP. In the future, it is suggested to further reinforce the approach to (a) institutionalize capacity building on building respect for IP through building capacities of specialized training institutions (i.e. specialized schools and academies), (b) providing Member States with advice on awareness raising strategies and the design of own programs on building respect for IP, (c) conduct capacity building for legislative drafters in the implementation of Part III of the TRIPS Agreement – Enforcement of Intellectual Property Rights.

Overall, the evaluation is of the opinion that the work of the Secretariat under Strategic Goal VI was efficient, effective and relevant and that the improvements made over the evaluation period (2010-2014) are sufficiently addressing the few challenges identified by the contributing programs on an ongoing basis.

Based on the above conclusions and observations, there are no recommendations formulated for improvements which are specific to Program 17 or other contributing Programs. Suggested enhancements mentioned above are to the attention of the whole Organization. They were mentioned in previous oversight reports<sup>1</sup> and specific recommendations were formulated to address these.

[End of Annex and of document]

---

<sup>1</sup> IOD validations of Program performance Reports (VALID 2014-01), Kenya and Thailand Country portfolio Evaluations (EVAL 2012-01 and EVAL 2013-02), Results Based Management Audit (IA 2013-05).