



PATENT- OG VAREMÆRKESTYRELSEN

Enforcement Unit at DKPTO

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The Coming Enforcement Unit at DKPTO

What tasks will it perform?

I. Guidance in specific cases of counterfeiting and piracy

- identical or nearly identical products, trademarks or designs
- registered IP rights valid in Denmark
(trademarks, designs, patents and utility models)

[Legal basis in the adopted bill](#)





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Guidance is specific cases;

- whether a counterfeiting or piracy infringement was committed or not
- possible lines of action;
 - ❑ civil enforcement measures
(eg through private IP advisers or the Consumer Complaints Board)
 - ❑ criminal enforcement measures

-> Will provide the users with a better basis for deciding;

- whether or not to pursue their case
- how to do it
- assistance on how to report a crime to the police

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Conditions for guidance in specific cases;

- Only cases of counterfeiting and piracy;
(In cases requiring a complicated legal assessment - in order to determine whether an infringement has been committed or not - the Enforcement Unit will refer users to seek guidance from private advisers).
- IP rights registered for Denmark (also EU trademarks)
- no assessment of validity of registered rights
- DKPTO will not investigate the facts of the case. Guidance will be based on information provided by the users and DKPTO's searches in relevant IP registers
- Guidance is non-binding
- Verbal guidance or written opinions



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II. General guidance on infringement and enforcement issues

- eg legislation, preventive measures etc.

III. Support to police/prosecutors

- Strengthening the already close cooperation
- DKPTO employee working part time with IPR prosecutors (The State Prosecutor for Serious Economic and International Crime)

IV. Gathers DKPTO's tasks and competencies within enforcement in one unit (also policy work)



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Who can use it?

Consumers, businesses and public authorities

- mostly consumers and SMEs?

Price

- Written opinions; fee of EUR 200
- Other guidance; free of charge

Expetations

- Provide a better basis for deciding;
 - whether or not to pursue a case
 - how to do it (civil or criminal enforcement)
- More numerous pursuit of rights against counterfeiting and piracy (expected to lead to more cases for private IP advisers and the police)
- Launch 1 January 2016?





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Questions?

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