

Advisory Committee on Enforcement (ACE)

Twelfth Session

Geneva, September 4 to 6, 2017

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prepared by the Secretariat

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THE ENVIRONMENTALLY SAFE DISPOSAL AND
DESTRUCTION OF INTELLECTUAL PROPERTY
INFRINGEMENT GOODS – EXECUTIVE SUMMARY
*prepared by Dr. Martin Guard, Independent
Environmental Consultant, Geneva, Switzerland*

Abstract: This study provides an introduction to the main issues surrounding the environmentally safe disposal and destruction of intellectual property (IP) infringing goods. It maps out the applicable legal and practical frameworks, taking into account both IP and environmental perspectives, and summarizes the core environmental concerns related to the destruction and disposal of common types of IP infringing goods. Analyzing challenges and opportunities for improvement, the study discusses the strengths and drawbacks of common and alternative methods of destruction and disposal, as well as recycling and re-use initiatives. Specific attention is given to practical considerations, such as restraints on physical and financial resources, particularly as they pertain to developing countries. Stressing the important role of awareness campaigns and education as well as alternative disposal options and recycling, the study calls for cooperation on building capacity of key actors through the provision of training initiatives and tailored educational materials.

WIPO/ACE/12/4

NATIONAL EXPERIENCES WITH THE
ENVIRONMENTALLY SAFE DISPOSAL OF
INTELLECTUAL PROPERTY INFRINGEMENT GOODS
Contributions prepared by Italy and Mexico

ENVIRONMENTALLY SAFE DISPOSAL OF INTELLECTUAL PROPERTY INFRINGEMENT
PRODUCTS: THE EXPERIENCE OF THE ITALIAN CUSTOMS ADMINISTRATION

*Contribution prepared by Dr. Davide Tanzarella, Senior Customs Officer, Central Direction
Anti-fraud and Controls, Customs and Monopolies Agency, Rome, Italy*

Abstract: The Italian customs' experience in the field of environmentally sustainable disposal of intellectual property (IP) infringing products is based on the application of European Union (EU) Regulation No. 608/2013 concerning customs enforcement of intellectual property rights (EU Regulation 608/2013) as well as relevant national provisions. Practical matters such as costs and location play a significant role in shaping the related activities of Italian customs.

In Italy, EU Regulation 608/2013 applies to acts of importation of IP infringing goods that are qualified as administrative violations. According to national law, this is the case when small consignments (of a low number of individual units and overall weight) are transported by express courier and postal services. In such cases, right holders are required to pay the costs of storage and destruction and the importer will have the right to seek compensation where the goods are subsequently found not to be IP infringing.

In all other cases, the importation of IP infringing goods is considered a criminal offence and the criminal procedures relating to the destruction of infringing goods apply, which can take as long as several years depending on the complexity of the case. To avoid this problem, it is possible to apply for the destruction of the suspected IP infringing goods before the judicial procedure has concluded. The retention of samples is crucial in such cases.

Depending on the type of procedure, Italian customs is the competent administrative authority to carry out the disposal of the IP infringing goods or acts as judicial police.

Either way, it controls the destruction operations and is responsible for ensuring the proper disposal of seized products.

ENVIRONMENTALLY SAFE DISPOSAL AND DESTRUCTION OF GOODS INFRINGING INTELLECTUAL PROPERTY RIGHTS – THE CASE OF MEXICO

Contribution prepared by Mr. Miguel Ángel Margáin, Director General, Mexican Institute of Industrial Property (IMPI), Mexico City, Mexico

Abstract: There is no specific legislation in Mexico for the destruction of products that infringe intellectual property rights (IPRs). Nevertheless, a sophisticated legal framework, laid down in different regulations, guarantees that certain dangerous products are destroyed in an environmentally safe manner. Its scope of application encompasses measures to dispose of IPR infringing products. Most notable in this regard is the General Law on the Prevention and Integrated Management of Waste (LGPGIR). In addition, technical regulations issued by the Secretariat of the Environment and Natural Resources (SEMARNAT), the Commission for the Protection against Health Risks (COFEPRIS) and the Secretariat of Communication and Transport (SCT) govern the activities of companies that destroy products, such as products that infringe IPRs, to mitigate environmental harm as much as possible.

WIPO/ACE/12/5

COORDINATING INTELLECTUAL PROPERTY ENFORCEMENT AT THE NATIONAL AND REGIONAL LEVEL

Contributions prepared by Armenia, Chile, China, Japan, Namibia, the Philippines, Thailand, Turkey and Viet Nam

ARMENIA'S EXPERIENCE WITH COORDINATING INTELLECTUAL PROPERTY ENFORCEMENT

Contribution prepared by Ms. Kristine Hambaryan, Head, Department of Copyright and Related Rights, Intellectual Property Agency of the Republic of Armenia (AIPA), Yerevan, Armenia

Abstract: Armenia has focused on the approximation of its national legislation to international standards, taking initial steps towards the implementation of intellectual property right (IPR) enforcement in line with international and European Union (EU) standards, and conducting IPR awareness-raising activities.

The above-mentioned activities were realized within the framework of the National Strategy on IPR Protection and the Twinning Project on Strengthening the Enforcement of IPRs in the Republic of Armenia. The main objective of the reform to Armenia's IPR system is the development of the economy and creativity within Armenia as well as the enhancement of Armenia's competitiveness in the global economy.

The Armenian Intellectual Property Agency (AIPA) plays an important role in the coordination of all the institutions responsible for the enforcement of IPR legislation. One of its main objectives is to raise awareness among enforcement authorities and the general public of the implications of trademark and copyright infringement.

COORDINATING THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS: A KEY GOAL IN THE NATIONAL INDUSTRIAL PROPERTY STRATEGY OF CHILE

Contribution prepared by Ms. Eileen Frodden, Legal Advisor, Department of International Affairs and Public Policy, National Institute of Industrial Property, Santiago de Chile, Chile

Abstract: In Chile, several institutions have enforcement powers in line with their respective mandates and competences, but until recently no coordination body existed. In 2016, Chile launched a National Industrial Property Strategy, which contains a proposal of 60 measures, four of them falling within the area of enforcement of intellectual property (IP) rights. They include the creation of a Working Group on the Enforcement of Intellectual Property Rights (the Working Group).

The Working Group was created in 2016 and is composed of the main agencies involved in enforcement. Its purpose is mainly to serve as a forum for information and coordination for all members and, if necessary, to make proposals on public policy, enforcement and normative reforms. It has already drafted a work plan that addresses cross-training, infringements via electronic commerce and education, among other issues.

COORDINATING THE ENFORCEMENT OF INTELLECTUAL PROPERTY IN CHINA – EXPERIENCES FROM THE NATIONAL AND LOCAL LEVEL

Contributions prepared by Mr. Wang Shengli, Deputy Director General, Office of the National Leading Group on the Fight Against Intellectual Property Rights Infringement and Counterfeiting, Beijing, China, and Mr. Rui Wenbiao, Deputy Director General, Shanghai Intellectual Property Administration (SIPA), Shanghai, China

Abstract: In 2008, China released its Guidelines of National Intellectual Property Strategy, placing intellectual property (IP) as the fundamental safeguard and stimulus of innovation.

To illustrate best practices in IP enforcement coordination in China, two contributions are presented: one on the experiences made at the national level by Office of the National Leading Group on the Fight against Intellectual Property Rights (IPR) Infringement and Counterfeiting (the National Leading Group) and the other on the experiences made at the local level by the Shanghai Municipal People's Government (SMPG).

At the national level, the Chinese Government attaches great importance to IP protection and has achieved positive results thanks to the establishment of the National Leading Group, with a Vice Premier of the State Council as its Chair, a dedicated group which leads nationwide actions against IP infringements and actively enhances collaborative cross-agency, cross-regional and cross-border enforcement efforts.

At the local level, the SMPG has worked alongside WIPO to facilitate awareness-raising, training and capacity-building activities in the field of IP. In addition, the SMPG makes efforts to build capacities in the area of IP in Shanghai, including through the coordination of administrative enforcement measures through joint cross-agency meetings.

COOPERATION AMONG THE ADMINISTRATIVE AGENCIES ENFORCING INTELLECTUAL PROPERTY RIGHTS IN JAPAN – LEGAL AND OPERATIONAL ASPECTS

Contribution prepared by Mr. Shinji Igarashi, Deputy Director, International Cooperation Division, Japan Patent Office (JPO), Tokyo, Japan

Abstract: This document explains the cooperative activities that are conducted among Japan's administrative agencies to curb intellectual property (IP) infringements.

In Japan, no single law regulates IP enforcement in a comprehensive manner. Instead, IP laws, the Customs Act and the Code of Criminal Procedure each contain IP enforcement provisions, which foresee cooperation among some of the relevant administrative agencies in Japan.

The major administrative agencies dealing with IP enforcement are the Japan Patent Office (JPO), customs and the police, which are responsible for implementing the respective laws and enforcing IP within their own competences. The cooperation among them aims at utilizing their expertise. The JPO facilitates customs' or the police's investigation of IP infringements by providing them with expert opinions.

Furthermore, a one-stop consultation office has been established to support Japanese companies by providing advice or guidance as to how to cope with problems caused by counterfeit and pirated goods.

COORDINATING INTELLECTUAL PROPERTY ENFORCEMENT – AN IMPORTANT PILLAR OF NAMIBIA'S STRATEGIC PLAN FOR BUILDING RESPECT FOR INTELLECTUAL PROPERTY

Contribution prepared by Mr. Tileinge S. Andima, Chief Executive Officer, and Ms. Ainna Vilengi Kaundu, Acting Intellectual Property Executive, Business and Intellectual Property Authority (BIPA), Windhoek, Namibia

Abstract: Intellectual property (IP) enforcement validates and safeguards the integrity of the IP system. The IP system, as is the case with any legal system, cannot function without effective enforcement. Namibia has identified IP enforcement as a critical component of the overall national IP policy and strategy. Therefore, the current Draft IP Policy provides, as a key strategy, for the development and implementation of a Strategic Plan for Building Respect for IP which aims at creating an effective and balanced IP enforcement system to contribute to and support the socio-economic development agenda. The IP enforcement system covers both preventive measures, such as education and targeted public awareness, and legal measures.

Current strategies for IP enforcement include effective legal and institutional IP frameworks; education and public awareness; accessible and timely remedies against infringement; effective law enforcement agencies; promotion of the use of alternative dispute resolution mechanisms and arbitration in settling IP disputes; and coordination of the enforcement agencies.

REGIONAL COOPERATION ON INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT IN THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS

Contribution prepared by Mr. Alan Gepty, Deputy Director General, Advocacy, Policy, International Relations and Enforcement, Intellectual Property Office of the Philippines (IPOP), Taguig City, Philippines

Abstract: The economic integration of ten Southeast Asian countries into the Association of Southeast Asian Nations (ASEAN) is a major breakthrough in the economic environment of the whole world. However, noting the varying levels of development of these countries, particularly in relation to their legal systems and economic performances, the matter of implementing policies and ensuring their effectiveness relies heavily on a platform of cooperation. For this economic community to be successful, it is important that investments, businesses, and properties including intellectual property rights (IPRs) be protected in a manner that right holders are assured that their valuable rights can be effectively enforced. One of the deliverables in the ASEAN IPR Action Plan is the “development and implementation of a regional action plan on IPR enforcement”. It calls for a unified and holistic approach taking into account the interests of all stakeholders and the different levels of development and capacities of ASEAN Member States (AMSs). Each AMS has its own limitations, and it is in this context that the adoption of an Action Plan on IPR Enforcement and the establishment of a group that will implement the same becomes imperative.

INTELLECTUAL PROPERTY ENFORCEMENT COORDINATION AND THE ROLE OF THE ROYAL THAI POLICE

Contribution prepared by Police Colonel Dr. Chavalit Chavalitphongpun, Superintendent (Inquiry), Economic Crime Suppression Division, Central Investigation Bureau, Royal Thai Police, Bangkok, Thailand

Abstract: This paper provides an overview of the role of the Royal Thai Police, under the direction of the National Committee on Intellectual Property Policy, to cooperate and coordinate with relevant law enforcement agencies with a view to dealing with intellectual property (IP) infringements. In particular, it seeks to explain those functions of the Royal Thai Police which are specifically related to the enforcement of IP, coordination of justice procedures, capacity building for enforcement agencies, training on distinguishing between authentic and counterfeit goods, and raising awareness of IP.

COORDINATING COPYRIGHT ENFORCEMENT IN TURKEY

Contribution prepared by the Directorate General for Copyright, Ministry of Culture and Tourism, Ankara, Turkey

Abstract: Law No. 5846 on Intellectual and Artistic Works is the basic law of copyright in Turkey. The main government units in the field of copyright in Turkey are the Directorate General for Copyright (DGC), the Ministry of Interior, the National Police, the Judiciary, and the Ministry of Customs and Trade.

In an effort to set common policies between intellectual property (IP) related entities and ensure coherent implementation, the Intellectual and Industrial Property Rights Coordination Council was set up in 2008 and subsequently developed the *National Intellectual and Industrial Property Strategy Paper*, providing an overall strategy for the term 2015-2018.

The DGC currently administers a registration, a control marks (banderol) and a certification system to prevent copyright infringements and enable enforcement units to inspect, investigate and prosecute copyright infringements effectively and systematically.

INTELLECTUAL PROPERTY ENFORCEMENT COORDINATION IN VIET NAM AND THE ROLE OF THE NATIONAL OFFICE OF INTELLECTUAL PROPERTY

Contribution prepared by Dr. Tran Le Hong, Director, Administrative Affairs Office, National Office of Intellectual Property of Viet Nam (NOIP), Ha Noi, Viet Nam

Abstract: This document outlines recent developments in the coordination of intellectual property (IP) enforcement initiatives in Viet Nam within the context of the country's efforts to ensure compliance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). The document introduces the role of the newly established National Steering Committee against Smuggling, Counterfeiting and Trade Fraud (National Steering Committee 389) and its contributions to protecting consumer rights and the business environment while promoting socio-economic development. Reference is made to further initiatives, such as the exchange of technical support, training and resources between the Intellectual Property Office of Viet Nam (NOIP) and various IP enforcement agencies. Through these mechanisms, the enforcement and protection of IP rights (IPRs) in Viet Nam has achieved significant progress toward creating a more favorable environment for IP.

WIPO/ACE/12/6

MECHANISMS TO RESOLVE INTELLECTUAL PROPERTY DISPUTES IN A BALANCED HOLISTIC AND EFFECTIVE MANNER – EFFICIENT COURT PROCEDURES

Contributions prepared by Egypt, Panama and Switzerland

EFFECTIVE JUDICIAL PROCEDURES FOR INTELLECTUAL PROPERTY DISPUTES IN EGYPT

Contribution prepared by Dr. Hossam Eldin Abdel-Elghani El-Saghir, Professor of Commercial Law and Director, Regional Institute for Intellectual Property, Faculty of Law, Helwan University, Cairo, Egypt

Abstract: This study consists of an overview of effective judicial procedures for the enforcement of intellectual property rights (IPRs) in Egypt. It explains that the protection and enforcement of IPRs have become constitutional principles under the 2014 Constitution and that, even before the promulgation of IPR legislation, the Egyptian Judiciary had played a prominent role in the protection and enforcement of IPRs, by providing civil protection based on the principles of natural law and rules of equity. Furthermore, the study reviews legislative developments, from the promulgation of the first intellectual property (IP) law in 1939 to the IP legislation currently in force. It is noted that the Egyptian judicial system consists of three branches: judicial courts, administrative courts and the Supreme Constitutional Court. Judicial remedies are available for the protection of IPRs, namely civil protection, criminal protection and provisional protection. Finally, the study shows how the experience of newly-established economic courts having competence in IP litigations has proved to be successful in addressing many shortcomings in the judicial system, and a promising step towards the creation of specialized IP courts in the future.

EFFICIENT COURT PROCEDURES IN PANAMA IN THE FIELD OF INTELLECTUAL PROPERTY

Contribution prepared by Mr. José Eduardo Ayú Prado Canals, President, Supreme Court of Justice, Panama City, Panama

Abstract: The Republic of Panama has adopted measures to ensure that civil proceedings relating to intellectual property (IP) are heard by specialized judges in simple and efficient proceedings, free of unnecessary formalities, to offer rapid dispute resolution.

A system of criminal procedures was recently introduced in the country, which, through the application of alternative dispute resolution methods, also offers a rapid solution for IP right holders and compensates them for damages they have suffered.

EFFICIENCY AND EFFECTIVENESS IN THE PROCEEDINGS BEFORE THE FEDERAL PATENT COURT OF SWITZERLAND

Contribution prepared by Dr. Dieter Brändle, President, Federal Patent Court, St. Gallen, Switzerland

Abstract: The Federal Patent Court of Switzerland (FPC) is very pragmatic and down to earth. Each case represents a problem, which has to be solved. The best solution, of course, is an agreement of the parties, a settlement. Therefore, the FPC's first ambition is to help the parties to reach a settlement, at an early stage of the proceedings, based on a provisional assessment of the case by the FPC. If this fails, the FPC's aim is to pronounce a reasonable judgment within a reasonable amount of time at reasonable costs. This paper shows how the FPC proceeds in order to reach these goals.

THE INTERSECTION BETWEEN INTELLECTUAL PROPERTY LAW AND PRIVATE INTERNATIONAL LAW – EXECUTIVE SUMMARY OF THE DRAFT GUIDE

WIPO/ACE/12/7

document prepared by Dr. Annabelle Bennett, former Judge, Federal Court of Australia, Sydney, Australia, and Mr. Sam Granata, Judge, Court of Appeal, Antwerp, Belgium, and Benelux Court of Justice, Luxembourg

Abstract: The objective of the Guide on the Intersection between Intellectual Property Law and Private International Law, to be published by the Hague Conference on Private International Law and the World Intellectual Property Organization (WIPO), is to provide members of the judiciary and the wider circle of legal practitioners with an overview of how private international law may apply in intellectual property disputes. The draft Guide is written in a plain-language, user-friendly and simplified format. It should be considered as a stepping-stone that will help users to resolve cross-border intellectual property law issues. It does not advocate any particular approach to substantive issues of law; rather, by highlighting the main issues in this complex area, it aims to assist judges and lawyers in many different countries make informed decisions.

WIPO/ACE/12/8

THE WORK OF THE HAGUE CONFERENCE ON
PRIVATE INTERNATIONAL LAW IN RELATION TO
THE ENFORCEMENT OF INTELLECTUAL PROPERTY
RIGHTS

*prepared by the Hague Conference on Private
International Law (HCCH), The Hague, Netherlands*

Abstract: The Hague Conference on Private International Law (HCCH) is an intergovernmental organization working towards the unification of private international law (PIL). Its mandate extends to any aspect of PIL, including cross-border co-operation in a broad array of civil and commercial matters; against this background, the HCCH is also active in matters relating to cross-border enforcement of intellectual property (IP). The PIL Conventions and other instruments developed by the HCCH and the Organization's work towards the implementation and application of such instruments in as many jurisdictions as possible facilitate the cross-border enforcement of IP and therefore contribute to global IP protection.

This short overview illustrates how the HCCH may contribute to the goal of effectively addressing the intersection between PIL and IP law, in particular by advancing work with regard to the cross-border enforcement of IP rights.

WIPO/ACE/12/9

STUDY ON APPROACHES TO ONLINE TRADEMARK
INFRINGEMENTS

*prepared by Dr. Frederick Mostert, Research Fellow,
University of Oxford, Visiting Professor, King's College,
London, United Kingdom*

Abstract: This study provides an overview on the current approaches to online trademark infringements, focusing specifically on possible responses to online sales of counterfeit products. It reviews the available civil, criminal and administrative remedies, highlights their weaknesses in the online environment, and presents the alternate options of liability for intermediaries and voluntary measures, and attendant need for uniform guidance.

WIPO/ACE/12/10

INSTITUTIONAL ARRANGEMENTS CONCERNING
INTELLECTUAL PROPERTY ENFORCEMENT
POLICIES AND REGIMES TO ADDRESS ONLINE
INFRINGEMENTS

*Contributions prepared by Italy, Republic of Korea,
Thailand, United Kingdom, Europol and the Motion
Picture Association of America*

THE ITALIAN EXPERIENCES IN THE FIGHT AGAINST INTELLECTUAL PROPERTY
INFRINGEMENTS ON THE INTERNET

*Contributions prepared by Col. Vincenzo Tuzi, Head, Intellectual Property Protection
Special Unit, Guardia di Finanza, and Dr. Stefano Vaccari, Head, Central Inspectorate for
Quality Protection and Fraud Repression in Agri-food Products Department (ICQRF),
Ministry of Agricultural, Food and Forestry Policies, Rome, Italy*

Abstract: Guardia di Finanza is a law enforcement agency in Italy, operating under a military organization with specific competence in economic and financial matters on the basis of special powers granted by law. The agency has committed to close cooperation

with a view to substantially reducing levels of counterfeit goods within Italy and in the European Union. In 2014, it established the Anticounterfeiting Information System (SIAC). The system comprises of an integrated technology platform with a database containing historical and statistical information alongside pictures, documents, information and utility referrals on marks and products, assembled for effective operational uses. A dedicated application, Contraffazione Online Brand Library (COLIBRI), is in the final stages of completion and will facilitate targeted counter-action against intellectual property (IP) infringement on the internet, which now represents the new frontier of counterfeiting.

Counterfeiting on the web and on social networks is one of the most important threats to the future sustainability of intellectual property rights (IPRs). Cooperation with IP right holders is the most effective response to this challenge. Greater collaboration is also required with those working in the area of electronic payments so as to explore the potential of the “follow the money” approach to enforcement. In addition, the increase of undercover operations, such as simulated purchase, would be desirable.

The Central Inspectorate for Quality Protection and Fraud Repression in Agri-food Products Department (ICQRF) is the Competent Authority of the Ministry of Agricultural, Food and Forestry Policies, responsible for preventing and repressing fraud related to agri-food products. In 2016, the ICQRF carried over 48,000 inspections and analytical checks, examining 53,427 products and verifying 25,190 producers.

Effective answers to issues related to the proliferation of online intellectual property infringements have been provided by the ICQRF, which works to make European Union (EU) regulatory instruments more effective and creates new modes of action by implementing cooperation and Memoranda of Understanding (MoU) for the protection of protected designations of origin (PDOs) and protected geographical indications (PGIs) with the major e commerce platforms such as eBay, Alibaba and Amazon.

INSTITUTIONAL ARRANGEMENTS PUT IN PLACE IN THE REPUBLIC OF KOREA TO ADDRESS THE PROLIFERATION OF COUNTERFEIT GOODS ONLINE

Contribution prepared by Mr. Lim Junyoung, Assistant Director, Multilateral Affairs Division, Korean Intellectual Property Office (KIPO), Daejeon, Republic of Korea

Abstract: The Korean Intellectual Property Office (KIPO) has a responsibility to respond to harm caused by the widespread dissemination of counterfeit goods. In order to effectively approach this issue, several institutional arrangements have been implemented and utilized.

The Special Investigation Police (SIP) for Trademark was created by KIPO to enhance law enforcement on counterfeits, and an online law enforcement task force was assembled to regulate online transactions of suspected counterfeit goods. KIPO also established the Intellectual Property Online Monitoring System (IPOMS), the Counterfeit Goods Reporting Center, and the Anti-Counterfeiting Council.

However, there are limitations bringing perpetrators to justice. It is necessary to push for the enhancement of international cooperation in order to arrest perpetrators and block sources of distribution of counterfeit goods.

KIPO is continually working to maximize its efforts to create a system that promotes genuine innovation and to curb the marketing, distribution and sale of counterfeit goods, and plans to expand upon these endeavors.

CHALLENGES IN PROSECUTING ONLINE INTELLECTUAL PROPERTY INFRINGEMENT CASES: THE PERSPECTIVE OF THE OFFICE OF THE ATTORNEY GENERAL OF THAILAND

Contribution prepared by Ms. Duangporn Teachakumtorn, Public Prosecutor, Department of Intellectual Property and International Trade Litigation, Office of the Attorney General, Bangkok, Thailand

Abstract: Thailand has, over the years, grappled with intellectual property (IP) infringement. The effective enforcement of IP rights (IPRs) in Thailand is, therefore, seen as a high priority task and one that needs to be resolved promptly. Online infringement does, however, prove very difficult to prosecute due to the transnational nature of the act and the difficulty in securing evidence. Law enforcement in Thailand is reliant on improved co-operation both at national and international level. There is also a clear need for Thailand to allow greater freedom to its public prosecutors so that they can make meaningful decisions and target the larger and more important cases. Ultimately, promoting respect for IPRs is key to resolving the problem. It is important to understand and believe that IP Infringement is a serious matter. Such understanding will greatly assist in eradicating infringing activities in a sustainable manner.

WEBSITE BLOCKING INJUNCTIONS: THE UK EXPERIENCE

Contribution prepared by Ms. Elizabeth Jones, Copyright and IP Enforcement Directorate, Intellectual Property Office, Newport, United Kingdom

Abstract: In recent years United Kingdom (UK) courts have granted a number of injunctions requiring named internet service providers (ISPs) to block subscriber access to specified infringing websites. *Twentieth Century Fox Film Corp & Ors v British Telecommunications Plc [2011] EWHC 1981 (Ch)* was a test case by major film studios who successfully sought an injunction against BT to block access by BT's subscribers to a website known as Newzbin2. Since this first case, ISPs have not opposed the orders sought. Therefore, where the factual circumstances of applications are the same as cases which have been considered by reasoned public judgments, most of the orders have been dealt with by paper. In November 2014, *Cartier International AG & Ors v British Sky Broadcasting Ltd & Ors [2014] EWHC 3354 (Ch)* required ISPs to block access to websites selling goods infringing Cartier trademarks. This was of particular interest in the UK as there is no UK legislation explicitly providing for such website blocking injunctions where trademarks are being infringed. Such orders are seen as a valuable tool in the available measures for right holders to protect and enforce their intellectual property rights in the UK, but as they take considerable effort and cost to achieve, they are used only for the most seriously infringing websites.

INSTITUTIONAL ARRANGEMENTS TO ADDRESS ONLINE INTELLECTUAL PROPERTY INFRINGEMENTS – EUROPOL'S EXPERIENCE

Contribution prepared by Mr. Chris Vansteenkiste, Team Leader, Intellectual Property Crime Coordinated Coalition (IPC³), Europol, The Hague, Netherlands

Abstract: Although not included in the European Union (EU) 2018-2021 priority crime threats, combatting intellectual property (IP) crime remains important for Europol and its partner law enforcement authorities.

In 2016, the Intellectual Property Crime Coordinated Coalition (IPC³) was established at Europol with a view to facilitating the full exploitation of Europol's operational and strategic capabilities in the field of IP right (IPR) infringement. The IPC³ positions Europol as a

European central point for specialized knowledge and expertise in investigations of offences against IP while increasing its coordinating capacities and placing Europol in a better position to obtain input from multiple stakeholders, such as the private industry and IPR holder associations.

Recent successful operations related to online IPR infringements supported by IPC³ underline the vital importance of international law enforcement and judicial cooperation, as well as the need for close collaboration between law enforcement authorities and the multiple public and private stakeholders operating in this field.

CROSS-INDUSTRY VOLUNTARY MEASURES TO REDUCE ONLINE PIRACY

Contribution prepared by Mr. Dean S. Marks, Executive Vice-President, Deputy General Counsel, Chief, Global Content Protection, Motion Picture Association of America, Inc. (MPAA, Inc.), Los Angeles, United States of America (USA)

Abstract: Piracy of copyright works has reached huge levels as a result of increasing internet bandwidth and availability, creating challenges for enforcement. In addition to conventional enforcement methods, a combination of increased legitimate online offerings and effective voluntary measures are essential to diminish the overall levels of online infringement. Unlike laws and regulations, voluntary measures can quickly be adapted to address changing forms of online piracy. Such measures benefit not only right holders, but also internet intermediaries, service providers, governments and individual users of the internet. Voluntary measures should therefore be encouraged by governments as an important means of addressing online copyright piracy.

WIPO/ACE/12/11

EUROPEAN CITIZENS AND INTELLECTUAL PROPERTY: PERCEPTION, AWARENESS AND BEHAVIOR

prepared by Mr. Paul Maier, Director, European Observatory on Infringements of Intellectual Property Rights, European Union Intellectual Property Office (EUIPO), Alicante, Spain

Abstract: A new European Union (EU) wide survey carried out by the European Union Intellectual Property Office (EUIPO) shows widespread support for intellectual property rights (IPRs) among EU citizens and growing use of digital legal offers. It confirms the overall results of a similar survey conducted by EUIPO in 2013.

However, the survey shows there appears to be more tolerance for buying counterfeits, in particular among young people. Moreover, in the context of the ongoing economic crisis, young people said they felt it was acceptable to buy counterfeits if the original product was too expensive. A large number of people said they prefer to access digital content through legal or authorized services whenever there is an affordable option available. However, confusion is growing about what constitutes a legal source and/or a web shop selling genuine products. Since the publication of the 2013 study, EUIPO has carried out a number of actions based on its results, aimed directly at EU citizens.

WIPO/ACE/12/12

WIPO CONSUMER SURVEY TOOLKIT ON RESPECT
FOR INTELLECTUAL PROPERTY – MEASURING
ATTITUDES AND ASSESSING THE EFFECTIVENESS
OF COMMUNICATIONS CAMPAIGNS

*prepared by Mr. Mike Clubbe, Independent Consumer
Research Consultant and CEO, Actualise Research
Services, Twickenham, United Kingdom*

Abstract: WIPO commissioned the preparation of a survey tool to assist its Member States in assessing consumer attitudes towards intellectual property infringement and measuring the effectiveness of communications campaigns to build respect for IP. The project was undertaken with the aid of funds provided by the Ministry of Culture, Sports and Tourism of the Republic of Korea. The survey toolkit provides a *pro forma* survey questionnaire with comprehensive instructions to enable users to quickly and easily build a full survey questionnaire for use in consumer research, allowing for easy comparison of data sets between surveys. Typical use cases for the survey toolkit are to measure the proportion of the population that consumes infringing goods of specified types, to identify attitudes and motivations, to monitor changes over time and to measure the effectiveness of media campaigns intended to promote respect for IP.

WIPO/ACE/12/13

AWARENESS-BUILDING ACTIVITIES AND
STRATEGIC CAMPAIGNS AS A MEANS FOR
BUILDING RESPECT FOR IP

*Contributions prepared by Antigua and Barbuda,
Ethiopia, Georgia, Oman and Peru; and by researchers
of Link Campus University, Rome, Italy*

EDUCATIONAL CAMPAIGNS AND COMPETITIONS FOR YOUNG PEOPLE TO BUILD
RESPECT FOR INTELLECTUAL PROPERTY IN ANTIGUA AND BARBUDA

*Contribution prepared by Ms. Ricki Camacho, Registrar, Antigua and Barbuda Intellectual
Property and Commerce Office (ABIPCO), Ministry of Legal Affairs, St. John's, Antigua
and Barbuda*

Abstract: This document illustrates the Antigua and Barbuda experience in building knowledge of and respect for intellectual property through targeted education campaigns and competitions designed for young people, the private sector and law enforcement officials. The absence of sufficient financial and human resources remains a challenge in maximizing the reach of awareness building campaigns. However, the Intellectual Property Office continues to use creative methods to promote awareness.

RAISING AWARENESS OF THE IMPORTANCE OF INTELLECTUAL PROPERTY IN
ETHIOPIA

*Contribution prepared by Dr. Mandefro Eshete, Director General, Ethiopian Intellectual
Property Office (EIPO), Addis Ababa, Ethiopia*

Abstract: This document discusses Ethiopia's experience in building respect for intellectual property (IP) rights (IPRs) through raising awareness. Awareness raising is one of the major areas of activity of the Ethiopian Intellectual Property Office (EIPO). In undertaking this activity effectively, EIPO uses its four core departments, i.e. the Patent and Technology Transfer Directorate, the Trademark Directorate, the Copyright and Community Knowledge Protection and Development Directorate, and the IP for Development Directorate. The integration of its registration services with the awareness

raising activities of the various directorates has helped EIPO to increase the number of registrations. Apart from this, the coordination it has established with various public agencies has helped to achieve an increased awareness of IP among the general public. The absence of human and financial resources remains a challenge to be addressed.

BUILDING RESPECT FOR INTELLECTUAL PROPERTY AND INCREASING AWARENESS AMONG SCHOOLCHILDREN: AN EDUCATIONAL PRIORITY IN GEORGIA

Contribution prepared by Mr. Nikoloz Gogilidze, President, National Intellectual Property Center (Sakpatenti), Tbilisi, Georgia

Abstract: Raising public awareness in the field of intellectual property (IP) as well as identification of priority directions of the state policy in the field of IP and its implementation are among the core functions of Sakpatenti (“the Office”). Promotion of innovation activities and building respect for IP (BRIP), were defined as priority directions according to Action Plan 2014 – 2018 of Sakpatenti. The decision was made to educate the new generation and start promotional activities from childhood through various educational activities. To reach this goal, the Office, in cooperation with the Georgia Primary Education Project (G-PriEd), elaborated reading materials for Grade 3 to 5 primary school children and prepared special lessons on IP for targeted groups.

THE 2016/2017 SCHOOL STUDENTS’ COMPETITION ON TOURISM AND RESPECT FOR INTELLECTUAL PROPERTY IN OMAN

Contribution prepared by Dr. Maya Said Alazri, Educational Expert, Curriculum Development Department, Director of Innovation and Science Olympiad, Ministry of Education, Muscat, Oman

Abstract: The education sector gave considerable attention to intellectual property (IP) during the past academic year, as a result of the recently adopted National Innovation Strategy. Promoting the importance of IP right (IPRs) protection, among the youth in particular and society in general, represents a highly important objective of that strategy. Activities included a competition for school students to design posters encouraging tourists to buy original goods and avoid counterfeit goods that may bring about health or financial damage. A number of events accompanied the competition, including visits to schools, awareness-building presentations for students and teachers, local events targeting different sectors of society, an exhibition of students’ drawings and public-oriented plays and competitions. Events attracted large media coverage which helped in reaching out to a wide public. On World Intellectual Property Day, competition winners were rewarded by WIPO and private sector companies.

BUILDING RESPECT FOR INTELLECTUAL PROPERTY AMONG THE PUBLIC – THE PERUVIAN EXPERIENCE

Contribution prepared by Ms. Carmen Sandoval, Promotion and Diffusion Manager, National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI), Lima, Peru

Abstract: This paper sets out the strategy of the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI) to promote and disseminate information about intellectual property (IP) entitled “the National Journalism

Competition: promoting intellectual property,” which was established in 2013 through a strategic alliance with the American Chamber of Commerce of Peru (AmCham, Peru) and the World Intellectual Property Organization (WIPO).

The strategy was aimed at stimulating journalistic interest in issues related to intellectual property and encouraging journalists to disseminate information about IP in the media, thus enhancing public awareness of the benefits that IP offers a society with a growing economy and as a tool for adding value.

Nationwide, 462 journalists underwent training to meet the requirements for participation, 47 works were presented (including documentaries and press reports), and 2,555 publications on IP were disseminated in the media.

TRUE HUNTERS: THE GAME THAT TEACHES TEENAGERS TO RESPECT INTELLECTUAL PROPERTY

Contribution prepared by Ms. Stefania Barca, Ms. Brunella Botte and Ms. Giada Marinensi, Researchers, Link Campus University, Rome, Italy

Abstract: True Hunters is a “serious game” that aims to sensitize teenagers aged 14 to 16 to Intellectual Property (IP) and its related issues, highlighting the value of authentic and original products and showing counterfeiting and piracy risks in daily life. This particular target was chosen because in recent years the younger generation has been more exposed to the issues related to IP and counterfeiting because of an increase in their purchasing power and the wide use of the new communication technologies. The first episode of True Hunters is freely available online (<http://truehunters.eu/en/>), in both English and Italian language. Stakeholders (high school leaders and teachers) who are interested in using True Hunters can also find online the project handbook, an e-book which has the aim of facilitating the use of this serious game and its potential adaptation.

WIPO/ACE/12/14

THE LEGISLATIVE ASSISTANCE PROVIDED BY WIPO IN THE AREA OF THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS *prepared by the Secretariat*

Abstract: This document highlights the main features of the legislative assistance in the area of the enforcement of intellectual property rights undertaken by the Secretariat of the World Intellectual Property Organization (WIPO) through its Program 17 “Building Respect for IP”. It aims at providing an overview of the framework, scope and content of this assistance, which is carried out in accordance with the mandate of the Advisory Committee on Enforcement (ACE), in line with Expected Result I.2 (“tailored and balanced IP legislative, regulatory and policy frameworks”) as defined in WIPO’s Program and Budget, and within the framework of Recommendation 45 of the WIPO Development Agenda.

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