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### LIST OF PREPARATORY DOCUMENTS

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WIPO/ACE/15/2

RECENT ACTIVITIES OF WIPO IN THE FIELD OF  
BUILDING RESPECT FOR INTELLECTUAL PROPERTY  
*Document prepared by the Secretariat*

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WIPO/ACE/15/3

NATIONAL AND REGIONAL EXPERIENCES WITH WIPO'S  
SUPPORT FOR CAPACITY-BUILDING ACTIVITIES IN THE  
AREA OF BUILDING RESPECT FOR IP  
*Contributions prepared by Albania and Dr. Bassem Awad*

CUSTOMIZING WIPO'S TRAINING MATERIALS INVESTIGATING AND PROSECUTING  
INTELLECTUAL PROPERTY CRIME FOR USE IN ALBANIA

*Contribution prepared by Dr. Mariana Semini-Tutulani, Professor in Law and Head, Initial Training Program, Albanian School of Magistrates, Tirana, Albania*

Abstract: This contribution provides information on the impact of the World Intellectual Property Organization's (WIPO) Investigating and Prosecuting Intellectual Property (IP) Crime training materials (the Manual), which was customized for use in Albania. The Manual gives a landscape of the national legal framework with a particular focus on the Albanian Criminal Code and Customs Code, as well as the Albanian laws on copyright and industrial property. The Manual has been used across various public institutions in Albania, thereby enhancing their cooperation. Indeed, the stronger the relations among justice institutions and public agencies, the fewer IP infringements occur. The usefulness of the Manual also shows in the way in which Albanian jurisprudence treats the investigation and adjudication of IP infringement cases. The Manual has proven especially useful in building up institutional capacities, which is one of the most important objectives of training institutions such as the Albanian School of Magistrates, which is responsible for training judges, prosecutors and investigators.

THE WIPO ARABIC CASEBOOK ON THE ENFORCEMENT OF INTELLECTUAL  
PROPERTY RIGHTS

*Contribution prepared by Dr. Bassem Awad, Former Judge, Court of Appeals, Egypt, and Professor, Faculty of Law, University of Western Ontario, London, Canada*

Abstract: In a world increasingly based on knowledge assets, the judicial treatment of intellectual property (IP) rules and regulations is of critical importance to economic growth and policy development. The judiciary in the Arab region has limited experience in adjudicating IP cases owing, among others, to the lack of Arabic-language resources addressing legislation and court decisions from the region. The WIPO Arabic casebook on the enforcement of IP rights provides a thorough analysis of a number of salient cases and best practices for adjudicating IP cases in the Arab region. This casebook is intended for use primarily by judges, magistrates and law enforcement officers. During the preparation of this casebook, several challenges arose in relation to the complexity of adjudicating IP disputes in the Arab region and accessing relevant case law from domestic courts. The casebook has been highly relevant to capacity-building activities and training for members of the judiciary and national law enforcement authorities.

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## STUDY ON COPYRIGHT INFRINGEMENT IN THE VIDEO GAME INDUSTRY

*Document prepared by Dr. Gaetano Dimita, Senior Lecturer, Centre for Commercial Law Studies, Queen Mary University of London; Dr. Yin Harn Lee, Senior Lecturer, Law School, University of Bristol; and Dr. Michaela Macdonald, Lecturer, School for Electronic Engineering and Computer Science (EECS), Queen Mary University of London, United Kingdom*

WIPO/ACE/15/4

**Abstract:** The video game industry is one of the most successful of the creative industries. It is young, born-digital, global, fast-paced, highly innovative, creative and interactive. Video games *per se* are complex digital products, whose creation, distribution and consumption are incentivized, enabled and facilitated by intellectual property rights (IPRs). And as video game companies adopt a wide range of distribution models and revenue streams from multiple sources — especially due to the integration of other media, live events and performances — we are also witnessing a conceptual shift from video games as *digital products* to video games as *digital services*. From a copyright perspective, these fundamental changes in the video game industry's business models call for a different and varied range of enforcement strategies.

The design, development, and distribution of videogames, together with users' consumption of and interaction with video games take place within a framework shaped by different types of IPRs, together with a complex array of contracts among all relevant stakeholders — developers, publishers, distributors, retailers, platform owners and players — on a global scale. These contracts are essential for allocating rights in ways that enable the commercialization of video games and give rise to the multiple business models that coexist in the video game industry. Of crucial importance are also the end-user license agreements (EULAs), which players must agree to in order to play the video game concerned. They specify in detail the permissions and restrictions that apply to the use of the software. To complete the snapshot of this multi-layered digital ecosystem, one should mention the increasing role of regulation that is shaping the industry, and specifically in relation to viable monetization and distribution models. From renewed interest in regulating micro-transactions and inappropriate content, to empowering users and consumers and creating a safe digital environment for users, especially children and young people, the video game industry is back in the regulatory spotlight.

Given the nature of video games and the industry ecosystem, copyright law and license agreements are particularly pertinent to shaping business models and practices. Video games are inherently immersive and interactive media that push the boundaries of creativity and challenge the traditional allocation of rights, which will also vary across different jurisdictions (ranging from regions with rich and mature video game case law to regions with no relevant cases at all, in itself an important observation). This study provides a global insight into copyright infringement and enforcement strategies in the video game industry and identifies both particular high-risk areas (heat maps) and approaches for successfully addressing them on the national and international level (recommendations). While specific enforcement strategies will depend on various factors, including the nature of the infringement, their potential detrimental effect, the nature of the company seeking to take action, the identity of the potential infringer, the jurisdiction in which it takes place and so on, it is still possible to recognize some common themes. The study also aims to: 1) outline the range of creative uses and business practices specific to the video game industry; 2) analyze the potential risks associated with these uses and practices and practical challenges right holders face when enforcing their rights; 3) consider any discrepancies between legal

provisions, business practices and creative uses and how they may be resolved; 4) identify future trends with regards to emerging practices and enforcement strategies.

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WIPO/ACE/15/5

NATIONAL INITIATIVES TO ADDRESS ONLINE  
IP INFRINGEMENTS  
*Contributions prepared by Republic of Korea and Spain*

COPYRIGHT ENFORCEMENT MEASURES AND RECENT ACHIEVEMENTS IN ONLINE  
ENFORCEMENT IN THE REPUBLIC OF KOREA

*Contribution prepared by Mr. Junhyeok Choi, Deputy Director, Cultural Trade and Cooperation Division, Copyright Bureau, Ministry of Culture, Sports and Tourism (MCST), Sejong, Republic of Korea*

Abstract: With the rapid development of digital technologies, online copyright infringement has become a significant issue. For the year 2021, the Korea Copyright Protection Agency reported that Korean content was pirated 385,900 times on Korean websites and 2,268,721 times on overseas websites. The Ministry of Culture, Sports and Tourism (MCST) is working to tackle the problem. Its system for monitoring copyright infringement includes deterrence measures, such as the deletion of illegal content. The MCST also pursues domestic and international cooperation with relevant authorities to improve copyright enforcement. The MCST has strengthened cooperation with the World Intellectual Property Organization through various copyright infringement prevention programs in the field of new technology. Under its 2030 Vision for Copyright, the MCST is further developing the country's copyright system.

ADMINISTRATIVE PROCEDURE FOR COMBATING PIRACY IN THE DIGITAL  
ENVIRONMENT AND SELF-REGULATION IN SPAIN

*Contribution prepared by Ms. Mercedes Hernández Villar, Advisor, Sub-directorate for Intellectual Property, and Secretary, Second Division of the Intellectual Property Commission, Ministry of Culture and Sport, Madrid, Spain*

Abstract: Protecting intellectual property (IP) rights is a priority for Spain. It is for this reason that the Second Division of the Intellectual Property Commission (S2CPI) was created in 2012. In the past 10 or so years, the S2CPI has had illegal content removed from over 550 websites, access to pirate websites in Spain significantly restricted and many of those websites shut down. The contribution sets out the administrative procedure for combating piracy by the S2CPI. The aim of the procedure is to ensure enforcement through the voluntary withdrawal of online content that infringes IP rights. The document also details the procedure's achievements in the fight against online piracy. Furthermore, the document provides information on how the collaboration between the culture sector and Internet access providers is formally self-regulated – a key factor in both ensuring access to legal digital offerings of cultural content and combating piracy. Because of the efforts of creators and the cultural industries, the emergence of legal offerings in Spain, and the work of the S2CPI, less than 5 per cent of the websites most visited by Spaniards are pirate pages. The S2CPI will continue working to protect the rights of creators in the digital environment and to ensure the availability of legal cultural content for all citizens.

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WIPO/ACE/15/6

COORDINATING INTELLECTUAL PROPERTY  
ENFORCEMENT

*Contributions prepared by Brazil, Chile, Kazakhstan,  
the Republic of Korea, Saudi Arabia and the Container  
Control Program*

BRAZILIAN EFFORTS IN THE FIGHT AGAINST PIRACY AND INTELLECTUAL PROPERTY  
CRIMES

*Contribution prepared by Mr. Eduardo Luiz Perfeito Carneiro, Head, Anti-piracy, National Film Agency (ANCINE), Rio de Janeiro, and Member, National Council for Combating Piracy and Intellectual Property Crimes (CNCP), Brasilia, Brazil*

Abstract: The mission of the Brazil Film Agency (ANCINE) is to promote, regulate and oversee the audiovisual industry for the benefit of Brazilian society. To this end, ANCINE carries out strategic intelligence activities as part of the systematic fight against audiovisual piracy, mainly by: promoting coordination between public agencies and private entities to combat copyright violations more efficiently; providing grants and assistance for police investigations and enforcement against copyright violations and for inspection measures promoted by other public organizations to tackle such violations; proposing cooperation agreements with online marketplaces to stop the sale of prohibited equipment; preventing the advertisement-based funding of illegal websites; developing mechanisms to block websites that predominantly distribute illegal content; and monitoring the progress of draft laws in order to develop modern legislation that provides more efficient mechanisms to combat these illegal activities.

THE ROLE AND EXPERIENCE OF THE NATIONAL CUSTOMS SERVICE OF CHILE WITH  
BORDER MEASURES

*Contribution prepared by Ms. Mirta Cecilia Letelier Olmos, National Head, Intellectual Property and Public Health, National Customs Directorate, National Customs Service of Chile, Valparaíso, Chile*

Abstract: The National Customs Service of Chile has seized significant quantities of illicit goods in recent years under its operational inspection programs. The Service's efforts to monitor and counter trafficking in counterfeit goods have won recognition at home and abroad. Over the past decade, counterfeiting and piracy practices have been dynamic, shifting from traditional to non-traditional products and directly threatening public health and safety. It is essential for regulatory and law enforcement bodies to exchange information and work together to combat this type of trafficking. That is particularly important, given that it has been shown that such counterfeit goods not only affect the economic interests of companies but also encourage other types of crime, such as money laundering and the financing of terrorist groups.

GOVERNMENT INITIATIVES, ENHANCED COOPERATION AND EXPANDED OUTREACH  
AND AWARENESS-RAISING ACTIVITIES IN KAZAKHSTAN

*Contribution prepared by Ms. Altyn Sapargali, Head, Intellectual Property Rights Center, National Institute of Intellectual Property, Nur-Sultan, Kazakhstan*

Abstract: Kazakhstan is keenly aware of the role of intellectual property (IP) in the development of the global innovation economy and makes every possible effort to ensure its protection and enforcement by following international best practice. The National Intellectual

Property Institute of Kazakhstan (KazPatent) is constantly working to increase the general public's IP legal literacy. KazPatent also works closely with government agencies involved in combating infringements of IP rights (IPRs), which have an adverse impact on the dynamic creative industries – technology, science, creativity, the media and entertainment. KazPatent's IPR Center is implementing a range of awareness-raising programs designed to disseminate knowledge as broadly as possible among young people, local law enforcement agencies involved in IPR enforcement and IPR-intensive industries on how to protect IPRs (i.e., registration procedures) and on the risks associated with infringements of those rights (i.e., legal liability and consequences).

## A MAJOR INVESTIGATION CASE OF THE NEWLY-CREATED TECHNOLOGY AND DESIGN POLICE DIVISION OF THE KOREAN INTELLECTUAL PROPERTY OFFICE

*Contribution prepared by Mr. Namkyu Kim, Investigator and Deputy Director, Technology and Design Police Division, Korean Intellectual Property Office (KIPO), Daejeon, Republic of Korea*

**Abstract:** The Special Judicial Police (SJP) is designed to increase the efficiency of criminal investigations by granting administrative officials from various government departments the same authority as the police. The role of the SJP is to carry out investigative and enforcement activities that would either require specific expertise or pose challenges for regular police authorities given temporal and spatial limitations. The Korean Intellectual Property Office (KIPO), the Republic of Korea's government agency for industrial property, established an SJP force under the Industrial Property Investigation Division in 2010 to investigate trademark infringements, particularly those involving counterfeit goods. In 2019, the SJP was granted additional investigative authority over crimes involving a broader range of industrial property rights, such as patents, trade secrets and designs. To enhance enforcement according to each specific field, KIPO undertook the task to expand and restructure the SJP in 2021. KIPO's SJP was segmented to help focus investigations resulting in the creation of a separate the Technology and Design Police Division (Tech Police) to investigate infringements of technology-related patents, trade secrets and designs. The Tech Police contributes to strengthening the protection and enforcement of industrial property rights as a dedicated unit with personnel specializing in intellectual property law and technology. This contribution explains the formation of the Tech Police and presents one of its notable investigative cases.

## THE ROLE OF THE PROSECUTION IN ENFORCING INTELLECTUAL PROPERTY RIGHTS IN THE REPUBLIC OF KOREA

*Contribution prepared by Mr. Minwoo Seo, Prosecutor, Intellectual Property Crime Investigation Division, Daejeon District Prosecutors' Office, Daejeon, Republic of Korea*

**Abstract:** Intellectual property (IP) awareness has dramatically improved in the Republic of Korea through the late twentieth and early twenty-first centuries. Government policies were redirected to emphasize the significance of IP, relevant laws were revised in accordance with international treaties, and campaigns were launched to change public attitudes and behavior.

The Korean Supreme Prosecutors' Office (KSPO) has made a serious effort to strengthen law enforcement in respect of IP protection. First, it expanded the scope of IP crime to include the intentional infringement of patents and trade secret misappropriation. The Daejeon District Prosecutors' Office (DDPO) has the competence to handle such crimes. In addition, it has spared no effort to enhance the expert knowledge and skills of prosecutors and investigators. Last but not the least, since criminal penalties are not always the best solution,

Korean prosecutors have sought alternatives such as the use of educational programs for offenders and the dismissal of minor cases.

#### THE INTELLECTUAL PROPERTY RESPECT OFFICER PROGRAM IN SAUDI ARABIA

*Contribution prepared by Mr. Yasser Al-Debassi, Executive Director, Intellectual Property Respect, Saudi Authority for Intellectual Property (SAIP), Riyadh, Saudi Arabia*

**Abstract:** This paper relates the experience of Saudi Arabia regarding the Intellectual Property (IP) Respect Officer Program, an awareness-raising initiative developed by the Saudi Authority for Intellectual Property (SAIP) with a view to spreading awareness of and promoting respect for IP. At first, the initiative covers the government sector, but it will later also address the private sector. The initiative seeks to raise awareness, increase compliance and build respect for IP rights in government bodies and commercial enterprises by training and qualifying a representative from each participating body. The IP Respect Officer Program consists of two main phases: the qualifying phase, conducted jointly by the SAIP and the WIPO Academy, and the target achievement phase. At the time of preparing this paper, a total of 76 government bodies had signed up for the program and work was underway on extending coverage to all government bodies. In the next stage, the focus of the program will be on the private sector, particularly by providing support in order to raise awareness, increase compliance and protect intangible assets.

#### THE UNODC-WCO CONTAINER CONTROL PROGRAM'S WORK ON INTELLECTUAL PROPERTY RIGHTS

*Contribution prepared by Mr. Bob van den Berghe, Law Enforcement Expert, Container Control Program, Border Management Branch, Division for Operations, United Nations Office on Drugs and Crime (UNODC), Vienna, Austria*

**Abstract:** The Container Control Program (CCP) of the United Nations Office on Drugs and Crime (UNODC) and the World Customs Organization (WCO) aims to build capacity in member states that want to improve risk management, supply chain security and trade in seaports, airports and land border crossings to prevent the cross-border movement of illicit goods. Since the program's inception in 2004, CCP units have seized almost 1,000 shipments related to intellectual property rights (IPR) violations. With more than 18 years of experience, the CCP has gained practical insights into the challenges related to the intricate nature of IPR violations. Lessons learned from these challenges include the importance of sensitizing governments to adapt their IPR legislation to allow IPR-infringing goods to be seized, raising awareness among governments in countries with transit ports about their crucial role in stopping IPR-related crime and engaging the private sector through training and direct cooperation with brand owners.

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WIPO/ACE/15/7

#### STUDY ON THE ROLE OF THE DOMAIN NAME SYSTEM AND ITS OPERATORS IN ONLINE COPYRIGHT ENFORCEMENT

*Document prepared by Mr. Dean S. Marks, Attorney-at-law and Emeritus Executive Director and Legal Counsel, Coalition for Online Accountability, Los Angeles, California, United States of America, and Dr. Jan Bernd Nordemann, Attorney-at-law, Nordemann Czychowski & Partner, Berlin, and Honorary Professor, Humboldt University of Berlin, Germany*

**Abstract:** This study focuses on the various operators of the domain name system and the responsibility of such operators and service providers with respect to online enforcement of copyright. It examines the various regulatory regimes applicable to domain name service providers. Further, it describes how different national laws have provided for remedies for online copyright infringement that require domain name service providers to take action, whether on a liability basis, a “no-fault” injunctive relief basis or pursuant to criminal seizure orders, to disable or block domain names under which copyright infringing websites operate. The study also examines what actions domain name service providers can undertake to discourage online copyright infringement. In addition, the study describes voluntary trusted notifier/trusted flagger arrangements that have been adopted by a limited number of domain name service providers to specifically address websites engaged in pervasive copyright infringement.

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WIPO/ACE/15/8

**THE ROLE OF INTERMEDIARIES IN IP ENFORCEMENT  
(ONLINE AND PHYSICAL)**

*Contributions prepared by the United Kingdom, AIM – the European Brands Association, the International Federation of the Phonographic Industry (IFPI), DHL Express and Mastercard*

**REAL DEAL: A COLLABORATIVE APPROACH TO TACKLING INTELLECTUAL  
PROPERTY CRIME AT MARKETS IN THE UNITED KINGDOM**

*Contribution prepared by Ms. Patricia Lennon, Campaign Manager, Real Deal Campaign for Fake-free Markets, National Markets Group for Intellectual Property Protection, London, United Kingdom*

**Abstract:** This document provides a summary of the Real Deal Campaign for Fake-Free Markets, which was established in 2009 as a nationwide initiative to tackle the sale of counterfeit and pirate products at markets in the United Kingdom (UK). Funded by industry, its success is rooted in cross-sector partnership work involving all the key organizations in the UK (in both the public and private sector) that are concerned with reducing the trade in fakes at markets. The heart of the initiative is its voluntary charter, through which market operators make a public commitment to keep their markets fake-free. To date, over 500 markets across the UK have made this commitment. As a result of the Real Deal program’s success at physical markets, the core model was replicated in 2018 to tackle the trade in fakes on online and social media selling groups.

**THE PERSPECTIVE OF AIM – THE EUROPEAN BRANDS ASSOCIATION – ON THE ROLE  
OF ONLINE INTERMEDIARIES IN THE FIGHT AGAINST COUNTERFEITING**

*Contribution prepared by Ms. Marie Pattullo, Senior Manager, Trade Marks and Brand Protection, AIM – the European Brands Association, Brussels, Belgium*

**Abstract:** In order to ensure a clean and fair digital ecosystem for all users, and to protect consumers from being confronted with online offers of counterfeit and other illegal, substandard and non-compliant goods, all supply chain partners – including brand holders and online intermediaries – must play their part. This contribution outlines how online intermediaries can help by exercising appropriate control over those parts of the value chain that are within their purview, through:

- reasonable due diligence to identify their business customers;
- providing, and enforcing, relevant intellectual property (IP) protection provisions in

- their terms and conditions and effective notice-and-takedown systems;
- employing proactive measures, including technical measures, to prevent offers for illegal goods appearing on their services;
- rapidly (and permanently) removing such offers once identified and prohibiting repeat offenders from accessing their services; and
- providing information about infringements on a proactive basis to law enforcement, including customs and market surveillance, authorities, allowing for effective risk analysis and targeting.

Concrete examples of what intermediaries can do to implement these actions, as well as areas where existing actions could be intensified or complemented, are also identified. Finally, the contribution calls on all actors involved to take action in the fight against counterfeiting.

## THE PERSPECTIVE OF THE RECORDED MUSIC INDUSTRY ON THE ROLE OF ONLINE INTERMEDIARIES IN THE FIGHT AGAINST PIRACY

*Contribution prepared by Mr. Lauri Rechartt, Chief Legal Officer, International Federation of the Phonographic Industry (IFPI), London, United Kingdom*

**Abstract:** Online piracy remains a significant threat to the music industry. The International Federation of the Phonographic Industry's (IFPI's) Music Consumer Study 2021, the largest music-focused consumer study worldwide, found that 30 per cent of respondents used unauthorized sources to listen to or obtain music. This figure rose to 38 per cent amongst 16 to 24-year-olds. Stream ripping – whereby content licensed only for streaming is copied or “ripped”, and permanent digital copies are made of the streamed content – remains a major concern given the vast quantity of content made available. Pre-release piracy – that is, the unauthorized making available of recordings before their release date – is another activity that is particularly harmful for right holders in the music industry given the negative commercial impact on legitimate sales. Pre-release content is often made available through social media platforms, while the actual content is stored on so-called cyberlockers. Cyberlockers usually do not require, let alone verify, identification information from their users, which makes it difficult for right holders to take direct action against the primary infringer(s). Online intermediaries, the services of which are used by infringing online services, play a central role in addressing unauthorized uses effectively. This document will identify key measures and procedures that diligent online intermediaries should adopt and that would improve the enforcement of rights online. These actions include clarifying the scope and conditions of the “safe harbour” liability privileges, implementing robust “know your business customer” (KYBC) policies, improving transparency and introducing robust repeat infringer policies. IFPI also supports the further development of the WIPO ALERT Database as a trusted hub for collecting and sharing information on sites of concern provided by authorities in WIPO Member States for the benefit of the advertising industry.

## TACKLING CUSTOMS COMPLIANCE IN THE EXPRESS INDUSTRY – THE APPROACH OF DHL EXPRESS

*Contribution prepared by Ms. Sandra Fischer, Global Customs Head; Ms. Asha Menon, Vice President, Global Customs Compliance and Regulatory Affairs; Mr. Marcelo Godoy Rigobello, Vice President, Global Customs Customer Support; and Gordon Wright, Vice President, Customs and Regulatory Affairs EU, DHL Express, Diegem, Belgium*

**Abstract:** In a world that has become more interconnected than previous generations could have ever imagined, global trade has never been more important. The rapid growth of e-commerce and the COVID-19 pandemic have significantly increased the number of

international parcels moving across the world, resulting in more challenges from a customs and trade compliance perspective. This document provides a high-level overview of the DHL Express' approach to ensuring customs compliance in its network, as well as proposed areas of cooperation with authorities to tackle non-compliance.

## MASTERCARD'S INITIATIVES TO PREVENT INTELLECTUAL PROPERTY INFRINGEMENTS

*Contribution prepared by Mr. Jonathan Trivelas, Vice President, Brand Performance Team, Customer Engagement and Performance, Mastercard International, Purchase, New York, United States of America*

Abstract: Mastercard is committed to fighting intellectual property (IP) infringement and does not tolerate the use of its brand, network, programs, or services to further any illegal activity. It is important to note that Mastercard does not have a direct relationship with, and does not underwrite, Merchants that accept Mastercard cards for payment. Instead, the Merchant enters into a contract with a financial institution, referred to as an Acquirer, and it is the Acquirer that has the direct relationship with Mastercard as a licensed Customer. Mastercard Customers, their Merchants, and all other network participants are required to comply with all applicable laws, as well as the Mastercard Rules and other Standards. Mastercard frequently cooperates and works closely with law enforcement, right holders, and other organizations on matters concerning alleged illegal activity, including intellectual property infringements. Mastercard also has several programs and tools to help Acquirers prevent illegal activity, such as the Mastercard Alert to Control High-risk (Merchants) (MATCH™) and the Merchant Monitoring Provider (MMP).

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WIPO/ACE/15/9

## AWARENESS-BUILDING ACTIVITIES AND STRATEGIC CAMPAIGNS AS A MEANS FOR BUILDING RESPECT FOR INTELLECTUAL PROPERTY

*Contributions prepared by Denmark, Japan, Mali, Mexico, Niger, Oman, the Philippines and Thailand*

## RECENT ANTI-COUNTERFEITING AWARENESS-RAISING ACTIVITIES IN DENMARK

*Contribution prepared by Ms. Barbara Suhr-Jessen, Head, and Ms. Marie Amstrup Jensen, Legal Adviser, Department for IP Enforcement & Networks, Danish Patent and Trademark Office (DKPTO), Taastrup, Denmark*

Abstract: The contribution describes selected and recent awareness initiatives undertaken by the Danish Patent and Trademark Office (DKPTO). In particular it presents an awareness website against counterfeiting and piracy, launched on behalf of the entire Danish Ministerial Network against IPR Infringement in 2019, and an awareness initiative for schools. The paper also introduces the concept that the DKPTO has used for its awareness campaigns during recent years, consisting of three elements, namely a media campaign, a social media campaign and coordination with stakeholders. Examples of both smaller and larger scale campaigns are also included.

## **DON'T BUY, SELL OR HAVE OTHERS BUY COUNTERFEIT PRODUCTS FOR YOU! – A RECENT ANTI-COUNTERFEITING CAMPAIGN IN JAPAN**

*Contribution prepared by Mr. Takuya Sugiyama, Director, Anti-counterfeit Office, International Cooperation Division, Japan Patent Office (JPO), Tokyo, Japan*

Abstract: Counterfeit goods, and the damage they cause, have become a growing problem worldwide in recent years. In Japan, the Anti-Counterfeit Office is a centralized consultative center for tackling counterfeiting and piracy as well as coordinating measures between government agencies and private companies. Since 2003, the Japan Patent Office (JPO) has conducted an annual campaign to combat counterfeiting. In the 2020 fiscal year, the JPO created a dedicated website for the campaign, featuring manga-style campaign videos, influencers and learning guidelines for high school students. Model lessons using those guidelines have been held at high schools. The JPO also plans to conduct further awareness-raising activities in the near future.

## **THE MALIAN CENTER FOR THE PROMOTION OF INDUSTRIAL PROPERTY'S RECENT AWARENESS-RAISING ACTIVITIES**

*Document prepared by Ms. Bocoum Fatoumata Sirgata Traore, Director, Malian Center for the Promotion of Industrial Property (CEMAPI), Ministry of Trade and Industry, Bamako, Mali*

Abstract: This contribution from the Malian Center for the Promotion of Industrial Property (CEMAPI) highlights the various initiatives it has carried out over the past four years, since 2019, to raise awareness of the importance of respecting intellectual property rights. The targeted groups were economic actors, consumers, magistrates, court officers, agents of national services in charge of economic repression, etc. Thanks to a proactive and pedagogical approach, and then to the diversity of the actions deployed, CEMAPI has reached a large audience. These initiatives were implemented in collaboration with several national and international partners.

## **ACTIONS OF THE MEXICAN INSTITUTE OF INDUSTRIAL PROPERTY TO PROTECT AND ENFORCE INTELLECTUAL PROPERTY RIGHTS**

*Contribution prepared by Mr. Aldo Arturo Fragoso Pastrana, Deputy Director General of Industrial Property, and Ms. Viviana Huerta García, Divisional Director of Promotion and Information Technology Services, Mexican Institute of Industrial Property (IMPI), Mexico City, Mexico*

Abstract: The Mexican Institute of Industrial Property (IMPI) has carried out various activities to raise awareness of the negative effects of consuming IP-infringing content and goods, which continue and increase year after year. In addition, IMPI has measured data and results to obtain an overview of needs and progress in efforts to combat piracy. The actions taken by IMPI include: collaborating with the main stakeholders relevant to intellectual property (IP) in order to combat piracy; conducting various seminars, courses, informative presentations and activities to promote respect to IP; carrying out actions to obtain strategic information to combat piracy; and taking steps to guarantee enforcement to add value to IP rights and punish infringements.

## RECENT AWARENESS-RAISING ACTIVITIES OF THE NATIONAL AGENCY FOR INDUSTRIAL PROPERTY AND PROMOTION OF INNOVATION OF NIGER

*Contribution prepared by Mr. Yambeye Ibrahima, Director General, National Agency for Industrial Property and the Promotion of Innovation (AN2PI), Niamey, Niger*

Abstract: Intellectual property (IP), a catalyst for economic growth, contributes to the socioeconomic and cultural development of countries and the well-being of their populations. The National Intellectual Property and Innovation Development Plan, established in 2020, and the strategic plan for the period 2018-2022 of the African Intellectual Property Organization (OAPI) have enabled the implementation of activities relating to various aspects of IP. This contribution is intended to highlight a number of activities carried out by Niger that have made it possible to increase the number of applications filed and approved. The targets of these strategies are law enforcement institutions, the judiciary, academia (research institutes and universities), businesses (small and medium-sized enterprises and other stakeholders, such as start-ups, business incubators and business support organizations), IP rights holders, young people and the general public.

## THE 2020/21 INTELLECTUAL PROPERTY AWARENESS-RAISING CAMPAIGN FOR SCHOOL STUDENTS, TEACHERS, PARENTS AND THE LOCAL COMMUNITY IN OMAN

*Contribution prepared by Dr. Maya Al 'Azri, Educational Expert and Director, Department of Innovation and the Scientific Olympiad, Ministry of Education, Muscat, Oman*

Abstract: The Ministry of Education, in cooperation with the World Intellectual Property Organization (WIPO), conducted an intellectual property (IP) awareness-raising campaign during the second semester of the academic year 2019/2020. The idea of the campaign was to raise awareness of the importance of protecting innovative ideas, whether relating to literary or scientific intellectual works, in order to safeguard their rights, by identifying different types of intellectual property, ways of protecting it and the consequences of infringement. The campaign, which targeted schoolchildren in particular and society in general, included: workshops with specialists from various bodies; competitions at various levels; the hashtag campaign #Let's\_protect\_our\_ideas; designs by students on raising awareness of the importance of protecting IP rights, published via the campaign hashtag on the Ministry's accounts; and continuous tweets, posted on the Ministry's Twitter and Instagram accounts, addressed to schoolchildren and parents. The campaign targeted 3,000 beneficiaries from various groups. In addition, the Ministry ran virtual programs on IP during the pandemic period, in the academic year 2021/22.

## CONSUMER ATTITUDES AND AWARENESS IN THE PHILIPPINES – RESULTS AND LESSONS LEARNED FROM DEPLOYING WIPO'S CONSUMER SURVEY TOOLKIT

*Contribution prepared by Mr. Nelson P. Laluces, Deputy Director General for Administration and Adjudication, Intellectual Property Office of the Philippines (IPOPPL), Taguig City, Philippines*

Abstract: The Philippines acted as the pilot country for the deployment of the WIPO Consumer Survey Toolkit, with the intention of establishing a baseline for the level of awareness of intellectual property (IP) in the Philippines and the general perception of the effects of the use of counterfeit goods. The survey also measured the impact of public awareness-raising campaigns on IP carried out by the Intellectual Property Office of the Philippines (IPOPPL). This contribution summarizes the results of the surveys and describes the challenges faced in implementing the project.

## CURRENT INTELLECTUAL PROPERTY AWARENESS ACTIVITIES IN THAILAND

*Contribution prepared by Mr. Porsche Jarumon, Senior Trade Officer, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi, Thailand*

Abstract: Nowadays, intellectual property (IP) is viewed more in the context of economic growth. IP is becoming very important for businesses and is forcing them to actively manage their IP rights as a key-driver to sustain their competitive advantage. The DIP realizes that most small and medium enterprises in Thailand have not yet incorporated IP strategies into their business plans. In the past year, the DIP focused on a reverse-marketing strategy aiming at proactively reaching out to businesses and providing them with the information they need. The activities aim at raising awareness on how they can benefit from IP and include campaigns targeting young entrepreneurs, viral short video clips, a DIP TV Channel, influencers' announcements. IP training in schools, universities and classes is also provided.

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WIPO/ACE/15/10

## NEW TECHNOLOGIES IN IP ENFORCEMENT

*Contributions prepared by the European Union and the Tencent Group*

### NEW TECHNOLOGICAL OPPORTUNITIES FOR PROTECTING AND ENFORCING INTELLECTUAL PROPERTY RIGHTS – UPDATE ON FIGHTING FAKES THROUGH BLOCKCHAIN TECHNOLOGY

*Contribution prepared by Claire Castel, Head, IP in the Digital World and Awareness Service, European Observatory on Infringements of Intellectual Property Rights, European Union Intellectual Property Office (EUIPO), Alicante, Spain*

Abstract: The contribution provides some background on the challenge of combating trade in counterfeit goods, including the magnitude of the problem and its detrimental societal impact. Next, it addresses how blockchain technology can help address this challenge and how the European Union Intellectual Property Office (EUIPO) has joined efforts with the tech community with the objective of developing a solution for product authentication to support enforcement authorities in the fight against counterfeiting. Finally, the paper discusses the high-level design architecture that was selected to develop the blockchain solution and details the roadmap for adoption and implementation.

### FACILITATING COPYRIGHT PROTECTION IN CHINA THROUGH TECHNOLOGICAL INNOVATION

*Contribution prepared by Mr. Jiang Bo, Vice-President, Legal Affairs, and Deputy General Legal Counsel, Tencent Group, Shenzhen, China*

Abstract: Since technological innovation and intellectual property (IP) exist in symbiosis, to protect IP is to protect innovation. Copyright innovation not only includes technological and content innovation, but also innovation of business models. With the widespread use of blockchain, big data and artificial intelligence (AI), copyright laws should integrate technological and institutional protection, embrace technology-based governance models and facilitate building full-fledged and long-term governance mechanisms.

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ADJUDICATION OF IP INFRINGEMENT CASES  
*Contributions prepared by India and the International  
Trademark Association (INTA)*

DYNAMIC INJUNCTIONS AND OTHER INJUNCTIVE RELIEFS IN INDIA

*Contribution prepared by Ms. Justice Prathiba M. Singh, Intellectual Property Division, High Court of Delhi, New Delhi, India*

Abstract: This contribution delineates the advent and development of dynamic injunctions in India. The contribution begins by providing an introduction to the various types of injunctions that have historically been available in India. Next, the contribution focuses on the particular challenges presented in cases involving intellectual property (IP) infringements, especially in the Internet era. Finally, the advent and development of a comprehensive system of dynamic injunctions in India is discussed through examples of recent case-law on the subject.

RECENT WORK CARRIED OUT BY THE INTERNATIONAL ASSOCIATION FOR THE PROTECTION OF INTELLECTUAL PROPERTY (AIPPI) ON THE COMPENSATION FOR IP INFRINGEMENTS

*Contribution prepared by Ms. Linda Lecomte, Assistant Reporter General, Association for the Protection of Intellectual Property (AIPPI), Zurich, Switzerland*

Abstract: This paper summarizes the main issues highlighted by National and Regional Groups of the International Association for the Protection of Intellectual Property (AIPPI) during the Study on Intellectual Property (IP) Damages for Acts Other Than Sales that AIPPI concluded in September 2019 (2019 Study) and the Study on Reasonable Awareness in Compensation for Infringement of IP Rights that AIPPI concluded in October 2021 (2021 Study). In the 2019 Study, the discussions focused on the quantification of damages for acts of infringement that do not include a sale, such as importing, warehousing, manufacturing, using and offering. The discussions addressed the principles applicable to recovering and quantifying damages despite there being no infringing sale to serve as a benchmark, and the issue of “franking”. In the 2021 Study, the discussions focused on the role of awareness, i.e., knowledge, in assessing compensation for infringement of registered and unregistered IP rights.

THE WORK OF THE INTERNATIONAL TRADEMARK ASSOCIATION ON THE HARMONIZATION OF PRELIMINARY INJUNCTION LEGISLATION

*Contribution prepared by Ms. Iris Gunther, Director, Brand Enforcement and Sustainability, International Trademark Association (INTA), New York, United States of America; Ms. Mayya Pak, Associate, Petošević, Luxembourg City, Luxembourg; Mr. Nicolás Schmitz, Partner, Grünecker, Munich, Germany; Paula Passarelli, IP Attorney, Palomo Abogados, Guatemala City, Guatemala*

Abstract: Based on the survey conducted by the Enforcement Committee of the International Trademark Association (INTA) in 47 countries identifying varying standards of preliminary injunctive relief, the Board of Directors of INTA adopted a resolution in 2020 laying down minimum standards that INTA believes are necessary to harmonize the basic requirements

and process for injunctive relief worldwide, to create an effective enforcement regime. The paper summarizes critical survey findings, the main areas where harmonization is called for and direction in which the need for advocacy is felt.

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