The Prosecution of Intellectual Property Crime: Report on Results of Survey

Building Respect for IP Division
Global Challenges and Partnerships Sector

February 2, 2024
ACE/16, Geneva
Background and objective

Understand how IP crime is prosecuted

What specific knowledge and skills IP crime prosecutors need

Help WIPO provides more targeted and impactful assistance
ANALYSIS
Survey areas

52 national focal points were sent a link to the survey
27 WIPO Member States submitted complete responses

- Elements of national IP crime prosecution systems
- Role within criminal prosecution services in general
- Availability of actions against online piracy
- Statistical information
- IP Crime Prosecution in Practice (successes and challenges)
Respondents’ background
Respondents’ Background

- Group B: 44%
- CEBS: 26%
- African Group: 19%
- APG: 7%
- CACEEC: 4%
Fundamental Characteristics of IP Crime Prosecution
Adversarial vs. Inquisitorial System

Distribution of respondents identifying adversarial versus inquisitorial prosecution systems
Ex officio vs. Complaint by the Holder of the Infringed Right

Upon complaint by the holder of the infringed right
42%

Ex officio
58%

Initiation of IP crime prosecution
The Role of IP Crime Prosecution Within the Criminal Prosecution Services
Specialized Intellectual Property Prosecution

Existence of prosecutors with specialization in IP crime
Availability of Actions Against Online Piracy
Prosecution of Digital Copyright Piracy

Prosecution of digital copyright piracy

- Same team of prosecutors: 89%
- Handled separately: 11%
Shutting down / Seizing Infringing Web Sites

Availability of procedures to shut down or seize infringing websites

Yes 67%

No 33%
Statistics on Intellectual property Crime Prosecution
Prosecutions by Infringed Intellectual Property Right

Distribution of IP crime prosecution by infringed right
Illegal Asset Recovery

Availability of illegal asset recovery

Yes 89%
No 11%
Intellectual Property Crime Prosecution in Practice
Successes in Prosecuting IP Crime

Case examples:
IP-infringing physical goods and digital piracy

Case examples:
almost exclusively trademarks or copyright

Success factor:
existence of a special IP crime unit

Success factor:
cooperation between prosecution, investigation unit, national IP office and right holders
Challenges in Prosecuting IP Crime

- Digital environment
- Human and institutional capacities
- Operational challenges for prosecutors
- Societal factors
Way Forward
Next steps

1. Secretariat will follow up with Permanent Missions
2. Secretariat will invite national focal points to submit complete responses
3. Updated analysis of the prosecution of IP crime in WIPO Member States will be prepared
Thank you!

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