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LIST OF PREPARATORY DOCUMENTS

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CURRENT PRACTICES IN THE AREA OF CUSTOMS
RECORDATION: REPORT ON RESULTS OF SURVEY
Document prepared by the Secretariat

Abstract: This document presents the results of a survey on existing customs recordation systems for intellectual property (IP) rights among 19 WIPO Member States, undertaken by WIPO in the furtherance of developing the IPAS Customs Recordation and Information System (CRIS). It summarizes the main features of the surveyed systems, including the IP rights eligible for recordation, required documentation, other information captured through recordation, as well as the cost, duration and renewal procedures. The document also describes the type and number of active recordations and the interoperability, where applicable, with the respective national IP office's registration system. Lastly, the document reports on good practices and challenges in the operation of customs recordation systems.

WIPO/ACE/16/5

ADDRESSING OFFLINE INTELLECTUAL PROPERTY
INFRINGEMENT
*Contributions Prepared by South Africa and the
United Kingdom*

THE UPCYCLING OF SEIZED COUNTERFEIT GOODS IN SOUTH AFRICA

Contribution prepared by Ms. Amanda Lotheringen, Senior Manager, Copyright and IP Enforcement, Companies and Intellectual Property Commission (CIPC), Pretoria, South Africa

Abstract: This contribution focuses on a cost-effective environmentally friendly way to deal with confiscated counterfeit goods that are bound for destruction, which also creates new job opportunities for small, medium and micro-sized enterprises. The idea was born when the Companies and Intellectual Property Commission (CIPC) realized that the current methods used to destroy counterfeit goods are expensive, very damaging to the environment and not sustainable in the long term. This was particularly true when dealing with the huge quantities of counterfeit clothing, footwear and apparel confiscated in South African marketplaces. The CIPC is piloting a program to recycle and upcycle these goods, rather than destroying them. The items are deconstructed and used to make entirely new items, such as toys for children and pets, as well as tools used in therapy sessions. All reconstituted items come without any trace of the counterfeit trademarks. To further mask the origin of the new items, some of them are painted by local artists.

THE *TICK BOX* PUBLIC-PRIVATE PARTNERSHIP FOR THE SELF STORAGE INDUSTRY
IN THE UNITED KINGDOM

Contribution prepared by Mr. Oneydes Staggemeier, Senior Policy Advisor, Intellectual Property Office, Newport, United Kingdom

Abstract: The contribution provides insight into the Self Storage Project, which is a partnership between the Government of the United Kingdom (UK) and law enforcement agencies, the UK Self Storage Industry and other partners to deter criminals from using self storage facilities. As the self storage industry grows, so does the threat from criminals who are using these storage facilities to store counterfeit and illicit goods. This is also intended to provide an overview of how this partnership project works in practice and the results achieved so far.

WIPO/ACE/16/6

CHALLENGES AND SOLUTIONS FOR SMALL AND MEDIUM-SIZED ENTERPRISES IN INTELLECTUAL PROPERTY ENFORCEMENT

Contributions prepared by France, Anti Copying in Design (ACID) and Dr. Mohamed Hegazy

INITIATIVES TO SUPPORT SMALL AND MEDIUM-SIZED ENTERPRISES IN ENFORCING THEIR INTELLECTUAL PROPERTY RIGHTS IN FRANCE

Contribution prepared by Ms. Stéphanie Leguay, Coordinator, National Anti-counterfeiting Committee (CNAC), National Industrial Property Institute (INPI), Courbevoie, France

Abstract: This contribution describes the *France Anti-Contrefaçon* mechanism, which was created in 2022 to better understand and quantify the scale of counterfeiting in France and its impact on the economy, so that appropriate resources and strategies to combat counterfeiting in France can be deployed. In the framework of the mechanism, the French Confederation of Small and Medium-sized Enterprises (CPME) conducted a survey among small and medium-sized enterprises (SMEs) to assess the extent to which they protect and enforce IP rights. The results of the survey reveal an alerting lack of awareness among SMEs of IP matters and counterfeiting. In addition, the survey results indicate that the fear of obtaining only low compensation holds back too many SMEs suffering from counterfeiting from enforcing their IP rights. The *France Anti-Contrefaçon* mechanism is aware of the need to change the underlying perception of counterfeiting, as many SMEs believe that being a victim of counterfeiting will harm their image and reputation. The *France Anti-Contrefaçon* mechanism will seek to change this perception and defuse this belief.

INTELLECTUAL PROPERTY ENFORCEMENT AND SMALL AND MEDIUM-SIZED ENTERPRISES IN THE UNITED KINGDOM DESIGN SECTOR – CHALLENGES AND SOLUTIONS

Contribution prepared by Mr. Nick Kounoupas, Chief Legal Counsel, Anti Copying in Design (ACID), London, United Kingdom

Abstract: The design economy in the UK is a global success story. It is one of the fastest growing sectors, contributes 4.9 per cent to the UK's gross value added (amounting to nearly GBP 100 billion) and employs 1.97 million people in design or with design skills. As a whole, the UK economy is the world's sixth-largest economy by nominal gross domestic product, and the tenth-largest by purchasing power¹. From iconic to every day design matters, the UK's design economy changes people's lives by providing solutions.

However, there is a disparity between protection for copyright and unregistered design rights nationally and globally. Whilst there is a paradigm shift to copyright protection in the European Union (EU), the UK remains out on a limb post-Brexit². The UK asserts to have one of the best IP systems in the world, but litigation is the luxury of the few. For the majority of the UK's SME designers, IP enforcement is cost and time-prohibitive and the collective stress caused by blatant and intentional infringement, incalculable. This contribution highlights the challenges faced by UK SME designers in enforcing their IP rights and the role of Anti Copying in Design (ACID) in advocating for design rights on a national and international level.

¹ Design Council Design Economy: <https://www.designcouncil.org.uk/our-work/design-economy/>.

² The withdrawal of the United Kingdom from the European Union.

INTELLECTUAL PROPERTY ENFORCEMENT AND SMALL AND MEDIUM-SIZED ENTERPRISES – AN OVERVIEW OF CHALLENGES AND SOLUTIONS

Contribution prepared by Dr. Mohamed Hegazy, Senior Legal and Policy Consultant, Chamber of Communication and Information Technology, Cairo, Egypt

Abstract: This contribution addresses the significance of IP in the context of SMEs, as well as the obstacles they encounter when attempting to uphold their IP rights. IP encompasses intangible assets resulting from human creativity, including but not limited to inventions, trademarks and copyrights. IP rights have the potential to serve as a significant source of revenue, a means to gain a competitive edge, establish a distinct brand identity and facilitate market entry for SMEs. Nevertheless, SMEs frequently have distinct obstacles when it comes to enforcing their IP rights in comparison to larger organizations, which negatively impacts their ability to use IP rights to their advantage. The problems encompass constraints in resources and finances, insufficient awareness and expertise and the arduous task of collecting empirical evidence. The paper proposes several strategies to address these difficulties, including engaging in partnerships with other enterprises or IP experts, requesting support from governmental bodies and IP organizations and employing alternate dispute resolution processes. The findings of the intervention suggest that SMEs should adopt effective and proactive measures to safeguard and oversee their IP assets. Additionally, it is recommended that SMEs seek assistance and direction from a range of stakeholders in order to derive advantages from these endeavors.

WIPO/ACE/16/7

CONSUMPTION BEHAVIOR OF PIRATED COPYRIGHT WORKS

Study prepared by Dr. Xuemei Bian, Professor in Marketing, and Ms. Humaira Farid, Research Assistant Newcastle Business School, Northumbria University, Newcastle, United Kingdom

Abstract: The purpose of this research is to achieve a comprehensive understanding of consumers with regard to copyright piracy in Indonesia and Thailand. It identifies the product categories that are most pirated in both countries. Further, it explores the consumption behavior of consumers of pirated works and the most frequent access method and usage frequency in relation to each product category. It also reveals the motivational drivers for using pirated works and the perceived quality of pirated works in comparison with original copies. This research unveils consumer attitudes towards pirated works in general and reports attitude differences among consumers and non-consumers of pirated works. In addition, this research uncovers the reasons why non-consumers of pirated works deliberately choose not to access them and identifies the influential factors that discourage consumers from knowingly acquiring pirated works. Important implications, informed by the findings of this research, are also reported.

WIPO/ACE/16/8

CONSUMER ATTITUDES AND BEHAVIOR IN RELATION TO COUNTERFEIT GOODS – SURVEY RESULTS FROM SIX ASEAN COUNTRIES*Document prepared by Mr. Mike Clubbe, Independent Market Researcher, Twickenham, United Kingdom*

Abstract: This contribution outlines the key findings from a consumer survey into attitudes and behavior in relation to counterfeit goods in six countries of the Association of Southeast Asian Nations (ASEAN). Survey fieldwork was carried out in August and September 2022, with a representative sample of 1,000 respondents each in Indonesia, Malaysia, the Philippines, Singapore, Thailand and Viet Nam.

Overall, we observed high levels of respondents both seeing counterfeit goods for sale and respondents purchasing these goods. Nearly one in five respondents said they had bought counterfeit goods in the preceding twelve months knowing that the goods were counterfeit. A further 51 per cent had bought at least one counterfeit item without being aware at the time of purchase whether it was genuine or not. We asked about attitudes towards counterfeit goods, and while many in the survey said they were against the idea of counterfeit goods, few seemed sufficiently concerned to change their purchasing behavior.

WIPO/ACE/16/9

NATIONAL EXPERIENCES WITH RAISING AWARENESS OF THE IMPORTANCE OF RESPECT FOR INTELLECTUAL PROPERTY*Contributions prepared by China, Peru, Portugal and the Republic of Moldova***INNOVATIVE WAYS OF NARRATING CHINA'S INTELLECTUAL PROPERTY STORIES***Contribution prepared by Ms. Lu Xuehong, Director, Publicity Department, China Intellectual Property Administration (CNIPA), Beijing, China*

Abstract: This document focuses on China's pro-active practice in raising public awareness of IP and adopting innovative approaches to disseminate China's IP stories. The concrete means adopted include the development of the National IP Awareness Week as a strong brand, multi-level and high-frequency press releases and conferences, the broadening of media outreach, the production of films and videos and the incorporation of IP education into the curricula of primary and secondary schools. Looking ahead, China will continue to narrate its IP stories in the new era of development through greater efforts, more innovative means and higher-quality content.

STIMULATING CREATIVITY AND ENRICHING NATIONAL CULTURAL IDENTITY IN PERU*Contribution prepared by Mr. Fausto Vienrich Enríquez, Director, Copyright Department, National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI), Lima, Peru*

Abstract: In order to boost respect for copyright and its importance, primarily among those active in or linked to various creative sectors, and to provide a space for connection and the development of cultural identity, the Copyright Department of the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI) organizes competitions highlighting, among other things, the significant cultural legacy of the ancient Peruvians. The competitions are focused on different creative sectors, such as the applied arts, audiovisual, and graphic and visual arts sectors. The winning entries are awarded various prizes that constitute an incentive for participants, who are mainly young talents, who

understand the importance of copyright to their activities and rely on the IP system as a tool for their development.

RAISING AWARENESS OF THE IMPORTANCE OF RESPECT FOR INTELLECTUAL PROPERTY IN PORTUGAL

Contribution prepared by Ms. Ana Filipa Espinheiro, Jurist, and revised by Ms. Raquel Campos, Jurist, External Relations Department, Portuguese Institute of Industrial Property (INPI), Lisbon, Portugal

Abstract: Over the past few years, Portugal has significantly intensified its efforts to increase public awareness of IP rights while alerting to the damages caused by the consumption of counterfeit and pirated goods.

In 2010, the Portuguese Institute of Industrial Property (INPI), together with the main Portuguese enforcement authorities, joined to create the Anti-Counterfeiting Group (GAC), legitimized by Ordinance No. 882/2010, with the purpose of having a national structure capable of coordinating the authorities responsible for combating counterfeiting and promoting the cooperation and interoperability of these authorities among them and between them and the private sector. The group expanded and now integrates several public, private and civil society entities.

INPI and the entities that comprise the GAC have developed several awareness-raising projects, activities and campaigns, aimed at the young generation and civil society, highlighting the importance of IP and the dangers of counterfeit and pirated goods.

INCREASING INTELLECTUAL PROPERTY KNOWLEDGE AMONG MOLDOVAN YOUTH – THE ROLE OF THE STATE AGENCY ON INTELLECTUAL PROPERTY

Contribution prepared by Mr. Eugeniu Rusu, Director General, State Agency on Intellectual Property (AGEPI), Chisinau, Republic of Moldova

Abstract: IP is essential in the age of technology and innovation, having a significant impact on the economic and cultural development of a country. In the Republic of Moldova, the State Agency on Intellectual Property (AGEPI) has a crucial role in promoting and increasing the level of knowledge about IP among youth. AGEPI carries out various activities to increase awareness of IP rights among youth and to educate the young generation, such as seminars, thematic lessons, awareness campaigns and contests. Through these initiatives, AGEPI informs young people about the fundamental concepts and principles of IP and highlights the importance of protecting IP rights. In addition, by continuing and strengthening these efforts, AGEPI can contribute to the development of a culture of respect and valorization of IP, thus ensuring a prosperous and competitive future for the Republic of Moldova in the global knowledge-based economy.

WIPO/ACE/16/10

THE LOCALIZATION OF INTELLECTUAL PROPERTY INFRINGEMENTS IN THE ONLINE ENVIRONMENT: FROM WEB 2.0 TO WEB 3.0 AND THE METAVERSE

Study prepared by Dr. Eleonora Rosati, Professor of Intellectual Property Law, University of Stockholm

Abstract: This study examines how to localize IP infringements in Web 3.0 contexts and the Metaverse. In a first step, it reviews the criteria that have been developed in various legal orders to determine where an alleged IP infringement has been committed in Web 2.0 contexts (both in relation to applicable law and jurisdiction). Based on this analysis, the study seeks to answer the following questions: Can the same criteria find application in the context

of IP right infringements carried out through and within Web 3.0 contexts and the metaverses? Does the distinction between centralized and decentralized metaverses have substantial implications insofar as the localization of IP right infringements is concerned?

WIPO/ACE/16/11

PRACTICES USED BY ONLINE MARKETPLACES TO
TACKLE THE TRADE IN COUNTERFEITS

Study prepared by Dr. David Shepherd, Senior Lecturer, School of Criminology and Criminal Justice, University of Portsmouth, United Kingdom; Ms. Kate Whitman, Doctoral Candidate, School of Accounting, Economics and Finance, University of Portsmouth, United Kingdom; Dr. Jeremy M. Wilson, Professor, School of Criminal Justice, Michigan State University, East Lansing, United States of America; Ms. Anna Baloka, Master's Student, School of Criminology and Criminal Justice, University of Portsmouth, United Kingdom

Abstract: Online marketplaces have developed over the past 20 years into a vigorous, innovative and hugely successful industry. It supports large corporations and empowers emerging entrepreneurs by connecting them with customers across the globe. However, there is a dark side to this success: it also facilitates the trade in counterfeit goods. In contrast to other facilitative industries, such as logistics and payment providers, online marketplaces attract special attention because the visibility of the counterfeits in their shop windows create obvious opportunities for controlling the illicit trade. This report presents the findings of exploratory research into the practices used by a sample of online marketplaces to tackle the trade in counterfeits. It finds that a small minority of the platforms implement meaningful anti-counterfeiting policies. Due to the variety of business models in the market, the report recommends a risk-based approach for a common anti-counterfeiting framework rather than a prescriptive menu of practices.

WIPO/ACE/16/12 Rev.

ADDRESSING ONLINE INTELLECTUAL PROPERTY
INFRINGEMENT

Contributions prepared by Japan, Mexico and the European Union

ANTI-COUNTERFEITING TECHNOLOGIES IN JAPAN – STATE OF PLAY AND
CHALLENGES AHEAD

Contribution prepared by Mr. Takeru Namba, Administrative Officer, Overseas Business Support Office, International Cooperation Division, Japan Patent Office, Tokyo, Japan

Abstract: This document reviews three surveys³ commissioned by the Japan Patent Office (JPO) from 2014 to 2022, focusing on trends in anti-counterfeiting technologies available in the Japanese market. The aim is to address the growing challenges from counterfeit products, particularly in the rapidly expanding e-commerce market, by providing analysis and up-to-date information on such technologies to Japanese industries affected by counterfeiting. The findings highlight not only the benefits of these technologies but also the gaps in their adoption in Japan. Given this, both public and private sectors must collaborate to advance and popularize cost-effective, reliable and hard-to-imitate technologies.

³ The findings in this document are based on the information available at the time the respective survey reports were prepared. They are available (in Japanese only) at <https://www.jpo.go.jp/resources/report/mohohin/sonota.html>.

THE ROLE OF INTERNET ACCESS PROVIDERS AND ONLINE SERVICE PROVIDERS IN ADDRESSING INTELLECTUAL PROPERTY INFRINGEMENTS AND ITS EVOLUTION WITHIN THE MEXICAN LEGAL SYSTEM

Contribution prepared by Mr. Aldo A. Fragoso Pastrana, Deputy Director General, Industrial Property, Mexican Industrial Property Institute (IMPI), Mexico City, Mexico

Abstract: This contribution explains the development of the protection of IP rights against online infringement in Mexico and analyzes the current situation, specifically with regard to obligations placed on Internet access providers and online service providers to stop online IPR infringement. It describes the Mexican Industrial Property Institute's (IMPI's) practice to issue website-blocking orders against these types of intermediaries both before and after the Federal Law for the Protection of Industrial Property came into effect in 2020 and explains how the applicable provisions have been interpreted by the Mexican judiciary in the form of a judicial opinion that will serve as a precedent.

COMBATING ONLINE PIRACY OF SPORTS AND OTHER LIVE EVENTS IN THE EUROPEAN UNION

Contribution prepared by Mr. Harrie Temmink, Head of Service Intellectual Property in the Digital World, European Observatory on Infringements of Intellectual Property Rights, European Union Intellectual Property Office (EUIPO), Alicante, Spain

Abstract: Sport events and other cultural events, such as concerts, opera, musicals and theatre performances and game shows, are of most interest to their audiences, and hence of most economic value, during their live transmission. This value is at risk with the rise of live event piracy, and stopping it requires new approaches as event organizers, authorities and providers of intermediary services are challenged to take action in real time.

On May 4, 2023, the European Commission (Commission) adopted a Recommendation on how to combat online piracy of sports and other live events. The Commission encourages national authorities, holders of rights and providers of intermediary services to take effective measures to fight unauthorized retransmissions of such events. The measures include the prompt treatment of notices, the use of dynamic injunctions, the promotion of legal offers and enhanced cooperation between national copyright administrations. A monitoring system has been set up for the Commission to decide by November 2025 if stricter measures are necessary.

WIPO/ACE/16/13

TECHNICAL, LEGAL AND JUDICIAL ASPECTS OF THE ILLEGAL RETRANSMISSION OF LIVE BROADCASTS THROUGH INTERNET STREAMING

Study prepared by Dr. Kanchana Kariyawasam, Associate Professor, Griffith Business School, Griffith University, Brisbane, Australia

Abstract: This study examines the technical and legal aspects and judicial treatment of live broadcasts illegally transmitted through Internet streaming. First, it scrutinizes the nature of illegally retransmitted live broadcasts and investigates the challenges this presents to broadcasters, event organizers, and the entertainment industry. Second, it investigates whether there is copyright or related rights protection for live content and/or broadcast separate from the underlying content by explaining the types of copyright and related rights protection found in national systems. Third, it examines the different licenses required for a broadcaster to comply with copyright laws and secure the necessary rights from content owners. Fourth, the study examines the diverse models employed by unauthorized streamers

when retransmitting live broadcasts. It highlights how these illegal methods capture and retransmit live content without authorization. It then reviews the legislative and regulatory measures implemented globally to combat illegal live streaming, including current remedies, and assesses the effectiveness of these strategies in deterring copyright infringement. Finally, the study identifies the potential limitations of the current remedies, including unresolved legal, technical, and operational challenges. This study stresses the urgent importance of implementing effective enforcement measures and establishing a widely agreed-upon set of rules to combat the illegal retransmission of live events through Internet streaming.

COORDINATING INTELLECTUAL PROPERTY
ENFORCEMENT

WIPO/ACE/16/14

Contributions prepared by Cambodia, the Dominican Republic, Kenya, the Republic of Korea, Saudi Arabia, Uganda and the United States of America

COORDINATING INTELLECTUAL PROPERTY ENFORCEMENT IN CAMBODIA

Contribution prepared by Mr. Eung Chhayhong, Deputy Director, Department of Intellectual Property, Ministry of Commerce, Phnom-Penh, Cambodia

Abstract: Since Cambodia became a member of WIPO in 1995 and the World Trade Organization in 2004, the country's IP system has developed gradually, showing a positive trend in the protection and use of IP rights as a vital tool for national economic growth and poverty reduction, in line with the government's Rectangular Strategy. In order to comply with international standards and reduce the development gap at the regional and international levels, the country has enacted many major IP laws and regulations and acceded to international IP treaties and conventions. In addition, international cooperation in IP-related fields with countries in the region has been broadened and strengthened. That is especially the case with organizations such as WIPO, the Japan Patent Office, the China National Intellectual Property Administration and the Korean Intellectual Property Office, which contribute significantly to the development of the IP system in Cambodia.

THE INTER-MINISTERIAL COUNCIL FOR INTELLECTUAL PROPERTY: COORDINATING
THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS IN THE DOMINICAN
REPUBLIC

Contribution prepared by Ms. Army Ferreira Reyes, Deputy Attorney General and Coordinator, Intellectual Property and Elimination of Illicit Trade Unit, Attorney General's Office, Santo Domingo, Dominican Republic

Abstract: The creation of the Inter-Ministerial Council on Intellectual Property (Council) formalizes the synergy that all governmental institutions of the Dominican Republic have developed in relation to IP. The Council was born out of the need to work jointly and holistically on various IP issues, as historically each institution worked independently in the area, which did not yield good technical or practical results. The Council reaffirms IP as a priority for the Dominican Republic across three axes: the recognition of rights and the importance of excellence in registration, the promotion of creativity and innovation and IP enforcement. Work on IP enforcement is geared towards ensuring not only that the right holders' rights are being respected but also that end consumers are effectively protected, which contributes to citizen safety.

COUNTERING COUNTERFEITS: KENYA'S DECISIVE STEPS TOWARDS INTELLECTUAL PROPERTY PROTECTION AND ENFORCEMENT

Contribution prepared by Dr. Robi Mbugua Njoroge King'a, Executive Director and Chief Executive Officer, Anti-Counterfeit Authority (ACA), Nairobi, Kenya

Abstract: The challenge of counterfeiting is worsening around the world. Research findings show that the scourge of counterfeiting continues to spread like a bushfire because of the spread of technologies for mass production, the lucrateness of this illegal activity and consumers' strong affinity for brand-name products. Kenya has not been spared. Counterfeiting infringes on the IP rights of brand owners and stifles innovation and legitimate and legal commerce. To streamline earlier disparate efforts in the fight against counterfeiting in Kenya, the Anti-Counterfeit Authority, a body with powers to enforce trademarks, industrial designs and patents, was created 13 years ago. The Authority's IP protection and enforcement work is in accordance with Kenya's obligation under bilateral, multilateral and international agreements. The Authority has since led the fight against counterfeiting through research, public awareness and enforcement. Its enforcement work has led to the seizure of counterfeit goods worth Ksh 3.4 billion (approximately USD 19.9 million) and the destruction of goods worth Ksh 958.42 million (approximately USD 6.35 million).

RECENT OPERATIONS OF THE KOREA INTELLECTUAL PROPERTY OFFICE'S TECH POLICE: INTEGRATED REPORTING AND CONSULTATION CENTER AND JOINT INTERNATIONAL INVESTIGATION

Contribution prepared by Mr. Bongsoo Lee, Investigator, Technology and Design Police Division, Korean Intellectual Property Office (KIPO), Daejeon, Republic of Korea

Abstract: The Special Judicial Police (SJP) of the Korean Intellectual Property Office (KIPO) is the investigative authority on trademark, patent, design and trade secret infringement. Even as reports of IP infringement have rapidly increased, the SJP has continued to conduct effective enforcement activities resulting in increased arrests and strengthened IP rights protection.

To further enhance the SJP's investigative expertise, KIPO launched the Technology and Design Police Division (Tech Police) in 2021. An Integrated Reporting and Consultation Center on IP infringement was established in 2022 to improve public services to deal with IP infringement. Furthermore, in 2023, KIPO began to conduct research for the establishment of a cooperative international network of investigative authorities, which is foundational for comprehensive IP enforcement. This contribution introduces the KIPO Tech Police operations as well as efforts to improve IP enforcement through the Integrated Reporting and Consultation Center and an international joint investigation system.

COORDINATING THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS IN SAUDI ARABIA

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

Abstract: This paper looks at how the Saudi Authority for Intellectual Property (SAIP) is striving to enhance the enforcement of IP rights. It is doing so by working in coordination with relevant Government bodies, partnering with the private sector and intermediaries and boosting the enforcement role of right holders and their representatives. The focus is on a coherent, integrated and standardized approach to the ongoing development of the IP enforcement system in Saudi Arabia. A variety of initiatives have been conducted to that end, including the establishment of the Standing Committee on IP Rights Enforcement and

the IP Respect Council initiative. This contribution provides an overview of these initiatives, including their purpose, functions, objectives and achievements.

THE EXPERIENCE OF THE UGANDA REGISTRATION SERVICES BUREAU IN COORDINATING INTELLECTUAL PROPERTY ENFORCEMENT

Contribution prepared by Ms. Mercy K. Kainobwisho, Registrar General, Uganda Registration Services Bureau, Kampala, Uganda

Abstract: The Uganda Registration Services Bureau (URSB) established an in-house Enforcement Unit in 2016 with the objective of ensuring effective enforcement of IP rights. This contribution outlines the structure of the Enforcement Unit, the process and the factors leading to its establishment, as well as an overview of its structure. Additionally, the contribution covers the achievements of the Enforcement Unit, as well as some of the challenges it has faced and certain improvements it plans to make in the future.

INTELLECTUAL PROPERTY ENFORCEMENT COORDINATION IN THE UNITED STATES OF AMERICA

Contribution prepared by Ms. Summer Kostelnik, Policy Advisor, Office of the Intellectual Property Enforcement Coordinator, Washington D.C., United States of America

Abstract: The United States has had a coordinative body on IP, in some form, since 1999. The current structure – the Office of the Intellectual Property Enforcement Coordinator (IPEC) – was established in 2008 to advise the President and coordinate with Cabinet departments and agencies on the development of the United States’ overall IP policy and strategy, to promote innovation and creativity and to ensure effective IP protection and enforcement, domestically and abroad.

Working with many department and agency heads within the administration, the IPEC, among other things, coordinates the development of a Joint Strategic Plan on Intellectual Property Enforcement and reports to the President and Congress on domestic and international IP enforcement programs.

The Office of the IPEC also regularly works with the United States Government IP interagency, including the National Intellectual Property Rights Coordination Center, as part of a “whole of government” approach to IP enforcement.

WIPO/ACE/16/15

ARTIFICIAL INTELLIGENCE AND INTELLECTUAL PROPERTY ENFORCEMENT

Contributions prepared by Mr. Dennis Collopy, Countercheck, Universal Music Group and Mercado Libre

ARTIFICIAL INTELLIGENCE AND INTELLECTUAL PROPERTY ENFORCEMENT – OVERVIEW OF CHALLENGES AND OPPORTUNITIES

Contribution prepared by Mr. Dennis Collopy, Senior Research Fellow, School of Creative Arts, University of Hertfordshire, Hatfield, United Kingdom

Abstract: This contribution summarizes the results of the research study *Artificial Intelligence and Intellectual Property Rights Enforcement*. The contribution clarifies key definitions and explains the methodology used, before reporting on the study findings. More specifically, it identifies opportunities in using artificial intelligence (AI) to enforce IP rights, such as improved detection of copyright-infringing content, design recognition and faster detection of trademark misuse. Conversely, costs, lack of transparency, data-sharing issues and ethical

considerations constitute some of the challenges of AI. The contribution concludes that while AI offers promising solutions, careful piloting and attention to ethical, moral, and legal boundaries are essential before increased adoption.

AN INNOVATIVE APPROACH TO ANTI-COUNTERFEITING: ARTIFICIAL INTELLIGENCE-POWERED PARCEL INSPECTION FOR INTELLECTUAL PROPERTY ENFORCEMENT

Contribution prepared by Ms. Karolina Zhytnikova, Legal Manager, Brand Protection and Intellectual Property, Countercheck GmbH, Berlin, Germany

Abstract: Countercheck's anti-counterfeiting solution is based on an AI-powered technology, which helps to protect consumers from dangerous goods and to enforce the rights of the IP owners.

Introduced in the very middle of the logistics chain, Countercheck's software is installed directly on the pre-existing hardware in logistics firms' sorting centres. It monitors all the parcels coming through the hub to detect and intercept the parcels potentially containing counterfeit products.

Outdated legal frameworks, not adapted to the exponential development of e-commerce, are a major challenge that Countercheck is encountering while establishing its business model. Rigidity of the mechanisms of seizure and destruction of counterfeit goods in postal parcel flows and lack of powers for efficient and prompt responses to counterfeiters operating in internal markets are damaging the effectiveness of anti-counterfeiting efforts.

Logistics companies increasingly adopt a zero-tolerance approach to counterfeit goods in their networks. Smooth collaboration between public and private sectors within all industry players will help to meet new challenges in the fight against counterfeits.

ARTIFICIAL INTELLIGENCE IN THE MUSIC INDUSTRY: ITS USE BY PIRATES AND RIGHT HOLDERS

Contribution prepared by Mr. Graeme Grant, Vice President of Global Content Protection, Universal Music Group, Hilversum, The Netherlands

Abstract: This contribution outlines Universal Music Group's (UMG) views on AI, focusing on its responsible use amidst deep concerns about IP infringement. As a leader in the music industry, UMG employs AI for various applications, including a variety of uses from a marketing aid to a creative tool. While AI holds great potential for innovation and expansion, generative AI also poses great risks – not only to creators but to broader society, as well. For example, generative AI's deepfakes and other fraud also threaten individuals' privacy and consumers' safety. The contribution delves into growing unauthorized activities, such as using AI to mimic artists and generate fraudulent tracks and the unlicensed training of AI platforms on musical works. These unauthorized uses are increasingly prevalent across digital platforms, posing challenges in IP enforcement and raising concerns about the future integrity of artists' work. UMG concludes that AI can serve the interests of artists and creativity if used responsibly, but that it is a significant threat, if used irresponsibly.

THE USE OF ARTIFICIAL INTELLIGENCE BY MERCADO LIBRE TO DETECT AND TERMINATE INTELLECTUAL PROPERTY INFRINGEMENT

Contribution prepared by Mr. Gustavo Luis Bertelli, Machine Learning Manager, Machine Learning Delivery and Technology, and Ms. Guadalupe Yamila García Crespo, Brand Protection Manager, Legal and Government Relationships, Mercado Libre, Buenos Aires, Argentina

Abstract: Various legal frameworks around the world address the limitation of liability of Internet intermediaries and the establishment of complaint mechanisms for the reporting of offers that infringe copyright or industrial property rights. In Latin America, however, only few countries have adopted regulations for that purpose.

This means that in seeking ways to prevent the listing of counterfeit products and maintain high standards for the quality of their services, e-commerce platforms operating in this region must contend with the challenges of self-regulation and the absence of safe harbors.

In addition, the implementation of industry best practices in this area calls for complementing the reporting mechanisms with AI models to proactively and automatically detect infringing goods when listed for sale. This presents the additional challenge of analyzing the reports received from IP right owners to establish a reliable, continuous and up-to-date source of knowledge about such infringements. This document examines the approach being taken by Latin America's Mercado Libre platform.

In Latin America, the development of solutions to combat e-commerce listings of counterfeit goods has posed particular challenges. The focus of this contribution, which is not intended to be exhaustive, is on the mechanisms developed by Mercado Libre to automatically remove e-commerce listings of counterfeit goods from participating member sites and examines it from both legal and technological standpoints.

WIPO/ACE/16/16

THE PROSECUTION OF INTELLECTUAL PROPERTY CRIME
IN WIPO MEMBER STATES
Contribution prepared by the Secretariat

Abstract: This document summarizes the results of a survey administered by WIPO in 2023 to compile information on the prosecution of intellectual property (IP) crime in its Member States, with the objective of better understanding the diversity of national approaches to IP crime prosecution and the distinct needs of IP crime prosecutors, to inform WIPO in providing more targeted and impactful assistance to national prosecutors.

The survey sought information on fundamental elements of national IP crime prosecution systems (e.g., types of IP infringements subject to criminal sanction, nature of the prosecution system, and how proceedings may be initiated); its role within the criminal prosecution services in general (e.g., whether IP crime prosecution is specialized, how it is integrated with other areas of criminal prosecution, including prosecution of digital copyright piracy; and the IP knowledge and skills of prosecutors); the availability of actions such as shutting down / seizure of infringing websites; statistical information on prosecutions and recovery of illegal assets; and successes and challenges of national systems for IP crime prosecution.

WIPO/ACE/16/17

NATIONAL EXPERIENCES WITH PROSECUTING
INTELLECTUAL PROPERTY CRIME
*Contributions prepared by the Dominican Republic and the
Republic of Korea*

PROSECUTING INTELLECTUAL PROPERTY CRIME IN THE DOMINICAN REPUBLIC

*Contribution prepared by Ms. Army Ferreira Reyes, Deputy Attorney General and
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Abstract: The relevance of the central role of the State in the protection of IP rights and all that this implies, including the prosecution of offenses violating these rights, was the impetus to establish a dynamic system of service to the victims of IP crimes. To this end, the Intellectual Property Unit of the Attorney General's Office was created, which has established a Liaison Prosecutor, specialized in the investigation of IP crimes, in each judicial district.

Attaching greater importance to the Liaison Prosecutor promoted communication and collaboration with the other institutions of the Dominican Republic that are part of the IP ecosystem. In practice, this means a greater awareness and value of each institution's roles in the area of IP and how best to functionally merge these roles towards the common goal of establishing a balanced IP system, ranging from the recognition of rights, the promotion of the creative and innovation industries and the defense of the rights against the occurrence of crime that affects them.

PROSECUTING TECHNOLOGY LEAKS IN THE REPUBLIC OF KOREA

*Contribution prepared by Ms. Sunhwa Lee, Prosecutor, Cyber Investigation Division, Forensic
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Abstract: The unauthorized disclosure of protected, secret information about technology (technology leak) is a crime that threatens national security and corporate survival and must be prevented through the applicability of deterrent penalties, including harsh punishment and economic deprivation. Recognizing that the protection of cutting-edge industrial technology and trade secrets is essential, the Supreme Prosecutors' Office (SPO) created the Technology Leak Crime Investigation Support Center in September 2022.

The SPO strives to improve the system to ensure strict investigation and punishment commensurate with the seriousness of the crime of technology leaks through a variety of efforts, including (1) increasing the number of prosecutors and investigators dedicated to technology leak crime; (2) strengthening investigative support and expertise; (3) revising the standards for processing prosecution cases; (4) revising the sentencing standards; and (5) solidifying cooperative relationships with related organizations.

The SPO will continue to take the lead in protecting technology, which is a key national asset and future survival strategy.

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REPEAL OF A SPECIAL RULE OF PROCEDURE OF THE
ADVISORY COMMITTEE ON ENFORCEMENT
Document prepared by the Secretariat

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