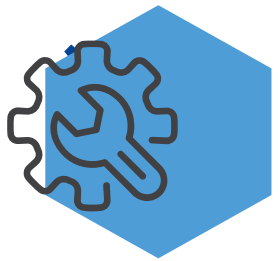
SOFT LAW MECHANISMS AS A MEANS TO ENHANCE IP ENFORCEMENT POLICIES

SHARING OF PRACTICES FROM THE EUROPEAN UNION

WIPO Advisory Committee on Enforcement (18th session) – June 2026

Counterfeiting facts & figures

- **5% of EU imports** were counterfeit in 2021, €99 billion in value
- **€83 billion in lost sales**, €15 billion in tax revenue, and more than **670 000 jobs lost**
- **SMEs are 34% less likely to survive** as a business after 5 years if affected by counterfeits

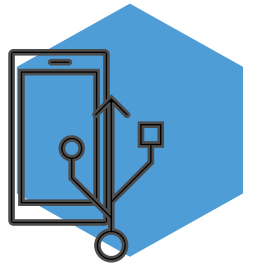


Spare parts

Toys

Food and drinks

Pesticides



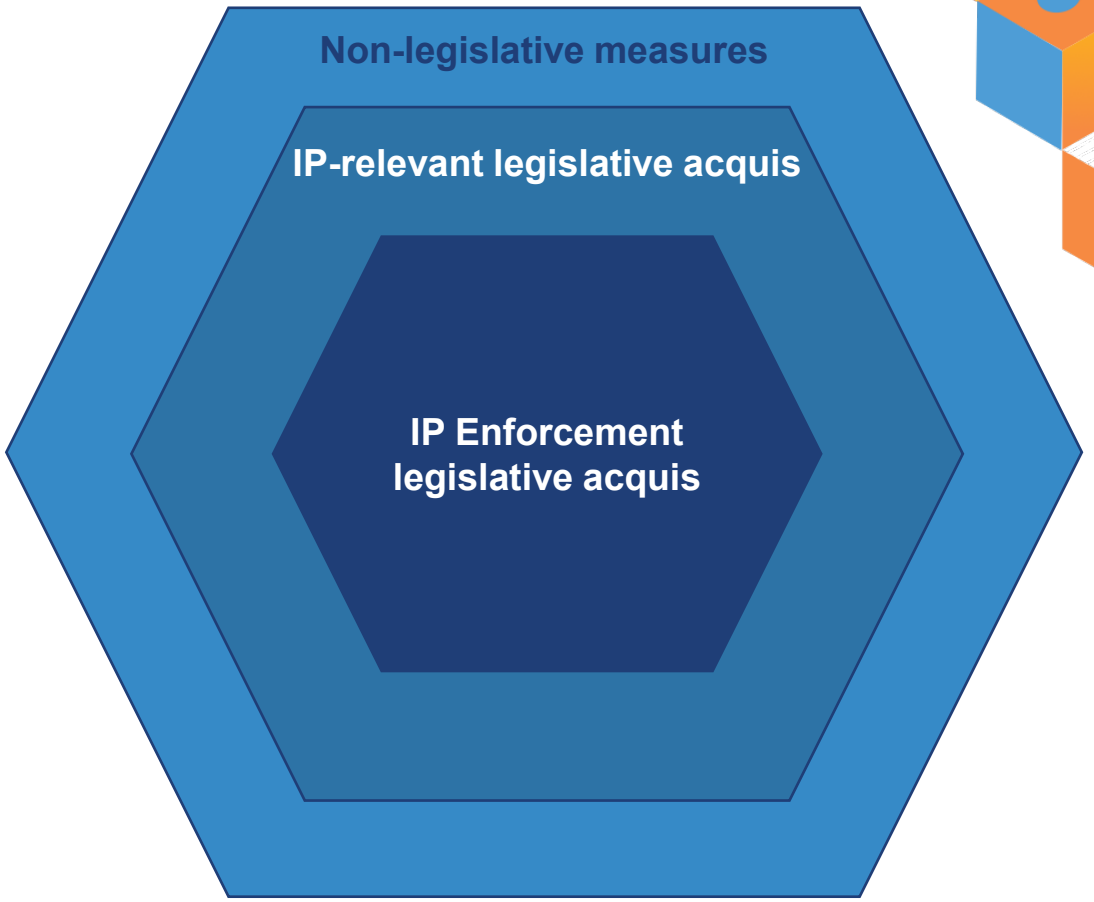
Electronic devices

Pharma

European Commission

EU IP enforcement policies

- **Directive 2004/48/EC** on the enforcement of IP rights & **Regulation (EU) 608/2013** concerning customs enforcement of IP rights
- **Regulation (EU) 2022/2065** on the Digital Services Act
- **Recent recommendations:**
  - Commission Recommendation (EU) 2024/915 of 19 March 2024 on measures to combat counterfeiting and enhance the enforcement of intellectual property rights
  - Commission Recommendation (EU) 2023/1018 of 4 May 2023 on combating online piracy of sports and other live events



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Recommendation to combat counterfeiting and enhance the enforcement of IPR

Five pillars

Fostering cooperation & information sharing

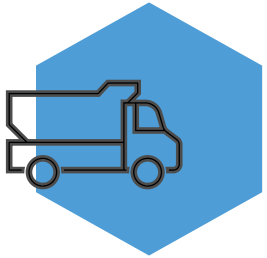
Advancing IP enforcement procedures

Adapting IP practices to AI & virtual worlds

Providing SMEs with tools to better protect intangible assets

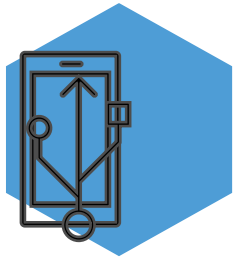
Fostering IP awareness, training & education

Targeting categories of stakeholders



Transports & logistics

Payment



Domain names

Social media

- Adapting **terms & conditions** to support of IP enforcement
- Setting-up **verification systems** to detect incorrect data and verify identity
- Provisions of **specific measures to support rightsholders** such as **notification systems**

Fostering cooperation & information sharing

Joining forces in combating counterfeiting and piracy

- **Modernise existing MoUs** & encourage the role of signatories of the MoU on counterfeiting as **DSA trusted flaggers**
- Designate a **single contact point** for IP related matters
- **Entrust market surveillance authorities** with skills and resources to identify counterfeits

Advancing IP enforcement procedures

Builds on the IP Enforcement Directive

- Tackle IP infringements with **dynamic injunctions**, better **information sharing, appropriate damages** & **alternative dispute resolutions** for all IP-related disputes

- **Re-asses and raise** the **maximum sanctions** on serious criminal IP offences and **set up specialised IP units** in police forces and prosecutors' offices

- **Decrease the time and cost** for storage & destruction and ensure a more **ecological destruction or recycling** of IP infringing goods

Future proof IP enforcement

Adapting IP enforcement to AI and new technologies

- Use **content recognition systems**, **blockchain** and the **digital product passport** to increase traceability & transparency in supply chains

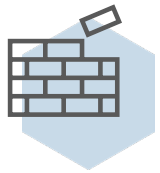
- Encourage Member States to use AI based technologies to **improve the application & enforcement** of IP rights

Supporting SMEs

Providing SMEs with tools to better protect their IP rights

- **IP Enforcement Scan Voucher** (SME Fund) to reimburse costs for advice on how to enforce rights in case of IP infringements
- **Cybertheft Prevention Toolkit** to help SMEs prevent and react to cyberattacks (e.g. hacking) against trade secrets

Fostering IP awareness, training & education

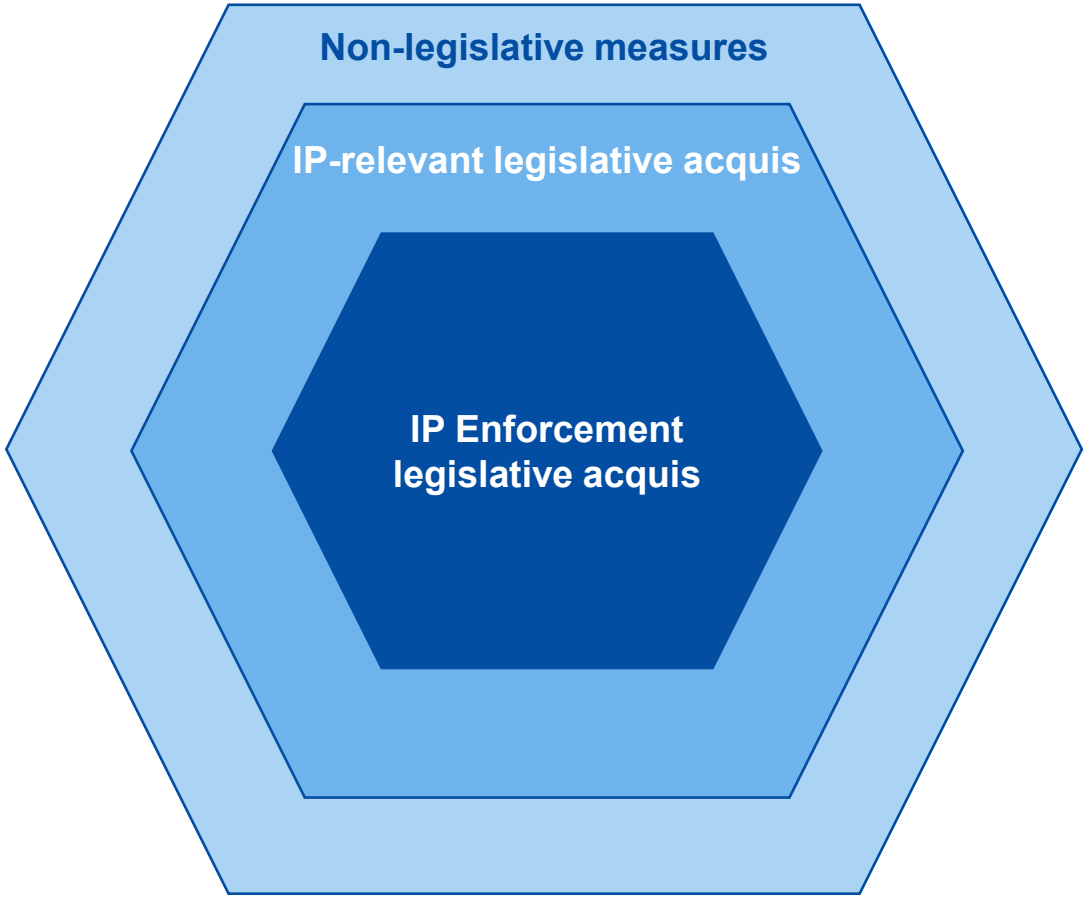


Building a culture of respect for IP rights

- Raise IP awareness among the public and young entrepreneurs through **education in schools and universities**
- Include tailor-made IP content in national **training curricula for police, customs, public prosecution**, etc.
- Help consumers avoid **illicit online pharmacies** and raise awareness of the **IP Watch List** and information that EU businesses can use when operating outside the EU, e.g. **IPR Helpdesks**

Conclusion

- Legislative acquis: clear and predictable legal environment
- Non-legislative measures: means to address new and/ or emerging practices and trends
- ‘Test-phase’, paving the way for legislative changes



Thank you

European Commission