INAPI
Ministerio de Economía, Fomento y Turismo

Gobierno de Chile

Criminal Enforcement of IP Rights in Chile Evidence-Based Report (2017–2022)

INAPI, Chile

BACKGROUND AND PURPOSE

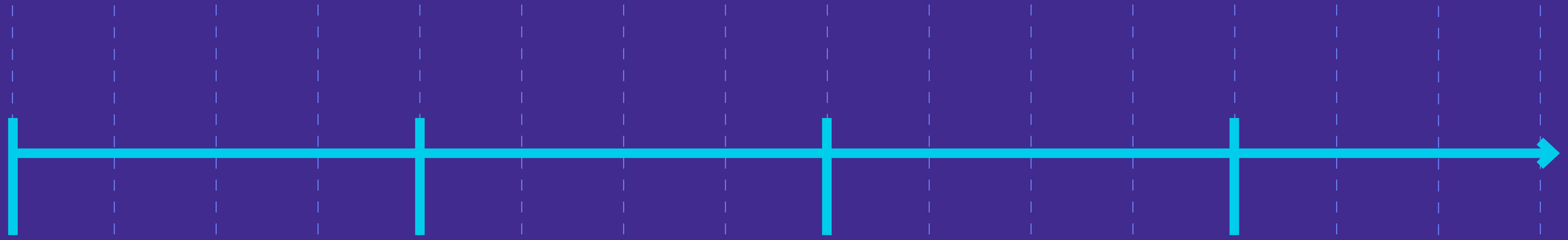
Report published in 2024 by INAPI

Based on data from the National Prosecutor's Office

Covers criminal enforcement trends between 2017–2022

Provides systematic statistical information on IP enforcement

POLICY ORIGIN



Rooted in the 2016 National Industrial Property Strategy

Identified lack of systematic and accessible enforcement data

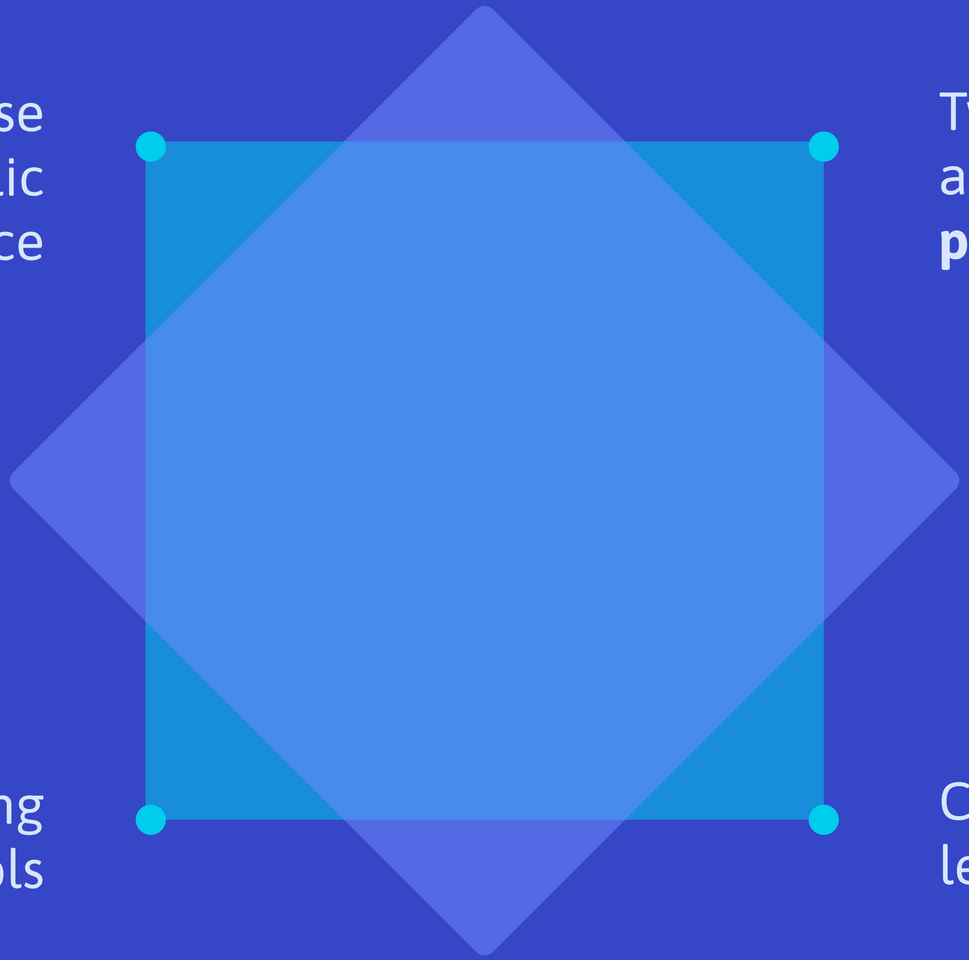
Supports evidence-based policymaking

Contributes to assessing international commitments

Link to the report

METHODOLOGY

Source: criminal case database of the Public Prosecutor's Office



Two categories analyzed: **industrial property** and **copyright**

Use of data cleaning and visualization tools

Cases grouped by legal framework

OVERALL TRENDS

17,279
cases registered between 2017–2022

Decrease from **4,050** cases in 2017 to **2,087** in 2022

Trend observed across both categories

Trademark-related offenses represent the majority of cases

LEGAL STRUCTURE AND ENFORCEMENT PATTERNS

Industrial property crimes require private criminal action

Trademark-related offenses predominate despite procedural requirements

Current legal design influences enforcement patterns

Copyright crimes are subject to public criminal action

GEOGRAPHICAL DISTRIBUTION

- → **83% of cases** concentrated in three regions
- → **Metropolitan, Valparaíso** and **Biobío** regions dominate
- → Border and trade dynamics influence enforcement activity
- → Tarapacá shows high rates linked to cross-border trade

CASE INITIATION AND SYSTEM DYNAMICS

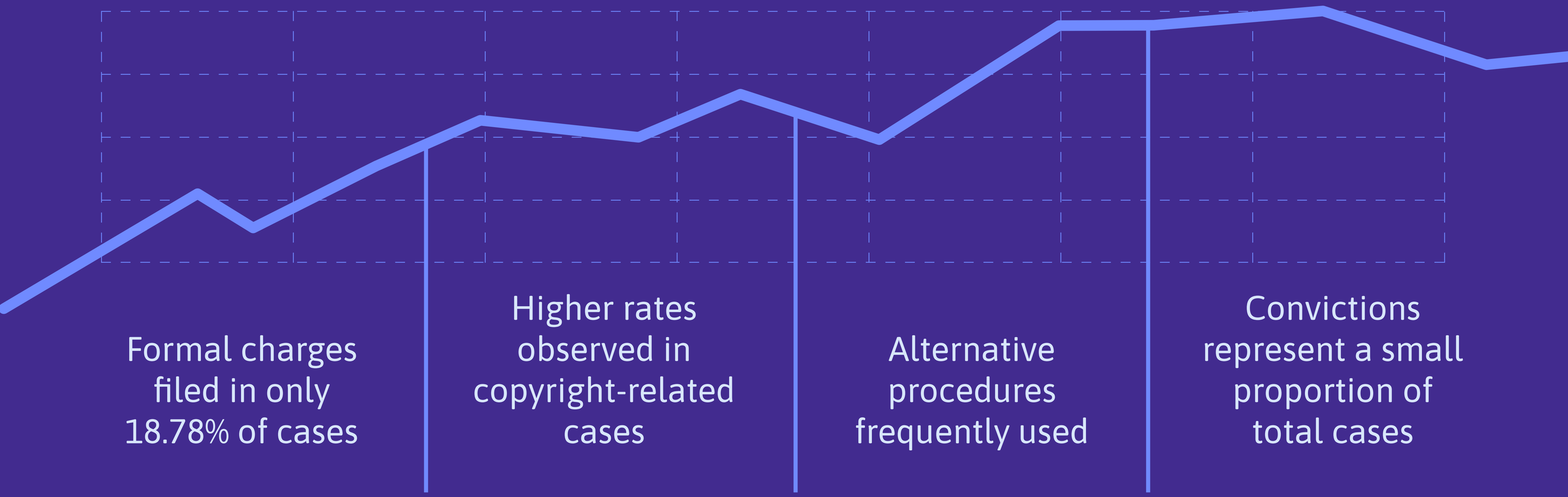
Most cases begin through **complaints filed before courts**

Police reports also represent a relevant entry point

System operates in a **predominantly reactive** manner

Rights holders play a central role in enforcement activation

CRIMINAL JUSTICE PERFORMANCE



Formal charges filed in only 18.78% of cases

Higher rates observed in copyright-related cases

Alternative procedures frequently used

Convictions represent a small proportion of total cases

PROCEDURAL APPROACH

Frequent use of procedural efficiency mechanisms

Case grouping, dismissals and principle of opportunity

Use of reparatory agreements and conditional suspension

Reflects a pragmatic enforcement approach

POLICY IMPLICATIONS

Need to strengthen legal framework and institutional capacities

Importance of inter-institutional coordination

Need for improved awareness and prevention strategies

Value of periodic and standardized data collection

CLOSING

Evidence-based approaches strengthen enforcement policy.

Periodic reporting enables trend monitoring.

Current efforts.

Balanced and coordinated strategies are necessary.

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