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MEASURES ADOPTED BY THE SPANISH GOVERNMENT RELATING TO THE
ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS*

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ORIGINS AND IMPORTANCE OF THE PROBLEM IN SPAIN

The fight against piracy is becoming ever more important in the countries of Europe. The term piracy covers a series of unlawful activities, whose common link lies in attacks against intangible property (intellectual and industrial property), by means which do not allow a rapid and complete response, at least at the time when the offense is committed.

The importance of providing appropriate protection for these two types of property is based fundamentally on three factors: the fact that we are dealing with a real form of property which, as such, deserves the same protection as ordinary property, be it movable or immovable; the fact that the lack of protection for this kind of property has an effect in that creation, innovation and trade (which are the economic realities protected by this kind of property) are discouraged; and the fact that, since it is a way of obtaining significant income with negligible costs, piracy has become a preferred means of obtaining easy profit, and has even become one of the ways used to fund unlawful activities of international criminal organizations.

The series of unlawful activities commonly known as piracy covers a large number of areas in Spain, the economic importance of which varies depending on the sector in question. Thus, the number of cases of police intervention in Spain during 2004 increased by 89 per cent in relation to 2003, a trend which has been maintained in 2005.

In general terms and according to the data provided by European Community customs authorities, the number of seizures of counterfeit products increased in Europe by 100 per cent. Similarly, during 2004 more than 103 million counterfeit products were seized by customs authorities, which, together with the statistics for the past 10 years, implies an increase of 1,000 per cent.

THE SPECIALIZATION OF THE INSTITUTIONAL FRAMEWORK AND RECENT INNOVATIONS IN THE STANDARD-SETTING FRAMEWORK

As a result of the importance acquired in our sphere by the framework of activities commonly known as piracy and which reflect the information provided above, it was necessary to establish a stable framework in Spain for coordination of the various (standard-setting and institutional) public policies designed to act against such activities.

Since 1997, Working Groups have been set up in both areas to combat piracy in the sphere of intellectual and industrial property and these Groups were given legal form through the creation, in the year 2000, of the Interministerial Commission to act against the activities which infringe intellectual and industrial property rights.

The work of the Commission and both Working Groups since that time up to 2005 has been extremely productive in that they have played a relevant role in the promotion of the legislative reforms which will be explained below and also in the production of joint statistics concerning the real situation with regard to piracy in Spain.

Given the growing importance of the problem and the ever more specific nature of the action to be taken, in October 2005 the Spanish Government decided to replace the previous institutional framework with two Intersectoral Commissions with responsibility for intellectual and industrial property respectively. The decision represents progress in the fight against piracy, since it is now a priority to deal in specialized terms with defining and implementing public policies in each sphere, i.e. intellectual property or copyright and industrial property, without prejudice to coordinated action where it would be most effective.

The latest reform of the Penal Code, which came into force on October 1, 2004, was especially important in that such crimes were established as public offenses (i.e. that could be prosecuted *ex officio* without the need for a complaint). This system is substantially different from that which preceded October 1, which made the work of the State security forces and bodies extremely difficult, in that a complaint was required to be able to institute criminal proceedings against the infringing parties.

The criminal reform introduces significant changes such as the establishment of harmonization of penalties for crimes against industrial and intellectual property, and the introduction of specific aggravating circumstances such as the use of minors for criminal acts or participation in organized crime networks. Also, the amendment of the Penal Code introduced, into the Criminal Prosecution Act, the possibility of destroying the goods seized in specific circumstances, provided that certain guarantees are satisfied, something which will be applicable to trials relating to intellectual and industrial property.

The possibility now also exists of trying crimes against industrial and intellectual property in what are commonly known as “express trials” with the aim of speeding up a particular type of judicial proceedings, avoiding excessive delays in the substantiation of criminal trials, especially where those trials relate to crimes that have significant social repercussions.

Similarly, the preparation for the first time in Spain of comprehensive statistical studies on relevant police interventions should be highlighted as an achievement of the previous Interministerial Commission, since those studies provide an overview of the incidence of the phenomenon in Spain and are presented to the press each year so as to serve also as an appropriate channel for raising awareness among the public and the different sectors of the need for a suitable campaign against the phenomenon of piracy and the unlawful use of a mark.

Finally, mention should be made of the recent creation of specialized civil courts, the so-called Commercial Courts, which entails a significant advance in the process of specialization of the judicial bodies which deal with the infringement of the rights that we are considering.

As to the Community instruments for protecting intellectual and industrial property rights, Spain is one of the first countries to implement Directive 2004/48/EC, relating to the enforcement of intellectual property rights, through the Law which expands the means of protection for intellectual and industrial property rights, and procedural norms are established to facilitate the application of various Community regulations, the final approval of which takes place this very month, May 2006. Finally, it should also be recalled that the European Union is currently debating the Proposal for a Directive by the European Parliament and the Council relating to the criminal measures intended to guarantee the enforcement of

intellectual property rights, and the Council Framework Decision aimed at strengthening the penal framework for the elimination of infringements of intellectual property.

THE FIGHT AGAINST PIRACY IN THE INTELLECTUAL PROPERTY SPHERE

Since the year in question 2000 to date, the phenomenon of piracy has made spectacular progress which has been due to the dissemination and improvement of the new technologies which allow an increasingly perfect reproduction of original products. Although great efforts have been made to eradicate the problem, the exponential growth in these activities gave rise to the need for new initiatives. Thus, on April 8, 2005, the Spanish Government approved the so-called Comprehensive Plan against Activities Infringing Intellectual Property Rights, also known as the anti-piracy plan and which is currently being implemented.¹

This Plan deals with the phenomenon of piracy as a phenomenon of general interest not only owing to its negative effect on creation, but also for its harmful effects in other social, political, economic and ethical spheres.

This is the first time that the Spanish Government has adopted a global strategy and at the highest level to tackle a problem which is constantly increasing in scale. This is one of the keys to the Plan's success: its global and comprehensive nature. This is the case for various reasons.

The Plan involves all public and private employees and the activity and reaction of the public authorities is thus combined with the efforts stemming from personal initiative. In itself, this implies great progress and an effort at coordination between all those involved, designed to tackle the problem from all its perspectives and generate the involvement of all the protagonists: rights' owners, cultural industries, information and communication technology industries, the different public authorities, the different government sectors and the users.

On the other hand, the aim of the Plan has been to tackle the phenomenon of piracy in all its different forms, from the illegal sale of hard copies through what in Spain is known as "top manta" and "top mochila" (two versions of the itinerant sale of illegal products), as well as online piracy, dealing with the particular features of each of the versions.

Another of the keys to the Plan's success is that of raising social awareness. The Plan is not limited to designing purely repressive strategies which, although necessary, are insufficient unless they are supported by conviction on the part of citizens. For this reason, an effort is made to tackle the problem from a constructive and formative perspective, relying on awareness raising, especially among young people. This gives rise to information campaigns intended for users and consumers, which aim to put an end to tolerance of fraud.

As to the specific content of the Plan, it contains five major series of measures: cooperation and collaboration measures, preventive measures, awareness-raising measures, normative measures and training measures. These measures relate to the various sub-sectors concerned with intellectual property, such as the music sector, audiovisual, books or software.

¹ Comprehensive Government Plan for the Reduction and Elimination of Activities Infringing Intellectual Property Rights, published in the Spanish Official Journal of April 26, 2005;

All these sectors are marked by the problem, and each one of them has its own particular features.

Among the cooperation and collaboration measures provided for in the Plan, emphasis is placed on the creation of an Intersectoral Commission, as an instrument where the public and private sectors come together, have debates, provide solutions and reach agreements. This Commission, which has already held two meetings², has representatives from all the public authorities with relevant responsibilities including in relation to the Plan's implementation, as well as for the private sector and is required to become a catalyst in the anti-piracy strategy relating to intellectual property.

The initiatives proposed by the Commission include, most importantly, the following:

- the setting-up of a working group involving police chiefs specializing in the fight against intellectual property crimes and management entities. This group is intended to coordinate the activities to combat piracy and tax fraud;
- the undertaking to strengthen training activities for members of the justice administration;
- the production of a model ordinance, intended for town halls, to prevent activities infringing intellectual property, on the basis of the experience of the municipalities of Madrid and Barcelona;
- the carrying out of activities in hotel establishments against the itinerant sale of pirate products, and
- the dissemination of awareness-raising campaigns in school centers.

The Plan also contains preventive measures aimed at determining the true scope of the problem and establishing the reasons which lead citizens to accept the trade in and consumption of unlawful products, even where they do not consume them themselves. In the final analysis, these measures are intended to determine the sphere in which the activities infringing intellectual property rights take place, analyzing their incidence by sector, determining the profile of the infringer and the criminal organizations, and also the consumer of these products and the reasons leading to such consumption. In that regard, a survey is currently being conducted at the national level on habits relating to consumption of cultural products and services, which will be finalized in 2007 and will provide important information on piracy in our country³. The conclusions of this survey are essential to the Plan, especially as it relates to awareness-raising measures, since it helps to provide an assessment with which the message can be personalized and directed to those sectors with the highest consumption of unlawful products.

In addition to the survey, the Ministry of Culture is working to determine the economic value of culture and intellectual property. This completely innovative process is based on an initial determination of the methodology to be used, which has not existed to date. Given this first step, it will also be the end of the year before the first economic data are available in terms of GDP.

The budget devoted by the Ministry of Culture to these activities in 2006 is 520,000 euros with a forecast for 2007 of 350.000 euros.

² The first plenary of the Intersectoral Commission was held on November 23, 2005, and the first meeting of the Standing Committee of the Intersectoral Commission on April 5, 2006;

³ "Survey on cultural habits and practices 2006-07";

Thirdly, the Plan covers awareness-raising measures. This is a subject of particular concern and within which much work remains to be done. It is necessary to convince not only young people but also a whole broad social spectrum of the need to respect intellectual rights, by explaining the contribution which creation and creators make in cultural and economic terms to society.

In this vein, the Ministry of Culture launched a campaign in November 2005 to raise awareness under the slogan “Defend Your Culture Against Piracy”, the aim of which is to enhance the creative process, by demonstrating that it is a fundamental driving force in the development of a modern society. This campaign, which is still in progress, has focussed especially on the youngest section of the population and is broadcast on television, in the cinema, on the radio, through the illustrated press and the Internet⁴. Its cost has been 1,290,000 euros, including in this amount both design and creative production such as the broadcasting of commercials and illustrative materials in the media.

What started as a communication campaign has become a comprehensive kind of strategy which has involved many social players from culture and industry. Still today, six months after the campaign has been launched, the Ministry of Culture continues to distribute the campaign materials to any interested party who wishes to incorporate the messages from the campaign in his or her book, journal or media, and, in turn, transmitting the message and increasing the effectiveness and impact of the campaign.

For 2006, a new awareness-raising campaign will be produced, the budget for which exceeds 2.5 million euros. Along the lines of the previous campaign, in this case an attempt is made to disseminate a more emphatic and incisive message, underlining that illegal uses of protected works and services constitute antisocial behavior which must be rejected by citizens. Thus, the conduct of those who do not respect protected works, produced through the work and effort of the whole cultural framework of society – creators and cultural enterprises – must be perceived as abusive, showing a lack of solidarity and antisocial. Furthermore, taking into account the development of illegal downloads, the messages of the next campaign will also aim to modify the generally extended perception of citizens that the contents circulating on the Net must be accessed free of charge. Insistence will therefore be placed on responsible use of the Internet and the unlawful nature of unauthorized downloads.

Fourthly, the Plan covers standard-setting measures. It contains a plan for immediate binding reforms to rules and regulations in order to incorporate European Directives such as the Directive on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society and the Directive on the Enforcement of Intellectual Property Rights. The incorporation of the first of these Directives affects to some extent the subject we are dealing with, since it adapts intellectual rights to the digital environment and provides rights’ owners with mechanisms for the protection on the Net of their creations. The second Directive involves an expansion of the means of legal protection which will provide an effective guarantee for the application of intellectual property standards. The incorporation of both Directives in Spanish law is currently being considered by Parliament and their approval is imminent (scheduled for May/June 2006).

⁴ On television 377 advertisements have been broadcast, on the radio 83 advertising slots, in the cinema there have been 4,957 commercials, in specialized journals headlines have been selected in sport, cinema and music for the insertion of advertisements and, finally, on the Internet there have been more than 50,000 issues in the press and on portals.

In fifth and final place, the Plan provides for training measures which are fundamentally designed for all those whose functions include ensuring compliance with these rights; in particular, members of the State, autonomous or local security forces and bodies as well as judges and public prosecutors.

Finally, it was considered necessary to undertake a series of activities which, owing to their urgency, needed to be carried out immediately, including most importantly:

The creation of a working group set up by the Administration in order to promote the mechanisms for self-regulation among Internet service providers and intellectual property rights' owners. Many of the infringing activities cannot be prosecuted unless industries themselves make available the required technology, and it is desirable for providers to be able to adopt the measures necessary to detect and remove the content which is unlawful, within a legal framework which allows them to take such action. This working group was set up on May 4, 2005 and it has met five times in its first year of operation.

Instruction for the State Attorney General. A circular will shortly be approved intended for Public Prosecutors on industrial and intellectual property crimes, which will serve as a document standardizing the criteria for interpretation and legal action in the treatment of such crimes.

The signing of an agreement between the Ministry of Culture and the Federation of Municipalities and Provinces (FEMP), as the majority organization bringing together local bodies, on the observance of intellectual property rights⁵. This agreement has been translated into the establishment of an advice and information service for all town halls in relation to observance of rights. It has cost 42,061 euros.

Further, in relation to decisions taken at the local level, mention should be made of the measures adopted recently by the town halls of two of our big cities: Barcelona and Madrid, to tackle the phenomenon of the itinerant sale of pirate audio and video recordings.

Thus, in Barcelona an ordinance has been approved, which expressly prohibits the purchase or acquisition of unlawful material in public places, with the possibility of imposing a penalty on the purchaser. Despite the fact that it was difficult for the mayor's office to adopt this decision, the measure has obtained the social consensus essential for its introduction: support from political parties, shopkeepers and the different social players⁶.

Also, in the city of Madrid during last Christmas a system was introduced through which consumers were involved in open trials against the itinerant sale of pirate material. Currently, if a consumer of a pirate product is caught making such a purchase in the street, the police requests him to provide identification and he may be called on by the judicial authority to make a statement in court against the illegal seller.

To finish, the fact should be highlighted that this Plan is devised as a dynamic instrument which aims to solve a very complex problem in which many different players are involved. The Plan is not only something to be aimed for, within which a general framework

⁵ Signed on October 14, 2005;

⁶ "Order on measures to promote and guarantee the coexistence of citizens in public areas in Barcelona", approved on December 23, 2005 and published in the Official Provincial Journal 20, Annex I on January 24, 2006;

of operation is established and in which specific measures are also proposed, but also and above all it is a starting point from which very relevant decisions are already being taken. The Plan aims to establish guidelines and, at the time of implementation, to direct the measures which are being adopted pursuant to the Plan.

Although the problem of piracy continues to exist, it can be stated that, thanks to the anti piracy plan described above, Spain already takes concerted action and has a firm political will to work to eradicate the “piracy” phenomenon and its numerous negative effects on the social and cultural life of the country. Its approval and implementation imply, in the final analysis, giving political priority to a problem which has ceased to be considered to be of minor relevance, and to which a definitive response is being given.

THE FIGHT AGAINST PIRACY IN THE INDUSTRIAL PROPERTY SPHERE

As indicated above, the ever-increasing specialization of institutions in the fight against piracy, through the creation of two Intersectoral Commissions, one with responsibilities in the field of intellectual property and the other in the field of industrial property, constitutes a point of inflection in this sphere. Thus, on October 13, 2005 the Intersectoral Commission was set up to act against the activities infringing industrial property rights. The Intersectoral Industrial Property Commission was formally established in Madrid on March 2, 2006, under the Presidency of the Under-Secretariat of the Ministry of Industry, Tourism and Trade. As the successor in the industrial property sphere to the former Intersectoral Commission to act against activities infringing intellectual and industrial property rights, the Commission is designed to constitute a specialized forum in which ever-more qualified activities are carried out, allowing appropriate protection for this special form of property. The Commission includes representatives of all the Ministries involved and the private bodies which operate within the campaign against the unlawful use of this type of rights.

This Commission is not starting from scratch, but its aim is to continue the development undertaken by the previous Interministerial Commission, set up in 2000 and which was especially active in the legislative or statistical spheres. The basic separation between industrial and intellectual property is determined by the differences which the phenomenon of piracy entails in both areas. Thus, while police interventions in Spain in 2004 were related in 92 per cent of cases to intellectual property rights, the eight per cent of seizures relating to industrial property rights represented 65 per cent of the overall value of the products seized.

The data provided demonstrate therefore the greater economic impact which the infringements of the latter type of rights entail, lack of protection for which produces greater repercussions for national industry, employment and trade. In the final analysis, we are faced with a changing phenomenon which is taking on new forms, basically as a result of the application of the new technologies and, in the face of which, constant innovation and adaptation are therefore required.

The aim of the Commission, however, is not to replace the action taken by the participants, but to create a visible and politically relevant forum which, through the pooling of experience, information and proposals by both public and private participants, carries out its activities through a Standing Committee in relation to four basic areas:

- cooperation and collaboration between the organizations and bodies involved and the private sector,
- awareness-raising measures,

- standard-setting measures, and
- training measures.

Given the notable results obtained as a consequence of the work of the previous Commission in the legislative sphere and statistical study of the phenomenon, this Commission will focus fundamentally on new areas of operation, i.e. awareness raising and training, endeavoring where possible to apply currently existing legislation in an appropriate manner. An attempt is being made to establish the latest changes to rules and regulations in society, thereby applying the new legal rules in a faithful and rigorous manner, and making them as effective as possible.

The latest legislative reforms

With respect to sectoral laws in the industrial property sphere, the improvements introduced in the past few years should be highlighted. Thus, of particular importance are Law 17/2001, of December 7, on Marks and Law 20/2003, of July 7, on Legal Protection of Industrial Designs. Both Laws aim to enhance civil protection for this type of rights. Thus, the Law on Marks strengthens in particular the legal position of the owner of a registered mark and, most particularly, the owner of a registered well-known and famous mark, establishing, among other measures, a principle of objective responsibility of the infringing party. In specific terms, the following legal measures may be highlighted, which result in improved protection for distinctive signs.

1. In particular, the protection of well-known and famous signs is strengthened: thus as a first measure, the concepts of well-known and famous mark and well-known and famous trade name are introduced for the first time into Spanish legislation. Both types of mark are the subject of greater protection, since said protection is extended beyond the principle of speciality and therefore access to the registration of subsequent applications is prevented even if they are for commercial spheres other than those in which the priority registrations are contained. All that is true according to the law, provided that a connection is established between the marks, or a risk of unfair advantage occurs, or damage to the distinctive character, well-known nature or renown of the previous signs is established.
2. On the other hand, in keeping with the European trends in this field, the formalization of objections to the owner of a mark well-known in Spain but unregistered is allowed. The possibility is also recognized of bringing court cases against the infringing parties, thus strengthening judicial protection.
3. The recognition of the difficulties in the fight against the phenomenon in the so-called Information Society and its more tangible manifestation, the Internet, as well as the need for appropriate measures to combat piracy through the Net, lead to the inclusion, among other measures, of the prohibition on third parties to use a registered mark, without the consent of its owner, on telematic communication networks and as a domain name.⁷

Actions in cases of infringement of the right to a mark are regulated in detail and action for compensation for damages owing to infringement of rights in distinctive signs is strengthened; thus, the principles of objective responsibility are defined and the criteria are clearly fixed for the calculation of compensation for damages (which will include the loss

⁷ We are all familiar with the concepts of “cyber-occupation” of marks, which give rise to millions in compensation.

suffered, the lost profit and the damage caused to the prestige of the mark); these criteria include the consideration of being well-known, renown and prestige of the mark, and the number of licenses granted at the time the infringement occurred. Furthermore, the owner of the mark whose infringement has been declared in the courts will, in any case and without the need for any proof, have the right to obtain as compensation for damages one per cent of the turnover produced by the infringing party through the goods or services bearing the mark unlawfully. The mark owner may demand, in addition, further compensation if he proves that the infringement of his mark caused him greater harm or damage.

Strengthening of precautionary measures. The possibility of demanding from the civil courts the adoption of the measures necessary to avoid an infringement continuing, and in particular for the products, packaging, wrapping, advertising material, labels or other documents on which the right to a mark has been infringed, is regulated. As a fundamental novelty, regulation is made for the possible destruction or transfer for humanitarian purposes, at the cost of the accused and at the choice of the owner of the right infringed, of the products unlawfully identified with the mark, which are in the possession of the infringing party, provided that this is possible.

Finally, it should be pointed out that the Law on Marks extends the territorial competence of the jurisdictional authorities, adding a new concept to those previously contained in the Law on Patents. Thus, at the defendant's request, the Court of First Instance of the city hosting the Higher Court of Justice of the Autonomous Community where the infringement has taken place or where its effects have been produced shall also be competent.

Furthermore, the Law on Design establishes rules designed to produce effective protection for this form of industrial property, including the recognition for the first time in Spain of temporary protection from the time an application is deposited, the establishment of the possibility that a design may be launched on the market and the rights of authorship retained for 12 months without the need for registration, and complementing and streamlining in general terms the actions to defend a right. These are priority areas of operation for the Intersectoral Commission to act against activities infringing industrial property rights.

Once the legislative framework has been updated and improved, it becomes necessary to enter new fields of operation; raising awareness of the importance of protection for this form of property, the training of the officials involved in such protection and the operational coordination of both Commissions.

As regards RAISING AWARENESS of the fight against this type of unlawful activities, the Commission's activities will be fundamentally directed towards raising the social awareness of the parties who are the victims of the infringements, i.e. the purchasers of counterfeit products. In this sense, a greater effort must be made to create awareness of the damage caused by counterfeiting, the harm this produces in relation to the prestige of industrial property rights' owners and the greater social enhancement which the efforts made by owner companies merit. For that purpose, OEPM is preparing a plan to raise awareness of industrial piracy, aimed as a public group at the final consumers of pirate products, town halls and the State security forces and bodies. The basic objective of the campaign would be to raise awareness on the part of the public group in question as to the dangers of piracy in terms of its three fundamental aspects: damage to the consumer, damage to companies and damage to the national economy. The campaign would be conducted by means of short messages that would be incorporated in press advertisements, posters and so on. Explanatory leaflets would also be issued, information would be published on the Web and there would be travelling

exhibitions. The awareness-raising plan would help to bring to the public's notice certain subjects which have great impact such as the numerous cases of exploitation of children, Mafia activity or drug trafficking, which are linked to the trade in counterfeit products; apart from the repercussions which the phenomenon has in relation to citizens, fundamentally, in the tax sphere and in the general progress of the economy.

In the field of TRAINING for the officials involved in the fight against this phenomenon, the General Council of the Judiciary, a government authority for judges in Spain, has since 1991 held industrial property courses. Also, the Center for Legal Studies, a training body for public prosecutors, court secretaries and so on regularly organizes such courses, in the same way as the training authorities for security bodies and forces. All these courses are held with the collaboration of the Association for the Defense of the Mark and with the cooperation of the OEPM which has always been involved in this field. The aim now is to achieve wider dissemination of such courses, among other means through the publication of documentation thereon, including through the use of new technologies, and also for the courses to serve as a means of raising awareness of the importance of the protection of this type of rights.

Finally, mention should be made of the COORDINATION necessary in the activities of the two Intersectoral Commissions. Given the similarity of the phenomenon, the similar nature of the persons committing this type of crime and the parallelism between the solutions to be provided, it is desirable for appropriate coordination to exist between the two Commissions, something which is made possible in turn by the fact that many members serve on both Commissions and the proximity of both types of rights.

Latest activities conducted by the Spanish Patent and Trademark Office (OEPM) in the fight against piracy

Above all, it should be highlighted that an effective policy to combat piracy will be more effective insofar as it involves all the players, both public and private, officials or those involved in the seriousness of the phenomenon. In this connection, the OEPM supports and promotes the participation of all those parties in the above-mentioned Commission.

Within this framework, in the past five years collaboration with the Police, Civil Guard and customs authorities has increased enormously. Such an increase has led to a rise of more than 200 per cent in the collaboration achieved during the year 2000, which in turn increased the figure for 1999 six times over. Identical comments could be made in relation to the past few years, although since the entry into force of the Penal Code a decline in this type of collaboration with the State security forces and bodies has been observed, and such collaboration has been transferred to examining courts and criminal courts, since the conversion of the crime into an offense prosecutable *ex officio* means that it is no longer necessary to submit a complaint for this type of crime.

Furthermore, also in the past five years the use has been orchestrated of the most up-to-date telematic means of providing the collaboration to which I referred earlier. Of particular note is the existence of an electronic mail address incorporated in the OEPM web page so that the State security forces and bodies, and also the general public, may raise doubts or questions relating to the fight against piracy.

Similarly, information circulars are currently being prepared and distributed between the operational bodies of the Police and Civil Guard, with the conduct of “on site” demonstrations to certain representatives of said State security forces and bodies, for the purposes of clarifying the type of information which the OEPM may provide, the manner in which it is provided and also the form in which it must be requested in order to speed up as much as possible such information-related tasks.

In addition, the OEPM conducts institutional collaboration activities with the Justice Administration through its Sector of Relations with Courts of the Department of Legal Coordination and International Relations, which is responsible for providing all the assistance that is required by the different courts and tribunals, and also for fulfilling the judicial mandates entrusted to it by the courts and tribunals.

To conclude the discussion of the most recent measures adopted by the OEPM in its activities to combat piracy, mention should be made of the existence on the OEPM web page of a section entitled “unlawful use of industrial property rights (piracy)”, which is designed to provide for those people who access it information relating to the importance and serious consequences involved in the framework of unlawful activities commonly known as piracy, acting where possible as a suitable means of raising public awareness of the importance of the fight against piracy. Through this section, the OEPM provides information on the means of acting against this type of unlawful activities, concerning the relevant national, Community and international rules, the activities of the Commission to act against those activities infringing intellectual and industrial property rights, and so on.

The same section also includes a part devoted specifically to the publication of statistics on police interventions in this area, in both the fields of intellectual and industrial property. Also included are news and addresses of interest, hyperlinks etc. An electronic mail address has also been set up (piratería@oepm.es) with the aim of resolving the doubts that may arise in this area. This initiative has been welcomed with enormous interest by the public, which is demonstrated by the significant number of consultations made during the period in which the address has been operational.

Finally, the Office’s activities in its role as the Secretariat and Presidency of the Commission Working Group, to act against activities infringing industrial property rights, should be highlighted.

[Annex follows]

ANNEX

COMMERCIAL “Defend Your Culture” Ministry of Culture. Spain.

How much is an idea which makes you dream,
Which makes you laugh,
Which makes you cry worth.
Having an idea makes you believe in your idea,
And fight for it.
How much is living for an idea worth.
The ideas of some help others to have new ideas.
How much is the freedom to be able to choose worth.
A society is worth what its ideas are worth.
If we allow them to be stolen from us,
What do we have left.
Defend your culture.

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