

WIPO General Assembly

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REPORT ON THE ADVISORY COMMITTEE ON ENFORCEMENT (ACE)

prepared by the Secretariat

1. During the period under consideration, the Advisory Committee on Enforcement (ACE) held its tenth session from November 23 to 25, 2015 and its eleventh session from September 5 to 7, 2016. Both sessions were chaired by Ms. Amanda Lotheringen (South Africa).

I. Tenth Session of the ACE

2. The tenth session addressed the following work program:

- Practices and operation of alternative dispute resolution (ADR) systems in intellectual property (IP) areas; and
- Preventive actions, measures or successful experiences to complement ongoing enforcement measures with a view to reducing the size of the market for pirated or counterfeited goods.

3. The work program was addressed on the basis of 22 expert presentations and two panel discussions.¹ The work program on “Practices and operation of ADR systems in IP areas” started with two presentations on national experiences from the Center for Conciliation and Arbitration of the National Directorate of Copyright of Colombia and the Mediation Program of the Intellectual Property Office of the Philippines (IPOP HL). Subsequently, presentations on the Fast-Track IP Dispute Resolution Procedure for Palexpo Trade Fairs, the Serbian experience in domain name dispute resolution and the design elements of the Uniform Domain Name Dispute

¹ Documents WIPO/ACE/10/4 to WIPO/ACE/10/25.

Resolution Policy (UDRP) followed. The Secretariat provided its perspective in the context of the activities of the WIPO Arbitration and Mediation Center.

4. In relation to the work program on “Preventive actions, measures or successful experiences to complement ongoing enforcement measures with a view to reducing the size of the market for pirated or counterfeited goods”, the Committee heard presentations under the sub-items “Awareness Raising”, “Educational Tools for Young People”, “Preventing Infringements in the Online Environment”, “National Strategies to Build Respect for IP” as well as a panel discussion on “Strategic Cooperation”.
5. Under the sub-item “Awareness Raising”, one regional and four national experiences were presented, namely those of the League of Arab States (LAS), the American Chamber of Commerce (AmCham) Mexico, the Spanish Patent and Trademark Office (OEPM), the Kenya Copyright Board (KCB), and the Industrial Property Protection Directorate of Jordan.
6. Under the sub-item “Educational Tools for Young People”, four national experiences were presented, namely those of the Directorate-General for the Fight Against Counterfeiting – Italian Patent and Trademark Office (DGLC-UIBM), the Japan Patent Office (JPO), the Intellectual Property Corporation of Malaysia (MyIPO), and the United Kingdom Intellectual Property Office. They were followed by a presentation on the WIPO educational materials on respect for copyright for young people in the age range of 10 to 15 years, which had been made possible by the support of the Ministry of Culture, Sports and Tourism of the Republic of Korea.
7. A panel discussion took place on public communication campaigns on respect for IP and awareness tools for young people. Representatives of the National Registry of Costa Rica, the Mexican Institute of Industrial Property (IMPI), the State Agency on Intellectual Property of the Republic of Moldova (AGEPI), the Industrial Property Office of the Republic of Slovakia, the Companies and IP Commission (CIPC) of South Africa, and the European Observatory on Infringements of Intellectual Property Rights gave short presentations.
8. Under the sub-item “Preventing Infringements in the Online Environment”, six presentations were made. Economic evidence on the effectiveness of various government and industry anti-piracy interventions was introduced. Three national experiences followed, notably those of the National Anti-Counterfeiting Committee of France (CNAC), the Republic of Korea, and the Ministry of Culture of Denmark. Finally, two industry initiatives by the Federation of the Swiss Watch Industry (FHS) and the Interactive Advertising Bureau (IAB) Poland were shared.
9. Under the sub-item “National Strategies to Build Respect for IP”, three national experiences were shared, notably those by the AGEPI, the Zambia Police Service, and the Danish Patent and Trademark Office (DKPTO).
10. Under the sub-item “Strategic Cooperation”, six Member States shared their experiences in establishing ways to cooperate amongst various national government authorities in order to build respect for IP, notably the representatives of the DKPTO, the Zambia Police Service, the Observatory on Enforcement of IP Rights of the Republic of Moldova, the CNAC, the IPOPHL and the Office of the Attorney General of Mexico. Introductions outlining the specificities of the national cooperation schemes were followed by a discussion amongst the panelists.
11. The Committee took note of the presentation by the Secretariat on recent activities of WIPO in the field of Building Respect for IP, which included technical assistance, where requested services included legislative assistance, as well as training and awareness raising for law enforcement officials and the judiciary. The presentation also addressed activities aimed at further enhancing systematic and effective international cooperation with other international organizations, non-governmental organizations (NGOs), and the private sector.² The

² Document WIPO/ACE/10/2.

Committee also took note of the presentation by the Secretariat of the “Evaluation on Strategic Goal VI: International Cooperation on Building Respect for IP”, which had taken place through the WIPO Internal Oversight Division (IOD), assisted by an independent external consultant, to assess whether WIPO, mainly through Program 17, addressed comprehensively and effectively the key objectives of Strategic Goal VI and the relevance of activities developed.³

II. Eleventh Session of the ACE

12. The eleventh session addressed the following work program:

- Exchange of information on national experiences on awareness building activities and strategic campaigns as a means for building respect for IP among general public, especially the youth, in accordance with Member States’ educational or any other priorities;
- Exchange of information on national experiences relating to institutional arrangements concerning IP enforcement policies and regimes, including mechanism to resolve IP disputes in a balanced, holistic and effective manner;
- Exchange of information on national experiences in respect of WIPO’s legislative assistance, with a focus on drafting national laws of enforcement that take into account the flexibilities, the level of development, the difference in legal tradition and the possible abuse of enforcement procedures, bearing in mind the broader societal interest and in accordance with Member States’ priorities; and
- Exchange of success stories on capacity building and support from WIPO for training activities at national and regional levels for Agencies and national officials in line with relevant Development Agenda Recommendations and the ACE mandate.

13. The work program was addressed on the basis of 38 expert presentations.⁴

14. Under the work program “Exchange of information on national experiences on awareness building activities and strategic campaigns as a means for building respect for IP among general public, especially the youth, in accordance with Member States’ educational or any other priorities” there were a total of 11 presentations from the National Office of Copyright and Related Rights of Algeria, the General Administration of Customs of the People’s Republic of China, the State Intellectual Property Office of the People’s Republic of China (SIPO), the Hellenic Copyright Organization, the Hungarian Intellectual Property Office, the Patent Office of the Republic of Latvia, the National Directorate of Intellectual Property of Paraguay (DINAPI), the Intellectual Property Office of the Philippines (IPOP HL), the Korean Intellectual Property Office, the Sygnał Association (Poland), and the Swiss Musicians Association. In addition, the WIPO Academy presented its initiatives in raising awareness of IP among young people through the educational system.

15. Under the work program “Exchange of information on national experiences relating to institutional arrangements concerning IP enforcement policies and regimes, including mechanism to resolve IP disputes in a balanced, holistic and effective manner”, presentations were grouped into three sub-items.

³ Available at: http://www.wipo.int/export/sites/www/about-wipo/en/oversight/iaod/evaluation/pdf/evaluation_strategic_goal_vi.pdf.

⁴ Documents WIPO/ACE/11/4 to WIPO/ACE/11/10.

16. Under the sub-item “Enforcement Functions of National Intellectual Property Offices”, experiences were shared by SIPO, the Superintendency of Industry and Commerce of Colombia, DINAPI, and IPOPFL.

17. Under the sub-item “Coordinating Intellectual Property Enforcement at the National Level”, experiences were shared by Global Affairs, Canada, the National Intellectual Property Center of Georgia, the Department of Industrial Policy and Promotion of India, the Directorate-General for the Fight Against Counterfeiting – Italian Patent and Trademark Office (DGLC-UIBM), the Intellectual Property Organization of Pakistan (IPO-Pakistan), the Portuguese Institute of Industrial Property, the Institute of Training and Judicial Studies of the United Arab Emirates, and the Intellectual Property Rights Coordination Center of the United States of America.

18. Under the sub-item “Mechanisms to Resolve Intellectual Property Disputes in a Balanced, Holistic and Effective Manner”, national experiences were shared by IPO-Pakistan, the Portuguese Institute of Industrial Property, the Supreme Court of the Russian Federation, the Supreme Court of Appeal of South Africa, the Central Intellectual Property and International Trade Court of Thailand, and the Intellectual Property Enterprise Court of England and Wales. In addition, two presentations on specialized IP courts and jurisdictions were made by Observers: on a report issued by the International Chamber of Commerce (ICC) in April 2016, as well as on Professor Jacques de Werra (University of Geneva)’s lead article in a joint study published in March 2016 by the Centre for International Intellectual Property Studies (CEIPI) and the International Center for Trade and Sustainable Development (ICTSD).

19. Under the work program “Exchange of information on national experiences in respect of WIPO’s legislative assistance, with a focus on drafting national laws of enforcement that take into account the flexibilities, the level of development, the difference in legal tradition and the possible abuse of enforcement procedures, bearing in mind the broader societal interest and in accordance with Member States’ priorities”, there were no presentations made by Member States. Discussion took place with an intervention from the Delegation of Chile, on behalf of the Group of Latin American and Caribbean Countries (GRULAC), requesting the Secretariat to prepare for the twelfth session of the ACE a document on legislative assistance provided in the area of IP enforcement. The Secretariat agreed to the preparation of an information document, setting out the process in which legislative assistance was provided, the legal framework upon which it was based (Part III of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)), and the principles applied therein.

20. Under the work program “Exchange of success stories on capacity building and support from WIPO for training activities at national and regional levels for Agencies and national officials in line with relevant Development Agenda Recommendations and the ACE mandate”, the Secretariat presented its capacity-building and training activities in the area of building respect for IP. This was followed by presentations by CIPC, the African Regional Intellectual Property Organization (ARIPO), and Justice Louis Harms, Former Deputy President of the Supreme Court of Appeal of South Africa and WIPO consultant. In addition, the Delegations of El Salvador, Japan, Jordan and Oman presented their countries’ respective experiences with WIPO’s capacity-building activities in the area of building respect for IP.

21. The Committee took note of the presentation by the Secretariat on recent activities of WIPO in the field of building respect for IP, guided by the Program and Budget, Development Agenda Recommendation 45, and WIPO Strategic Goal VI “International Cooperation on Building Respect for IP”.⁵

⁵ Document WIPO/ACE/11/2.

22. With regard to the Committee's future work, the Committee agreed to continue to consider, at its twelfth session, the work program agreed upon at the tenth session, as listed in paragraph 12 above.

23. *The WIPO General Assembly is invited to take note of the "Report on the Advisory Committee on Enforcement (ACE)" (document WO/GA/48/11).*

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