

WIPO General Assembly

Fifty-Sixth (26th Ordinary) Session Geneva, July 6 to 14, 2023

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 fifteenth session from August 31 to September 2, 2022. Over 250 participants from 82 Member States, one Non-State Member and 24 Observers registered for the session. As a transitional measure under the New Electoral Cycle of Officers of WIPO Assemblies and Other Bodies of the Member States of WIPO¹ adopted on July 23, 2022², the Committee elected Mr. Irakli Kasradze (Georgia) as Acting Chair of the fifteenth session, and it also elected Mr. Kasradze as Chair and Mr. Al-Debassi and Ms. Lotheringen as Vice-Chairs of the sixteenth session. The Committee adopted a Summary by the Chair, which has been published as document WIPO/ACE/15/12³.

2. The fifteenth 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 intellectual property (IP) among the 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;

¹ Document A/63/10, paragraph 127, available at: https://www.wipo.int/about-wipo/en/assemblies/2022/a-63/doc_details.jsp?doc_id=580211.

² See paragraph 17 of the Summary Report of the sixty-third series of meetings of the Assemblies of Member States of WIPO (document A/63/9), available at: <https://www.wipo.int/about-wipo/en/assemblies/2022/a-63/#tab3>.

³ All working documents are available at: https://www.wipo.int/meetings/en/details.jsp?meeting_id=55207.

- 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 (DA) Recommendations and the ACE mandate.
3. The work program consisted of 31 expert presentations and three panel discussions⁴.
4. Under the work program item “exchange of information on national experiences on awareness-building activities and strategic campaigns as a means for building respect for IP among the general public, especially the youth, in accordance with Member States’ educational or any other priorities”, eight Member States shared their experiences. The presentations comprised: “Recent Anti-counterfeiting Awareness-raising Activities in Denmark” by the Danish Patent and Trademark Office; “*Don’t Buy, Sell or Have Others Buy Counterfeit Products for You!* – A Recent Anti-counterfeiting Campaign in Japan” by the Japan Patent Office (JPO); “The Malian Centre for the Promotion of Industrial Property’s Recent Awareness-raising Activities” by the Malian Centre for the Promotion of Industrial Property (CEMAPI); “Actions of the Mexican Institute of Industrial Property to Protect and Enforce Intellectual Property Rights” by the Mexican Institute of Industrial Property (IMPI); “Recent Awareness-raising Activities of the National Agency for Industrial Property and Promotion of Innovation of Niger” by the National Agency for Industrial Property and Promotion of Innovation (AN2PI), Niger; “The 2020/21 Intellectual Property Awareness-Raising Campaign for School Students, Teachers, Parents and the Local Community in Oman” by the Ministry of Education, Oman; “Consumer Attitudes and Awareness in the Philippines – Results and Lessons Learned from Deploying WIPO’s Consumer Survey Toolkit” by the Intellectual Property Office of the Philippines (IPOPPL); and “Current Intellectual Property Awareness Activities in Thailand” by the Department of Intellectual Property, Ministry of Commerce, Thailand.
5. Under the work program item “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 under five topics.
6. Under the topic “Institutional Arrangements to Address Online IP Infringements”, a “Study on Copyright Infringement in the Video Game Industry” was presented by Dr. Gaetano Dimita, Senior Lecturer, Centre for Commercial Law Studies, Queen Mary University of London. In addition, two Member States shared their experiences: “Copyright Enforcement Measures and Recent Achievements in Online Enforcement in the Republic of Korea” by the Ministry of Culture, Sports and Tourism (MCST), Republic of Korea; and “Administrative Procedure for Combating Piracy in the Digital Environment and Self-regulation in Spain” by the Sub-directorate for Intellectual Property, Ministry of Culture and Sport, Spain.
7. Under the topic “Coordinating IP Enforcement”, six Member States and one intergovernmental organization (IGO) shared their experiences: “Brazilian Efforts in the Fight Against Piracy and Intellectual Property Crimes” by the National Film Agency (ANCINE), Brazil; “The Role and Experience of the National Customs Service of Chile with Border Measures” by the National Customs Service of Chile; “Government Initiatives, Enhanced Cooperation and Expanded Outreach and Awareness-Raising Activities in Kazakhstan” by the National Institute

⁴ Documents WIPO/ACE/15/3 to WIPO/ACE/15/11.

of Intellectual Property, Kazakhstan; “A Major Investigation Case of the Newly-created Technology and Design Police Division of the Korean Intellectual Property Office” by the Korean Intellectual Property Office (KIPO); “The Role of the Prosecution in Enforcing Intellectual Property Rights in the Republic of Korea” by the Ministry of Justice, Republic of Korea; “The Intellectual Property Respect Officer Program in Saudi Arabia” by the Saudi Authority for Intellectual Property (SAIP), Saudi Arabia; and “The UNODC-WCO Container Control Programme’s Work on Intellectual Property Rights” by the UNODC-WCO Container Control Programme (CCP). A panel discussion was moderated by Mr. Fernando Javier Garcete Sander, Director General for Enforcement, National Directorate for Intellectual Property, Paraguay, with an intervention by the Delegation of Pakistan.

8. Under the topic “The Role of Intermediaries in IP Enforcement (Online and Physical)”, the “Study on the Role of the Domain Name System and Its Operators in Online Copyright Enforcement” was presented by Mr. Dean S. Marks, Attorney-at-law and Emeritus Executive Director and Legal Counsel, Coalition for Online Accountability, United States of America, and Dr. Jan Bernd Nordemann, Attorney-at-law, Nordemann Czychowski & Partner, Berlin, and Honorary Professor, Humboldt University of Berlin, Germany. In addition, there were five presentations: “Real Deal: A Collaborative Approach to Tackling Intellectual Property Crime at Markets in the United Kingdom” by the National Markets Group for Intellectual Property Protection, United Kingdom; “The Perspective of AIM – the European Brands Association – on the Role of Online Intermediaries in the Fight Against Counterfeiting” by AIM – the European Brands Association; “The Perspective of the Recorded Music Industry on the Role of Online Intermediaries in the Fight Against Piracy” by the International Federation of the Phonographic Industry (IFPI); “Tackling Customs Compliance in the Express Industry – The Approach of DHL Express” by DHL Express; and “Mastercard’s Initiatives to Prevent Intellectual Property Infringements” by Mastercard International. A panel discussion was moderated by Mr. Tim Werner, Legal and Policy Officer, Intangible Economy, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW), European Commission, Brussels.

9. Under the topic “New Technologies in IP Enforcement”, the European Union Intellectual Property Office (EUIPO) presented “New Technological Opportunities for Protecting and Enforcing Intellectual Property Rights – Update on Fighting Fakes Through Blockchain Technology” and Tencent Group addressed “Facilitating Copyright Protection in China Through Technological Innovation”.

10. Under the topic “Adjudication of IP Infringement Cases”, three presentations were delivered on the following topics: “Dynamic Injunctions and Other Injunctive Reliefs in India” by the Honorable Justice Prathiba M. Singh, Intellectual Property Division, High Court of Delhi, India; “Recent Work Carried Out by the International Association for the Protection of Intellectual Property on the Compensation for Intellectual Property Infringements” by the International Association for the Protection of Intellectual Property (AIPPI); and “The Work of the International Trademark Association on the Harmonization of Preliminary Injunction Legislation” by the International Trademark Association (INTA). A panel discussion was moderated by Dr. Bassem Awad, Former Judge, Court of Appeals, Egypt, and Professor, Faculty of Law, University of Western Ontario, Canada, with interventions by the Delegations of Kenya, Pakistan, the United States of America, Uzbekistan and the Representative of AIM.

11. Under the work program item “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”, Albania shared its experience with customizing WIPO’s training materials “Investigating and Prosecuting Intellectual Property Crime” and Dr. Awad presented the “WIPO Arabic Casebook on the Enforcement of Intellectual Property Rights”.

12. 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 2020/2021 Program and Budget, the 2022/2023 Program of Work and Budget and DA Recommendation 45⁵.

13. With regard to future work, the Committee agreed to continue to consider, at its sixteenth session, the current work program, as listed in paragraph 2 above.

14. The WIPO General Assembly is invited to take note of the "Report on the Advisory Committee on Enforcement (ACE)" (document WO/GA/56/12).

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⁵ Document WIPO/ACE/15/2.