

## **Committee on Development and Intellectual Property (CDIP)**

**Thirty-Sixth Session**  
**Geneva, May 4 to 8, 2026**

REVISED PROJECT ON THE DEVELOPMENT OF STRATEGIES AND TOOLS TO ADDRESS CROSS-BORDER TRADE IN COUNTERFEIT TRADEMARK GOODS – PROJECT PROPOSAL SUBMITTED BY THE UNITED KINGDOM AND CO-SPONSORED BY LESOTHO, REPUBLIC OF MOLDOVA, SAUDI ARABIA, AND THAILAND

*prepared by the Secretariat*

1. By means of a communication dated December 6, 2024, the Delegation of the United Kingdom submitted a proposal for a pilot project on the “Development of Strategies and Tools to Address Cross-Border Trade in Counterfeit Trademark Goods in Developing Countries” for consideration at the thirty-fourth session of the Committee on Development and Intellectual Property (CDIP). The project proposal was discussed and revised to reflect the comments made during the discussion.
2. In November 2025, the revised project proposal was co-sponsored by the delegations of Lesotho, Republic of Moldova, Saudi Arabia, and Thailand, and discussed at the thirty-fifth session of the CDIP. Based upon the comments made during the discussion, the project proposal was further revised to reflect those comments.
3. The revised project proposal is contained in the Annexes to this document.

4. *The Committee is invited to consider the annexes hereto.*

[Annexes follow]

<b>1. Introduction of the Project</b>
<b>1.1 Project Code</b>
DA_10_11_45_1
<b>1.2 Project Title</b>
Development of Strategies and Tools to Address Cross-Border Trade in Counterfeit Trademark Goods
<b>1.3 DA Recommendations</b>
<p><i>Recommendation 10:</i> To assist Member States to develop and improve national intellectual property institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promote fair balance between intellectual property protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with intellectual property.</p> <p><i>Recommendation 11:</i> To assist Member States to strengthen national capacity for protection of domestic creations, innovations and inventions and to support development of national scientific and technological infrastructure, where appropriate, in accordance with WIPO's mandate.</p> <p><i>Recommendation 45:</i> To approach intellectual property enforcement in the context of broader societal interests and especially development-oriented concerns, with a view that "the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations", in accordance with Article 7 of the TRIPS Agreement.</p>
<b>1.4 Project Duration</b>
24 months
<b>1.5 Project Budget</b>
The total project budget is 374,200 Swiss francs, all for non-personnel expenditure.
<b>2. Project Description</b>
<p>The proposed project is designed to advance the implementation of WIPO's Development Agenda by enhancing institutional capacity, promoting public welfare, and supporting local creative businesses against the challenges posed by counterfeit goods. The project will provide the competent authorities in beneficiary countries with targeted training, customized operational guidelines, and tailored risk assessment tools, and thereby enhance their capacity to effectively detect and interdict counterfeit goods at national borders. The proposed project aims to promote a fair and balanced approach to intellectual property protection that reflects the public interest and aligns with each beneficiary country's domestic policy priorities.</p>

In 2019, international trade in counterfeit and pirated goods was estimated to reach more than 460 billion United States dollars, representing 2.5 per cent of all global trade.<sup>1</sup> It poses a growing global threat against economic growth, innovation, the environment, and safety.<sup>2</sup> Shortage of data and uncertainty over smuggling methods is a global challenge. It would be useful to have tools and processes to assess the harmful impact arising from cross-border trade in counterfeit goods within their national contexts. Absence of tangible examples of losses and damage caused by counterfeit trademark goods in the national context prevents the prioritization and strategic development of counterfeit risk assessment capabilities in those countries.

Economic losses arising from trade in counterfeit trademark goods can be in the form of lost sales of legitimate producers, including local creators and entrepreneurs, lost tax revenues of governments, and fewer incentives to innovate. Numerous studies also illustrate the significant adverse impact that counterfeit goods can have on public health and safety and on the environment.<sup>3</sup>

To address these challenges, this project is a capacity building program to develop risk assessment strategies and tools to strengthen the overall customs and broader law enforcement framework of each beneficiary country. This project will not only address the law enforcement challenges experienced at the border but also, in accordance with the DA Recommendations 10, 11, and 45, make provisions to better equip beneficiary countries with the skills and capabilities to support their local creative industries and innovators from the threat of counterfeit trademark goods.

The agency afforded to beneficiary countries in the project design, including in the selection of case studies, will enable them to steer the project according to their development-oriented needs and priorities, as per the DA Recommendation 45.

## 2.1 Project Concept

The aim of the proposed project is to assess and address the adverse impact of cross-border trade in counterfeit trademark goods<sup>4</sup> (hereinafter “counterfeit goods”). More precisely, the project will:

- (a) Produce case studies selected at the discretion of beneficiary countries in consultation with WIPO. These case studies will help to identify the methods of smuggling counterfeit goods into the beneficiary countries and to raise awareness of the adverse impact of that cross-border trade on the local creative industries, the national economy, and public safety of each beneficiary country. The case studies will also help identify operational needs and inform the project outputs.
- (b) Lead to the development of country-specific risk assessment tools and strategies to detect and interdict counterfeit goods more effectively in line with domestic IP enforcement priorities and needs of each beneficiary country.

<sup>1</sup> [OECD and EUIPO \(2021\), Global Trade in Fakes: A Worrying Threat.](#)

<sup>2</sup> [OECD and EUIPO \(2022\) 'Dangerous Fakes: Trade in Counterfeit Goods that Pose Health, Safety and Environmental Risks'](#)

<sup>3</sup> [Ibid. US Immigration and Customs Enforcement \(2022\) 'Counterfeit Goods: A Danger to Public Safety'](#) and [EUIPO-EUROPOL \(2022\) 'Intellectual Property Crime Threat Assessment 2022'](#).

<sup>4</sup> Counterfeit trademark goods as defined in the TRIPS Agreement ([Article 51, footnote 14](#)).

## 2.2 Project Objective, Outcome and Outputs

The overall project objective is to enhance the technical processes, tools, and strategies, as well as the capacity of customs authorities (and other law enforcement bodies, where relevant)<sup>5</sup> in beneficiary countries to promote better detection and interdiction of counterfeit goods at the border.

The intended outcomes of this capacity building project are:

- (1) An improved understanding of how counterfeit goods enter the beneficiary countries, and better awareness of the adverse impact on the local creative industries, national economy, and public health and safety.
- (2) Enhanced risk assessment and intellectual property (IP) law enforcement capabilities at the borders of the beneficiary countries.

The project will deliver the following outputs:

- Output 1** – Country-specific case studies examining how the counterfeit goods enter the market, their impact on local creative industries, the national economy, and public safety.
- Output 2** – Country-specific operational guidelines based on national, legal and institutional framework on how to counter the threat of counterfeit goods entering the market, informed by relevant regional and international best practices.<sup>6</sup>
- Output 3** – Country-specific capacity-building programs designed for customs officials (and other law enforcement bodies, where relevant) of each beneficiary country.

## 2.3 Project Implementation Strategy

The project outcomes and outputs will be achieved through the following activities:

**Output 1** – Country-specific case studies examining how the counterfeit goods enter the market, their impact on local creative industries, the national economy, and public safety.

**Activities:**

- (a) Engage with various stakeholder groups, including customs officials, law enforcement agencies, policymakers and private sector representatives, in order to identify case studies that illustrate the ways in which counterfeit goods enter the beneficiary countries. Case studies will be selected at the discretion of beneficiary

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<sup>5</sup> The relevant law enforcement bodies will be selected by the beneficiary countries in consultation with WIPO.

<sup>6</sup> The development and use of operational guidelines will explicitly respect the diversity of national enforcement approaches and shall not be construed as promoting international normative harmonization or any form of assessment or monitoring mechanism. Their use will remain voluntary and non-prescriptive, consistent with Member States' development priorities and legal frameworks.

countries in consultation with WIPO.<sup>7</sup> For example, case studies may focus on counterfeit threats to trademarks owned by local businesses in a sector that is considered strategically important to a beneficiary country.

- (b) Analyze smuggling techniques at the national level in order to develop national operational guidelines.
- (c) Analyze the adverse impact of cross-border trade in counterfeit goods based on the selected case studies.

**Output 2** – Country-specific operational guidelines based on national, legal and institutional framework on how to counter the threat of counterfeit goods entering the market, informed by relevant regional and international best practices.

**Activities:**

- (a) Engage with local experts and government officials to analyze the national laws and practices of each beneficiary country with regard to border measures.
- (b) Evaluate the domestic frameworks of each beneficiary country in the light of regional and international good practices, identifying current strengths and areas for improvement.
- (c) Based on the case studies from (output 1), develop operational risk assessment guidelines intended for the use of customs officials (and other law enforcement bodies, where relevant), detailing the counterfeit risk assessment and the appropriate law enforcement processes.

**Output 3** – Country-specific capacity-building programs designed for customs officials (and other law enforcement bodies, where relevant) of each beneficiary country.

**Activities:**

- (a) Develop training material on the operational risk assessment guidelines, as mentioned in output 2(c).
- (b) Organize virtual and on-site training for customs officials (and other law enforcement bodies, where relevant).

**2.4 Project Indicators**

<u>Project objective:</u>	<u>Objective indicator:</u>
The overall project objective is to enhance the technical processes, tools, and strategies, as well as the capacity of customs authorities (and other law enforcement bodies, where relevant) in beneficiary countries to promote better	- At the end of the project, at least 70 per cent of participating customs officers (and other law enforcement bodies, where relevant) reported an improvement in their knowledge of and skills in detecting and detaining counterfeit goods at the border.

<sup>7</sup> Beneficiary countries may agree with WIPO to limit the case studies to cross-border trade in counterfeit goods on a commercial scale only, in line with the standard in TRIPS Article 61.

detection and interdiction of counterfeit goods at the border.	
<p style="text-align: center;"><u>Project outcomes:</u></p> <p>(1) Improved understanding of how counterfeit goods enter the beneficiary countries, and better awareness of the adverse impact on the local creative industries, national economy, and public health and safety.</p>	<p style="text-align: center;"><u>Outcome indicators:</u></p> <p>- At least 70 per cent of the key stakeholders (such as customs officials, law enforcement agencies, policymakers and private sector representatives) reported improved knowledge of the entry routes of counterfeit goods into beneficiary countries and their socio-economic impact.</p>
<p>(2) Enhanced risk assessment and intellectual property (IP) law enforcement capabilities at the borders of the beneficiary countries.</p>	<p>- An increase of at least 30 per cent reported in the number of IP law enforcement actions undertaken by the authorities in beneficiary countries after 12 months following completion of the project.</p>
<p style="text-align: center;"><u>Project outputs:</u></p> <p>Country-specific case studies examining how the counterfeit goods enter the market, their impact on local creative industries, the national economy, and public safety.</p>	<p style="text-align: center;"><u>Output indicators:</u></p> <p>- Country-specific case studies on counterfeit goods entering the market, and their socio-economic impact were created and published in accordance with the established timeline.</p>
<p>Country-specific operational guidelines based on national legal and institutional framework on how to counter the threat of counterfeit goods entering the market, informed by relevant regional and international best practices.</p>	<p>- Country-specific operational guidelines developed and published within the agreed timeline.</p> <p>- At least 60 unique visitors to the country-specific operational guidelines, including visitors downloading, within the first year of its availability on the WIPO website.</p>
<p>Country-specific capacity-building programs designed for customs officials (and other law enforcement bodies, where relevant) of each beneficiary country.</p>	<p>- Training materials developed, and training sessions held for customs officials (and other law enforcement bodies, where relevant) in each beneficiary country, in accordance with the agreed timeline.</p> <p>- At least 70 per cent of participants found the information disseminated in the training sessions useful.</p>

## 2.5 Sustainability Strategy

To ensure sustainability of the outputs, the relevant materials developed in the course of the project will be made available on the WIPO website. The project outputs will also be presented to Member States in the context of the Committee on Development and

<p>Intellectual Property (CDIP), and at other information events. Beneficiary Member States are strongly encouraged to make those outputs publicly available. Local stakeholders will be involved in developing the methodology for delivering capacity -building programs for customs officials (and other law enforcement bodies, where relevant) in a way that enables them to conduct similar training thereafter.</p> <p>The sustainability strategy will be updated as the project is implemented.</p>
<p><b>2.6 Selection Criteria for Pilot/Beneficiary Countries</b></p>
<p>The existence of provisions on border measures and a clear definition of counterfeit trademark goods in national law, in conformity with the minimum requirement of the provisions relating to border measures outlined in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).<sup>8</sup></p>
<p><b>2.7 Implementing Organizational Entity</b></p>
<p>Building Respect for IP Division, Global Challenges and Partnerships Sector</p>
<p><b>2.8 Links to other Organizational Entities</b></p>
<p>Regional and National Development Sector</p>
<p><b>2.9 Links to other DA Projects</b></p>
<p>Project on Development of Strategies and Tools to Address Online Copyright Piracy in the African Digital Market (DA_4_10_11_45_01);</p> <p>Project on Reducing Work-Related Accidents and Occupational Diseases through Innovation and Intellectual Property (DA_1_10_19_30_31_45_1); and</p> <p>Project on Cooperation on Development and Intellectual Property Rights Education and Professional Training with Judicial Training Institutions in Developing and Least Developed Countries (DA_3_10_45_01).</p>
<p><b>2.10 Contribution to Expected Results in WIPO's Program and Budget</b></p>
<p style="text-align: center;">Link to Program and Budget 2024/25 Expected Results</p> <p><b>2.3:</b> International dialogue and cooperation on Building Respect for IP.</p> <p><b>4.2:</b> Development of balanced and effective IP, innovation and creative ecosystems in Member States.</p> <p><b>4.3:</b> Increased IP knowledge and skills in all Member States.</p>
<p><b>2.11 Risk and Mitigation</b></p>
<p>Risk 1: Lack of data on the state of IP law enforcement and the impact of cross-border trade in counterfeit trademark goods within national context of the beneficiary countries.</p>

<sup>8</sup> TRIPS Agreement ([Part III, Section 4: Special Requirements Related to Border Measures](#)).

Mitigation 1: Seek the collaboration and stronger involvement of local governments and key stakeholders in order to retrieve relevant information.

### 3. TENTATIVE IMPLEMENTATION TIMELINE

Project deliverables	Quarters							
	Year 1				Year 2			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Pre implementation activities: <sup>9</sup> - Selection of beneficiary countries - Appointment of national coordinators - Hiring of a project coordinator and implementation support								
Country-specific case studies on how counterfeit goods enter the market	X	X	X	X				
Operational guidelines on how to counter the threat of counterfeit goods entering the market		X	X	X	X	X		
Training material to demonstrate the practical application of the operational guidelines				X	X	X		
Training for customs officials						X	X	
Project evaluation								X
CDIP side event								X

<sup>9</sup>Implementation will start only once the pre-implementation activities have been completed: (i) All project beneficiary countries have been selected; (ii) focal points have been designated in each country; and (iii) the project implementation team has been finalized.

#### 4. PROJECT BUDGET BY OUTPUT

<i>(in Swiss francs)</i>	Year 1	Year 2	Total
<b>Project outputs</b>	Non-personnel	Non-personnel	
Project coordination	77,100	77,100	154,200
Country-specific case studies on how counterfeit goods enter the market	40,000	-	40,000
Operational guidelines on how to counter the threat of counterfeit goods entering the market	25,000	15,000	40,000
Training material to demonstrate the practical application of the operational guidelines	-	40,000	40,000
Training for customs officials	-	70,000	70,000
Project evaluation	-	15,000	15,000
CDIP side event	-	15,000	15,000
<b>Total</b>	<b>142,100</b>	<b>232,100</b>	<b>374,200</b>

## 5. PROJECT BUDGET BY COST CATEGORY

<i>(in Swiss francs)</i>	Travel, training and grants		Contractual services					Total
	Staff missions	Third-party travel	Conferences	Publishing	Individual contractual services	WIPO fellowships	Other contractual services	
Project coordination	-	-	-	-	-	154,200	-	154,200
Country-specific case studies on how counterfeit goods enter the market	-	-	-	-	40,000	-	-	40,000
Operational guidelines on how to counter the threat of counterfeit goods entering the market	-	-	-	-	40,000	-	-	40,000
Training material to demonstrate the practical application of the operational guidelines	-	-	-	-	32,000	-	8,000	40,000
Training for customs officials	8,000	10,000	40,000	-	10,000	-	2,000	70,000
Project evaluation	-	-	-	-	15,000	-	-	15,000
CDIP side event	-	-	-	-	15,000	-	-	15,000
<b>Total</b>	<b>8,000</b>	<b>10,000</b>	<b>40,000</b>	<b>-</b>	<b>152,000</b>	<b>154,200</b>	<b>10,000</b>	<b>374,200</b>

[Annex II follows]

## 6. REQUEST TO PARTICIPATE AS A PILOT/BENEFICIARY COUNTRY

<b>TEMPLATE FOR THE SUBMISSION OF REQUESTS TO PARTICIPATE AS A PILOT / BENEFICIARY COUNTRY</b>	
<b>Selection criteria</b>	<b>Brief description</b>
1. Expression of interest	Confirmation that the relevant intellectual property agencies of the requesting country, including customs authorities, are interested in joining the project.
2. Institutions and legal framework	Please indicate the national body or institution that oversees the subject matter of IP the project addresses (IP law enforcement) Links to the institution website and the legal texts should be provided, where possible.
3. Criteria as per DA project document	The existence of provisions on border measures that align with the minimum requirements stipulated in Section 4 of Part III of the TRIPS Agreement, accompanied by an explicit definition of counterfeit trademark goods within national legislation.
4. Need of support	Brief justification of the actual need for the support that will be provided by the project.
5. Commitment	Confirmation that the requesting country is committed to devoting the necessary resources and logistical support as needed for the effective implementation of the project and its sustainability.
6. National Coordinator/ National Focal Point	The requesting country should propose a person, along with the person's position and organization, to act as national coordinator for the duration of the project and as the country's institutional representative.
7. Comments	Any other information the requesting country wishes to provide.

[End of Annex II and of document]