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Advisory Committee on Enforcement Online Dialogue

First Meeting

September 21, 2021

DRAFT SUMMARY BY THE CHAIR

submitted to the Committee

1. The first meeting of the Advisory Committee on Enforcement (ACE) Online Dialogue was held on September 21, 2021. The session was attended by 56 Member States, one other Member and 19 Observers.
2. Under agenda item 1, Mr. Edward Kwakwa, Assistant Director General, Global Challenges and Partnerships Sector, WIPO, opened the session by welcoming all delegations and thanking the Member States for their close engagement in the work of the Committee and in the activities of WIPO in building respect for intellectual property (IP) in general.
3. Under agenda item 2, Mr. Todd Reves, Senior Advisor, Office of the Under Secretary for Intellectual Property, United States Patent and Trademark Office (USPTO), was elected as Chair.
4. Under agenda item 3, the Committee adopted the Agenda (document WIPO/ACE/OD/1/1).
5. The Committee received an Opening Statement from the Delegation of the Philippines.
6. The Delegation of the Philippines expressed its collective gratitude to WIPO under its dynamic leadership for having invited the Philippines to share their best practices on IP enforcement and having been given the opportunity to participate and learn from the experiences of Member States. The Delegation noted that the application of technology and technological innovation had brought positive effects to people's daily lives, which was more evident than ever as business was conducted differently and citizens led their lives as best as possible. The Delegation noted that, during this pandemic alone, innovation and technology had allowed the Intellectual Property Office of the Philippines (IPOPHL) to continue to conduct business in the "new normal" and to "build-back-better" in its customer engagement, with better

systems that were focused on client convenience and satisfaction. IPOPHL's system had managed to sustain operations and had performed beyond expectations as services had remained open during severe government lockdowns, which had enabled contact tracing and containment of the spread of the virus. However, technology was a double-edged blade as it posed challenges in critical areas, such as in data privacy, security, and intellectual property rights (IPRs). If not addressed with concrete action, these could erode the gains that had been achieved in building a robust and balanced IP system. The Delegation reaffirmed its commitment to collaborate and address existing challenges, which the digital economy – spurred by global demand and the pandemic – presented to IPR enforcement. The Philippines had instituted a whole-of-government approach in their efforts to improve services, ranging from legislation and policy amendments to building local and national partnerships and aggressive awareness and education initiatives against counterfeiting and piracy in cooperation with local government and the public. IPOPHL's advocacy campaign aimed to positively influence consumers, policy makers and other relevant actors in society, so there could be more advocates of IP, innovation and creativity, as well as to send a serious message of non-tolerance of IP fraud to would-be perpetrators. The Delegation had found that having more allies was crucial, especially at a time when much-needed revenues and an enabling-environment for legitimate businesses to rebuild and thrive became necessary for survival and growth. The Delegation recognized that, with almost all transactions shifting online, domestic efforts were not enough. Creativity and innovation had no declared boundaries and limits. While IPRs and their enforcement remained territorial, cross-border flow of goods, data and content were borderless in the era of e-commerce. Thus, close collaboration among trading partners, service providers and IP offices, both locally and abroad, had become inevitable. The Delegation recalled that international best practices were at the time characterized by public-private partnerships and regional cooperation mechanisms guided by multilateral diplomacy and international global cooperation in order to address the rising cases of IPR violations. The Delegation noted that, as much as it looked forward to learning about how other nations had approached IP enforcement challenges in the digital space, it also looked forward to identifying synergies with and establishing partnerships and collaborations across sectors that could be established by all participants through the ACE Online Dialogue. The Delegation once again thanked WIPO, under the inspired leadership of Director General Tang, for the honor to present at the ACE Online Dialogue and expressed their appreciation in particular to Director General Tang for having provided a clear direction that would help stakeholders and partners navigate the pandemic. The Philippines would continue to be a committed partner to help achieve WIPO's inclusive and impact-focused goals. Finally, the Delegation expressed its belief that the ACE Online Dialogue would be successful in inspiring more action and collaboration and expressed its enthusiasm for deeper engagements with all participants.

7. Under agenda item 4, the Committee heard seven expert presentations relating to the topic *New Developments in Combating Piracy and Counterfeiting on the Internet*. The presentations comprised: "China's Developments in Combating Counterfeiting and Piracy on the Internet" by the China State Administration for Market Regulation (SAMR), "Germany's New Approach to Combating Internet Crimes – The Act on Criminal Liability for the Operation of Criminal Trading Platforms in the Light of the Combat Against Intellectual Property Infringements" by the Federal Ministry of Justice and Consumer Protection of Germany, "Developments in the Online Enforcement of Intellectual Property in the Group of Central European and Baltic States" by the Hungarian Intellectual Property Office (HIPO), "Collaborative Enforcement in the Digital Environment: Synergies to Strengthen State Action During the COVID-19 Pandemic" by the National Institute for the Defense of Competition and Protection of Intellectual Property of Peru (INDECOP), "The Philippine Approach to Intellectual Property Protection in Digital Trade" by IPOPHL, "The Experience of the Russian Federation in Combating the Spread of Pirated Content on the Internet" by the Federal Service for the Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) and "Using the Internet to Support Effective Intellectual Property Enforcement – Freeing Up Capacity, Boosting Collaboration and Extending

the Reach of Education and Awareness Activities" by the Companies and Intellectual Property Commission (CIPC) of South Africa.

7. The discussion was followed by a question and answer session, moderated by the Chair, with interventions from the Delegations of the United States of America and Yemen as well as the Representatives of the European Union and the International Telecommunications Union (ITU).

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