Fighting Counterfeiting and Piracy. The Role of the SPTO

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Piracy and Counterfeiting: a recent problem; the Spanish experience in anticounterfeiting and antipiracy

- Evolution
- Institutional framework; the Cross-Departmental Committee combating activities infringing IP rights
- The role of the Spanish Patent and Trademark Office
- Spanish legislation
- Conclusions
The problem and the solutions; evolution

- Origins and causes: new technologies; globalization of trade ...
- 80’s; no specific action
- 90’s; first actions of the Spanish Government
- 1997; unofficial creation of the Working Groups for combating piracy and counterfeiting
Institutional framework in Spain (I)

- 2000; Creation of the Cross-Departmental Committee combating activities infringing IP rights

- Composition; Ministries of Culture, Industry, Tourism and Commerce, Justice, Foreign Affairs, Economy, Agriculture. SPTO, Police, Health and Consumers Institute, Customs and private associations

- Main functions
Institutional framework(II): the working groups of the CDC

- Intellectual Property Working Group
  - The Secretary General of the Ministry of Culture is the President of this WG
  - Its functions are related to combating piracy

- Industrial Property Working Group
  - The Director General of the Spanish Patent and Trademark Office is the President of this WG
  - Its functions are related to combating counterfeiting
The Role of the Spanish Patent and Trademark Office

- **Legal Basis**
  - Royal Decree 114, dated 28 January 2000
  - Royal Decree 1270 /1997 which establishes that the SPTO promotes knowledge and protection of IP rights

- **Our main activities in this field**
  - SPTO activities regarding Industrial Property protection in general
  - SPTO activities regarding cooperation with Courts and other public institutions
  - Raising public awareness in this field
SPTO activities regarding Industrial Property protection in general, as a member of the CDC

- The Industrial Property Working Group
  - The Presidency
  - The Secretariat
    - Organizing the meetings of the IP Work Group: the minutes.
    - Putting into effect the agreements by the Working Group and of the CDC; the subcommittees; some examples: the CDC statistics
Other activities regarding Industrial Property Protection

- Preparing initiatives for improving our legislation: Penal Code, Criminal Prosecution Law, Civil Prosecution Law
- Participating in the European Union activities related to Industrial Property protection: the Directive for enforcement, the Green Books etc
- Participating in all the international meetings for IP enforcement
Information about the rightholder in case of counterfeit goods

Cooperation for the training of agents responsible for the IP protection.
Activities related to the raising of public awareness about counterfeiting

– The Web Page

– Information to the Public
International activities

• Cooperation
  – with International Organizations
  – With European and South American Industrial Property Offices

• International Seminars
Spanish Legislation

- Criminal Law
- Industrial Property Laws
- Criminal Prosecution Law: Fast Trials
  Procedural Law; Civil Prosecution Law
Conclusions

• Piracy is a growing problem
• Necessity of adequate coordination among all the bodies involved in the fighting against counterfeiting
• Legislation vs implementation
• Necessity of consumer awareness
• “Internationalization” of the activities regarding anticounterfeiting