



MINISTERIO
DE INDUSTRIA, TURISMO
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Oficina Española
de Patentes y Marcas

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

SPTO activities regarding cooperation with Courts and other public institutions

Improving the working
knowledge of IP
and, therefore, improving
the protection.

Information about the rightholder in
case of counterfeited 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



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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