

WIPO



WO/GA/36/2

ORIGINAL: English

DATE: June 30, 2008

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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WIPO GENERAL ASSEMBLY

Thirty-Sixth (18th Extraordinary) Session Geneva, September 22 to 30, 2008

REPORT ON THE WORK OF THE ADVISORY COMMITTEE ON ENFORCEMENT (ACE), AND THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

prepared by the Secretariat

1. The Advisory Committee on Enforcement (ACE), established in September 2002 in accordance with a corresponding decision by the WIPO General Assembly at its Twenty-eighth session met in June 2003, June 2004, May 2006, and November 2007 to discuss agreed topics and to foster an exchange of information and experiences.

2. The most recent session addressed the issue of cooperation and coordination at the international, regional and national levels in the field of the enforcement of intellectual property rights with a particular focus on effective criminal remedies. In addition to underscoring the need for inter-agency as well as right holder cooperation and coordination within the framework of a national “task force” approach, the deliberations emphasized the need for information sharing and collaboration at the regional and international levels in order to detect cross-border movements of counterfeit and pirated goods and persons involved and to combat illegal trade. With members of the judiciary, attorney generals, prosecutors, police and customs officials as well as representatives of IP Offices participating in the session, the Committee also touched upon substantive issues such as the scope and definition of IP crimes; investigation; jurisdiction; initiation of criminal proceedings; evidentiary issues and sentencing options.

3. At the conclusion of its Fourth session, and in the absence of an agreed topic to be considered in its Fifth session, the Chair invited the groups of Member States to further consult and provide the Secretariat with their proposal for the topic, as well as on the procedure to be applied for selecting future topics, by the end of February 2008. Three

groups submitted proposals and the Secretariat initiated consultations among the WIPO Group Coordinators in order to make the necessary preparations for the next session of the ACE planned for the first half of 2009.

4. In line with the mandate of the ACE and in the framework of the joint initiative entitled “Global Congress on Combating Counterfeiting and Piracy”, WIPO, the International Criminal Police Organization (Interpol) and the World Customs Organization (WCO), with the support and cooperation of the International Chamber of Commerce (ICC), the International Trademark Association (INTA), and the International Security Management Association (ISMA) convened and organized the Fourth Global Congress on Combating Counterfeiting and Piracy. The Congress, hosted by WCO and Dubai Customs, took place from February 3 to 5, 2008, in Dubai, and its opening session was attended by over 1,200 delegates from 90 countries. Under the banner “Rising to the Challenges,” discussions focused on selected topics including free trade zones and transshipment; health and safety risks; building anti-counterfeiting capacity; raising awareness; and sale of counterfeit and pirated products via the Internet. The crucial role of WIPO in the protection and enforcement of IP rights, its commitment to foster the strategic partnership with the private sector, its support of the international efforts to propose and elaborate on solutions to the problems of counterfeiting and piracy were underlined and appreciated in the presentations and debates. More information on cooperation in the framework of the Global Congress Steering Group and its activities is available on the WIPO enforcement website at:
http://www.wipo.int/enforcement/en/global_congress.

5. The Secretariat rendered enforcement-related technical assistance and legislative advice in response to the large number of requests by Member States, taking into account the priorities and the special needs of the countries concerned. An overview of assistance provided in the period since the Fourth session of the ACE, as well as further information on the enforcement of IP rights contained in newsletters, a case law database, and a portal to Member States activities is available on the WIPO enforcement website at:
<http://www.wipo.int/enforcement/en>.

6. The WIPO General Assembly is invited to take note of the information contained in this document.

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