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REPORT ON THE ADVISORY COMMITTEE ON ENFORCEMENT (ACE)

prepared by the Secretariat

1. During the period under consideration, the Advisory Committee on Enforcement (ACE) held its twelfth session from September 4 to 6, 2017. The session was chaired by Mr. Héctor Manuel Balmaceda Godoy (Paraguay).

2. The twelfth session addressed the following work program:

- exchange of information on national experiences on awareness building activities and strategic campaigns as a means for building respect for intellectual property (IP) among general public, especially the youth, in accordance with Member States' educational or any other priorities;

- exchange of information on national experiences relating to institutional arrangements concerning IP enforcement policies and regimes, including mechanism to resolve IP disputes in a balanced, holistic and effective manner;

- exchange of information on national experiences in respect of the World Intellectual Property Organization (WIPO) legislative assistance, with a focus on drafting national laws of enforcement that take into account the flexibilities, the level of development, the difference in legal tradition and the possible abuse of enforcement procedures, bearing in mind the broader societal interest and in accordance with Member States' priorities; and

- exchange of success stories on capacity building and support from WIPO for training activities at national and regional levels for Agencies and national officials in line with relevant Development Agenda Recommendations and the ACE mandate.

3. The work program was addressed on the basis of 34 expert presentations, one Secretariat presentation and four panel discussions[1].

4. Under the work program item "exchange of information on national experiences relating to institutional arrangements concerning IP enforcement policies and regimes, including mechanism to resolve IP disputes in a balanced, holistic and effective manner", presentations were grouped into five topics.

5. Under the topic "The Environmentally Safe Disposal and Destruction of IP Infringing Goods", Dr. Martin Guard, Independent Environmental Consultant, Geneva, presented the results of the Secretariat commissioned study "The Environmentally Safe Disposal and Destruction of Intellectual Property Infringing Goods", and experiences were shared by the Customs and Monopolies Agency of Italy and the Mexican Institute for Industrial Property (IMPI).

6. Under the topic "Coordinating Intellectual Property Enforcement at the National and Regional Level", experiences were shared by the Intellectual Property Agency of the Republic of Armenia (AIPA), the National Institute of Industrial Property (INAPI) of Chile, the Shanghai Intellectual Property Administration (SIPA), the Office of the National Leading Group on the Fight Against IPR Infringement and Counterfeiting of China, the Japan Patent Office (JPO), the Business and Intellectual Property Authority (BIPA) of Namibia, the Intellectual Property Office of the Philippines (IPOPHL), the Royal Thai Police, the Directorate General of Copyright of Turkey and the National Office of Intellectual Property of Viet Nam (NOIP). A panel discussion took place, moderated by Mr. Miguel Ángel Margáin, Director General, Mexican Institute of Industrial Property (IMPI).

7. Under the topic "Mechanisms to Resolve Intellectual Property Disputes in a Balanced Holistic and Effective Manner – Efficient Court Procedures", experiences were shared by the Regional Institute for Intellectual Property, Faculty of Law, Helwan University, Cairo, Egypt, the Supreme Court of Justice of Panama and the Federal Patent Court of Switzerland. A panel discussion took place, moderated by Mr. Sam Granata, Judge, Court of Appeal, Antwerp, Belgium, and Benelux Court of Justice, Luxembourg.

8. Under the topic "IP Enforcement and Private International Law", Dr. Annabelle Bennett, former Judge, Federal Court of Australia, and Judge Sam Granata presented the draft guide on "The Intersection Between Intellectual Property Law and Private International Law" to be jointly published by the Hague Conference on Private International Law (HCCH) and WIPO. In addition, HCCH shared its experiences.

9. Under the topic "Institutional Arrangements to Address Online IP Infringements", Dr. Frederick Mostert, Research Fellow, University of Oxford, United Kingdom, presented the Secretariat commissioned "Study on Approaches to Online Trademark Infringements". In addition, experiences were shared by the *Guardia di Finanza*, and the Central Inspectorate for Quality Protection and Fraud Repression in Agro-food Products Department (ICQRF), Ministry of Agricultural, Food and Forestry Policies, Italy, the Korean Intellectual Property Office (KIPO), the Office of the Attorney General of Thailand, the High Court of Justice of England and Wales, the Intellectual Property Crime Coordinated Coalition (IPC^3) of Europol, and the Motion Picture Association of America (MPAA). A panel discussion took place, moderated by Dr. Frederick Mostert.

10. Under the work program item "exchange of information on national experiences on awareness building activities and strategic campaigns as a means for building respect for IP

[1] Documents WIPO/ACE/12/3 to WIPO/ACE/12/14.

among general public, especially the youth, in accordance with Member States' educational or any other priorities", presentations were grouped into two topics.

11. Under the topic "Consumer Attitudes and Behavior", experiences were shared by the European Observatory on Infringements of IP Rights of the European Union Intellectual Property Office (EUIPO). In addition, Mr. Mike Clubbe, Independent Consumer Research Consultant and CEO, Actualise Research Services, Twickenham, United Kingdom, presented the Secretariat commissioned "WIPO Consumer Survey Toolkit on Respect for Intellectual Property – Measuring Attitudes and Assessing the Effectiveness of Communications Campaigns".

12. Under the topic "Specific Awareness-raising Products or Activities of WIPO Member States", experiences were shared by the Antigua and Barbuda Intellectual Property and Commerce Office (ABIPCO), the Ethiopian Intellectual Property Office (EIPO), the National Intellectual Property Center of Georgia (SAKPATENTI), the Ministry of Education of Oman, the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI) of Peru, and Link Campus University, Rome, Italy.

13. Under the work program item "exchange of information on national experiences in respect of WIPO's legislative assistance, with a focus on drafting national laws of enforcement that take into account the flexibilities, the level of development, the difference in legal tradition and the possible abuse of enforcement procedures, bearing in mind the broader societal interest and in accordance with Member States' priorities", the Secretariat presented a report on "The Legislative Assistance Provided by WIPO in the Area of the Enforcement of Intellectual Property Rights".

14. Under the work program item "exchange of success stories on capacity building and support from WIPO for training activities at national and regional levels for Agencies and national officials in line with relevant Development Agenda Recommendations and the ACE mandate", a panel discussion took place, with the participation of the delegations of Namibia, the Philippines, the Republic of Moldova and Madagascar.

15. The Committee took note of the presentation by the Secretariat on recent activities of WIPO in the field of building respect for IP, guided by the Program and Budget, Development Agenda Recommendation 45, and WIPO Strategic Goal VI "International Cooperation on Building Respect for IP"[2].

16. With regard to the Committee's future work, the Committee agreed to continue to consider, at its thirteenth session, the current work program, as listed in paragraph 2 above.

17. The WIPO General Assembly is invited to take note of the "Report on the Advisory Committee on Enforcement (ACE)" (document WO/GA/49/13).

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[2] Document WIPO/ACE/12/2.