

## Advisory Committee on Enforcement (ACE)

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#### LIST OF PREPARATORY DOCUMENTS

*Document prepared by the Secretariat*

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ADMISSION OF AN INTERGOVERNMENTAL  
ORGANIZATION AND A NON-GOVERNMENTAL  
ORGANIZATION AS AD HOC OBSERVERS  
*prepared by the Secretariat*

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WIPO/ACE/11/4

AWARENESS-BUILDING ACTIVITIES AND  
STRATEGIC CAMPAIGNS AS A MEANS FOR  
BUILDING RESPECT FOR IP  
*Contributions prepared by Algeria, Antigua and Barbuda,  
China, Greece, Hungary, Republic of Korea, Latvia,  
Paraguay and the Philippines; and by the Sygnaf  
Association, Poland, and the Swiss Musicians  
Association*

TRAINING AND OUTREACH ACTIVITIES OF THE NATIONAL AGENCY FOR  
COPYRIGHT AND RELATED RIGHTS OF ALGERIA

*Contribution prepared by Mr. Benchikh Lehocine, Director General, National Office of  
Copyrights and Related Rights, Algiers*

Abstract: The National Office of Copyrights and Related Rights (ONDA) of Algeria undertakes activities to promote intellectual property (IP) that focus on raising general public awareness of copyright issues and on training professionals. Awareness-raising activities that are open to the general public target mostly young people and authors. To this end, a range of media is employed, including: radio, comic strips, brochures and social-media networks. A number of opportunities for education and communication are also seized, including: cultural events, fairs and exhibitions, commemorative cultural celebrations, etc. Talks are also given in schools. Campaigns invite authors to protect their creations, encourage exploiters to meet their obligations, and demonstrate the adverse effects of various forms of copyright infringement, in particular plagiarism and the illegal downloading of works. Training for professionals is mostly targeted at operational stakeholders and civil servants that are responsible for implementing the law.

EDUCATIONAL CAMPAIGNS AND COMPETITIONS FOR THE YOUTH TO BUILD  
RESPECT FOR INTELLECTUAL PROPERTY IN ANTIGUA AND BARBUDA

*Contribution prepared by Ms. Ricki Camacho, Registrar, Antigua and Barbuda Intellectual  
Property and Commerce Office, Ministry of Legal Affairs, Antigua*

Abstract: This paper illustrates the Antigua and Barbuda experience in building knowledge of and respect for intellectual property (IP) through targeted education campaigns and competitions designed for young people, the private sector and law enforcement officials. The absence of sufficient financial and human resources remains a challenge to maximize the reach of awareness building campaigns. However, the Intellectual Property and Commerce Office continues to use creative methods to promote awareness.

## INTELLECTUAL PROPERTY EDUCATION INITIATIVES FOR YOUNG PEOPLE UNDERTAKEN BY THE PEOPLE'S REPUBLIC OF CHINA

*Contribution prepared by the State Intellectual Property Office of the People's Republic of China, Beijing*

**Abstract:** In 2015, the State Intellectual Property Office of the People's Republic of China (SIPO) and the Ministry of Education (MOE) jointly launched the Nationwide Pilot and Model Program for Intellectual Property (IP) Education in Primary and Secondary Schools. The objective of the program is to cultivate a batch of pilot and model schools which will serve as examples for their peers to follow, with a view to raising the quality of IP education in primary and secondary schools throughout the country and thereby encouraging teenagers and youngsters to cultivate respect for knowledge, innovation and IP protection. By giving full play to the exemplary effect and leading role of these pilot and model schools, the IP awareness of society as a whole will be increased by ensuring that each family includes a pupil versed in the importance of IP.

## ENHANCING INTELLECTUAL PROPERTY AWARENESS TO IMPROVE COMPLIANCE WITH IMPORT AND EXPORT LAWS IN CHINA

*Contribution prepared by Mr. Liu Yang, Deputy Director, Division of Legal Affairs, Guangdong Sub-Administration, General Administration of Customs of the People's Republic of China, Guangzhou, China*

**Abstract:** This document presents the main approaches of the General Administration of Customs of the People's Republic of China (China Customs) in carrying out intellectual property (IP) awareness campaigns so as to improve compliance with import and export (I/E) laws. China Customs is a government agency that supervises and manages all arrivals in and departures from the customs territory of the mainland of the People's Republic of China, and is charged by law with duties to protect IP rights (IPRs) related to I/E goods. China Customs has made great efforts in recent years to carry out outreach campaigns covering all targeted groups through various channels and means. Such campaigns have produced remarkable results in effectively enhancing the general public's awareness of I/E-related IP protection, in reducing the incidence of I/E-related breaches and infringements, and in fostering a favorable atmosphere for consciously boycotting infringements.

## THE GREEK COPYRIGHT SCHOOL – RAISING AWARENESS ABOUT COPYRIGHT PROTECTION IN PRIMARY AND SECONDARY EDUCATION”

*Contribution prepared by the Hellenic Copyright Organization, Hellenic Ministry of Culture and Sports, Athens*

**Abstract:** The Hellenic Copyright Organization (HCO) is the competent authority in Greece for copyright and related rights matters. In 2014, HCO, in cooperation with a team of teachers, created an educational program on the protection of copyright and related rights entitled “Copyright”. The program's goal is to raise awareness among pupils about the importance of copyright and related rights in today's society and their significance as a key factor in promoting creativity and culture. For the school year 2015-2016, HCO decided to expand the promotion of the program and enrich its actions. In this context, HCO put together a project called: “Greek Copyright School”. This project was awarded a grant by

the European Union Intellectual Property Office (EUIPO), allowing HCO to further promote the educational program and inform teachers all over Greece about copyright issues. It is the first time an educational program of this kind, supported by the Ministry of Education and the European Union, is being implemented in Greece.

#### THE HUNGARIAN EXPERIENCE IN RAISING PUBLIC AWARENESS

*Contribution prepared by Ms. Roberta Pál, Deputy Secretary, National Board Against Counterfeiting, Budapest*

**Abstract:** The National Board Against Counterfeiting (NBAC) is a consultative, opinion-giving and advisory body. It was established in 2008 by the Hungarian Government on the initiative of the Hungarian Intellectual Property Office (HIPO). The NBAC's Action Plan focuses on awareness raising among young people and entrepreneurs (especially small and medium-sized enterprises (SMEs)). The NBAC's awareness-raising activities for SMEs have included providing information and advice to members of the Young Entrepreneurs Association Hungary (FIVOSZ) and organizing seminars with regional chambers of commerce. Work with young people has included setting up information tents at music festivals, conducting outreach to children through an interactive exhibition and school visits, and a competition on counterfeit medicines. Outreach to the general public has included seminars during Art Market Budapest and a competition for teachers to create teaching materials on IP. The NBAC maintains websites (<http://www.hamisitasellen.hu/> and <http://www.hamisitasellen.hu/hamisgyogyszer/>), a Facebook profile and a blog on intellectual property (IP) and counterfeiting and is actively present in the media.

#### AWARENESS-RAISING ACTIVITIES TO BUILD RESPECT FOR INTELLECTUAL PROPERTY IN THE REPUBLIC OF KOREA

*Contribution prepared by Mr. Yang Dae-gyeong, Assistant Director, Multilateral Affairs Division, Korean Intellectual Property Office, Daejeon Metropolitan City, Republic of Korea*

**Abstract:** The Korean Intellectual Property Office (KIPO) responds to the physical, financial, and economic harm caused by the widespread dissemination of counterfeit goods. It maximizes its efforts to create a system that promotes genuine innovation and curbs counterfeiting. KIPO devotes the majority of its efforts to promoting awareness of intellectual property (IP) and curbing online counterfeit goods, with a view to affording a higher degree of IP protection.

#### BUILDING RESPECT FOR AND INCREASING AWARENESS OF INTELLECTUAL PROPERTY: THE EXPERIENCE OF THE PATENT OFFICE OF THE REPUBLIC OF LATVIA

*Contribution prepared by Mr. Arvis Grīnbergs, Project Manager, Patent Office of the Republic of Latvia, Riga*

**Abstract:** The Patent Office of the Republic of Latvia (Patent Office) provides registration services for industrial property rights and is responsible for awareness raising on industrial property in the Republic of Latvia. The present document describes the most recent activities and various initiatives of the Patent Office that aim to build respect for IP and to inform the Latvian society about the advantages of using the IP system.

## AWARENESS-RAISING PROGRAMS UNDERTAKEN BY THE NATIONAL DIRECTORATE FOR INTELLECTUAL PROPERTY OF PARAGUAY

*Contribution prepared by Mr. Héctor Balmaceda Godoy, Director General, Directorate-General for Enforcement, National Directorate for Intellectual Property, Asunción*

**Abstract:** A key factor in fighting poverty is raising awareness about intellectual property (IP) among the people of Paraguay and empowering them to benefit from it. This is why the National Directorate for Intellectual Property (DINAPI) of Paraguay has designed and is implementing a strategy, the main objective of which is to offer training and raise awareness of IP issues throughout Paraguay. These activities are directed at secondary school pupils and teachers, in addition to civil servants, researchers and users of the IP system. Given the success of these efforts, DINAPI, through the Directorate-General for Enforcement, has planned and developed new projects focusing on copyright and patents, among others, so that sectors interested in these areas can benefit from the IP system.

## IP EDUCATION AND AWARENESS CAMPAIGNS OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES

*Contribution prepared by Ms. Josephine Rima Santiago, Director General, Intellectual Property Office, Taguig City, Philippines*

**Abstract:** The intellectual property (IP) system has almost always remained an enigmatic subject matter even to the members of society who are supposed to be the beneficiaries of this system. The Intellectual Property Office of the Philippines (IPOP HL) undertakes advocacy to engage young people and relevant sectors in the world of IP to achieve two objectives, namely: to instill the value of respect for IP; and to inspire creativity and innovation. For the past three years, IPOP HL has been organizing an annual IP Youth Camp and other IP awareness activities. Planting the IP seed among young people, their families, and people in their environment will reap the harvest of an IP-conscious world in the future. What we teach our young people today about the importance of respect for IP will have a great bearing on the attitude and values that they will carry throughout their lives.

## THE WORK OF THE SYGNAŁ ASSOCIATION IN PROMOTING IP THROUGH EDUCATION AND AWARENESS RAISING IN POLAND

*Contribution prepared by Ms. Teresa Wierzbowska, President, Sygnał Association, Warsaw*

**Abstract:** The Sygnał Association has united the efforts of audiovisual market players, especially local and international TV broadcasters, towards effective intellectual property right protection online. Many reports on the high scale of online piracy in Europe and all over the world include Poland in one of the top positions. Key stakeholders, including law enforcement authorities, have insufficient knowledge about the specificity of online infringements. Bearing that in mind the Association achieves its goals by (among others):

- educational program for police officers and public prosecutors;
- educational campaigns targeted towards market players who are directly or indirectly engaged in financing the illegal online distribution of audiovisual contents;
- providing knowledge and tools for the online advertising market to put the “follow the money” idea into practice;
- building a strong market coalition for the effective fight against online piracy.

NEXT BIG THING – AN AWARENESS CAMPAIGN FOR THE VALUE OF RECORDED  
MUSIC BY THE SWISS MUSICIANS ASSOCIATION

*Contribution prepared by Mr. Christoph Trummer, President, Swiss Musicians Association,  
Zurich, Switzerland*

Abstract: A generation of young people in western countries has grown up with music being constantly available, but without having to pay for it. An illegal market has shaped consumer mentality and there is an urgency to remind people that every song they hear required not only talent and vision, but also investments and decisions. That is the aim of NEXT BIG THING (NBT), an online game, designed and produced by Swiss Musicians, the official association of the Swiss pop/rock scene. NEXT BIG THING takes the player straight into the process of making a record, leading them through the steps from choosing a band name to deciding how to release their album, while an indicator scale reminds them of their spending. In the end, the investment does not come with guarantees: it may work, it may not.

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WIPO/ACE/11/5

INITIATIVES OF THE WIPO ACADEMY IN RAISING  
AWARENESS OF INTELLECTUAL PROPERTY  
AMONG YOUNG PEOPLE THROUGH THE  
EDUCATIONAL SYSTEM

*Document prepared by the Secretariat*

Abstract: There is an increased demand by WIPO Member States for intellectual property (IP) education tools for the young that go beyond awareness. The WIPO Academy is the core entity in WIPO for training and human capacity-building activities, particularly for developing countries, least developed countries (LDCs) and countries in transition. Some countries are developing activities and awareness programs in particular in the area of information and communication technologies (ICTs) addressing creativity and innovation of the young. Globally, there are indications that IP knowledge of the young in such countries would require assistance through education tools and curricula development. In order to respond to the various needs and address the challenges, the WIPO Academy will continue its development and design of its IP4Kids Tool Kit for teachers optimizing the existing resources.

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WIPO/ACE/11/6

ENFORCEMENT FUNCTIONS OF NATIONAL  
INTELLECTUAL PROPERTY OFFICES

*Contributions prepared by China, Colombia, Paraguay  
and the Philippines*

INTELLECTUAL PROPERTY PROTECTION AND ENFORCEMENT IN CHINA AND THE  
ADMINISTRATIVE ENFORCEMENT OF PATENT RIGHTS BY THE STATE  
INTELLECTUAL PROPERTY OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

*Contribution prepared by the State Intellectual Property Office of the People's Republic of  
China, Beijing*

Abstract: This document introduces the particular characteristics of the Chinese intellectual property (IP) protection system, which features dual protection by means of administrative and judicial measures, supplemented by arbitration and mediation. It also

discusses the relationship between IP enforcement in China and the relevant international rules and initiatives. Through the above mechanisms, the enforcement and protection of IP rights (IPRs) in China has achieved remarkable results and created a favorable environment for IP.

#### THE JUDICIAL POWERS OF THE SUPERINTENDENCY OF INDUSTRY AND COMMERCE AND THE NATIONAL DIRECTORATE OF COPYRIGHT OF COLOMBIA IN THE AREA OF INTELLECTUAL PROPERTY

*Contribution prepared by Mr. Fidel Puentes Silva, Deputy Superintendent for Judicial Affairs, Superintendency of Industry and Commerce (SIC), Bogota*

Abstract: Even though there is a separation of powers into three distinct branches in Colombia, the legislator decided to grant judicial powers to a number of administrative bodies, which has resulted in enhanced intellectual property protection. These bodies include the Superintendency of Industry and Commerce (SIC), which was given judicial power to resolve issues of unfair competition and infringements of industrial property rights, and the National Directorate of Copyright (DNDA), which deals with cases concerning copyright and related rights. Since then, the aforementioned bodies have administered justice in these specific areas, thereby helping strengthen the system of justice through prompt and specialized responses.

#### THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS BY THE NATIONAL DIRECTORATE FOR INTELLECTUAL PROPERTY OF PARAGUAY

*Contribution prepared by Mr. Héctor Balmaceda Godoy, Director General, Directorate-General for Enforcement, National Directorate for Intellectual Property, Asunción*

Abstract: The National Directorate for Intellectual Property (DINAPI) of Paraguay is one of the few intellectual property (IP) offices in the world with the power to carry out administrative procedures for the enforcement of IP rights. It performs these functions jointly with other government agencies, in some cases on its own initiative or following complaints filed with DINAPI's Directorate-General for Enforcement. Between 2013 and 2015, 533 procedures helped to prevent financial losses amounting to USD 200,051,165. Thanks to these efforts, Paraguay is no longer on the "Special 301 Watch List" of the Government of the United States of America.

#### THE ENFORCEMENT FUNCTION OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES: BEST PRACTICES AND CHALLENGES

*Contribution prepared by Mr. Allan B. Gepty, Deputy Director General, Intellectual Property Office, Taguig City, Philippines*

Abstract: Everyone stands to be affected, either directly or indirectly, by intellectual property rights (IPR) infringement, particularly, counterfeiting and piracy. Recognizing this fact, the Intellectual Property Office of the Philippines (IPOPHL) sees the need to have an enforcement function. The thesis is that the Office will not be effective in promoting and protecting IPRs if it cannot take the lead in its enforcement and provide the necessary mechanism to help eliminate the proliferation of counterfeit and pirated products in the market. With the increasing volume of international trade and the challenges of enforcing IPRs in a borderless and complex market, it is submitted that Intellectual Property Offices should take a pro-active role in ensuring the enforcement of IPRs.

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WIPO/ACE/11/7

MECHANISMS TO RESOLVE INTELLECTUAL  
PROPERTY DISPUTES IN A BALANCED HOLISTIC  
AND EFFECTIVE MANNER

*Contributions prepared by Pakistan, Portugal, the  
Russian Federation, South Africa, Thailand, the United  
Kingdom, the International Chamber of Commerce, and  
Professor Jacques de Werra of the University of Geneva  
(CEIPI-ICTSD Joint Study)*

ESTABLISHMENT OF INTELLECTUAL PROPERTY TRIBUNALS IN PAKISTAN

*Contribution prepared by Mr. Muhammad Ismail, Deputy Director, IPR Enforcement,  
Intellectual Property Organization of Pakistan, Islamabad*

Abstract: In 2012, the Intellectual Property Organization Act introduced new provisions for the establishment of Intellectual Property (IP) Tribunals in Pakistan. Since then, IP Tribunals have been established in the major cities of Islamabad, Karachi and Lahore. While the IP Tribunal in Lahore is now fully operational, it is expected that the other two IP Tribunals will be operational within the next three months. In this document, we provide an overview of Pakistan's IP Tribunals and its experiences at the national level.

THE EXPERIENCE OF THE PORTUGUESE INTELLECTUAL PROPERTY COURT

*Contribution prepared by Ms. Inês Vieira Lopes, Director, International Relations and Legal  
Affairs Department, National Institute of Industrial Property, Lisbon*

Abstract: In 2011, Portugal established the Intellectual Property Court (Law 46/2011), to which all new IP cases were transferred from the Lisbon Commercial Court. The IP Court is located in Lisbon and competent to assess civil proceedings related to IPRs, Internet domain names, or trade names. It may issue injunctions and, where necessary, order measures to preserve evidence or to request information.

THE EXPERIENCE OF THE COURTS OF THE RUSSIAN FEDERATION

*Contribution prepared by Mr. Vyacheslav V. Gorshkov, Judge of the Supreme Court of the  
Russian Federation, Chair of Civil Judges, Moscow*

Abstract: This report discusses the settlement of disputes relating to the protection of intellectual property (IP) in the Russian Federation. The report provides a brief overview of the current legislative framework governing IP relationships and the recent legislative reform. The report explains the court structure in the Russian Federation, which includes the courts competent to hear IP protection cases and the specialized courts. These are the Court of Intellectual Property Rights, the Moscow City Court, and the Supreme Court of the Russian Federation. The report details the competence of these courts, the particular features that relate to IP protection cases and the relevant court activities in 2015.

## A SOUTH AFRICAN EXPERIENCE

*Contribution prepared by Justice Louis Harms, Former Deputy President of the Supreme Court of Appeal, South Africa, Extraordinary Professor at the University of Pretoria, South Africa, Honorary Bencher of the Middle Temple, London*

**Abstract:** The paper discusses the court structures in South Africa with respect to the enforcement of intellectual property rights (IPRs) and indicates that in general specialist courts are not used. It argues that the South African experience shows that in a country such as South Africa, specialist courts cannot be justified and that the judiciary in general is capable of enforcing IPRs in a balanced and effective manner.

## THE EXPERIENCE OF THE THAI CENTRAL INTELLECTUAL PROPERTY AND INTERNATIONAL TRADE COURT

*Contribution prepared by Dr. Thammanoon Phitayaporn, Deputy Chief Judge, the Central Intellectual Property and International Trade Court, Bangkok*

**Abstract:** The Central Intellectual Property and International Trade Court (CIPITC) of Thailand opened on December 1, 1997, as a special court designed to consider a broad spectrum of intellectual property (IP) and international trade issues. The CIPITC is a trial court that considers both civil and criminal cases, and employs mechanisms to resolve IP disputes in a balanced, holistic, and effective manner. These include specialization of the court, judges, and associate judges; use of expert witnesses; specifically adapted rules of procedure; use of technological tools to increase efficiency; and enhanced knowledge management.

## THE SPECIALIST IP COURTS IN ENGLAND AND WALES: THE INTELLECTUAL PROPERTY ENTERPRISE COURT

*Contribution prepared by Ms. Elizabeth Jones, Copyright and IP Enforcement Directorate, Intellectual Property Office, Newport, United Kingdom, and His Honour Judge Hacon, Presiding Judge, Intellectual Property Enterprise Court, Chancery Division, High Court of Justice of England and Wales, London*

**Abstract:** The costs of intellectual property (IP) litigation within the United Kingdom (UK) legal system were deemed to be prohibitively high, particularly for small and medium-sized enterprises (SMEs). To help reduce these costs a number of reforms have been undertaken to the specialist IP court (the Intellectual Property Enterprise Court (IPEC)) since 2010, introducing: a fixed scale of recoverable costs capped at £50,000, to provide more certainty for businesses entering litigation; a cap on damages of £500,000, to make it easier to identify what cases should most likely be heard in the IPEC; a time-cap of one or two hearing days on cases, to reduce the cost and complexity of cases; and proactive case management to ensure only relevant evidence is heard, and its usefulness to the case justifies the cost of producing it – there is no standard disclosure. An evaluation published in 2015 found that these reforms have delivered an improvement in access to justice for litigants.

## ADJUDICATING INTELLECTUAL PROPERTY DISPUTES – AN INTERNATIONAL CHAMBER OF COMMERCE (ICC) REPORT ON SPECIALIZED INTELLECTUAL PROPERTY JURISDICTIONS WORLDWIDE

*Contribution prepared by the International Chamber of Commerce (ICC)*

**Abstract:** In response to the increasingly important role of intellectual property (IP) for businesses and the resulting growth of IP litigation, a growing number of countries are establishing specialized courts or divisions dedicated to resolving IP cases as these often require specific judicial expertise. This International Chamber of Commerce (ICC) report aims to provide a better understanding of the current landscape of such specialized IP jurisdictions (SIPJs). Based on the contributions of IP litigation experts from 24 countries in different continents, the report provides an overview of the structures and trial procedures of SIPJs in various jurisdictions around the world. Aspects addressed include the rationale for setting up SIPJs, their structure and competence, the composition of tribunals, doctrines and rules of evidence, rules for representation of parties and the execution of judgements.

### SPECIALIZED INTELLECTUAL PROPERTY COURTS: ISSUES AND CHALLENGES

*Contribution prepared by Mr. Jacques de Werra, Vice-Rector and Professor of Intellectual Property and Contract Law, University of Geneva*

**Abstract:** Under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement (Art. 41 para. 5), countries have no obligation to put in place a judicial system for the enforcement of intellectual property (IP) rights that shall be distinct from that for the enforcement of law in general. Countries are consequently free to decide what types of judicial body or bodies have the jurisdiction to hear IP disputes and whether it is appropriate to establish specialized IP courts. It is difficult to give a simple and unique answer to the question of whether it is advantageous or necessary to establish specialized IP courts in a given country, whereby a trend towards specialization or centralization of certain types of IP disputes seems perceivable at the global level. In view of the advantages and disadvantages of specialized IP courts and of the need to take into account all relevant factors in the country at issue, the creation of specialized IP courts cannot be recommended in all circumstances. A decision relating to the establishment of specialized IP courts must be made on the basis of a fully informed, transparent and unbiased analysis of the situation in the country.

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WIPO/ACE/11/8

COORDINATING INTELLECTUAL PROPERTY  
ENFORCEMENT AT THE NATIONAL LEVEL  
*Contributions prepared by Canada, Georgia, India, Italy,  
Pakistan, Portugal, the United Arab Emirates, and the  
United States of America*

### THE CANADIAN ANTI-FRAUD CENTRE'S PROJECT CHARGEBACK: LEADING THE CHARGE(BACK) AGAINST FAKES!

*Contribution prepared by Mr. Nicholas Gordon, Senior Trade Policy Officer, Intellectual Property Trade Policy Division (TMI), Global Affairs, Ottawa*

**Abstract:** Canada is pleased to provide an explanation of a novel, effective and unique approach to protecting intellectual property (IP) and combatting counterfeiting. The first of its kind in the world, Project Chargeback is a collaboration between the Canadian

Anti-Fraud Centre (overseen by the Royal Canadian Mounted Police), credit card companies and banks who work together to reimburse victims of online fraudsters, at the expense of counterfeiters. Canada is the first country to have such a program that works to shut down counterfeiters and protect IP in this way. Over a 12-month period, the Chargeback Project registered more than 10,000 confirmations which led to chargebacks being initiated and victims being reimbursed. Since the beginning of the project, the Anti-Fraud Centre has identified over 5,000 merchant accounts world-wide linked to counterfeiting, fraud and IP theft. Project Chargeback also works to close retailers' merchant accounts who are selling counterfeit goods in their stores.

#### GEORGIA'S NATIONAL EXPERIENCE ON BUILDING RESPECT FOR INTELLECTUAL PROPERTY, IN PARTICULAR THROUGH INSTITUTIONAL COOPERATION ON ENFORCEMENT POLICIES AND REGIMES

*Contribution prepared by Mr. Nikoloz Gogilidze, Chairman, National Intellectual Property Center, Mtskheta, Georgia*

**Abstract:** In response to the detrimental impact of counterfeiting and piracy on Georgia's market, and the entry into force of the Deep and Comprehensive Free Trade Area (DCFTA) Agreement with the European Union (EU), Georgia has engaged in a number of initiatives to improve its system of intellectual property (IP) enforcement and to build respect for IP. At the legislative level, a number of amendments have been introduced to harmonize Georgia's IP laws with those of the EU. The National Intellectual Property Center of Georgia (SAKPATENTI) plays an important role in coordinating IP enforcement at all levels; *inter alia* through the work of the Interagency Council on IP Rights Enforcement. It also facilitates capacity building and training for judges, prosecutors, police officers, attorneys-at-law, customs officers, and State officials responsible for IP enforcement, in cooperation with international partners. SAKPATENTI also holds events and campaigns to raise public awareness, in addition to seminars and conferences which serve as a forum for ongoing dialogue on IP enforcement.

#### THE NATIONAL INTELLECTUAL PROPERTY RIGHT POLICY OF INDIA – ENFORCEMENT AND ADJUDICATION

*Contribution prepared by Mr. Rajiv Aggarwal, Head, Intellectual Property Division, Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, New Delhi*

**Abstract:** The National Intellectual Property Right (IPR) Policy of India establishes the future roadmap for IPRs and facilitates a stable, transparent and service-oriented IP administration in the country. Its clarion call is "Creative India; Innovative India". The Policy lays down seven objectives, including "Enforcement and Adjudication", and proposes corresponding action steps. The Policy aims to:

- Build respect for IPRs among the general public;
- Sensitize inventors and creators of intellectual property (IP) on measures to protect and enforce their rights;
- Build the capacity of enforcement agencies at various levels;
- Identify and undertake measures to check counterfeiting and piracy;
- Hold regular IP colloquia for judges to facilitate effective adjudication of IP disputes;

- Adjudicate on IP matters through specialized commercial courts; and
- Explore alternative dispute resolution (ADR) mechanisms.

The contribution also provides details on how to use website blocking orders as an effective tool against online piracy in India.

#### ITALIAN INITIATIVES TO FIGHT COUNTERFEITING AT THE STRATEGIC AND OPERATIONAL LEVEL

*Contribution prepared by Ms. Francesca Arra, Senior Officer, Assistance to Enterprises in the Fight Against Counterfeiting, IP Promotion and International Affairs, Directorate-General for the Fight Against Counterfeiting – Italian Patent and Trademark Office (DGLC-UIBM), Ministry of Economic Development of Italy, Rome*

**Abstract:** Italy has a diverse institutional framework for anti-counterfeiting enforcement, including a number of enforcement agencies (entities or bodies whose mission is to compel observance of anti-counterfeiting laws) and organizations (public authorities, business and consumer associations) with vested interests in how the enforcement framework operates. Traditionally, these players have cooperated in investigation activities and operations in effective ways. However, an increase in the growth of counterfeiting in recent years has highlighted the importance of institutional coordination, not only at the implementation stage but also at the strategic level. Such strategic coordination is undertaken by the Italian National Anti-counterfeiting Council (CNAC) and this document provides an overview of some of the initiatives undertaken by CNAC to strengthen enforcement effectiveness both nationally and internationally. At the operational level, this document also reports on the anti-counterfeiting hotline, which provides SMEs and consumers in Italy with information on how to enforce Intellectual Property Rights (IPRs) in case of infringement. This service is managed by the Directorate-General for the Fight Against Counterfeiting – Italian Patent and Trademark Office (DGLC-UIBM), Ministry of Economic Development.

#### COORDINATING THE ENFORCEMENT OF INTELLECTUAL PROPERTY IN PAKISTAN

*Contribution prepared by Mr. Muhammad Ismail, Deputy Director, IPR Enforcement, Intellectual Property Organization of Pakistan, Islamabad*

**Abstract:** This document provides an overview of the role that the Intellectual Property Organization of Pakistan (IPO-Pakistan) plays in coordinating intellectual property (IP) enforcement efforts in Pakistan. It discusses some of the recent initiatives undertaken by IPO-Pakistan in cooperation with other IP enforcement agencies and stakeholders and capacity-building and awareness-raising activities in which IPO-Pakistan has participated.

#### ENFORCING INDUSTRIAL PROPERTY RIGHTS IN PORTUGAL: THE EXPERIENCES OF THE NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY AND THE ANTI-COUNTERFEITING GROUP

*Contribution prepared by Mr. Rui Solnado da Cruz, Legal Adviser, International Relations and Legal Affairs Department and Mr. José Mário Sousa, Legal Adviser, Trademark and Patent Department, National Institute of Industrial Property, Lisbon*

**Abstract:** Over the past few years, Portugal has significantly intensified its efforts to increase the enforcement of industrial property rights and to create a more conducive environment for doing business. Currently, the Portuguese legal system offers effective remedies to enforce industrial property and to punish offending behavior, in line with

European and international best practices. Created in September 2010 with the aim of increasing the coordination of national authorities and promoting cooperation between them and the private sector, the Anti-counterfeiting Group plays a key role today in combating industrial property infringements at the national level and is the primary platform for the exchange of best practices and expertise. Portugal has also witnessed a significant increase in the number of seizures of counterfeit goods, with a greater focus on the problem of the infringement of industrial property rights in all its forms.

## THE LEGISLATIVE AND INSTITUTIONAL ARRANGEMENTS OF THE UNITED ARAB EMIRATES FOR THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

*Contribution prepared by Dr. Mohammad Mahmoud Al Kamali, Director, Institute of Training and Judicial Studies, Abu Dhabi*

**Abstract:** This document provides an overview of the legislative and institutional arrangements implemented by the United Arab Emirates (UAE) to address the protection and enforcement of intellectual property rights (IPRs). In particular, it explains the role of the various public authorities that are involved in the enforcement of intellectual property (IP), the establishment of Specialized Judicial Departments to hear IP matters in court, and the Institute of Training and Judicial Studies (ITJS) in providing capacity-building and training activities for members of the General Prosecution and specialized judges.

## THE ROLE OF THE NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER IN ENFORCING INTELLECTUAL PROPERTY IN THE UNITED STATES OF AMERICA

*Contribution prepared by Mr. Bruce Foucart, Director, Intellectual Property Rights Center, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security, Washington, D.C.*

**Abstract:** The United States (U.S.) Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) led National Intellectual Property Rights Coordination Center (IPR Center) stands at the forefront of the U.S. Government's response to global intellectual property (IP) theft and enforcement of its international trade laws. The mission of the IPR Center is to ensure national security by protecting the public's health and safety, the U.S. economy and service members, and to stop predatory and unfair trade practices that threaten the global economy. To accomplish this goal, the IPR Center brings together 23 partner agencies, consisting of 19 key federal agencies, the International Criminal Police Organization (INTERPOL), the European Police Office (EUROPOL), and the Governments of Canada and Mexico in a task-force setting. The IPR Center has developed comprehensive operations and works with internal and external agencies in order to conduct effective IP enforcement to defend the economy, protect consumers and repress criminal organizations.

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WIPO/ACE/11/9

CAPACITY BUILDING AND SUPPORT FROM WIPO  
FOR TRAINING ACTIVITIES

*Contributions prepared by South Africa, the African  
Regional Intellectual Property Organization and  
Justice Louis Harms, Former Deputy President of the  
Supreme Court of Appeal of South Africa*

SOUTH AFRICA'S EXPERIENCE WITH CAPACITY-BUILDING AND TRAINING  
ACTIVITIES

*Contribution prepared by Ms. Amanda Lotheringen, Senior Manager, Copyright and IP  
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Abstract: Capacity building is one of the corner stones of effectively enforcing intellectual property (IP) rights. When South Africa promulgated the Counterfeit Goods Act, 1997 to implement Part III of the Agreement on Trade Related Aspects of Intellectual Property Rights (the TRIPS Agreement), it was never expected that it would become such a powerful tool to combat trademark counterfeiting and copyright piracy. Collaboration with WIPO's Building Respect for IP Division provided a firm foundation that ensured that implementation thrived. Benchmarked success stories were continuously shared and guidance to enhance existing skill sets was incessantly offered. Fostering close relationships with counterparts across the world facing similar problems and challenges is beneficial on many levels. Close cooperation on a global scale is essential to combat the international increase in the sale of counterfeit goods. The role of WIPO to achieve these objectives must be commended and the value added of its expert team should not be underestimated. Without the continuous support from WIPO, the same level of effectiveness would not have been possible for South Africa.

CAPACITY BUILDING AND SUPPORT FROM WIPO FOR TRAINING ACTIVITIES: THE  
EXPERIENCES OF THE AFRICAN REGIONAL INTELLECTUAL PROPERTY  
ORGANIZATION

*Contribution prepared by Mr. Fernando dos Santos, Director General, African Regional  
Intellectual Property Organization, Harare*

Abstract: The African Regional Intellectual Property Organization (ARIPO) has the mandate to: establish schemes for the training of staff in the administration of intellectual property (IP) laws; organize training seminars and other meetings; promote the exchange of ideas and experiences; and conduct research studies in the field of IP. The World Intellectual Property Organization (WIPO) and ARIPO have worked hand in hand to assist Member States to develop skills in IP through engagement with capacity-building activities. The most recent example of this collaboration was the organization of a Training of Trainers Workshop with a view to creating an enduring environment for teaching IP in Police Academies of ARIPO Member States. This initiative contributes to a better understanding of IP and its enforcement by police officers in the Member States.

A BALANCED APPROACH TO BUILDING RESPECT FOR INTELLECTUAL PROPERTY (IP) AND TO IP ENFORCEMENT IN PARTICULAR

*Contribution prepared by Justice Louis Harms, Former Deputy President of the Supreme Court of Appeal of South Africa, Extraordinary Professor at the University of Pretoria, South Africa, Honorary Bencher of the Middle Temple, London*

Abstract: Intellectual property rights (IPR) have to be justified in order to be recognized, respected and enforced. It is necessary to consider IPR enforcement in a social context, to have regard to legitimate public rights, interests and concerns, and to move away from counter-productive enforcement. The paper discusses the approach adopted at capacity-building and training activities by the WIPO Secretariat, through its Building Respect for IP Division, in developing countries in relation to the adoption of a balanced approach to building respect for IP and to IP enforcement in particular by the judiciary and law enforcement officials. Balancing is discussed with reference to fair dealing/use in copyright law; justification of IP crimes; law enforcement priorities; prosecutorial discretion and sentencing.

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THE CAPACITY BUILDING AND TRAINING ACTIVITIES  
OF WIPO IN THE AREA OF BUILDING RESPECT FOR IP  
*Document prepared by the Secretariat*

Abstract: This document highlights the main features of the capacity-building activities in the area of Building Respect for Intellectual Property (IP) undertaken by the Secretariat of the World Intellectual Property Organization (WIPO) through its Program 17 “Building Respect for IP”. It aims to provide an overview of the framework, content and format of these activities, which are carried out in accordance with the mandate of the Advisory Committee on Enforcement (ACE), in line with Expected Result III.2 (“Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, least developed countries (LDCs) and countries with economies in transition”) as defined in WIPO’s Program and Budget, and within the framework of Recommendation 45 of the WIPO Development Agenda.

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