

## Advisory Committee on Enforcement

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### RECENT ACTIVITIES OF WIPO IN THE FIELD OF BUILDING RESPECT FOR INTELLECTUAL PROPERTY

*prepared by the Secretariat*

1. This document summarizes the activities in the field of building respect for intellectual property (IP) undertaken by Program 17 of the World Intellectual Property Organization (WIPO) in the period from August 2015 to April 2016. The activities were guided by the Program's objectives defined in the 2014-2015 Program and Budget and the 2016-2017 Program and Budget, as well as Development Agenda Recommendation 45. They focused on responding to Member State requests for legal and technical assistance, also taking duly into account Development Agenda Recommendations 1, 6, 12 to 14, and 17, and on fostering cooperation with partner organizations and the private sector, in order to ensure further integration of development-oriented concerns into joint activities.
2. It is recalled that WIPO Strategic Goal VI "International Cooperation on Building Respect for IP" is a broad, cross-cutting goal which aims to create an enabling environment that promotes respect for IP in a sustainable manner and to strengthen the capacity in Member States for the effective enforcement of IP rights (IPRs), taking into account socio-economic interests and development-oriented concerns. Strategic Goal VI is supported by various WIPO Programs and many of the activities set out under paragraphs 5 to 14 below benefited from close in-house cooperation, in particular with: Program 9 (Africa, Arab, Asia and the Pacific, Latin America and the Caribbean Countries, Least Developed Countries); Program 10 (Transition and Developed Countries); Program 16 (Economics and Statistics); Program 19 (Communications); and Program 20 (External Relations, Partnerships and External Offices).

3. The following sections list those activities in the field of building respect for IP that were undertaken by Program 17. They do not aim to provide an exhaustive report on all WIPO activities in this area as many other WIPO Programs equally deliver contributions to Strategic Goal VI. Section I focuses on assistance to Member States, while Section II describes the cooperation and coordination between the work of WIPO and other international governmental and non-governmental organizations (IGOs and NGOs), and the private sector. Section III covers publications and training materials in the field of building respect for IP, and Section IV the WIPO Awards Program.

4. A regular update on Program 17's activities in the field of building respect for IP, with links to relevant programs, is made available on the WIPO website at:  
<http://www.wipo.int/enforcement/en/activities/current.html>.

## **I. ASSISTANCE TO MEMBER STATES: LEGISLATIVE ADVICE, TRAINING AND AWARENESS RAISING**

5. In the period under review, Program 17 continued to receive numerous requests from Member States for assistance in the field of building respect for IP and the enforcement of IP rights. Requested services included legislative advice, as well as training and awareness-raising activities.

6. Regarding legislative advice, Program 17 focused on scrutinizing the compatibility of current or draft legislation with enforcement-related obligations under Part III of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), taking due account of the balances and the flexibilities incorporated in the Agreement. WIPO provides legislative advice to Member State on demand and on a confidential basis.

7. In addition, WIPO organized specialized national and regional Workshops, Colloquia, and Conferences, to comprehensively address building respect for IP:

- WIPO-MCST-KCC Interregional Workshop on Copyright Enforcement, Seoul, Republic of Korea, September 14 to 18, 2015: Organized jointly with the Ministry of Culture, Sport and Tourism (MCST) of the Republic of Korea and the Korea Copyright Commission (KCC), the objectives of the Workshop were: to consider the value of copyright and related rights (copyright) protection and enforcement to the social, economic and cultural development of the participating countries; to provide basic training on remedies and copyright enforcement measures, with a particular focus on the digital environment; to discuss topical issues in the area of building respect for copyright; and to envisage national and transnational strategies for effective cooperation to build respect for copyright. The Workshop was attended by 20 participants from copyright offices, the judiciary, customs, the police, and other government agencies involved in enforcement activities, from the following countries: Azerbaijan, China, Ghana, Malawi, Mongolia, Paraguay, Peru, the Philippines, Thailand, and Viet Nam.
- WIPO-CIPC Sub-Regional Workshop on Building Respect for IP for Prosecutors and Senior Police Officers of Selected Countries of Southern Africa, Pretoria, South Africa, September 15 to 16, 2015: Co-organized with the South Africa Companies and Intellectual Property Commission (CIPC), the objectives of the Workshop were: to sensitize prosecutors and senior investigators to the social and economic impact of counterfeiting and piracy; to present the WIPO Training Manual on IP Crime Prosecution; to discuss the policy basis for criminal sanctions and proportionality in sentencing; and to examine the environmentally-sensitive disposal of infringing goods, taking due note of Strategic Goal VI development-orientated concerns. The Workshop

was attended by 15 prosecutors and senior police officers from Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe, together with approximately 70 South African prosecutors, police officers, and staff of the CIPC.

- WIPO National Workshop on Building Respect for IP Law Enforcement Officials, Skopje, the former Yugoslav Republic of Macedonia, September 30 to October 1, 2015: Organized in cooperation with the State Office of Industrial Property (SOIP), the objectives of the Workshop were: to examine the minimum standards and flexibilities contained in Part III of the TRIPS Agreement; to discuss topical issues, including consumer awareness raising and the equitable disposal of goods; to reflect on recent case-law developments; and to work towards effective inter-agency cooperation at the national level. It was attended by approximately 40 participants, comprising judges and prosecutors, customs, police and market inspectorate officials, and attorneys-at-law.
- WIPO Sub-Regional Workshop on the Enforcement of IP Rights, Bishkek, Kyrgyzstan, October 21 and 22, 2015: Organized in cooperation with the State Service of IP and Innovation under the Government of the Kyrgyz Republic (Kyrgyzpatent), the objectives of the Workshop were: to discuss and exchange experiences on practical issues relating to the enforcement of IPRs and to improve the skills and knowledge level of the members of the enforcement authorities in the Central Asian countries necessary to provide fair, efficient and consistent handling and adjudication of IP cases, while taking due note of WIPO's Strategic Goal VI development-oriented concerns. Around 60 participants (mostly members of the judiciary, but also representatives of the Financial Police, the State Antimonopoly Agency, the State Customs Service, Kyrgyzpatent and representatives of right holders) were present.
- WIPO-KIPO-DIP Regional Colloquium on IP Enforcement for Judges, Bangkok, Thailand, October 28 and 29, 2015: Organized with the support of the Korean IP Office (KIPO) and the Department of IP of Thailand (DIP), the Colloquium had the objective: to enhance knowledge of IP enforcement and its challenges; to increase the effectiveness of civil and criminal IP proceedings in the interests of development and consumer protection; and to create an international network of IP experts from the judiciary that allows for ongoing exchange and cooperation. The Colloquium was attended by 24 judges from the following countries: Brunei Darussalam, Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Republic of Korea, Singapore, Thailand, and Viet Nam.
- National Workshops on Enforcement of IP Rights for Members of the Judiciary and Law Enforcement Officials, Belmopan, Belize, November 2 and 3, 2015: Organized with the Belize IP Office (BELIPO), the purpose of the Workshops was to improve the participants' skills and knowledge levels necessary to provide fair, efficient and consistent handling and adjudication of IP cases. The Workshop on the first day was attended by around twenty law enforcement officials and members of the legal fraternity, the one on the second day by around ten judges, including the Chief Justice of the Supreme Court of Belize.
- National Workshops on Enforcement of IP Rights for Members of the Judiciary and Law Enforcement Officials, Kingston, Jamaica, November 6 and 7, 2015: Organized with the Jamaica IP Office (JIPO), the purpose of the Workshops was to improve the participants' skills and knowledge levels necessary to provide fair, efficient and consistent handling and adjudication of IP cases. The Workshop on the first day was attended by around 50 law enforcement officials and the one on the second day by approximately 20 judges.

- WIPO-JPO Training Course on the Enforcement of IPRs, Tokyo, Japan, November 30 to December 10, 2015: Organized with the Asia-Pacific Industrial Property Center (APIC) of the Japan Patent Office (JPO), the objectives of the Training Course were: to consider the minimum standards and flexibilities of Part III of the TRIPS Agreement; to enhance the participants' skills and understanding in the area of IP enforcement by reference to the minimum standards and flexibilities contained in Part III of the TRIPS Agreement; to enhance skills in handling IP cases; to assess recent legal developments; and to broaden the participants' knowledge and skills in relation to IP infringement litigation. The participants were judges from China, Indonesia, Malaysia, the Philippines, Thailand, the United Arab Emirates and Viet Nam, numbering 13 in all.
- WIPO-POLICOM Sub-Regional Workshop on Building Respect for IP for Prosecutors and Police Officers, San Salvador, El Salvador, December 9 to 10, 2015: Organized in cooperation with the Trade Policy Directorate, Ministry of Trade of El Salvador (POLICOM), the objectives of the Workshop were: to sensitize prosecutors and senior investigators to the social and economic impact of counterfeiting and piracy; to examine the relevant ways of successfully investigating and prosecuting IP crime in a balanced way and to the mutual benefit of the users of the IP system and the general public; and to address further relevant aspects of IP enforcement, such as the environmentally-sensitive disposal of infringing goods. The total number of participants was 28, comprising prosecutors from Costa Rica, Dominican Republic, Guatemala and Honduras, and prosecutors, police investigators, and representatives of other government agencies dealing with IP from El Salvador.
- Regional Conference on IP and Sports, Vilnius, Lithuania, April 13 and 14, 2016: Organized in cooperation with the State Patent Bureau of the Republic of Lithuania, Department of Physical Education and Sports under the Government of Lithuania, the National Olympic Committee of Lithuania and the European Union IP Office (EUIPO), the purpose of the event was to raise awareness of the value of IP for the sports industry and to encourage the fight against counterfeit goods. The event also commemorated World IP Day and the 25th anniversary of the State Patent Bureau. There were approximately 129 participants, comprising representatives from several national authorities, governmental institutions from other European countries, and stakeholders such as representatives of the sports goods industry, broadcasters and specialized lawyers.

8. Further, Program 17 participated in programs for Government officials, teachers of IP, and law students. Specific presentations on building respect for IP were made during the WIPO-WTO Advanced Course on IP for Government Officials, held in Geneva from March 7 to 18, 2016, the study visit of a delegation from Oman to WIPO from September 14 to 16, 2015, and the study visit of a delegation from Mozambique to WIPO on October 20 and 21, 2015.

## **II. INTERNATIONAL COORDINATION AND COOPERATION**

9. In line with the objectives set out in the 2014-2015 WIPO Program and Budget and the 2016-2017 WIPO Program and Budget, Program 17 continued to further enhance its systematic and effective international cooperation in order to ensure a balanced and transparent approach to building respect for IP in accordance with Strategic Goal VI and Development Agenda Recommendation 45, to effectively and efficiently conduct activities related thereto and to avoid duplication of work. Relevant activities are outlined below:

- INTA Government Relations Program, Geneva, Switzerland, September 16, 2015: At this WIPO-hosted Program attended by the Board of Directors of the International Trademark Association (INTA), WIPO provided, in the area of building respect for IP, an update on the work of the Advisory Committee on Enforcement and WIPO's activities regarding IP and private international law.
- EU Observatory Plenary Meeting, Alicante, Spain, October 21 to 22, 2015: Organized by the European Observatory on Infringements of IPRs (EU Observatory), the primary objective of the meeting was to present an overview of the work of the EU Observatory achieved in 2015 and planned for 2016, as well as to discuss and share experiences on current trends in the areas of Public Awareness, Enforcement, Legal and International, IP in the Digital World, and Economics and Statistics. The Meeting was attended by representatives of 26 Member States of the European Union (EU), the European Parliament, the EU Commission, the private sector, civil society, as well as by observers.
- Twelfth WCO CAP Group Meeting, Brussels, Belgium, October 28 to 30, 2015: WIPO continued its cooperation with the World Customs Organization (WCO) and attended the 12th Meeting of the WCO Counterfeiting and Piracy Group (CAP). The Meeting had the objective to share experiences and practices regarding capacity-building activities and tools, and discussed efforts and initiatives by national customs administrations in the fight against counterfeiting and piracy.
- Conference "Internet and Copyright Law: A European Perspective", Milan, Italy, November 4 to 5, 2015: Organized by Francesca Fieconi, Italian Judges' Permanent Italian Training Program of the Scuola Superiore della Magistratura and the Italian group of the International Association for the Protection of IP (AIPPI), the Conference covered current issues relating to copyright law, namely, the liability of intermediaries, the jurisdiction of the Autorità per le Garanzie Nelle Comunicazioni (AGCOM) to require the blocking of infringing web sites, the European Commission's "Digital Single Market" initiative, online exhaustion and the anti-trust position of collecting societies. WIPO's presentation addressed secondary liability of internet intermediaries. The speakers included Italian judges, officials, academics, and attorneys-at-law. The participants, some 170 in number, appeared principally to be attorneys-at-law and in-house counsel.
- Meeting of the ILA IP and Private International Law Committee, Munich, Germany, November 20, 2015: Organized by the IP and Private International Law Committee of the International Law Association (ILA) and the Max Planck Institute for Innovation and Competition (MPI), the meeting was attended by some twenty Committee and MPI members. WIPO provided an update on its work on the interface between IP and private international law.
- Fourth Meeting of the Multi-Stakeholder Roundtable on Technical Assistance Against Counterfeit Medicines, Geneva, Switzerland, November 30, 2015: Hosted by the World Trade Organization (WTO) and gathering representatives of five IGOs (the International Criminal Police Organization (INTERPOL), WCO, the World Health Organization (WHO), WIPO, WTO) and three NGOs (the International Federation of Pharmaceutical Manufacturers Associations (IFPMA), the European Generic and Biosimilar Medicines Association (EGA) and the Pharmaceutical Security Institute (PSI)) involved with technical assistance against counterfeit medicines, the Meeting allowed the participants to share information and experiences on their respective activities in this area.

- 86th Session of the Mexican Inter-Institutional Committee for the Promotion and Protection of Copyright and Industrial Property, Mexico City, Mexico, December 8, 2015: At the invitation of the Attorney-General's Office of Mexico, WIPO attended the 86th Session of the Committee, which brought together all government agencies involved with IP as well as associations and representatives of the private sector and was attended by 68 participants.
- National Forum for Strengthening IP, Mexico City, Mexico, December 8, 2015: Organized by the Attorney-General's Office of Mexico, the Forum was intended to facilitate a broad debate of the challenges that IP currently faces in Mexico and on how IP can be strengthened. It was attended by about 300 participants, including representatives of Government entities involved with IP, members of Parliament, senators, judges and magistrates, lawyers, academics, and private sector representatives.
- OECD Expert Meeting: "Counterfeit and Pirated Trade: The Current Picture", Paris, France, November 30, 2015: Hosted at the headquarters of the Organisation for Economic Co-operation and Development (OECD) in Paris, WIPO attended the Expert Meeting to receive and discuss quantitative results of the first phase of the project on cross-border trade in IP infringing goods, jointly undertaken by OECD and the Office of Harmonization in the Internal Market (Trade Mark and Designs) (OHIM) (now EUIPO), and to give feedback.
- Roundtable on "Application of Measures for the protection of Copyright and Related Rights, the Potential for Improvement of Legislative Framework and Practical Implementation", Vilnius, Lithuania, December 15, 2015: Organized by the Ministry of Culture of Lithuania, WIPO spoke on copyright enforcement, in particular in the digital environment. The Roundtable was attended by some 60 participants.
- EU Observatory Coordination Group on Infringement of IP Rights, Brussels, Belgium, January 14, 2016: Hosted by the WCO at its headquarters, participating organizations included the EU Observatory, the European Commission (Directorate-General Growth and the European Anti-Fraud Office (OLAF)), the EU's Judicial Cooperation Unit (EUROJUST), the European Police Office (EUROPOL), the European Police College (CEPOL), and the OECD. The meeting had the objective to discuss, develop and coordinate ongoing activities, as well as to avoid a duplication of efforts and to exchange best practices among participating organizations.
- FICCI International Conference on Illicit Trade – Threat to National Security and Economy, New Delhi, India, January 15, 2016: Organized by the Federation of Indian Chambers of Commerce and Industry (FICCI), WIPO was invited to make a presentation on the work of the Building Respect for IP Division. The Conference was attended by well over 100 participants and media representatives. The opportunity was also used to meet with the Department of Industrial Property Promotions (DIPP), Ministry of Commerce and Industry of India.
- OHIM IP Education Workshop, Alicante, Spain, March 8 and 9, 2016: The primary objective for the Workshop was to discuss the findings of the OHIM report on "IP and Education in Europe" with a view to promoting good practices in education and, more generally, to share EU and non-EU experiences on awareness raising activities directed towards young people. The Workshop was attended by representatives of 16 EU member States, as well as by representatives from 10 other entities and organizations.

- European IP Prosecutors' Network Workshop, Alicante, Spain, March 14 and 15, 2016: Organized by OHIM and EUROJUST, the Workshop covered case studies relating to the prosecution of online infringers and general issues of policy or information such as the business models of online infringers, abuse of domain names, principles of contributory liability, malware and virtual currencies. The participants (about 40 in number) were mainly prosecutors from 21 EU member States, Norway, Iceland, Montenegro, the Former Yugoslav Republic of Macedonia and the United States of America. The Workshop was also attended by representatives of the United Nations Interregional Crime and Justice Research Institute (UNICRI), EUROPOL and the US Department of Justice.
- Meeting of the HCCH Council on General Affairs and Policy, The Hague, The Netherlands, March 15 to 17, 2016: The Council on General Affairs and Policy of the Hague Conference on Private International Law (HCCH) approved the proposal for WIPO and HCCH to jointly develop a resource tool on the intersection of IP and private international law. The Council Meeting was attended by 219 participants, representing 69 member States of the Hague Conference, two candidate States and 12 observers from IGOs and NGOs.
- OHIM-EUROPOL-EUROJUST Knowledge and Awareness Building Conference on the Counterfeiting of Foodstuffs, Beverages and Agricultural Products, Alicante, Spain, March 16, 2016: Organized by OHIM, EUROPOL and EUROJUST, the Conference focused on the exchange of experiences from the INTERPOL-EUROPOL Operation Opson against food crime and legal issues arising from the protection of plant breeder's rights. The participants (approximately 100 in number) comprised prosecutors, law enforcement agencies and industry representatives from the EU and neighboring countries, together with international agencies such as UNICRI, INTERPOL, WCO, EUROJUST, and EUROPOL.
- Coordination Meeting with IGOs Working in the Area of Building Respect for IP, Geneva, Switzerland, April 11, 2016: Organized by WIPO, the purpose of the Meeting was to increase the coordination amongst IGOs working in the area of building respect for IP. The following IGOs participated in this Meeting: the United Nations Conference on Trade and Development (UNCTAD), UNICRI, INTERPOL, the International Telecommunication Union (ITU), OECD, South Centre, WCO and the World Trade Organization (WTO).
- Fourth OECD Task Force on Countering Illicit Trade Meeting, Paris, France, April 18 and 19, 2016: WIPO attended the 4th Meeting of the OECD Task Force, where the launch of the OECD / EUIPO Report "Trade in Counterfeit and Pirated Goods: Mapping the Economic Impact" took place.

### III. PUBLICATIONS AND TRAINING MATERIALS

10. With the support of funds provided by the Ministry of Culture, Sports and Tourism of the Republic of Korea, Program 17 commissioned the preparation of teaching materials to assist teachers in educating children about respect for copyright. These resources, which were launched at the tenth session of the Advisory Committee on Enforcement (ACE) ([WIPO/ACE/10/25](#)), consist of five sets of teaching materials for pupils in the age range of 10 to 15 years. The materials comprise attractive, accessible learning activities intended to raise young people's awareness about copyright. Teachers' notes accompany each set of resources. The materials can be made available upon request and work is now beginning to create an interactive, online version of the materials.

11. Program 17 continued its thematic focus on the intersection of IP and private international law, where conflict of law questions are complicated by the challenge of reconciling the ubiquity of the Internet with the territoriality of IP rights. In order to contribute to the understanding of the relevant issues, to develop a factual overview of the approaches taken by courts in different countries and to identify future possible activities, empirical data was collected in the form of 56 court judgments from 19 jurisdictions. Based on this data, Professor Andrew F. Christie, Melbourne Law School, University of Melbourne, authored the independent report "Private International Law Issues in Online IP Infringement Disputes with Cross-Border Elements: An Analysis of National Approaches", which was published in September 2015.

12. Program 17 developed training materials for law enforcement officials and prosecutors, entitled "Investigating and Prosecuting IP Crime". The materials provide general guidance on the legal elements of piracy and counterfeiting and relevant investigative and evidential issues. Program 17 is working with a number of national authorities to customize the materials for local requirements. The materials are being translated into Arabic, French and Spanish.

13. New developments and topical issues in building respect for IP at national and international levels, emphasizing awareness-raising activities, are reflected in a periodic newsletter that is electronically available. Any relevant information that Member States and Observers of the Committee wish to have reflected in the newsletter may be submitted to the Secretariat.

#### **IV. WIPO AWARDS PROGRAM**

14. In the framework of WIPO's support to Member States, the WIPO Awards Program bestowed, between August and December 2015, 73 medals, 42 trophies and 82 certificates to inventors and creators coming from 27 Member States.<sup>1</sup>

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<sup>1</sup> Responsibility for the WIPO Awards Program was transferred to the Protocol and Events Management Section with effect from January 1, 2016.