



Government  
of Canada

Gouvernement  
du Canada

Canada



# IPR Enforcement Developments in Canada: “Project Chargeback”

World Intellectual Property Organization  
11<sup>th</sup> Advisory Committee on Enforcement  
Geneva, September 2016

# IPR Developments

- Legislative
  - *Copyright Modernization Act*
  - *Combating Counterfeit Products Act*
  - *Ratification of several IP Treaties*
- Public Awareness
  - Request for Assistance Application (CBSA)
  - Business Services Branch (CIPO)
  - **Project Chargeback (CAFC)**

# Canadian Anti-Fraud Centre



## ***PROJECT CHARGEBACK***

Leading the charge(back) against fakes!

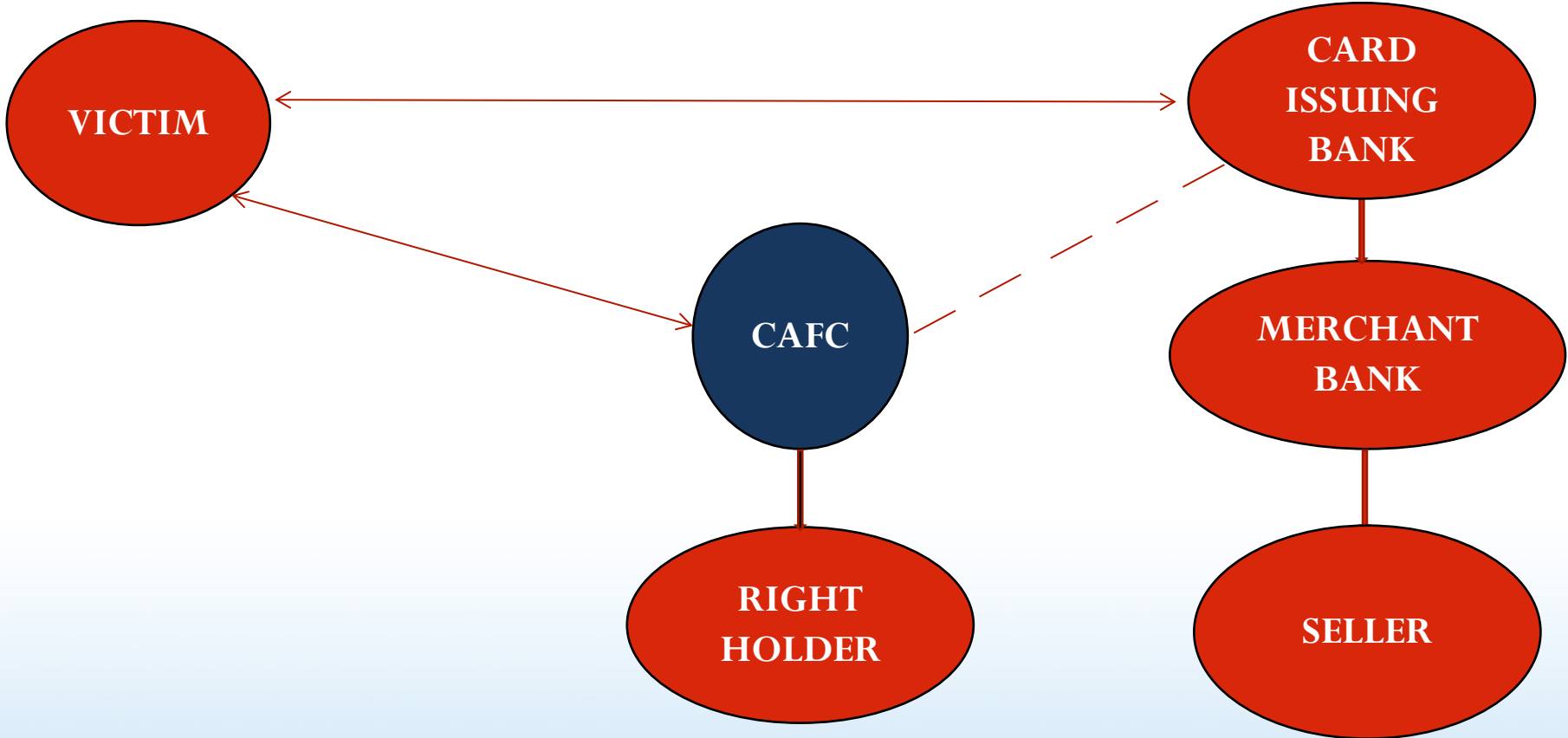
# Project Chargeback Goals

- Increase refunds and reduce losses incurred by consumers
- Reduce overall profits received by organized crime from sales of counterfeit and pirated goods
- Support and protect Right Holders

# Strategy

- Strategy is based on existing credit card counterfeit policy
  - 540 days of protection from time of purchase (VISA)
  - 120 days from time of purchase or receiving proof of counterfeit (MC)
- 100% refund to victim if product confirmed counterfeit or pirated by the Right Holder to Law Enforcement
- Partner with:
  - Banks
  - Card Companies (Visa, MasterCard)
  - Companies (Right Holders)
  - Law Enforcement Administration
  - Public (victims)

# Chargeback Process



# Chargeback Process (Cont'd)

- Complaint sent to CAFC
- CAFC confirms validity of complaint with Right Holders
- Information sent to Credit Card Issuing Bank for assessment
- **Chargeback – money removed from Seller's merchant account, which is then closed**
- Product not returned to Seller

# Impact

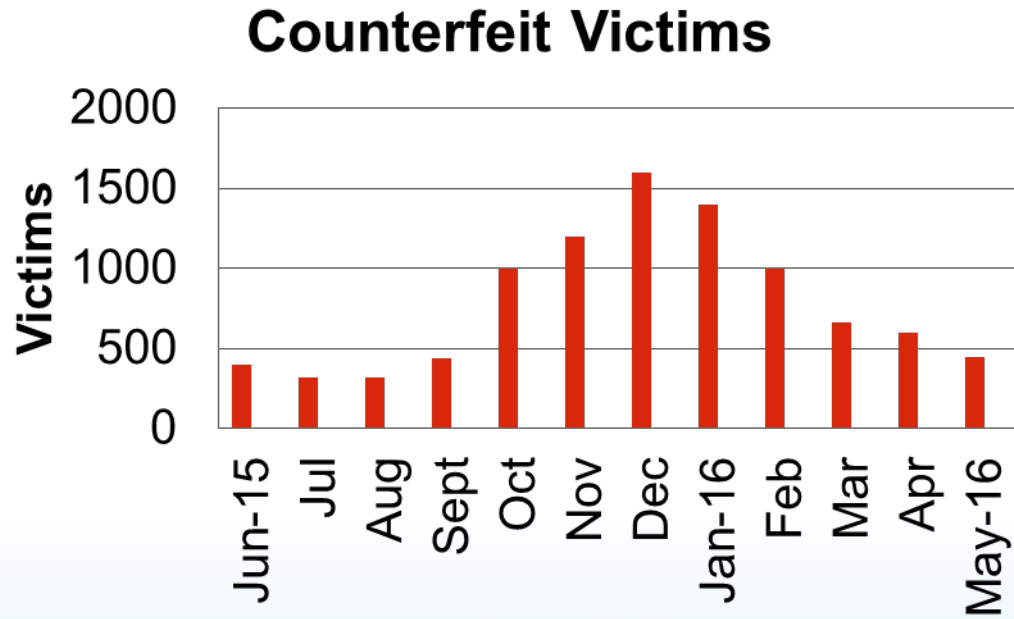
- Quasi extraterritorial enforcement
- Victims recover 100% of loss
- Seller loses sale along with USD \$25 chargeback fee per refund
- Termination of merchant account
- Payment Processor and Merchant Bank fined for high number of chargebacks
- Payment Processor and Merchant Bank could lose access to credit card network
- Further losses to sellers include:
  - Loss of product (not returned)
  - Loss of all production costs per product
  - Loss of all shipping costs including postage and packaging



# Total Complaints/Victims

## Counterfeit Victims

June 2015	400
July	320
August	320
September	440
October	1000
November	1200
December	1600
January 2016	1400
February	1000
March	660
April	600
May 2016	450



# Complaint/Victim Analysis

- 12 months, CAFC sent out over 10,000 confirmations initiating chargeback
- Average loss per consumer approximately CDN \$300 - \$350 = \$2.8/3.3 million total (USD \$2.2 million)
- Over 5800 merchant accounts identified world-wide since project began
- Over 5600 merchant accounts terminated to date identified as counterfeit sellers
- Combination of luxury goods (e.g. jackets, purses, shoes) and sports paraphernalia (e.g. hockey jerseys).

# Retail

- Retailer identified and sale confirmed as counterfeit or pirated by Right Holders
- Notification sent by Law Enforcement to Retailer's Payment Processor or Bank for investigation and termination along with copy of cease-and-desist order
- Banks have zero tolerance for sales of counterfeit or pirated goods
- Past 2 years, approximately 40 retail store merchant accounts closed in Canada

# Common Questions

- **First steps?**
  - Locate government body/agency to initiate project
  - Start small; pilot project
- **Resources required? Start-up costs?**
  - Low (e.g. under CDN \$100,000 or USD \$77,000)
- **Contacts required? How to find those contacts?**
  - Credit Card Issuing Banks, Law Enforcement, Right Holders, Credit Card Companies
- **How to get Law Enforcement, Right Holders, Credit Card Companies, and Banks all working together?**
  - Build relationships and trust
- **Issues that arise?**
  - Convincing Credit Card Issuing Banks to work with Law Enforcement
- **Lessons learned?**
  - One step at a time (e.g. one Bank at a time, one Right Holder at a time)

# FIN

## Thank-you!

### Online:

- <http://www.antifraudcentre-centreantifraude.ca>
- <http://www.antifraudcentre-centreantifraude.ca/fraud-escroquerie/types/counterfeit-contrefait>

### To Report a Counterfeit

- [fake@antifraudcentre.ca](mailto:fake@antifraudcentre.ca)
- [faux@centreantifraude.ca](mailto:faux@centreantifraude.ca)
- Toll free – 1 (888) 495-8501

# Georgia's National Experience on Building Respect for Intellectual Property, in Particular Through Institutional Cooperation on Enforcement Policies and Regimes

prepared by Nikoloz Gogilidze, Chairman, National Intellectual  
Property Center of Georgia - SAKPATENTI

Geneva, September 6, 2016



# INTRODUCTION

- Georgian IP legislation fully harmonized with all international standards and EU acquis
- Legal framework for IPR enforcement in place
- Until 2012 poor practical implementation of IPR enforcement



# INSTITUTIONAL COOPERATION ON INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT

- SAKPATENTI - a state agency responsible for determining and carrying out national IP policies
- SAKPATENTI plays an important role in coordinating IP enforcement at all levels

To intensify its fight against counterfeiting and to use governmental resources more efficiently SAKPATENTI has identified three priority areas:

- Institution building and strategy development related to IP enforcement;
- Capacity building for state officials responsible for IP enforcement; and
- Raising overall public awareness to encourage the private sector to protect IPRs.





# INSTITUTION BUILDING AND STRATEGY DEVELOPMENT RELATED TO IP ENFORCEMENT

- Interagency Coordination Council (Council) for IPR Enforcement - established in 2015, under the umbrella of SAKPATENTI
- Advisory body which incorporates all government agencies responsible for IPR enforcement
- Works on identifying the most vulnerable business sectors impacted by counterfeiting and piracy to set priorities and focus on those sectors
- Provides practical support to its member agencies on issues within its competence
- Efficient platform for the government institutions concerned to exchange their views on IP enforcement issues, discuss problematic and challenging topics, and explore ways of cooperation.



## BUILDING CAPACITIES AND RAISING PUBLIC AWARENESS

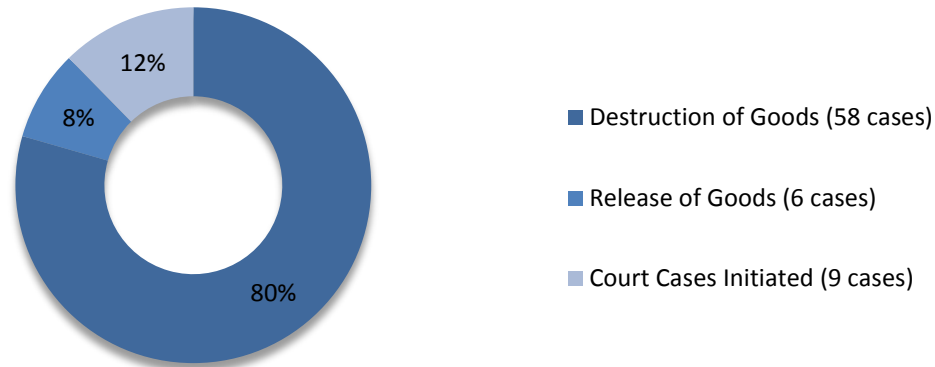
- Training for all IP-related professionals in legal and practical matters related to IP enforcement (judges, prosecutors, police officers, attorneys at law, customs officers, investigators and other groups)
- Publishing and disseminating reading material tailored for different sectors of society (elementary schools, students, small and medium-sized enterprises (SMEs), journalists, farmers, etc.).
- International Conference “Georgia Against Counterfeiting and Piracy” held in 2015 and 2016.

# RECENT PROGRESS

In recent years, the number of seizures of counterfeit goods by customs has increased significantly:

Year	2011	2012	2013	2014	2015
Seizure Cases	14	16	50	43	73

## Breakdown of results by cases 2015



## FUTURE PLANS AND CHALLENGES

- Introduce new legislation to address ISP liability;
- Conduct a sectoral study on counterfeiting, in order to identify the most vulnerable sectors of business and focus *ex officio* enforcement action on the identified sectors;
- Capacity building and awareness raising activities for different target groups;
- Ensure proper use and interpretation of new legal tools for IP enforcement.



THANK YOU!

QUESTIONS?

[ngogilidze@sakpatenti.org.ge](mailto:ngogilidze@sakpatenti.org.ge)





सत्यमेव जयते

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# THE NATIONAL INTELLECTUAL PROPERTY RIGHTS POLICY OF INDIA

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## ENFORCEMENT & ADJUDICATION

Rajiv Aggarwal  
Joint Secretary  
Department of Industrial Policy & Promotion  
Government of India  
Ministry of Commerce & Industry



# National Intellectual Property Rights Policy

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A forward looking document, released May 12, 2016



# One Document - Guide for times to come

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- Need felt to undertake an in-depth study on the IPR scenario in the country:  
Think tank constituted
- Draft IPR Policy prepared after stakeholder consultations
- IPR Policy finalized based on inputs from various departments, Think Tank and internal discussions
- Vision document: single document that encompasses and brings to a single platform all IPRs
- Lays down actionable points, Ministry/ Deptt wise
- Sets in place an institutional mechanism for implementation, monitoring and review





# Vision and Mission

## ■ VISION STATEMENT

An India where creativity and innovation are stimulated by intellectual property for the benefit of all; an India where intellectual property promotes advancement in science and technology, arts and culture, traditional knowledge and biodiversity resources; an India where knowledge is the main driver of development, and knowledge owned is transformed into knowledge shared.

## ■ MISSION STATEMENT

Stimulate a dynamic, vibrant and balanced intellectual property rights system in India to:

- foster creativity and innovation and thereby, promote entrepreneurship and enhance socio-economic and cultural development, and
- focus on enhancing access to healthcare, food security and environmental protection, among other sectors of vital social, economic and technological importance

- **Clarion Call : “Creative India; Innovative India: रचनात्मक भारत; अभिनव भारत”  
(Rachnatmak Bharat; Abhinav Bharat)**

# Seven Objectives

1

IPR Awareness: Outreach and Promotion

2

Generation of IPRs

3

Legal and Legislative Framework

4

Administration and Management

5

Commercialization of IPR

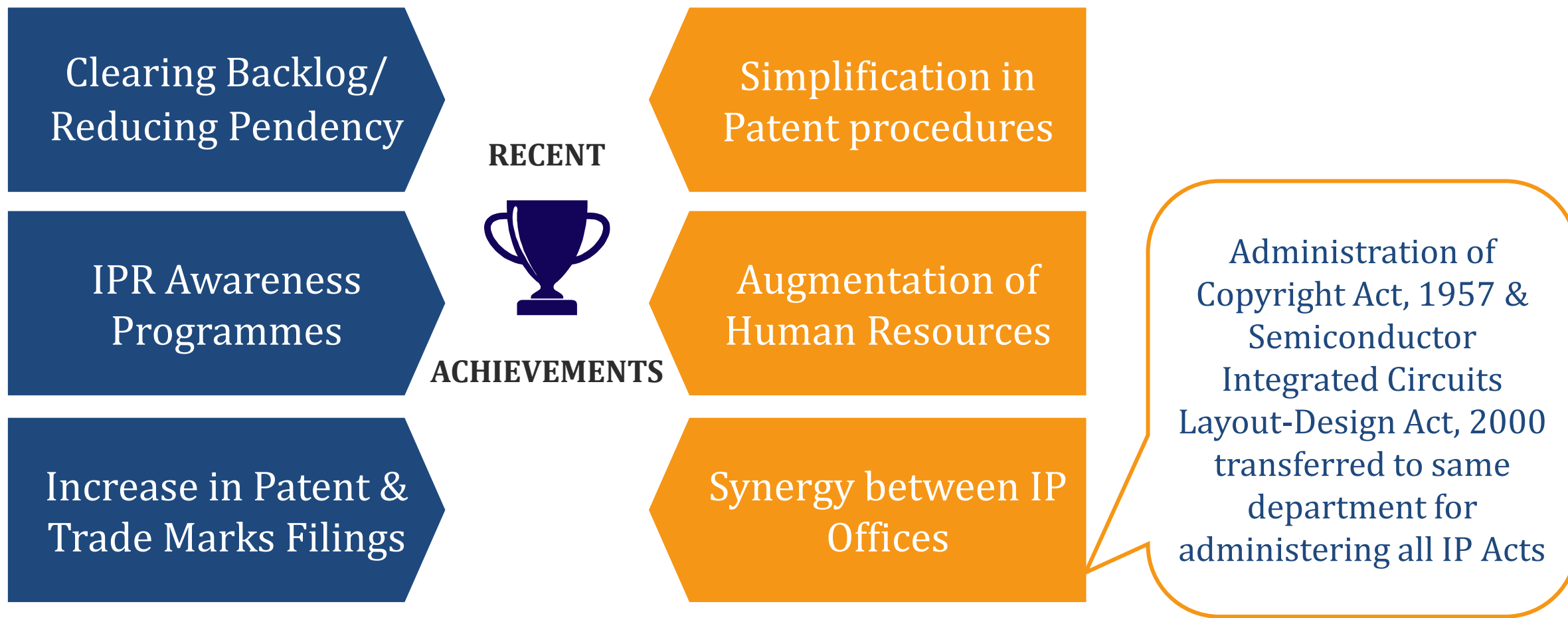
6

Enforcement and Adjudication

7

Human Capital Development

# Early Achievements





# Enforcement and Adjudication

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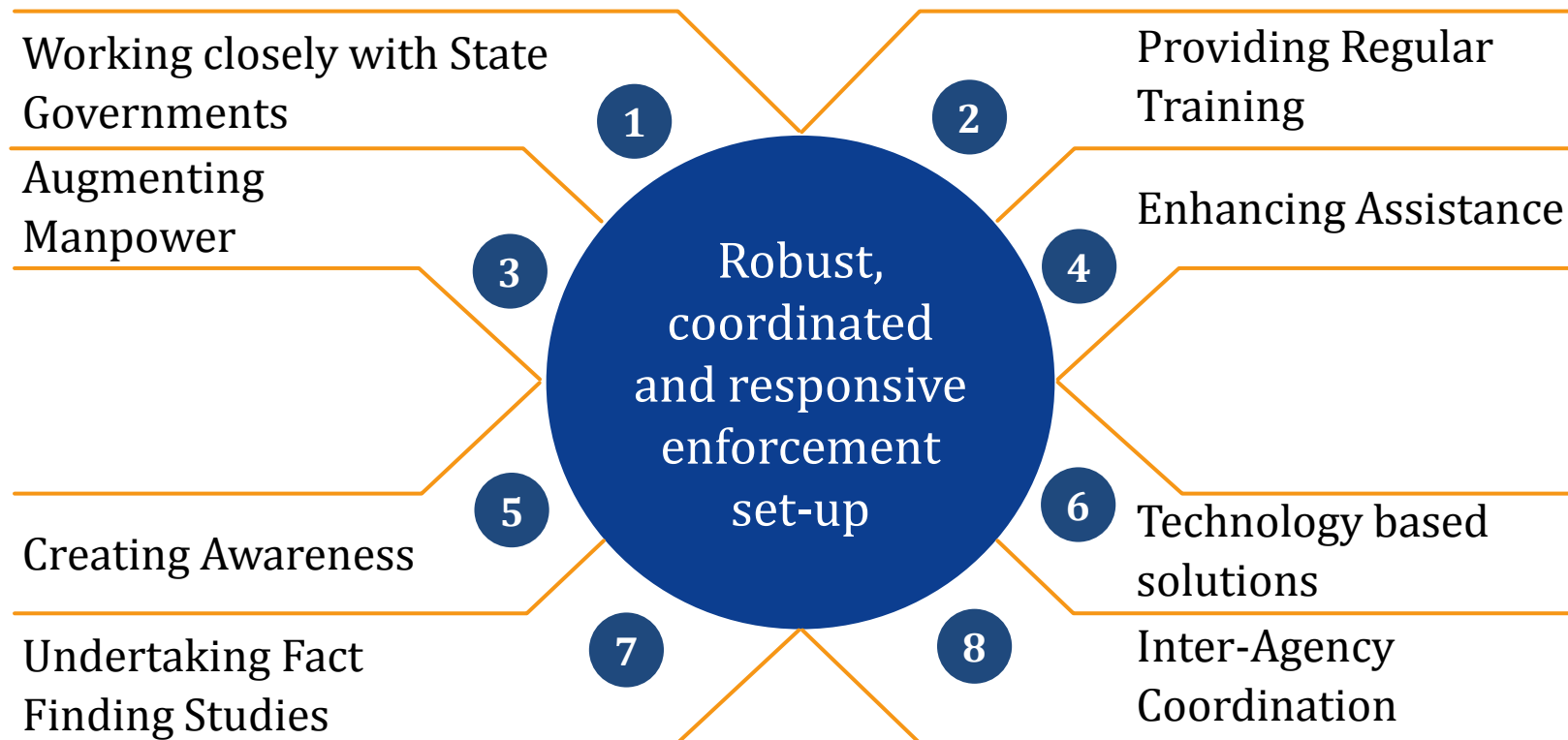
Enhancing India's enforcement and adjudication mechanism

# Action Points

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# Strengthening Enforcement Mechanisms



# Inter-Agency Coordination



## Enforcement Agencies

- State Police
- Border, Excise & Customs Authorities

## Centre and State



- IP Cells
- IP Facilitation



## Implementing Authorities

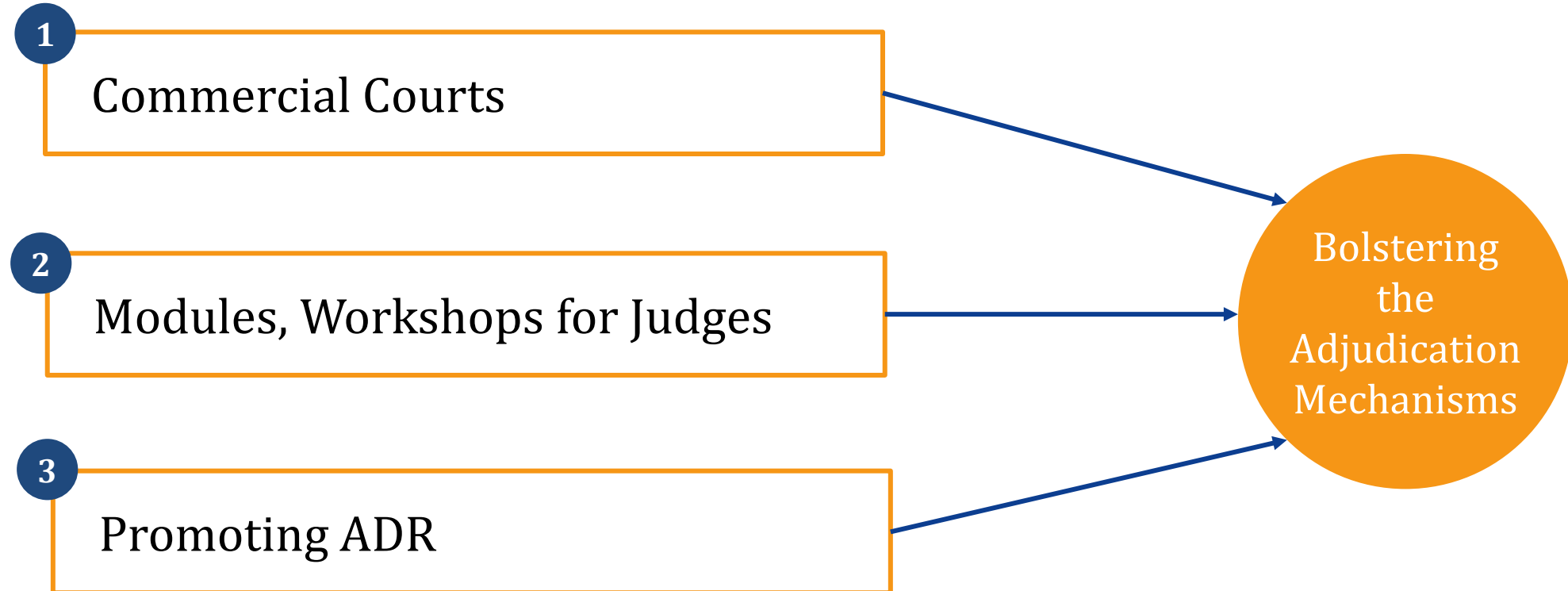
- National Biodiversity Authority
- Protection of Plant Varieties and Farmers' Rights Authority

## Govt. Departments



- IP Cells and Nodal Officers
- IPR Awareness Programmes

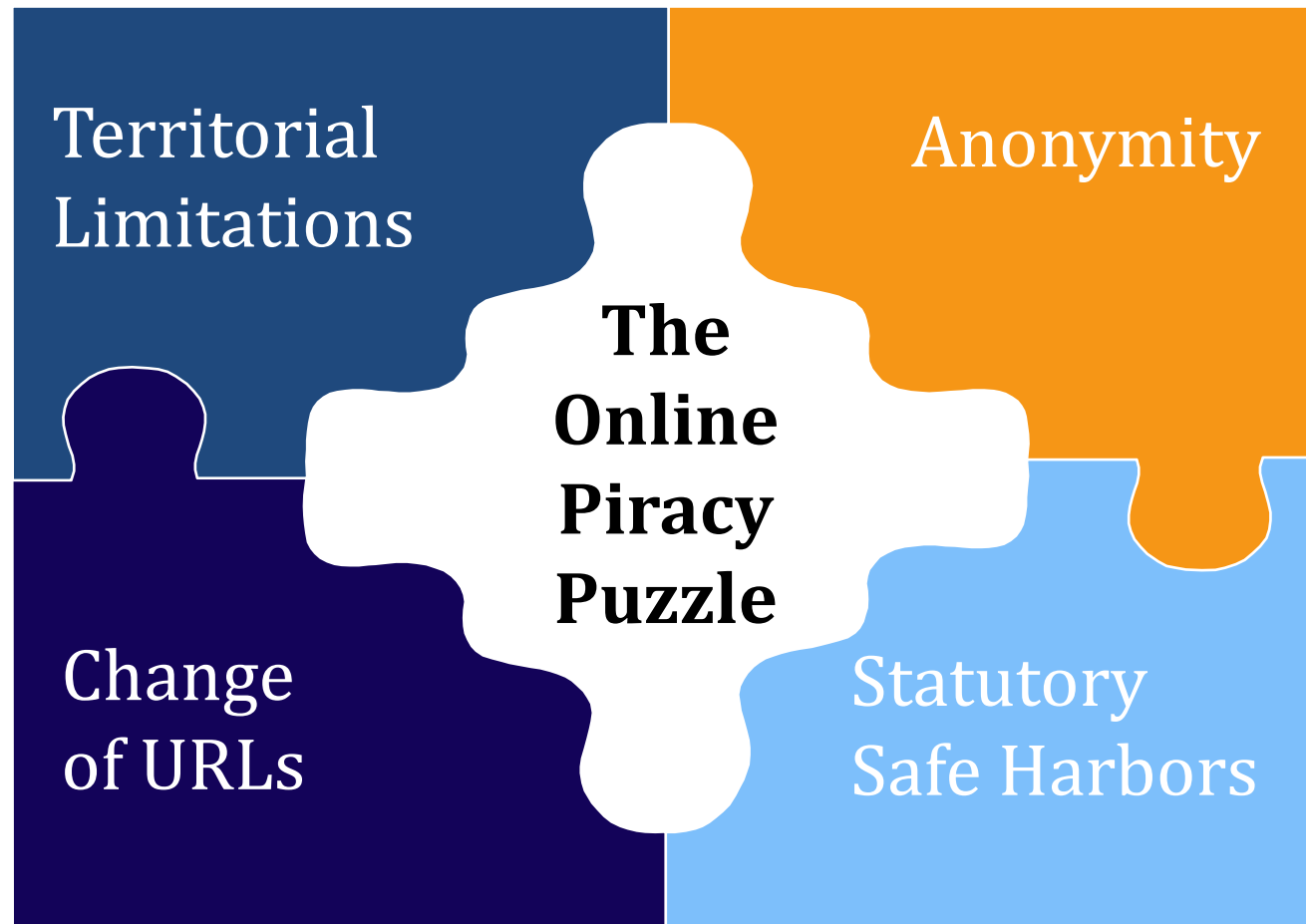
# Strengthening Adjudication Mechanisms





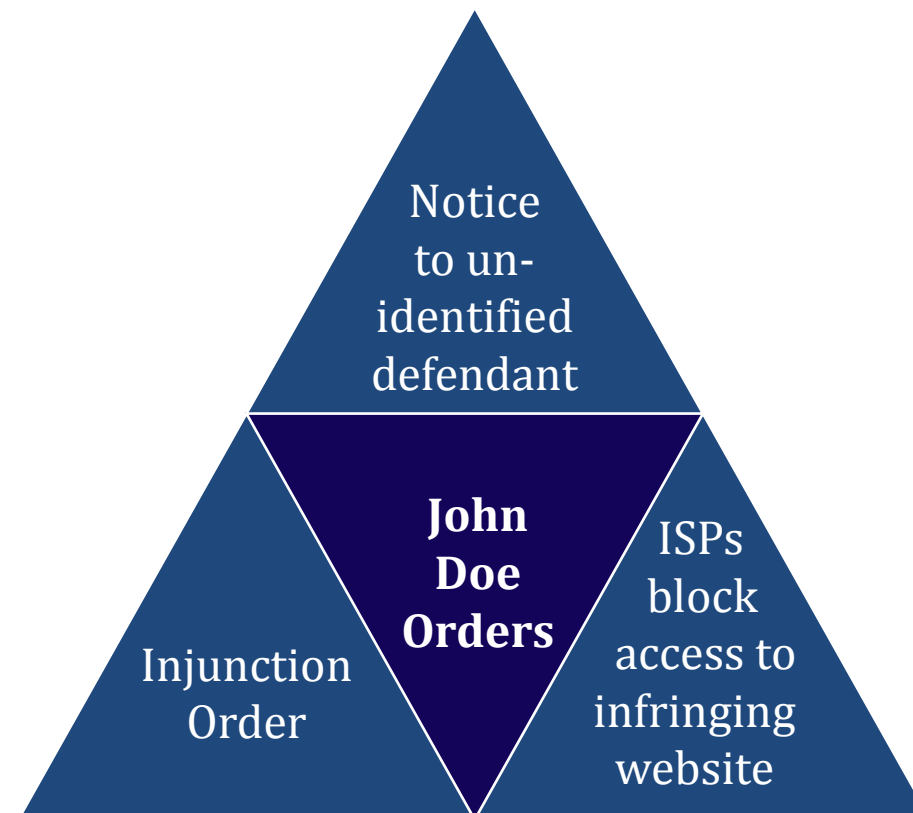
# Online Copyright Piracy: Enforcement Issues

There are a number of intricacies involved in taking enforcement action against online copyright piracy

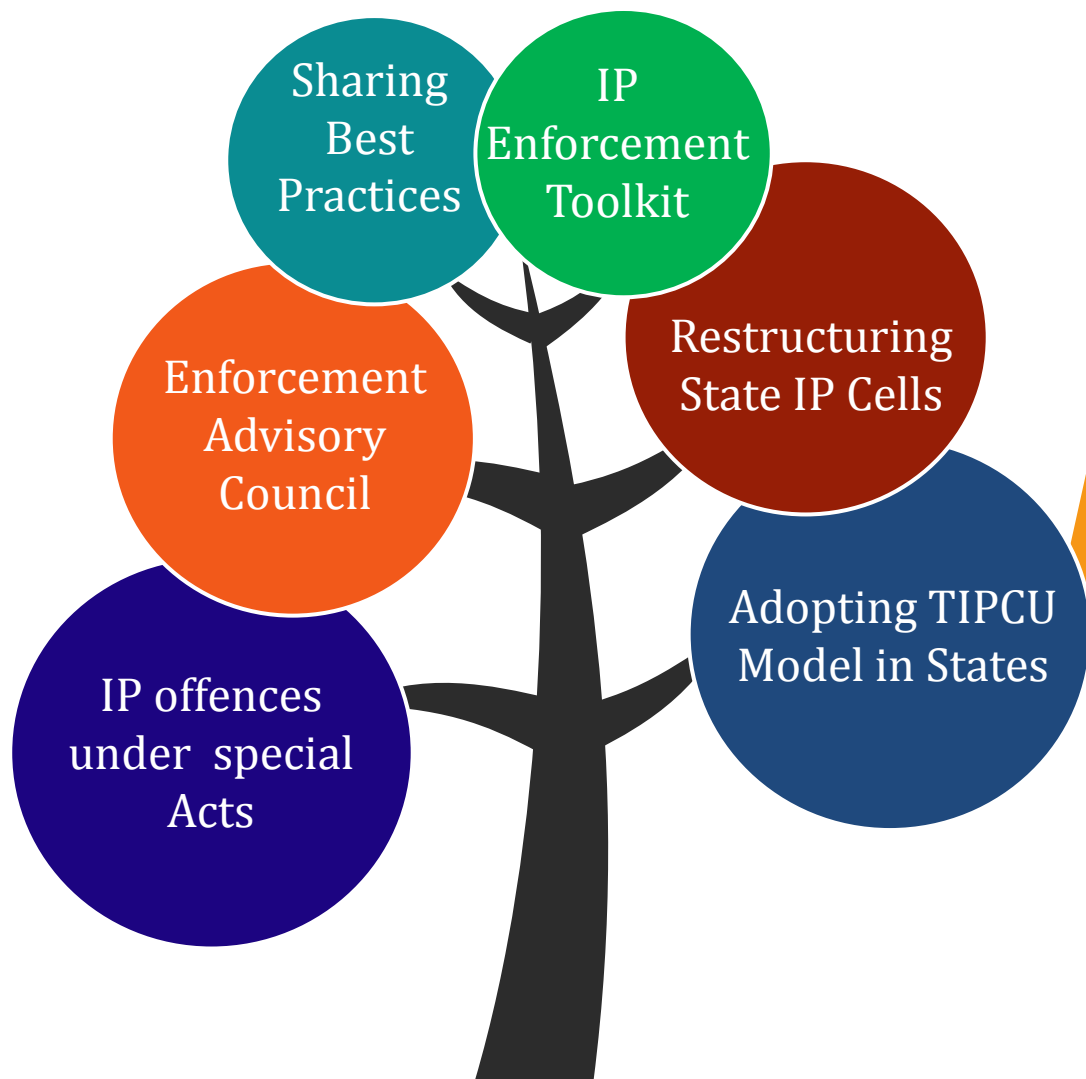


# John Doe Orders

- John Doe orders emerged as an effective judicial remedy for protecting copyrighted material online
- Restraining order against unknown defendants
- Orders prohibit all known and unknown defendants from communicating, making available, displaying, release, uploading and downloading copyrighted work



# Road Ahead



## Telangana Intellectual Property Crime Unit

TIPCU is the first state level enforcement agency specially dedicated to fight online Piracy, with the following objectives:

- Function as a specialized copyright enforcement unit to measure, record and gather intelligence on criminal syndicates
- Bridge communication between stakeholders & expedite necessary interventions for copyright enforcement in the Media & Entertainment sector
- Expedite Investigation, Prosecution and Initiate Site Blocking Actions



# To a Creative and Innovative India!

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Thank You



*Ministero dello Sviluppo Economico*

DIREZIONE GENERALE PER LA LOTTA ALLA CONTRAFFAZIONE - UIBM

# ITALIAN INITIATIVES TO FIGHT COUNTERFEITING AT STRATEGIC AND OPERATIONAL LEVEL

*Francesca Arra*

Assistance to Enterprises in the Fight against Counterfeiting,  
IP Promotion and International Affairs

Presentation on the occasion of the  
Eleventh Session of the  
WIPO Advisory Committee on Enforcement (ACE)

Geneva, September 5-7, 2016

# FIGHT AGAINST COUNTERFEITING INSTITUTIONAL FRAMEWORK

- Rather varied and rich in players:



Public administration at central level



Public administration at local level



Enforcement agencies / special branches of  
the Police Forces and the Army



Sector-specific agencies/associations



# FIGHT AGAINST COUNTERFEITING INSTITUTIONAL FRAMEWORK

- Recently strengthened:



in 2009 with the creation of the DG for the Fight against Counterfeiting – Italian Patent and Trademark Office



in 2010 with the establishment of the Parliamentary Commission of Inquiry on Counterfeiting and Piracy in the Commercial Field



in 2011 with the National Anticounterfeiting Council (CNAC) starting its operations



European Observatory on Infringements of Intellectual Property Rights



# CNAC

## NATIONAL ANTI-COUNTERFEITING COUNCIL

**CNAC**

**President**

**(Minister of Economic Development)**

**MEMBERS**  
**(art. 145 CPI)**

**Economic Development, Economy, Home Affairs, Foreign Affairs, Defense, Justice, Agriculture, Culture, Health, Employment and Social Policies, Public Administration, Association of Italian Municipalities-ANCI**

**Secretariat**  
**(art. 145 CPI)**

**DG for the Fight against Counterfeiting – Italian Patent and Trademark Office**  
**(Ministry of Economic Development)**

**Consulting Commissions**

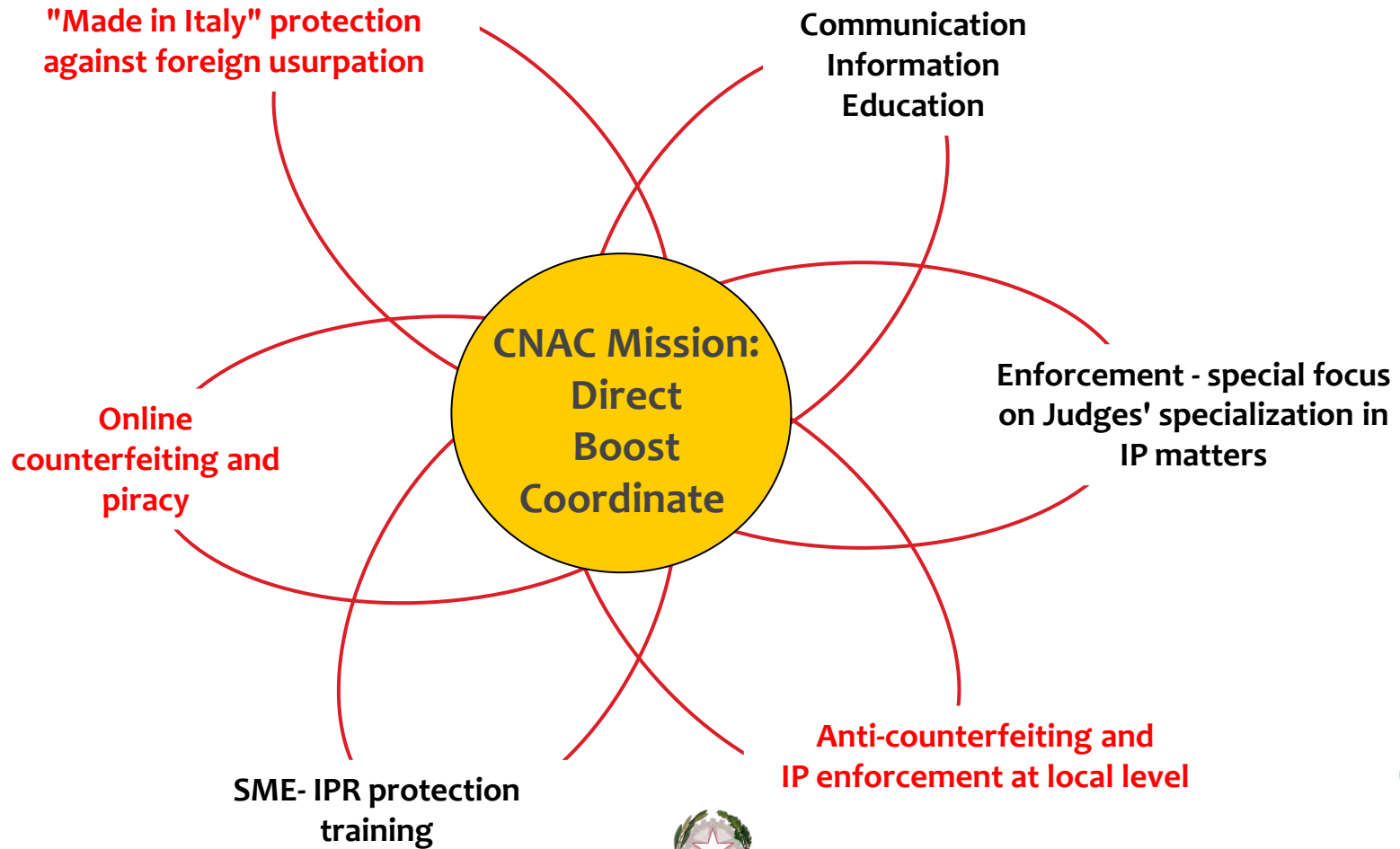
**Representatives of Enforcement Agencies**  
**Representatives of Business and Consumer Associations**





# CNAC

## IDENTIFICATION OF PRIORITY AREAS



# CNAC

## THE 2014-2015 STRATEGIC PRIORITIES



Made in Italy protection against foreign usurpation

- Incentive scheme for the adoption of sector-specific collective trademarks



Fight against online counterfeiting

- Italian Charter to identify best practices



Anti-counterfeiting law enforcement at local level

- Guidelines for the strengthening of the fight against counterfeiting in the Italian municipalities



# CNAC

## *CARTA ITALIA*



- “*Carta Italia*”: Italian Charter for the Development of Best Practices to Combat the Online Sales of Counterfeit Goods
- a voluntary agreement between IP holders and e-commerce platforms/merchants, setting up shared rules and procedures to make e-commerce activities as counterfeiting-free as possible

First signatories (July 2015):

- Indicam (representing IPR holders)
- Netcomm (representing e-platforms/merchants)
- Ministry of Economic Development, DG for the Fight against Counterfeiting – Italian Patent and Trademark Office



# CNAC

## *CARTA ITALIA*

- “Carta Italia” identifies measures and procedures to prevent and react to online counterfeiting:
  - Information made available to sellers and buyers on internet platforms
  - Pro-active and preventive measures
  - Notice and take down procedures
- Distinctive features:
  - Netcomm trustmark
  - Involvement of consumers’ associations



# CNAC

## *CARTA ITALIA*

- Next steps
  - To further promote the Charter by finding new signatories;
  - To test the notice and take down procedures; to identify the best practises foreseen by the agreement and suitable indicators for the monitoring activity.
- New signatories joined in recently in 2016 (rightholders representatives):
  - Assogiocattoli (toys)
  - Assorologi (watches)
  - Assica and IVSI (food/meat)
  - Federlegnoarredo (design furniture)
  - Assocalzaturifici (shoes)



# CNAC

## *GUIDELINES FOR LOCAL GOVERNMENTS*

- Guidelines for the Prevention and Fight against Counterfeiting
  - adopted in June 2015 by the Ministry of Economic Development and the Ministry of Home Affairs
  - distributed to all local government authorities (105 *Prefecture*)
- Objectives:
  - Align the operational efforts by local enforcement agencies and policy makers to the strategic vision set up at national level
  - Make operational efforts more widespread and effective, adapting them to the characteristics of the local context



# CNAC

## *GUIDELINES FOR LOCAL GOVERNMENTS*

- Adapting operational efforts to the characteristics of the local context:
  - analysis of the market for fake products in three provinces so as to provide local institutions with concrete and targeted proposals for intervention



# CNAC

## *GUIDELINES FOR LOCAL GOVERNMENTS*

### ○ Distinctive features:

- the representative of the central government at local level (*Il Prefetto*) acts as a catalyst of the enforcement needs of the territory and of the different competences required to meet them
- MoUs/action plans are the privileged institutional tools to coordinate enforcement efforts and have public and private stakeholders take on obligations towards an effective fight against counterfeiting
- MoUs/action plans also provide for the monitoring of results





# ANTI-COUNTERFEITING WEEK



- Seven days of events, seminars and initiatives aimed at stimulating debate and encouraging authorities and citizens to take action against counterfeiting



- «*The ghost factory. The truth about my doll*» by Italian director Mimmo Calopresti, a journey in Italy and Europe following the routes of counterfeit trade
- The film shows the consequences of counterfeiting in terms of labour exploitation and organised crime, speaking to the heart and the mind of the younger generations

# CNAC

## ACTIVITIES AT INTERNATIONAL LEVEL

### ○ CNAC EUMED

- Cooperation among Euro-Mediterranean countries in the fight against counterfeiting in 2014
- 16 countries involved through the CNAC EUMED Network and national focal points
- «Declaration of Rome to strengthen the fight against counterfeiting» in the following areas:
  - enforcement of IPRs;
  - fight against online counterfeiting;
  - communication, information and education;
  - training;
  - legislative and institutional frameworks
- International conference on “The Protection of the Agri-food Sector in the Euro-Mediterranean” (Milan, Expo2015)



# THE ANTI-COUNTERFEITING HOTLINE

- Managed by the Ministry of Economic Development in collaboration with *Guardia di Finanza* through a dedicated email account [anticontraffazione@mise.gov.it](mailto:anticontraffazione@mise.gov.it) and phone number +390647053800
- Dedicated to consumers and small enterprises
- First level assistance service:
  - It provides users with the basic information for deciding whether or not to pursue a case and, in the affirmative, how to do it
- When appropriate, Guardia di Finanza and/or Customs initiate investigations to determine the existence and nature of infringements



# THE ANTI-COUNTERFEITING HOTLINE

- Some results
  - 1,166 enquiries/reports received in 2015
  - 539 enquiries/reports received in January-June 2016
  - Reports of online infringements have spiked  
(70% of reports received in the first 3 months of 2016)
- The service is free of charge for all users  
(including foreign companies)



# THANK YOU!



Francesca Arra

*Senior Office*

*Division for the Assistance to  
Enterprises in the Fight against  
Counterfeiting, IP Promotion and  
International Affairs*

[francesca.arra@mise.gov.it](mailto:francesca.arra@mise.gov.it)

tel. +39 06 47055752

[www.uibm.gov.it](http://www.uibm.gov.it)

[www.cnac.gov.it](http://www.cnac.gov.it)



*IN THE NAME OF ALLAH, THE MOST BENEFICENT, THE MOST  
MERCIFUL*



## **IPR Enforcement Coordination in Pakistan**



**Muhammad Ismail**  
**Deputy Director**  
**IPO-Pakistan**

**11<sup>th</sup> ACE Session WIPO-HQs, Geneva**  
**September 5-7, 2016**

# Outline

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- Core Functions of IPO-Pakistan
- IPR Enforcement Coordination
- Enforcement Strategy
- IPR Enforcement Data
- Achievements
- Practical Aspects
  - Challenges faced
  - Measures taken

# Core Functions of IPO-Pakistan

(Section 13 of IPO Act, 2012)

- Administration of IP laws in the country
- Coordination with counterpart International Organizations
- Promotion of IP education, research and awareness
- Advise the Federal Government on policy relating to IP rights (IPRs)
- Control, manage and supervise the work of all IP offices established under national IP laws
- **IPR enforcement coordination**



# Enforcement Related Provisions

## IPO Act, 2012



### 13. Powers and functions of the Organization.---

(xviii) initiate and monitor the enforcement and protection of intellectual property rights through designated law enforcement agencies of the Government, Federal or Provincial, and collect related data and information;

(xix) initiate and conduct inquiries, investigations and proceedings related to offences in the prescribed manner;

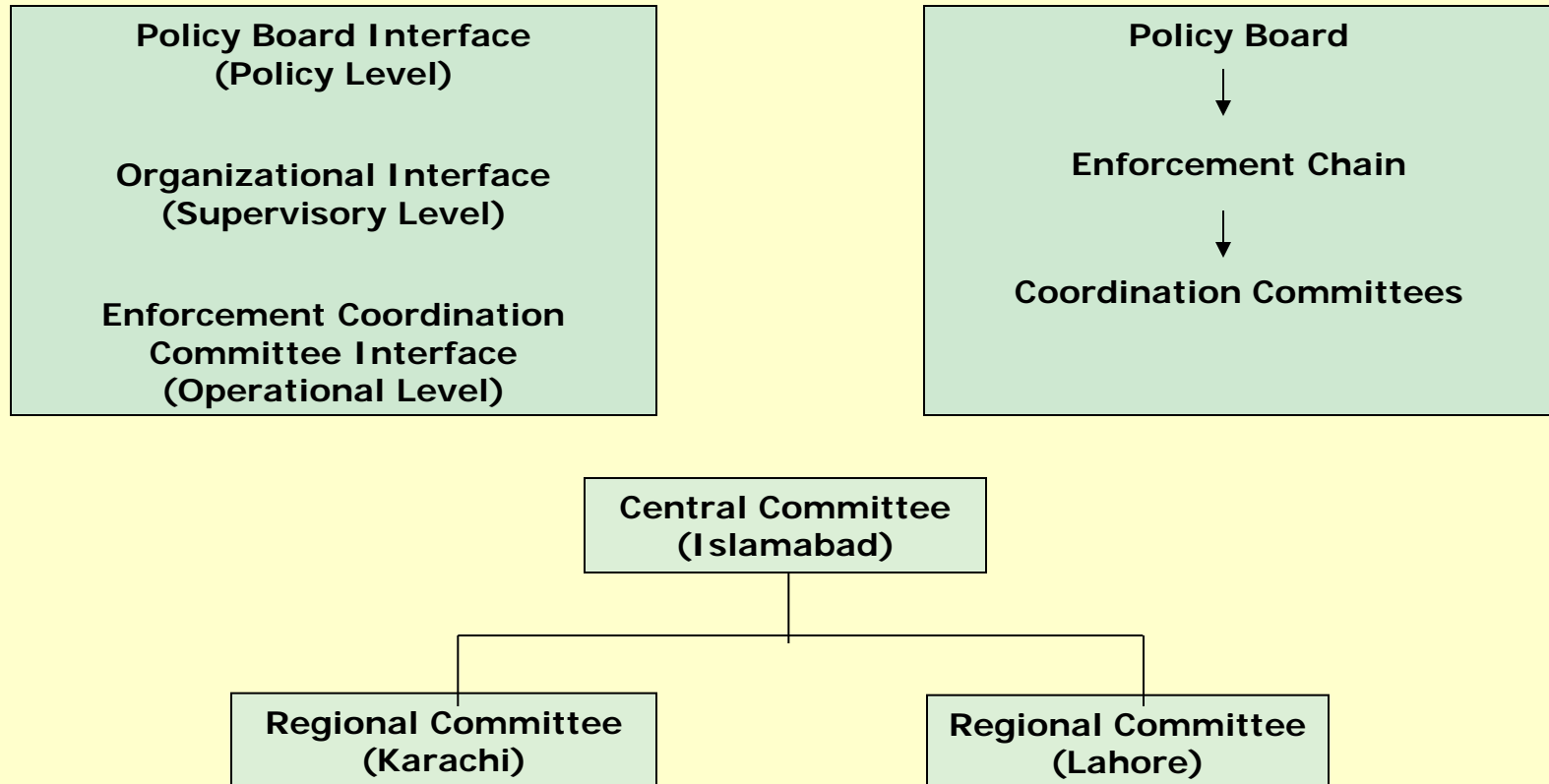
(xx) refer matters and complaints, related to offences under the laws specified in the Schedule, to the concerned law enforcement agencies and authorities as may be necessary for the purposes of this Act;

# Relief against IPR Infringements

#	Offence	Status	Punishment (Criminal)	Civil Remedies
1	Copyright (Piracy)	Cognizable* and Non-bailable Offence (Sections 66 to 74)	Maximum imprisonment up to 3 years  Fine up to Rs. 100,000 (double fine in case of repetition of offence)	Available in the form of damages and compensation
2	Trade Mark (Counterfeiting)	Non- Cognizable** Offence (Sections 99 to 107)	Maximum imprisonment up to 2 years  Minimum fine of Rs. 50,000	Available in the form of damages and compensation
3	Patent (Infringement)	Non- Cognizable Offence (Sections 71 to 78)	Patent violation is not treated as a criminal offence	Available in the form of damages and compensation Estimated loss

Sections 478, 479, 480, 481, 482, 483, 485, 486, 487, 488 and 489 of Pakistan Penal Code (XLV of 1860).

# Structured Enforcement Coordination



# Composition of Enforcement Coordination Committees

## Representation from:

- IPO-Pakistan
- Pakistan Customs
- Federal Investigation Agency (FIA)
- Police
- Pakistan Electronic Media Regulatory Authority (PEMRA)

# Actors in the Enforcement Chain

- **Police** (actions against piracy and counterfeiting)
- **FIA** (actions against piracy)
- **Pakistan Customs** (border measures against piracy and counterfeiting)
- **PEMRA** (actions against signal piracy)
- **Judiciary** (litigation management)
- **Private Sector** (detection agencies)

# Enforcement Strategy

- Enhancing Awareness
- Strengthening Enforcement Coordination
- Capacity Building of Enforcement Agencies
- Facilitating Access to Legitimate Products
- Relentless Enforcement Drive Against IPR Crime
- Effective Prosecution for Achieving Court Convictions

# Enforcement Priorities



- a) Medicines
- b) Food items, beverages
- c) Books
- d) Business software
- e) Music
- f) Soaps and detergents
- g) Fertilizer/pesticides
- h) Seeds
- i) Engineering goods
- j) Electrical appliances

# IPR Enforcement Data

- FIA Raids (against piracy) and border measures taken by Pakistan Customs (against piracy and counterfeiting)

<b>Year</b>	<b>FIA Raids</b>	<b>Pakistan Customs Seizures</b>
<b>2013</b>	<b>34</b>	<b>58</b>
<b>2014</b>	<b>117</b>	<b>60</b>
<b>2015</b>	<b>177</b>	<b>64</b>



# Achievements

- Establishment of IP Tribunals and appointment of Presiding Officers
- Functionalization of Anti-Piracy/Counterfeiting Cells at IPO-Pakistan
- Training of IPR enforcement agencies' officials;
- Devising IPR Enforcement Rules under Customs Act
- Guidelines for FIA officers: “Copyright Law Enforcement Manual for FIA Officials”;
- MOU signed with Federal Board of Revenue (FBR) on the sharing of IPR data for Border Measures

# Practical Aspects (Learning for others)



- Challenges faced:
  - Strong lobbies of counterfeiters and pirates
  - Weak prosecution
  - Non-availability of specialized IP Judges
  - Lack of public awareness about genuine and counterfeit products
  - Low purchasing power of the public
- Measures taken:
  - Political will and administrative firmness
  - Capacity building for Prosecutors
  - Establishment of IP Tribunals
  - Media campaign to raise public awareness about respect for IPRs
  - Agreements for availability of legitimate goods at reasonable rates

**THANKS FOR YOUR  
KIND ATTENTION**

**visit IPO-Pakistan**

at

Website: [www.ipo.gov.pk](http://www.ipo.gov.pk)

E-mail: [muhammad.ismail@ipo.gov.pk](mailto:muhammad.ismail@ipo.gov.pk)



# **ENFORCING INDUSTRIAL PROPERTY RIGHTS IN PORTUGAL**



**WIPO – 06-09-2016**

# Agenda

**1) LEGAL FRAMEWORK**

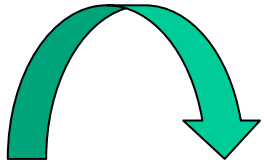
**2) THE ANTI-COUNTERFEITING GROUP**

**3) CONCLUSION**

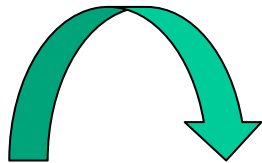
## LEGAL FRAMEWORK

- 1) April 29, 2004 – Directive 2004/48/CE of the European Parliament and the Council**
- 2) New measures and remedies with more power to administrative and judicial entities**
- 3) Portuguese Industrial Property Code – A new section was added in 2008, namely, «Measures and Procedures to Ensure the Enforcement of Industrial Property Rights»**

## NEW RULES IN THE PORTUGUESE INDUSTRIAL CODE



**Obtaining and preserving evidence**



**Provisional measures**

## LEGAL MECHANISMS TO PROTECT INDUSTRIAL PROPERTY RIGHTS

- 1) Criminal procedures;**
- 2) Civil actions;**
- 3) Administrative measures;**
- 4) Arbitration center – ARBITRARE ([www.arbitrare.pt](http://www.arbitrare.pt)).**



## INPI (Portuguese Office) ROLE

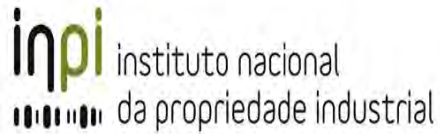
- 1) Expert opinions**
- 2) Reports**
- 3) Imposition of fines**
- 4) Anti-Counterfeiting Group**

## Anti-Counterfeiting Group - ACG



CREATED IN SEPTEMBER 2010

## ENFORCEMENT AUTHORITIES



## OBJECTIVES

- 1) Identification of best practices;
- 2) Cooperation with the private sector;
- 3) Reflection on the national legal order;
- 4) Promote public awareness in anti counterfeiting campaigns;
- 5) Cooperation with the European Observatory on Infringements of Intellectual Property Rights – ACG assures the Portuguese representation in the Observatory.



# Anti-Counterfeiting Portal

Principal features:

- a) **Electronic complaint system**
- b) **Quick and easy way to report infringing activities**
- c) **Statistics**

## Anti - Counterfeiting Portal – [www.anti-contrafaccao.com/en](http://www.anti-contrafaccao.com/en)

**grupo anti-contrafacção**  
portuguese anti-counterfeiting group

your safety first

**AS AVENTURAS DOS ZEROS**

**MENU** General Information Hazards Legal Protection Legislation Institutions News Online Complaints Statistics

**General Information**

Patents, trademarks, designs as well as other industrial property rights confer the holder exclusive rights. Namely, the holder has the possibility to prevent third parties from:

- Exploiting a patented product or process;
- Using the same or similar trademark for identical or similar products;
- Using the protected design.

Regarding COMPANIES, counterfeiting produces a strong fall in revenue as well as huge non-asset loss in addition to the costs associated to the necessary research and protection of the industrial property rights.

Regarding CONSUMERS, counterfeiting is a serious threat to health and safety. It has been increasing in the medicine sector, vehicle components, food, toys, personal use products, electronic devices and household goods.

Regarding GOVERNMENT, the phenomenon has negative results at economic and financial level (generating tax revenue losses, market disturbances, loss of confidence of

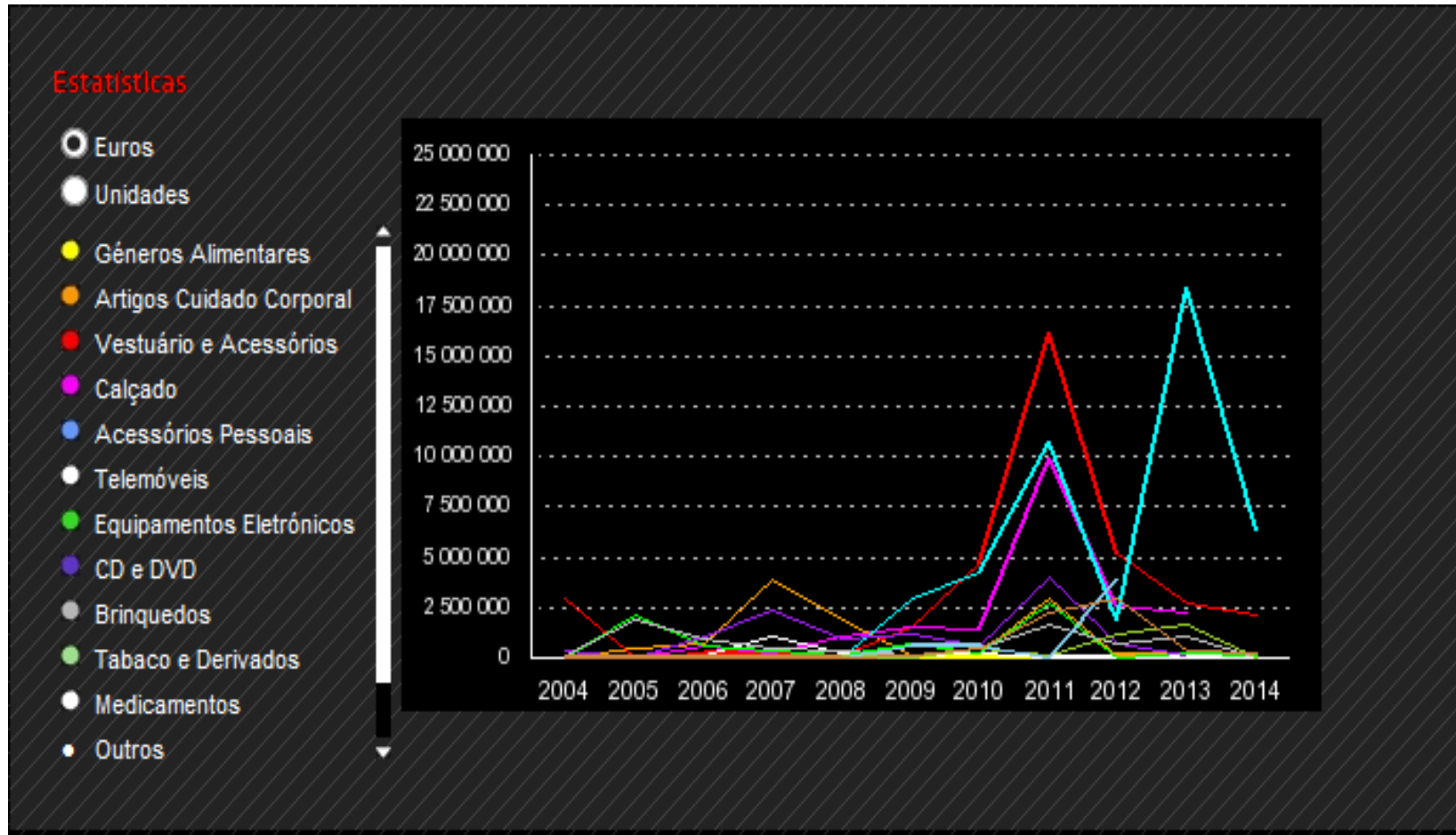
**Counterfeit medicines seized at Lisbon and Porto airports**  
The operation Pangea IV, that took place between 20th September...  
[read more...](#)

**Customs and IPR Report 2010**  
The World Customs Organization published the "Customs and IPR...  
[read more...](#)

**Destruction of counterfeit articles by ASAE**  
It took place last July 22nd in the cement plant SECIL in Maceira-Liz....

SEE MOVIES

## Statistics



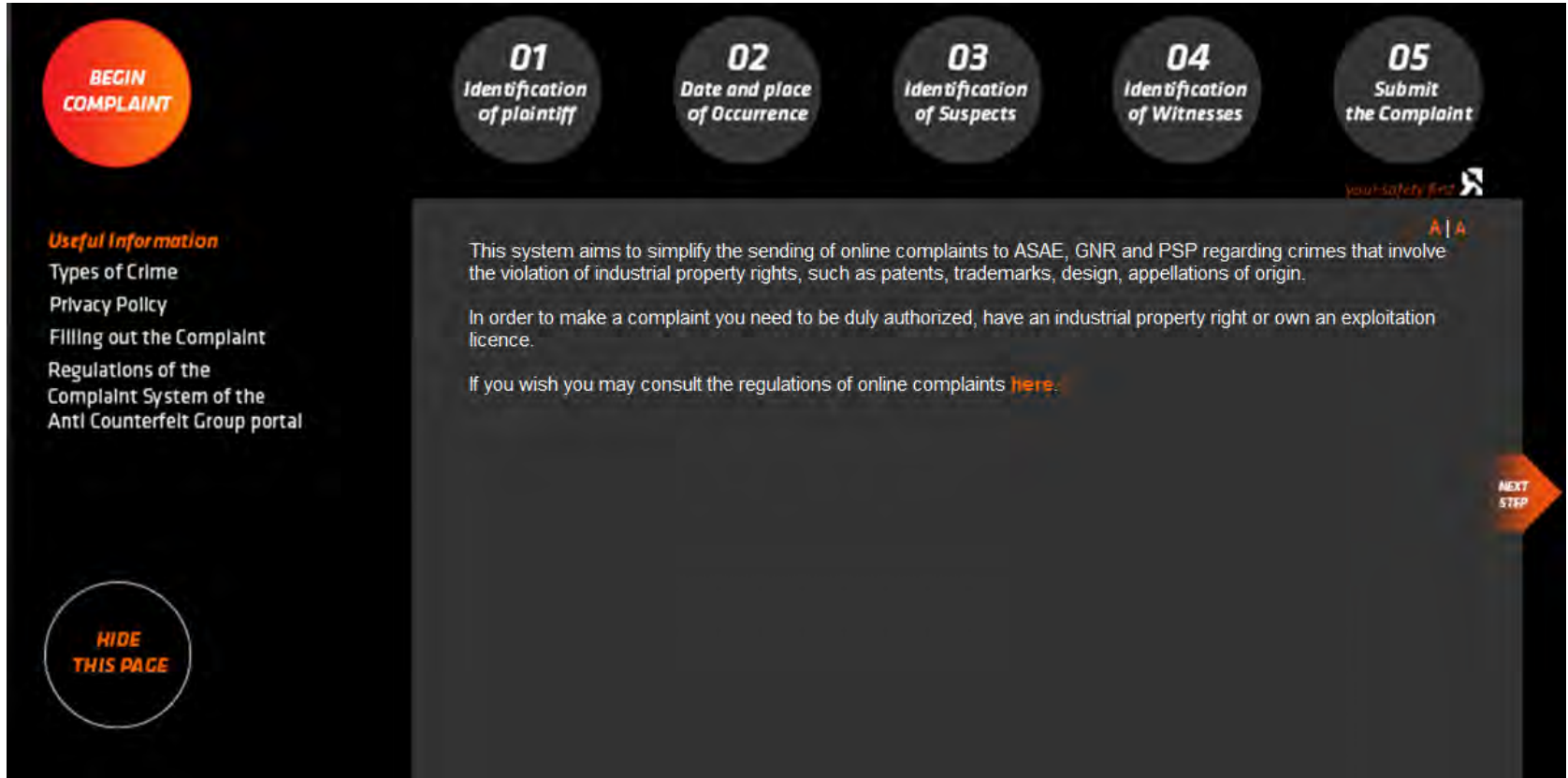


## The Zeros

The screenshot shows a web browser displaying the website 'OS ZEROS'. The page features several cartoon characters and text boxes. The main title is 'OS ZEROS' with a subtitle 'EM: "O GAC"'. Below the title, there is a paragraph: 'O GRUPO ANTI-CONTRAFACÇÃO: ESTE É O GRUPO QUE REUNE AS VÁRIAS ENTIDADES QUE REGULAM E CONTROLAM A CONTRAFACÇÃO.' To the left, a blue character says: 'SOMOS OS RESPONSÁVEIS PELO CONTROLO DA PROPRIEDADE INTELECTUAL.' Below it, another blue character says: 'INVESTIGAMOS AS QUEIXAS RELATIVAS A CONTRAFACÇÃO.' A smaller blue character says: 'ISTO É TUDO MATERIAL PIRATEADO!'. A white character with a target on its chest says: 'E AGORA, MELHOR O QUE É ELI FAÇÓ?' To the right, a black character says: 'O GAC COOPERA COM OS DONOS DAS MARCAS E PATENTES...'. Below it, the black character says: 'JÁ ME LIXEI! COMO É QUE A POLÍCIA DESCOBRIU?' and '!!! E AGORA? NÃO QUERO IR PRESO!'. At the bottom right, a red character says: 'ATENÇÃO SABIAS QUE A CONTRAFACÇÃO DE JOGOS PARA CONSOLAS REPRESENTA 12% DO COMÉRCIO MUNDIAL DE JOGOS? PARA AS EMPRESAS DE JOGOS CONTINUAREM A CRIAR NOVOS JOGOS, TEMOS DE COMBATER AS CÓPIAS ILEGIS! A CÓPIA LEGAL É CRIME!' and 'TU MARRAS MELHOR!!'. The website also has a navigation menu on the left and a search bar at the top.



# Online complaint



The screenshot displays a user interface for filing an online complaint. At the top, a horizontal navigation bar contains five circular steps: 01 Identification of plaintiff, 02 Date and place of Occurrence, 03 Identification of Suspects, 04 Identification of Witnesses, and 05 Submit the Complaint. The first step, 'BEGIN COMPLAINT', is highlighted with a red-to-orange gradient. Below the navigation bar, on the left, is a sidebar with a 'Useful Information' section containing links for 'Types of Crime', 'Privacy Policy', 'Filling out the Complaint', and 'Regulations of the Complaint System of the Anti Counterfeit Group portal'. A 'HIDE THIS PAGE' button is located at the bottom of the sidebar. The main content area features a dark grey background with white text. It includes a 'your safety first' logo with a magnifying glass icon and a search bar containing 'A | A'. The text explains that the system simplifies sending complaints to ASAE, GNR, and PSP regarding crimes involving industrial property rights. It also states that users must be authorized or own an exploitation licence. A link labeled 'here:' is provided for consulting regulations. A 'NEXT STEP' button is visible on the right side of the main content area.

**BEGIN COMPLAINT**

**01**  
Identification of plaintiff

**02**  
Date and place of Occurrence

**03**  
Identification of Suspects

**04**  
Identification of Witnesses

**05**  
Submit the Complaint

*your safety first*

**Useful Information**

- Types of Crime
- Privacy Policy
- Filling out the Complaint
- Regulations of the Complaint System of the Anti Counterfeit Group portal

**HIDE THIS PAGE**

This system aims to simplify the sending of online complaints to ASAE, GNR and PSP regarding crimes that involve the violation of industrial property rights, such as patents, trademarks, design, appellations of origin.

In order to make a complaint you need to be duly authorized, have an industrial property right or own an exploitation licence.

If you wish you may consult the regulations of online complaints [here:](#)

**NEXT STEP**

**2014 Anti-Counterfeiting Group extraordinary meeting:  
Enforcement of Industrial Property Rights in the context of  
the Champions League final**



## CONCLUSION

**THE IMPORTANCE OF IP ENFORCEMENT IS THE KEY TO  
ECONOMIC SUCCESS.**

**This is our commitment!**

## **Contacts INPI**

**José Mário Lopes Freire de  
Sousa**

Telef: + 351 21 881 8100

e-mail:  
jose.m.sousa@inpi.pt

Linha Azul: 808 200 689

Fax: 21 886 98 59

e-mail: atm@inpi.pt

Site: [www.inpi.pt](http://www.inpi.pt)

Morada: Campo das Cebolas, 1149-035 | LISBOA



معهد التدريب والدراسات القضائية - وزارة العدل  
Institute of Training & Judicial Studies - Ministry of Justice



United Arab Emirates

# ترتيبات دولة الإمارات العربية المتحدة التشريعية والمؤسسية لحماية حقوق الملكية الفكرية

المستشار الدكتور محمد محمود الكمالي، مدير عام معهد التدريب والدراسات القضائية  
دولة الإمارات العربية المتحدة

- دور مختلف السلطات العامة المعنية بإنفاذ الملكية الفكرية.
- إنشاء دوائر قضائية متخصصة للنظر في قضايا الملكية الفكرية في المحاكم.
- دور معهد التدريب والدراسات القضائية في توفير خدمات التأهيل والتدريب لأعضاء النيابة العامة والقضاة المتخصصين.

- إن توفير الغطاء القانوني لحماية حقوق الملكية الفكرية ضمان لخلق بيئة وطنية آمنة تجتذب الاستثمارات الأجنبية وحماية جمهور المستهلكين..
- أحد العناصر الهامة التي تقاس بها تقدم الدول، وجود القوانين التي تنظم وتحمي حقوق الملكية الفكرية.
- إن فعل الاعتداء على هذه الحقوق تشكل جريمة يتعلق فيه حق المجتمع.
- والذي يمكن بموجبه تحريك الدعوى الجزائية من قبل النيابة العامة أو الادعاء العام ضد المعتدي كما يستطيع مالك الحق الادعاء بالحق المدني في الدعوى الجزائية أو رفع دعوى مدنية مستقل للمطالبة بالتعويض.
- بالإضافة الى الحماية الادارية الاخرى في دولة الإمارات العربية المتحدة.

## أ- الجمارك :

الجمارك هي البوابة الأولى لحماية حقوق الملكية الفكرية. الخط الدفاع الاول. عندما تمنع الدولة دخول ، خروج أو عبور البضائع التي تعتبر انتهاكا لحقوق الملكية الفكرية توفر على أجهزتها الأخرى الجهد والوقت.

قانون خاص للجمارك .

كادر من الموظفين يكونوا على دراية عالية بقوانين حقوق الملكية الفكرية.

بالإضافة إلى التدريب المستمر بالتنسيق مع الهيئة ووزارة الاقتصاد.



## ب - الدوائر الاقتصادية :

- إن الجهة المسؤولة عن الترخيص لمزاولة التجارة في مختلف الإمارات هي الدوائر الاقتصادية. وتخضع تلك الدوائر، شأنها شأن الجمارك، للسلطة المحلية في كل إمارة.

- الملاحظ أن الدوائر الاقتصادية في دولة الإمارات العربية المتحدة تعير الاهتمام بحقوق الملكية الفكرية وذلك من خلال إنشاء إدارات تعني بالملكية الفكرية وتنظم باستمرار دورات تدريبية وورش عمل لموظفيها وتعد ندوات لتوعية للجمهور بالملكية الفكرية.

## ج - أقسام الجرائم الاقتصادية في مراكز الشرطة:

- أنشأت الشرطة قسماً للجرائم الاقتصادية في كل الإمارات والتي تدخل ضمنها الجرائم التي ترتكب ضد حقوق الملكية الفكرية.
- ويتم اختيار الأفراد والضباط من التخصصات ذات الصلة كما يتم تدريبهم وإرسالهم للدورات التدريبية.
- يسهم قسم الجرائم الاقتصادية في تيسير التعاون بين الدوائر الاقتصادية والنيابة العامة في مجالات البحث والتحري وجمع الاستدلالات.
- يجب إعطاء العاملين في هذا القسم الجرعة الكافية من قوانين الملكية الفكرية.

## د - النيابة العامة

- النيابة العامة هي صاحبة الدعوى الجزائية.

- ونظرا لتشعب وتعقيد القضايا في العصر الحديث، درجت الكثير من الدول

على إنشاء "**نيابات متخصصة**" بهدف إيجاد وكلاء نيابة مدربين ومؤهلين

في مختلف التخصصات. ومن تلك التخصصات على سبيل المثال لا

الحرص: نيابة الاحداث، نيابة المخدرات، نيابة الجوازات، نيابة المرور،

نيابة الأحوال الشخصية.

اقترح بانشاء، نيابة الملكية الفكرية. - تنظيم دورات تدريبية متخصصة في

الأفرع المختلفة للملكية الفكرية. - تصميم أدلة عملية لفائدة وكلاء النيابة.

الاستعانة بوابو.

## هـ - محكمة متخصصة / قضاة متخصصون

- في فبراير 2016 أصدر وزير العدل بدولة الإمارات العربية المتحدة القرار الوزاري رقم 137 لسنة 2016 القاضي بإنشاء دوائر قضائية متخصصة لنظر قضايا حقوق الملكية الفكرية في المحاكم.
- أصبحت في المحاكم الآن دوائر قضائية متخصصة للنظر في منازعات حقوق الملكية الفكرية من الناحية الجنائية والمدنية، مما يتطلب إيجاد قضاة مؤهلين للنظر في قضايا الملكية الفكرية والاستمرار في تدريبهم.
- بإمكان (وايبو) باعتبارها الجهة المتخصصة في مجال الملكية الفكرية، أن تلعب دورا محوريا في تدريب هؤلاء القضاة وصقل مهاراتهم وفي نقل تجارب الدول الأخرى التي أحرزت تقدما كبيرا في المجال.

## رابعاً : فعاليات مشتركة

- عقد فعاليات مشتركة لفائدة لكل السلطات السابق ذكرها من الأمور التي تؤدي دوراً هاماً في تحديد وسدّ الثغرات القائمة في المجال القانوني للحيلولة دون استغلالها من قبل منتهكي حقوق الملكية الفكرية.

## خامساً : دور معهد التدريب والدراسات القضائية

- التأهيل الإعدادي و التأهيل المستمر لأعضاء النيابة العامة والقضاة في جميع فروع القانون ومنها الملكية الفكرية.
- من الممكن أن يقوم بدور أكبر من خلال تخصيص عدد أكبر من ساعات التدريب وتنظيم ورش عملية لتأهيل أعضاء نيابة وقضاة متخصصين.

## خامساً : دور معهد التدريب والدراسات القضائية

**الدورات التي تقام في حقوق الملكية الفكرية حالياً:**

- الورش التدريبية والندوات في مجال الملكية الفكرية بالتعاون مع الجهات المعنية بقضايا الملكية الفكرية:
  - مثل وزارة الاقتصاد.
  - الويبو .
  - مكتب الولايات المتحدة الأمريكية لبراءات الاختراع والعلامات التجارية.
  - القطاع الخاص، مثل شركة ميكروسوفت وجمعية الإمارات للملكية الفكرية، ومجلس أصحاب العلامات التجارية.
- **اقترح** بوضع منهج نموذجي خاص بالتعاون مع الويبو، أن يعزز دوره في تأهيل أعضاء نيابة وقضاة متخصصين وتوفير تدريب مستمر في قضايا الملكية الفكرية.

## خامساً : دور معهد التدريب والدراسات القضائية

- إمكانية تنسيق الجهود مع دائرة التفتيش القضائي بخصوص ما يحتاجه أعضاء النيابة والقضاء من تأهيل قبل تعيينهم في نظر قضايا حقوق الملكية الفكرية.
- تجميع الأحكام الصادرة من المحاكم، وخاصة المحاكم العليا، وتعميمها على أعضاء النيابة العامة والقضاة.
- تنظيم الورش وحلقات النقاش بشأن القضايا الحديثة المرتبطة بالملكية الفكرية.



## خامساً : دور معهد التدريب والدراسات القضائية

التسيق مع **الوايبو** في امكانية عقد برامج تدريبية اقليمية لفائدة أعضاء السلطة القضائية، للشرق الأوسط خصوصا والدول العربية عموما.

- نظم المعهد برنامجا في أبوظبي بتمويل من الوايبو، من التجارب التي أشيد بها لما حظيت به من نجاح وحضور. :

- العلامات التجارية نُظم في ديسمبر 2015.

- حق المؤلف والحقوق المجاورة نُظم في مايو 2016.

- وكان ذلك بمشاركة أعضاء السلطة القضائية من دول مجلس التعاون الخليجي وبعض الدول العربية.



معهد التدريب والدراسات القضائية - وزارة العدل  
Institute of Training & Judicial Studies - Ministry of Justice



United Arab Emirates

اشكركم على حسن الاستماع

[alkamali@itjs.ae](mailto:alkamali@itjs.ae)  
[dr.kamali@hotmail.com](mailto:dr.kamali@hotmail.com)

# The Threat



*National IPR Coordination Center*

# IPR Center- 23 U.S. Federal and International Agencies

**The IPR Center Mission:** To promote national security by protecting the public's health and safety, the U.S. economy, our war fighters, and to stop predatory and unfair trade practices that threaten the U.S. and global economy.



The IPR Center is a collaborative effort of 23 federal and international partner agencies



# U.S. Customs and Border Protection

## Footprint of CBP

- 328 ports of entry
- 100,000+ miles of border/shoreline
- 67,000 containers processed daily
- 28,000,000 cargo entries annually
- 250,000,000 postal & express entries
- 725,000 importers
- 60,000 employees
- 400 laws for over 40 other agencies



**U.S. Customs and  
Border Protection**

# Intellectual Property Seizure Statistics - FY 2015

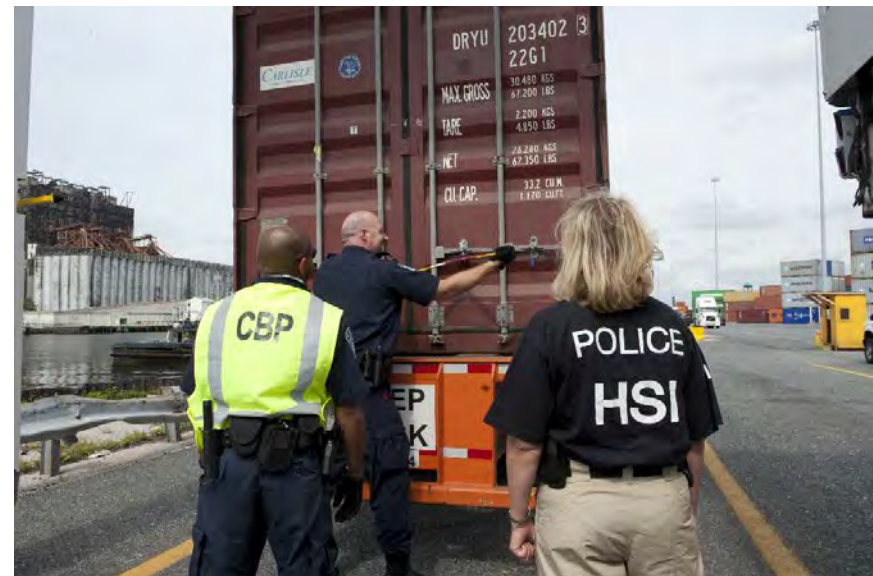
Each year...

- More than 11 million maritime containers arrive at U.S. seaports
- At land borders, another 10 million arrive by truck and 3 million by rail
- Through air travel arrives an additional quarter billion more cargo, postal, and express consignment packages

Number of Seizures 28,865

MSRP of Seized Items \$1,352,495,341

Number of Arrests 538



# CBP & HSI 2015 Statistics

## Number of Seizures

- 28, 865

## Total FY 2015 MSRP

- \$1,352,495,341

Commodities	Percentage Totals	MSRP
Watches/Jewelry	43%	\$580,791,647
Handbags/Wallets	15%	\$208,378,624
Wearing Apparel/Accessories	12%	\$157, 196,110
Consumer Electronics/Parts	10%	\$132,478,776
Pharmaceuticals/Personal Care	6%	\$75,061,822



# Homeland Security Investigations



- Day-to-day operations
- Holds Director position
- Three distinctive units:
  - Intellectual Property
    - IP Crimes
    - Intelligence
  - Trade Enforcement
    - Customs Fraud
    - Illicit Trade
  - Policy & Training
    - Policy & Administration
    - Outreach & Training

# Outreach & Training Section

- Creates partnerships with law enforcement, private industry, and academia
- Conducts training and capacity building with domestic and foreign law enforcement and regulatory agencies
- Briefings to industry sectors, law enforcement, and government
- Supports additional training by partnering with:
  - International Law Enforcement Academies (ILEA)
  - Bureau of International Narcotics and Law Enforcement Affairs (INL)
  - Europol
  - INTERPOL
  - Attaché networks
  - Other U.S. government agencies



# What Does IP Theft Jeopardize?

**Collectively:**



**The  
Economy**



**Health  
&  
Safety**



**Defense  
Readiness**

**National Security**

# Did You Know ?

- In 2013, international trade in counterfeit and pirated products represented **up to 2.5% of world trade**, or **an amount of as much as \$461 billion USD**. This is equivalent to the full **GDP of a country such as Austria**.
  - This represents a significant potential economic loss for right holders, governments, and the global economy.
  - Criminal networks behind the illicit trade derive significant revenues from their activities.
  - Since the early 1990s, trade in counterfeits has grown **at 8 times the rate** of legitimate trade.

## Source:

The Organisation for Economic Co-operation and Development (OECD) and European Union Intellectual Property Office (EUIPO). (April 18, 2016), *Trade in Counterfeit and Pirated Goods: Mapping the Economic Impact*, OECD Publishing, Paris.

DOI: <http://dx.doi.org/10.1787/9789264252653-en>



# Financial Benefits of Crime

For each \$1000 invested:

Crime	Return on Investment
Counterfeit Money <small>*Source- Secret Service</small>	\$3,000 = 330%
Credit Card Fraud <small>*Source- MC, Visa, Discover</small>	\$6,700 = 570%
Heroin <small>*Source- DEA</small>	\$19,860 = 1,886%
Tobacco Smuggling <small>* Source- Major Tobacco Companies (2)</small>	\$43,000 = 4,200%
Software Piracy <small>*Microsoft</small>	\$40,000 - \$100k = 3,900% - 9,900%
Fake Pharmaceuticals <small>*Manufacturing prices of obtaining bulk</small>	\$300,000 = 29,900%

Note: These are rough estimates of hypothetical returns on investment in various crimes compiled by EUROPOL

# IPR Center- Operation Team Player

**The National Intellectual Property Rights Coordination Center (IPR Center) initiated Operation Team Player in June 2013 to target the sale and trafficking of counterfeit sports merchandise, apparel and tickets.**



**Throughout the year, HSI field offices determine the most effective mechanisms to initiate enforcement operations in their area of responsibility. The IPR Center works with the appropriate HSI office to assist in coordinating operations, related press releases and press events for significant sporting events involving all major sports organizations to include the NFL, MLB, NBA, NHL, and NCAA.**

**Past successful operations have included the targeting of retail stores, flea markets and vendors. Additional targeting is coordinated with U.S. Customs and Border Protection as well as the National Targeting Center to target inbound shipments of counterfeit sports apparel and other items at ports of entry across the United States.**



# HSI/RIAA Case - U.S. v. Rocky Ouprasith, et al

- July 2013 RIAA identified **2<sup>nd</sup> largest** music file sharing service in U.S. consisting of infringing website and cyberlocker [www.rockdizmusic.com](http://www.rockdizmusic.com) & [www.rockdizfile.com](http://www.rockdizfile.com)
- **RockDizMusic.com** redirects viewers to **RockDizFile.com** where the pirated music is downloaded; **RockDizFile.com** offered desirable music content and specialized in pre-release piracy
- Designed to generate user traffic to create advertising dollars
- Oct. 15, 2014 takedowns resulted in seizure of servers in France and Netherlands with logged website traffic; also seized copies of “takedown notices” from rights holders (showed willfulness); 6,000,000 downloads were attributed to **RockDizMusic.com**
- August 21, 2015, Ouprasith pled guilty to Criminal Copyright Infringement
- November 17, 2015, Ouprasith was sentenced to 36 months in prison and ordered to pay \$48,288 in restitution







# Operation Engine Newity



Aircraft Parts

Addresses the threat to health and safety posed by counterfeit:

- Automotive
- Aerospace
- Rail
- Heavy machinery components



Wheels



Bearings



Airbags

# Operation Chain Reaction

Foreign suppliers



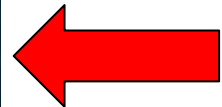
Counterfeit  
Semiconductors  
& IT Equipment



U.S. importers







*National Intellectual Property  
Rights (IPR) Coordination Center*

<https://www.iprcenter.gov>

<https://twitter.com/iprcenter>

Twitter Handle is @IPRCenter



# UK enforcement landscape

