

CHINA'S DEVELOPMENTS IN COMBATING COUNTERFEITING AND PIRACY ON THE INTERNET

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Beijing, China



INTRODUCTION

/01

The Chinese government attaches great importance to IPR

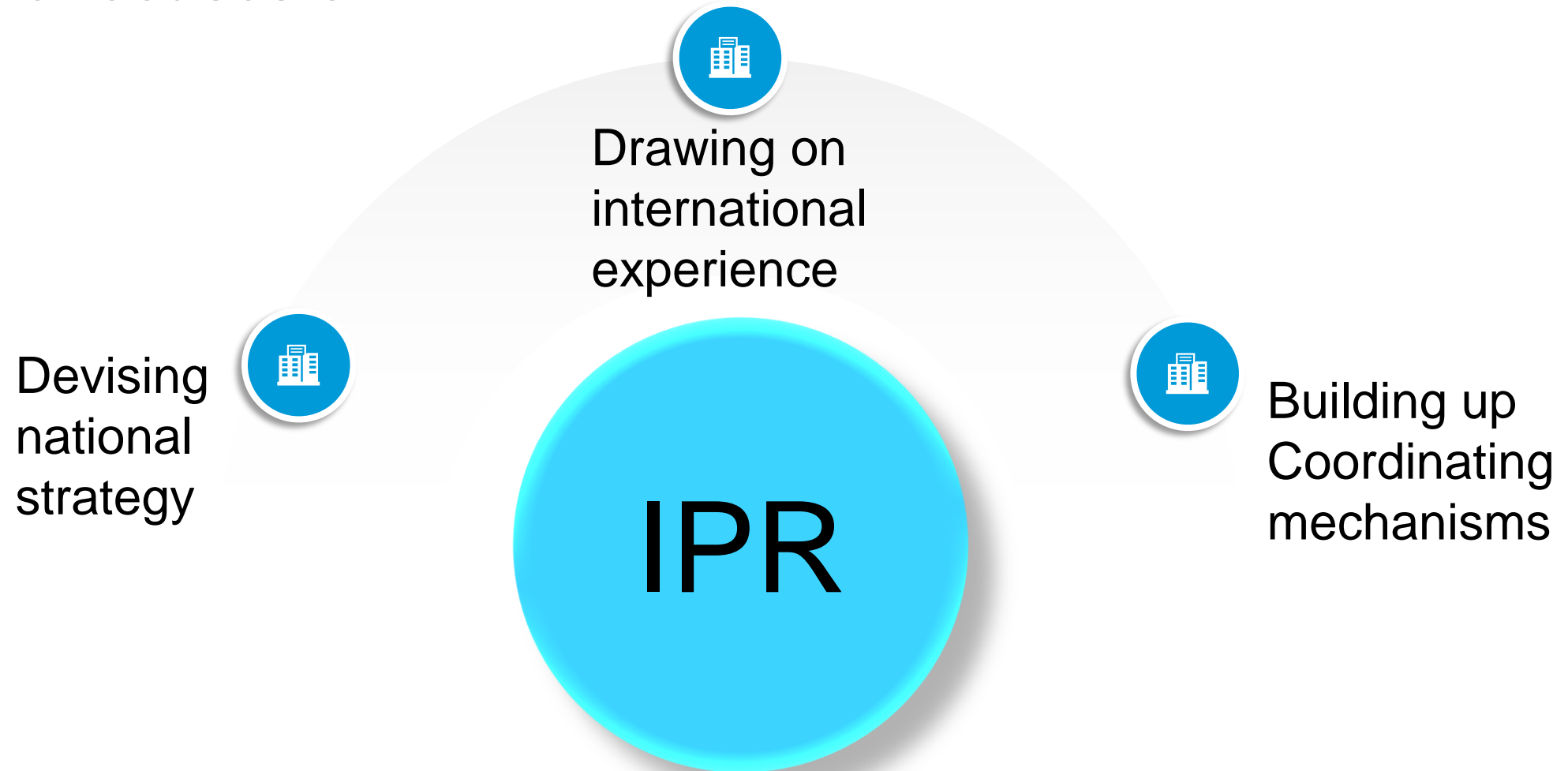
Step up IPR enforcement,

Raise the costs of violating the law,

Protect the legitimate IPR of all enterprises

-----repeatedly emphasized by President Xi Jinping

China focuses on





**ESTABLISHMENT OF A DISTINCTIVE IPR
PROTECTION SYSTEM**

/02

DUAL-TRACK MECHANISM

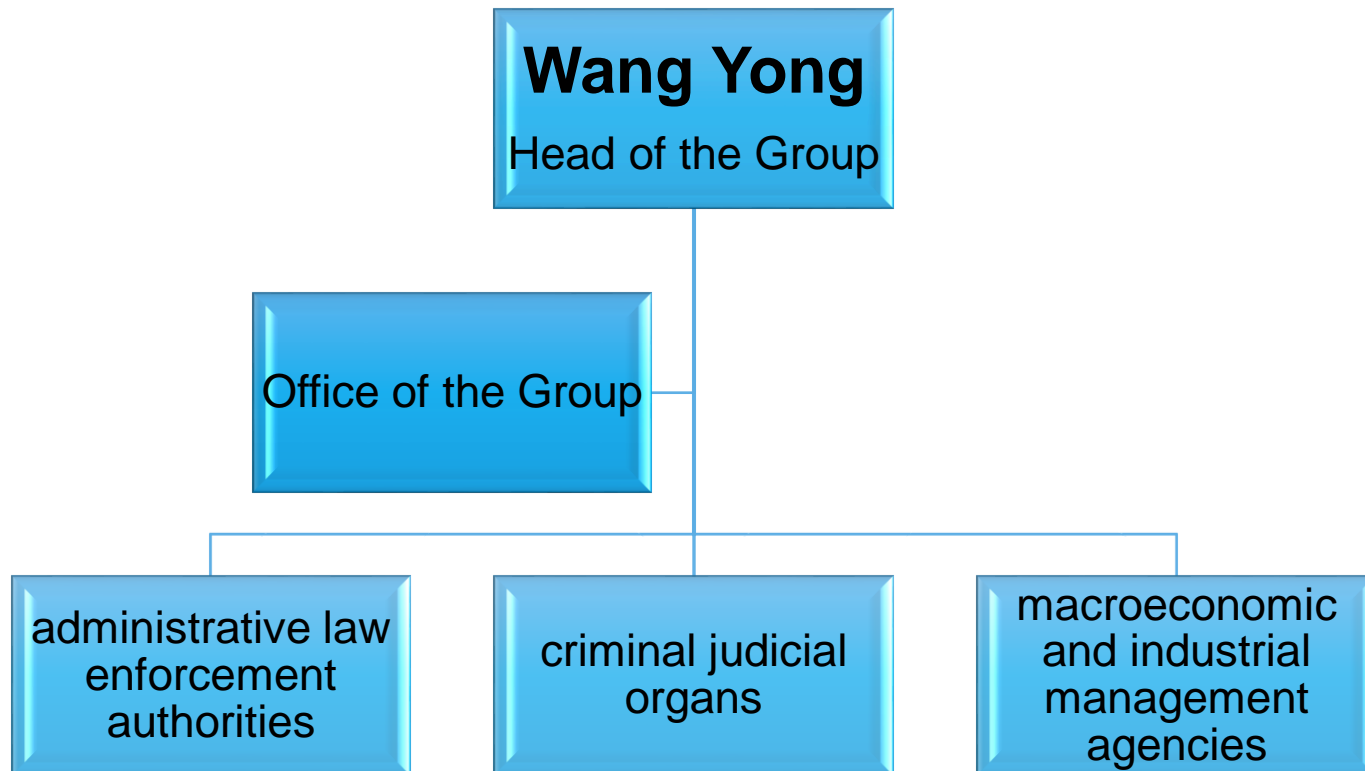
administrative enforcement

- IPR infringement cases that do not constitute criminal offenses are handled by the relevant administrative enforcement authorities.

criminal justice

- Cases of suspected IP criminal offenses are handled by the public security authorities. Where there is conclusive evidence and concrete facts, these cases are transferred to the procuratorates for prosecution and the courts for judgment.

JOINT EFFORTS OF MULTIPLE AGENCIES



National Leading Group on the Fight
Against IPR Infringement and Counterfeiting

27 members including:
SAMR,
CNIPA,
NCAC,
Ministry of Public Security,
the Supreme People's Court,
the Supreme People's Procuratorate
Ministry of Commerce

.....


IMPROVED EFFICIENCY OF THE LAW ENFORCEMENT SYSTEM

State Administration for Market Regulation

- ⑩ organizes and leads trademark and patent enforcement,
- ⑩ specific enforcement undertaken by the comprehensive market supervision enforcement team

China National Intellectual Property Administration

- ⑩ provides operational guidance to enforcement teams nationwide for trademark and patent enforcement,
- ⑩ formulates and guides the implementation of criteria for the determination of trademark and patent rights and their infringement
- ⑩ develops testing, authentication and other related standards in trademark and patent enforcement.



**POSITIVE RESULTS OF COMBATING
COUNTERFEITING AND PIRACY
ON THE INTERNET**

/03

STRENGTHENED COORDINATION

- At the beginning of each year, the Leading Group convenes a national teleconference with its member agencies on combatting IPR infringements
- Since 2012, the Leading Group has issued key points related to the work on an annual basis, specifying key tasks and assigning responsibilities.
- At the end of each year, the Office and the member agencies of the Leading Group assess the performance of local authorities.

TARGETED ENFORCEMENT ACTION

- SAMR rolled out the *Iron Fist* campaign, which aims to repress illegal acts, such as trademark and patent infringements
- SAMR carried out the special action Operation *Internet Sword* to supervise the online market
- NCAC carried out the 2020 version of the special action *Sword Internet*, with the aim to combat copyright infringement
- An early warning list of 71 key works was published for precautionary copyright protection

REFINING LAWS AND REGULATIONS

- Amended *the Trademark Law, the Patent Law and the Copyright Law* since 2019
- Amended *the Provisions on the Transfer of Suspected Criminal Cases by Administrative Law Enforcement Organs*
- Issued *the Opinions on Strengthening the Destruction of Counterfeits*
- Developed *National standards for IPR Protection and Enforcement on E-Commerce Platforms*

REFINING LAWS AND REGULATIONS

- Issued *the Administrative Measures for Supervising Online Transactions*
- Issued *the Notice on Regulating the Copyright of Photographic Works*
- Issued *the Notice on Further Strengthening Evidence Examination and Determination for Copyright Administrative Law Enforcement*
- Issued *the Opinions on Strengthening Coordination in Advancing Intellectual Property Protection*



THE NEXT STEPS

/04

THE NEXT STEPS

- strengthen the overall coordination
- focus efforts on innovative regulatory approaches
- collaboratively constructing, collaboratively governing and collaboratively benefiting

THANKS

The background features a series of overlapping, wavy, semi-transparent shapes in various shades of purple, blue, and teal. These shapes create a sense of depth and movement, with some areas appearing darker due to the overlap. The overall effect is a modern, abstract design that complements the central text.



Bundesministerium
der Justiz und
für Verbraucherschutz

Act on Criminal Liability for the Operation of Criminal Trading Platforms on the Internet

IN THE LIGHT OF THE FIGHT AGAINST IP INFRINGEMENTS

Content

1. Background
2. Difficulties in establishing criminal liability of platform operators
3. The new Act
4. Conclusion

1. Background

- Significant simplification of the exchange of goods and services through the Internet
- **Problem: criminal trading platforms that enable trade in illegal goods, services and even people**
 - offering people, weapons, drugs, prohibited pornography, counterfeit goods etc.

1. Background

General findings of the 2020 EUIPO Status Report*:

(*Executive Summary, page 4)

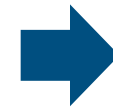
Counterfeiting and piracy are a complex and growing problem. The business models adopted by counterfeiters make significant use of the internet to distribute their products.

Because of the high value associated with IP, infringement of IP is a lucrative criminal activity with a relatively low level of risk in terms of likelihood of detection and punishment if detected.

OCGs are heavily involved in counterfeiting and piracy. IP crime is often combined with other types of crime such as money laundering, human trafficking and occasionally forced labor, even one case in the EU with links to a terrorist organization is reported.

2. Difficulties in establishing criminal liability of platform operators

- Platform operators often do not offer goods themselves, but merely make the Internet marketplace available for third-party offers.
- The main offence is committed by the third-party seller. The platform operators provide support in this regard. However, they are only liable to prosecution if the (third-party) offence can be attributed to them.
- In principle, this can be done
 - by complicity (intentional cooperation)
 - by abetment (intentional support)
- It is difficult to prove knowledge of illegal third-party offers in practice, especially when it comes to fully-automated platforms.



intention

3. The new Act

- Introduction of a **new criminal offence** (Section 127 of the German Criminal Code) of operating criminal trading platforms to combat the phenomenon consistently and effectively
 - Criminal liability for intentionally or knowingly providing a server infrastructure for corresponding platforms
 - Exclusively for platforms whose purpose is to enable or promote the commission of certain criminal acts
(≠ legal platforms misused by individual traders for illegal purposes)

3. The new Act: Section 127 of the German Criminal Code

(1) *Whoever operates a trading platform on the Internet the purpose of which is to enable or promote the commission of unlawful acts incurs a penalty of imprisonment for a term not exceeding five years or a penalty fine unless the act is punishable by a more severe penalty under other provisions. **Unlawful acts within the meaning of sentence 1 are***

1. *serious criminal offences*

2. *offences pursuant to*

k) *§§ 143, 143a and 144 of the **Trademark Act***

l) *§§ 51 and 65 of the **Design Act***

3. The new Act: Section 127 of the German Criminal Code

- (2) *‘Trading platform on the Internet’ in the context of this provision means **every virtual infrastructure on the Internet**, whether in an openly accessible area or in areas where access is restricted by technical barriers, **which grants the possibility to offer or exchange humans, goods, services or contents** (section 11 (3)).*
- (3) *Whoever commits the offence of subsection (1) sentence 1 **on a commercial basis or as a member of a gang** that has formed to repeatedly commit such offences incurs a penalty of imprisonment for a term of between six months and ten years.*
- (4) *Whoever commits the offence of subsection (1) sentence 1 with the **intention of enabling or promoting the commission of a serious criminal offence** incurs a penalty of imprisonment for a term of between one year and ten years.”*

3. The new Act: Section 127 of the German Criminal Code

- Exclusively for platforms whose purpose is to enable or promote the commission of certain criminal acts

- Indications of the platform's purpose:
 - Amount of illegal offers
(e.g. isolated illegal offers do not indicate overall criminal orientation)

 - Presentation of the platform
(e.g. predefined categories for certain illegal offers of goods)

 - Location of the platform (clear net or dark net/deep web)

3. The new Act: Section 5 of the German Criminal Code

- Offences committed pursuant to section 127 can be prosecuted under the German Criminal Code even if they were committed abroad and are not punishable at the place of their commitment.
 - Limitation:
perpetrator must be a German citizen or have main residence in Germany (personal link)

3. The new Act: Code of Criminal Procedure

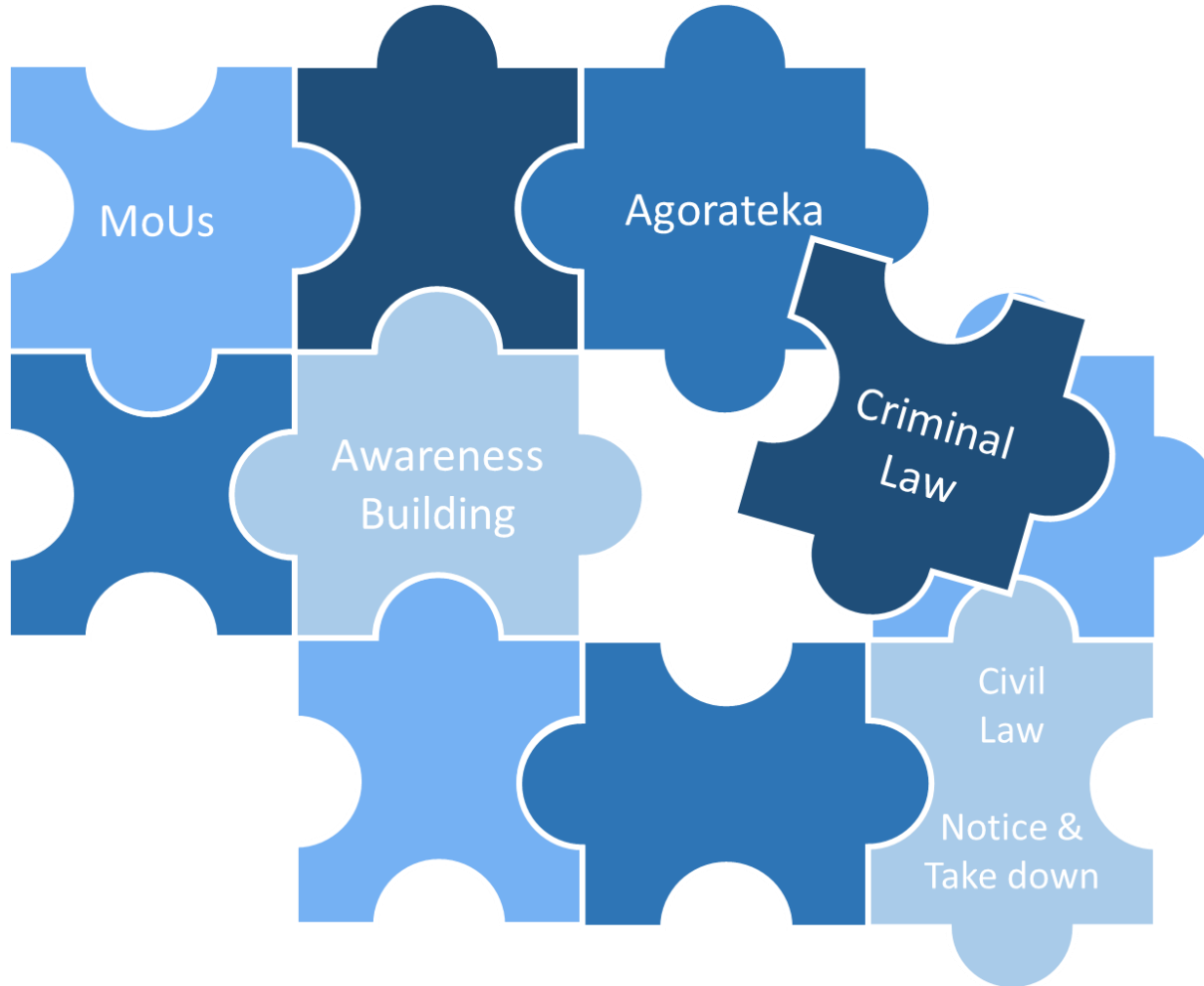
The qualifying offences of section 127 (3) and (4) were included in the catalogues of offences justifying the **investigative measures** of

- **telecommunications surveillance**
(section 100a of the German Code of Criminal Procedure)

- **online searches**
(section 100b of the German Code of Criminal Procedure)

- **capture of retained traffic data**
(section 100g subs. 2 of the German Code of Criminal Procedure)

4. Conclusion



Thank you very much for your attention.

Kontakt

Federal Ministry of Justice
and Consumer Protection
Division III B 5
Leipzigerstraße 127/128
10117 Berlin

Contact person
Tim Werner
werner-ti@bmjv.bund.de
www.bmjv.bund.de

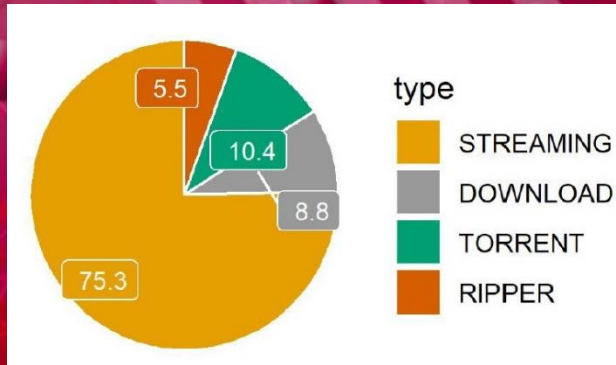


Developments in the Online Enforcement of IP in the Group of Central European and Baltic States (CEBS)

Mr. Péter Lábodý
Head of Copyright Department
WIPO ACE Online Dialogue



PRIORITY



Source: EUIPO: Online Copyright Infringement in the European Union Music, Films and TV (2017-2018), Trends and Drivers https://euipo.europa.eu/quantification-of-ipr-infringement/online-copyright-infringement-in-eu/online_copyright_infringement_in_eu_en.pdf

1. Strengthening cooperation



2. Legislative steps



3. Prevention – awareness raising



4. Monitoring efficiency



1. Strengthening cooperation among players via forming permanent & structured mechanisms

- International cooperation (Europol, Interpol, EU etc.)
- National coordination on several levels
- Cooperation with e-platforms to develop tools

2. Ongoing legislative steps to further regulate online platforms

- Regulating ISPs to provide effective & transparent limits on the legal liability
- In EU Member States: ongoing transposition of Article 17 of the DSM Directive and ongoing negotiations regarding the DSA Regulation

3. Focus on prevention

Awareness raising

- Physical publications
- Informative websites
- Social media platforms and influencers
- Highlighting legal online offers

Targeted education offline & online

- General public with particular focus on youth
- Enforcement and other officials





Thank you for your attention

<https://www.sztnh.gov.hu/en>



ACE - OMPI

**OBSERVANCIA COLABORATIVA en
Falsificación de Marcas: Sinergias para
enfrentar al ENEMIGO COMÚN**

Ronald Gastello – Setiembre 2021

SISTEMA DE OBSERVANCIA



SISTEMA DE OBSERVANCIA

ENFORCEMENT

ROL FISCALIZADOR

ROL SANCIONADOR

ROL PUNITIVO



CONTEXTO - OBSERVANCIA - PRIORIDADES



CONTEXTO

NUEVA CEPA DEL

SARS-COV-2

**TERCERA OLA
SERÁ PEOR**



~~107~~ CONTAGIADOS
~~250~~ FALLECIDOS





ECONOMÍA

Perú entra en recesión: se deploma 17% el PIB y desempleo sube a 8,8%

El Gobierno de Perú informó que en el periodo enero-junio de este año, la producción nacional disminuyó en 17,37% y el desempleo subió a más del doble respecto al segundo semestre de 2019.




ECONOMÍA

INEI: Más de 6 millones de personas dejaron de trabajar debido a la pandemia

Estadísticas advierten una **reducción de la población económica activa**: más de 6 millones 300 mil personas a nivel nacional se volvieron inactivas durante el segundo trimestre del año. En Lima Metropolitana, la población ocupada se redujo un 40,2%.

15 de agosto del 2020 - 6:00 PM

Redacción

Síguenos en Google News 



CONTEXTO

Perú21

Domingo, 2020

Última actualización 08:39 pm **CLASIFICADOS**

Buscar



ACTUALIDAD OPINIÓN POLÍTICA ECONOMÍA MUNDO TECNOLOGÍA CULTURA VIDA.21 REDES S

Falsificación: una actividad ilegal que da miles de empleos en el Perú

Jueves 04 de agosto del 2005 | 12:00

Compartir

Like 0

Twitter

La estadounidense Bewitched aún no fue estrenada en Lima, pero desde hace unos meses se consigue en formato DVD por poco más de 1 dólar. el fenómeno de la piratería en Perú deja pérdidas por casi 100 millones de dólares anuales a las empresas legales, pero se ha convertido en una importante fuente de empleos.

NEWS | MUNDO

Noticias América Latina ¿Hablas español? Internacional Economía Tecnología Cien

Falsificación como medio de vida

19 noviembre 2009



Compartir

El 50,1% de los paraguayos considera que la piratería, la falsificación y el contrabando son un medio de vida para los pobres, según una encuesta realizada por la Cámara de Comercio Paraguayo Americana (AmCham).

CORREO PANORAMA Inicio Local Sociedad Política Seguridad Economía Mundo Deportes Cultura Opinión

90.1 FM WASHIRADIO Escúchanos en

OPPEN Cabinetry Llámanos desde 0170/0171

Panorama

Venta de CD piratas Un negocio que crece con el tiempo

Con ganancias mensuales que van de Bs 6.000 a Bs 9.000, este comercio crece sin control

02/12/2018 | Libeth Z. Ramos Pineda

MÁS LEÍDO... SEMANA Levantamos un cadáver desde 6 de Agosto



ES TIEMPO ... de FISCALIZAR?



CONTEXTO



CRECIMIENTO E-COMMERCE

■ CRECIMIENTO ■ ■ ■

20%

■ 2014-2019



CONTEXTO

Aplicaciones de negocios Apps de mejora de procesos Buscar en la red de TechTarget

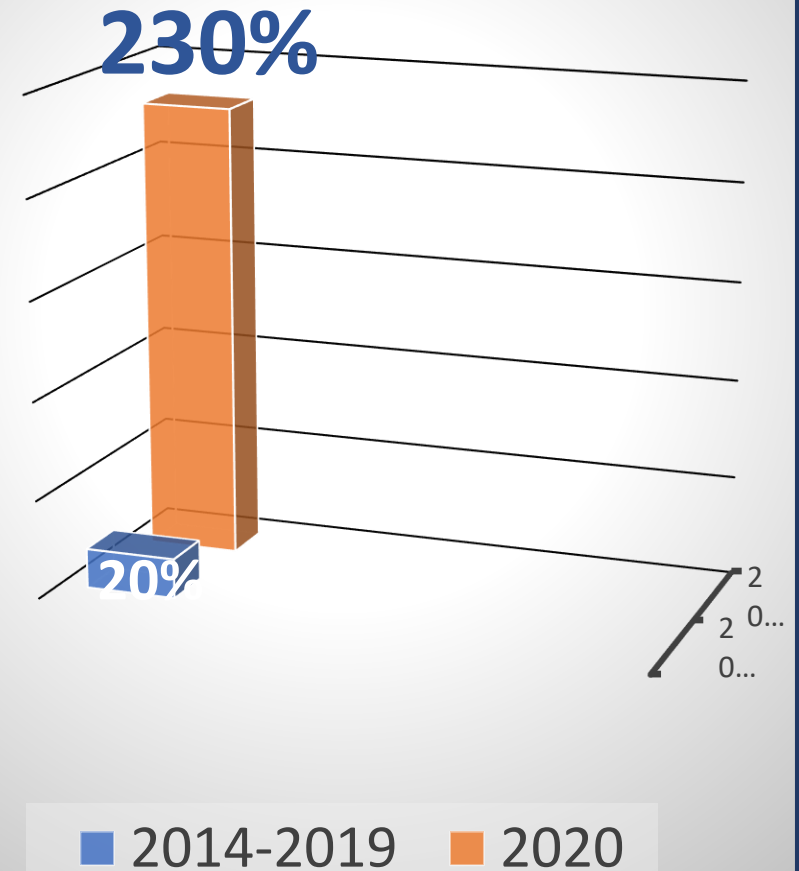
EVALUAR

A pesar de los retos, el eCommerce crece en América Latina

En tiempo récord, la pandemia ha acelerado un despegue explosivo del comercio electrónico en Latinoamérica.

por **Clarisa Herrera**, SearchDataCenter en Español Publicado 29 ago 2020

CRECIMIENTO E-COMMERCE



CONTEXTO

Aplicaciones de negocios Apps de mejora de procesos Buscar en la red de TechTarget

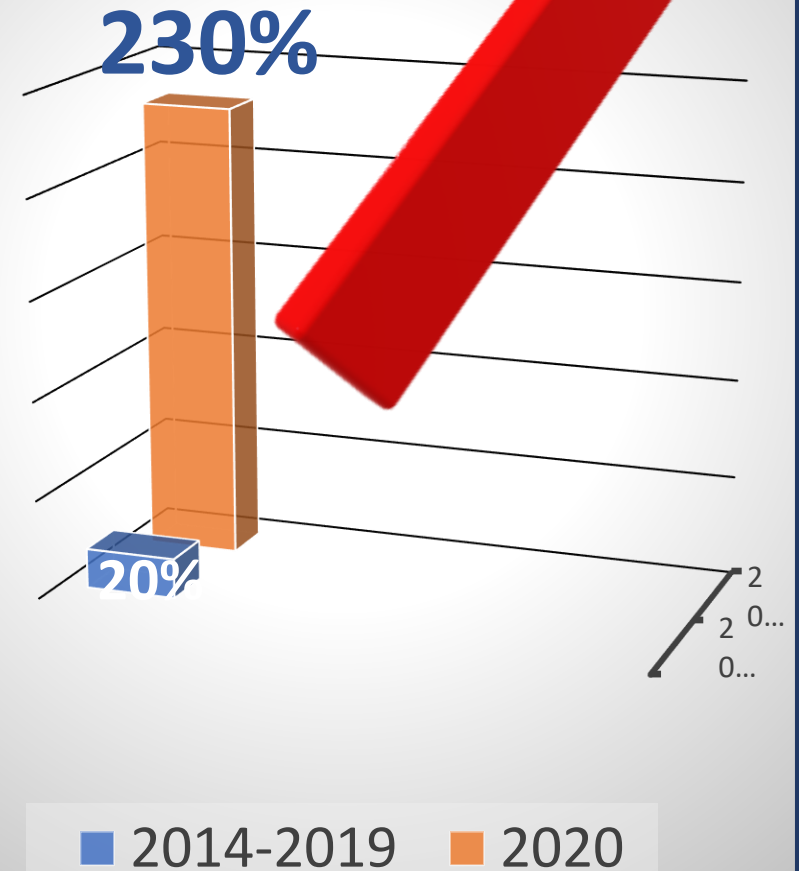
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CRECIMIENTO E-COMMERCE





COMPRAS DURANTE LA CUARENTENA



73% realizó compras por internet durante la cuarentena

Principales productos que compraron: (Respuesta múltiple)



65%
Alimentos



36%
Moda



34%
Equipamiento del hogar



33%
Farmacia



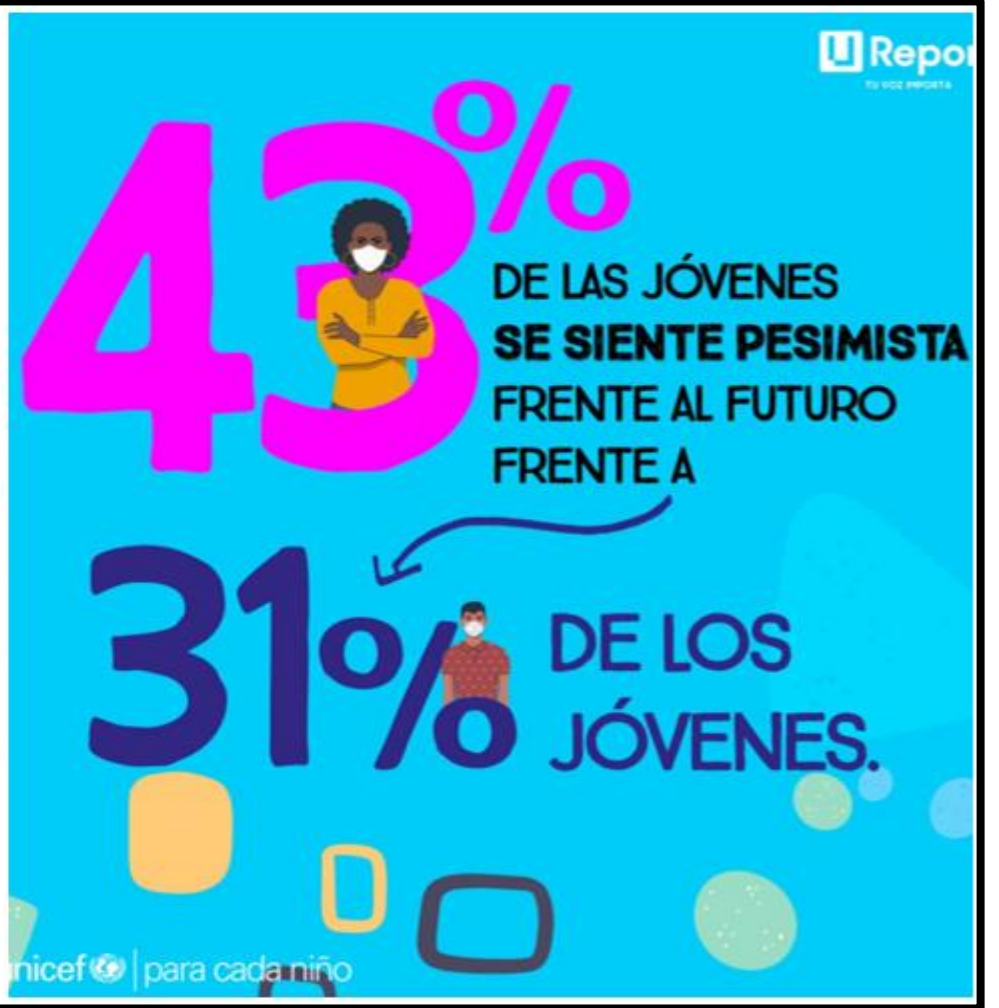
28%
Limpieza



26%
Aseo personal

Perú: 7 de cada 10 compradores online realizaron compras por internet durante la cuarentena - Ecommerce News





LOS FALSIFICADORES





¿Dónde actúa este ENEMIGO?





Las asociaciones de consumidores alertan del incremento de falsificaciones por internet

RECOMIENDAN ACUDIR A COMERCIOS DE CONFIANZA, EVITAR COMPRAS POR PRECIO BAJOS Y PRESTAR ATENCIÓN

El riesgo de fraude se dispara y amenaza con pérdidas millonarias para las empresas
El teletrabajo, los ciberataques y las dificultades financieras de los empleados crean la tormenta perfecta para que los casos de fraude se disparen

Alerta por la proliferación de falsificaciones online en el Black Friday

© 25 NOVIEMBRE, 2020



¿Quién y cómo es este
ENEMIGO?



PERFIL:



1. ESPECIALISTA EN ALIANZAS

“El crimen organizado se ha convertido en una serie de redes y alianzas que se extienden más allá de las fronteras”

MIKE LA SORTE, «Defining Organized Crime»





UNODC

Oficina de las Naciones Unidas
contra la Droga y el Delito



PRODUCTOS FALSIFICADOS

NO APOYES EL CRIMEN ORGANIZADO



Los productos falsificados generan más de \$250 mil millones al año para el crimen organizado, y la compra de éstos podría estar financiando otras formas más siniestras de delincuencia organizada.

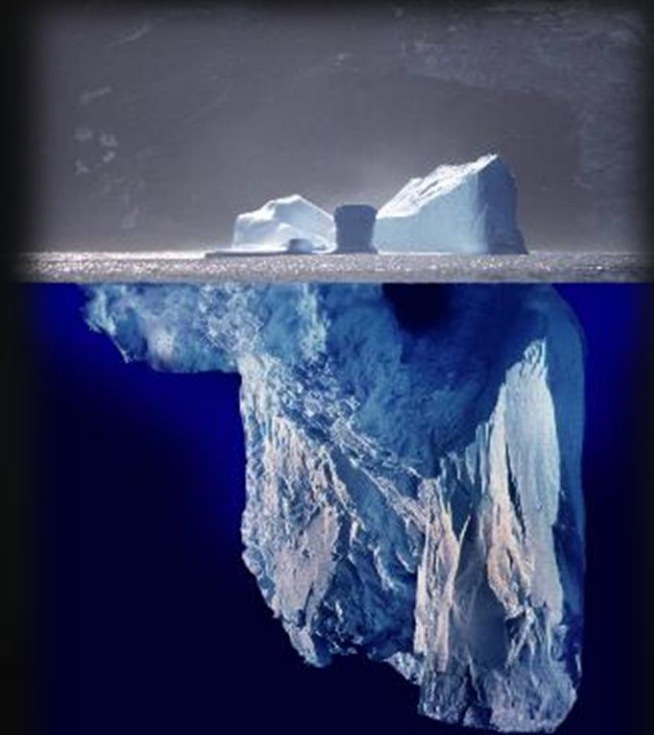
Los productos falsificados no sólo plantean problemas éticos tales como la explotación laboral y la degradación medioambiental, sino que pueden ser dañinos y potencialmente peligrosos para los consumidores. La nueva campaña de UNODC destaca las consecuencias, a menudo insospechadas, de consumir productos falsificados.

www.unodc.org/counterfeit

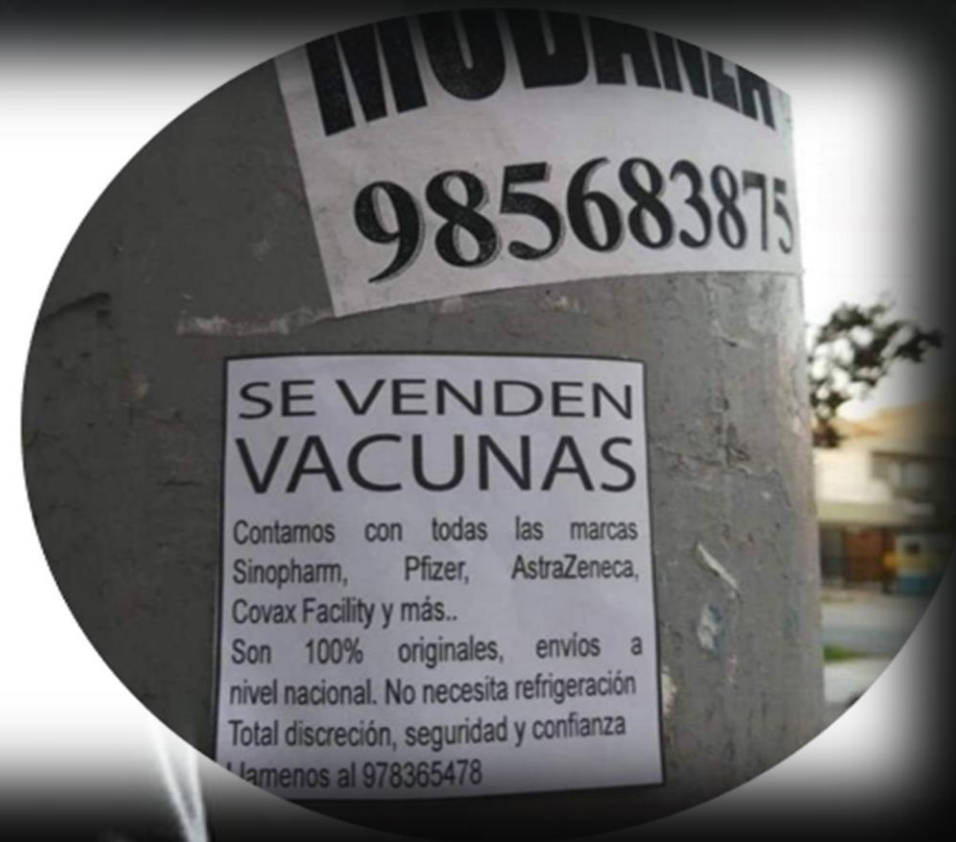




2. INVISIBLE



2. INVISIBLE



3. OPORTUNISTA





3. OPORTUNISTA

“Si la Mafia hubiese existido en el Antiguo Egipto, habría suministrado las piedras de las pirámides, sindicalizado el trabajo de los esclavos, establecido un puesto de salchichas y transformado la esfinge de Gizeh en un casino. También habría robado el oro de las tumbas de los faraones, algo que Napoleón hizo posteriormente.”

Louis Ferrante. “Aprenda de la mafia”





4. VERSÁTIL Y PROFESIONAL

“No es de extrañar que la Mafía siciliana se esté infiltrando en áreas tan rentables como la energía eólica y la solar.”

FRANCESCO MESSINEO

Magistrado de Palermo, hablando en una rueda de prensa





5. CARISMÁTICO

“Solo soy un hombre de negocios que le da a la gente lo que quiere”

Al Capone



5. CARISMÁTICO

Gracias a la falsificación y piratería hay más empleo...

Los productos originales son muy caros, mi producto pirata me permite ahorrar...



“Solo soy un hombre de negocios que le da a la gente lo que quiere”

Al Capone





6. RETORCIDA ESCALA DE VALORES

“No es personal, son negocios”

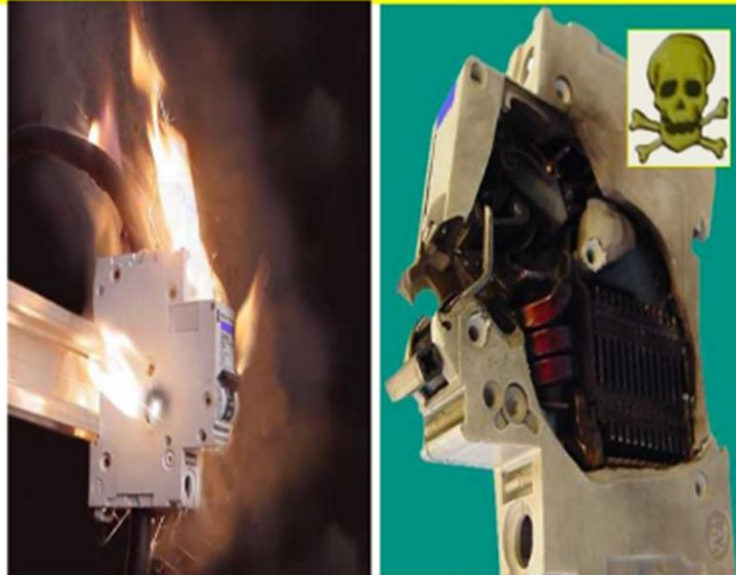
Michael Corleone, en *El Padrino*



6. RETORCIDA ESCALA DE VALORES

Ejemplo de interruptor termomagnético falsificado

Peligros para las personas e instalaciones



Una copia explota cuando ocurre un cortocircuito



6. RETORCIDA ESCALA DE VALORES

< +51969605493   

Añadir a contactos Bloquear número

martes, 9 de febrero de 2021

 ¿Listo para recibir la vacuna contra el Covid-19? Reserva tu cita al [927495430](tel:927495430), yapea 30 soles a ese numero, y sé de los primeros en recibirla. Mensaje gracias al ministerio de Salud. 12:39 p. m.

 Para obtener información sobre el COVID-19, visita gob.pe 

Nuevo

Vacuna Covid 19 China Recién Llegada.
Disponibilidad 08/02

1/1 

S/ 100

-  Hasta 12 cuotas
[Más información](#)
-  Entrega a acordar con el vendedor
Lima, Lima
[Ver costos de envío](#)

¡Última disponible!



Perfil del Fiscalizador (comparado)



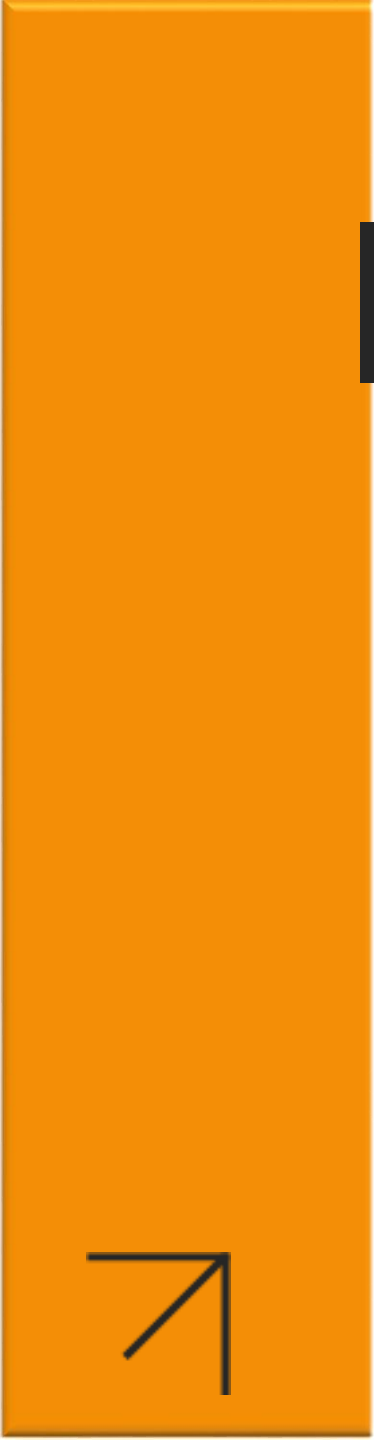


Estructura formalista para toma de decisiones



- Oportunista
- Versátil
- Retorcida escala de valores





PROBLEMAS CULTURALES: Alta tolerancia social e Informalidad

1. ENFOQUE PREVENTIVO



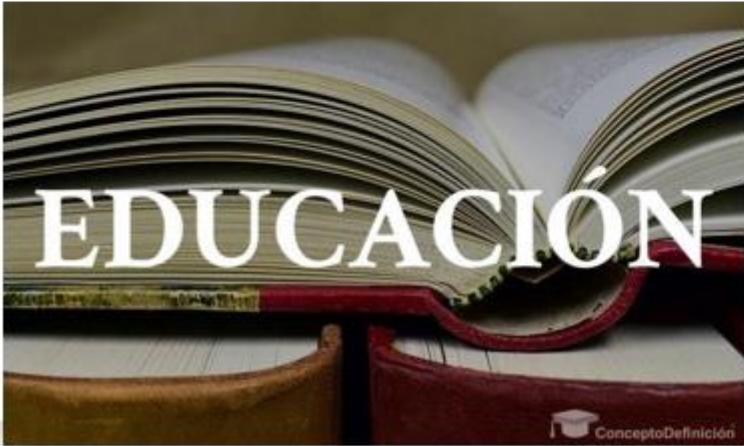
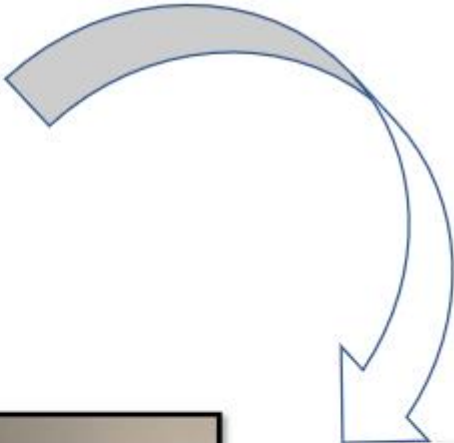
2. ENFOQUE DISUASIVO



3. ENFOQUE REACTIVO



1) ENFOQUE PREVENTIVO



2) ENFOQUE PERSUASIVO



3) ENFOQUE REACTIVO



- Metodología de graduación
- Incremento de Sanciones



- Inclusión en listado de delitos de crimen organizado



Enfoque: OBSERVANCIA COLABORATIVA

PROBLEMA: Dificultad para identificar al principal responsable



SOLUCIÓN: Programa de Recompensas



Enfoque: OBSERVANCIA COLABORATIVA

PROBLEMAS:

- Elevados costos para fiscalizar en internet
- Anonimato del vendedor



Enfoque: OBSERVANCIA COLABORATIVA



Decreto Legislativo N° 1397 - Modifica el D.L. N° 1075

“Artículo 115.- Facultades de investigación

Sin que la presente enumeración tenga carácter taxativo, la autoridad nacional competente tiene las siguientes facultades de investigación:

(...)

e) ***Exigir, vía medida cautelar o resolución*** que ponga fin a la instancia, a las ***personas naturales o jurídicas***, así como a entidades públicas o privadas, estatales o no estatales, con o sin fines de lucro, la ***adopción de medidas que impidan la continuación o perpetración de actos practicados por terceros*** que supongan el uso no autorizado de elementos protegidos por la propiedad industrial.

(...)”



Enfoque: OBSERVANCIA COLABORATIVA



**CONVENIO DE COOPERACIÓN INTERINSTITUCIONAL ENTRE
MERCADO LIBRE PERÚ SRL Y EL INSTITUTO NACIONAL DE DEFENSA DE LA
COMPETENCIA Y DE LA PROTECCIÓN DE LA PROPIEDAD INTELECTUAL**

Conste por el presente documento, el Convenio de Cooperación Interinstitucional que celebran:

- **EL INSTITUTO NACIONAL DE DEFENSA DE LA COMPETENCIA Y DE LA PROTECCIÓN DE LA PROPIEDAD INTELECTUAL**, con RUC N° 20133840533 y domicilio en Calle de La Prosa N° 104, distrito de San Borja, provincia y departamento de Lima; debidamente representado por su Presidente del Consejo Directivo, señor Ivo Sergio Gagliuffi Pierocchi, identificado con DNI N° 09875473, designado por Resolución Suprema N° 220-2016-PCM, de fecha 09 de setiembre de 2016; en adelante **EL INDECOPI**.
- **MERCADO LIBRE PERÚ SRL** con RUC N° 20462540745 y domicilio en Av. Larco 1301, Piso 17, distrito de Miraflores; provincia y departamento de Lima; debidamente representado por su Apoderado el señor Jaime Andrés Ramírez Castro, identificado con DNI N° PE093482, y designado mediante poder adjunto al presente Convenio; en adelante **MERCADO LIBRE**.

De manera colectiva **MERCADO LIBRE** y el **INDECOPI** podrán ser denominados como **LAS PARTES**, en los términos y condiciones siguientes



CASOS MASCARILLAS

Nuevo 1 a vendidos

3m 8110s N95 Exclusivo Para Niños Originales Americanas

S/ 45

Hasta 12 cuotas sin interés

VISA

Más información

Entrega a acordar con el vendedor
Lima, Lima

Ver costos de envío

Cantidad: 1 unidad (50 disponibles)

[Comprar ahora](#)

Compra Protegida, recibe el producto que esperabas o te devolvemos tu dinero.

Exclusivo para Niños/as

Nuevo

Mascarillas Kn95 6 Capas Respirador Tipo 3m Valvula

S/ 10

Hasta 12 cuotas sin interés

VISA

Más información

Envío gratis a todo el país
Lima, Lima

Ver costos de envío

Cantidad: 1 unidad (500 disponibles)

[Comprar ahora](#)

Compra Protegida, recibe el producto que esperabas o te devolvemos tu dinero.

Nuevo

Respirador 3m 1860 N95, Hecho En China.

S/ 440

Hasta 12 cuotas sin interés

VISA

Más información

Envío gratis a todo el país
San Miguel, Lima

Ver costos de envío

¡Última disponible!

[Comprar ahora](#)

Compra Protegida, recibe el producto que esperabas o te devolvemos tu dinero.

24 meses de garantía de fábrica.



CASOS MASCARILLAS

Facebook es gratis



Oferta tapa boca

Envía un mensaje al vendedor para preguntar el precio

· Disponible

Publicado hace más de una semana en La Victoria, Lima

Envía un mensaje al vendedor

¿Sigue disponible? [Enviar](#)

Facebook es gratis



Combo
PINK

987346505

Mascarillas hello kitty

S/1

Publicado hace un día en Santiago de Surco, Lima

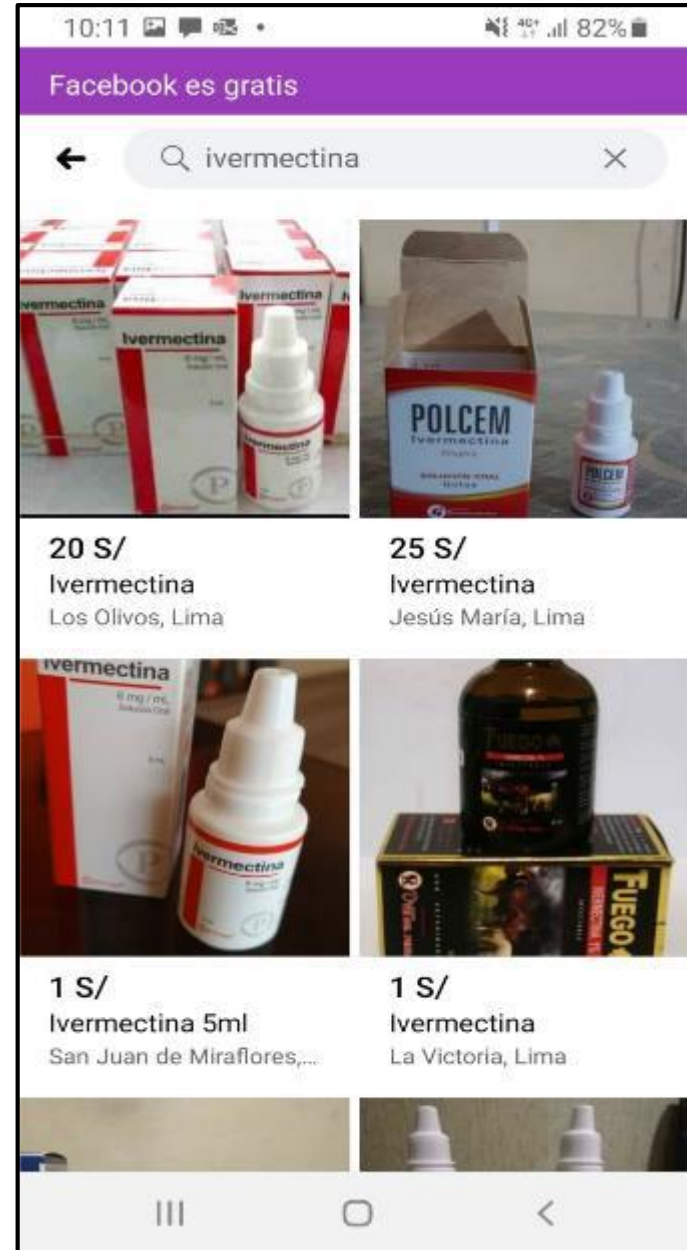
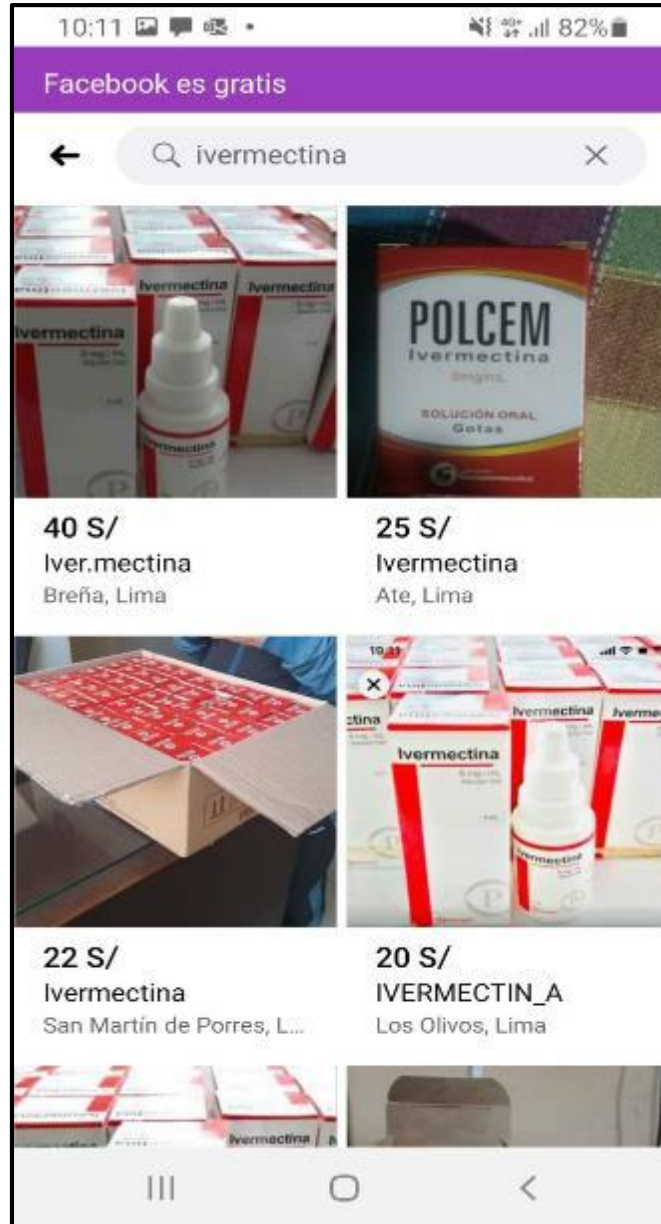
Envía un mensaje al vendedor

¿Sigue disponible? [Enviar](#)

Enviar mensaje Guardar Compartir Más



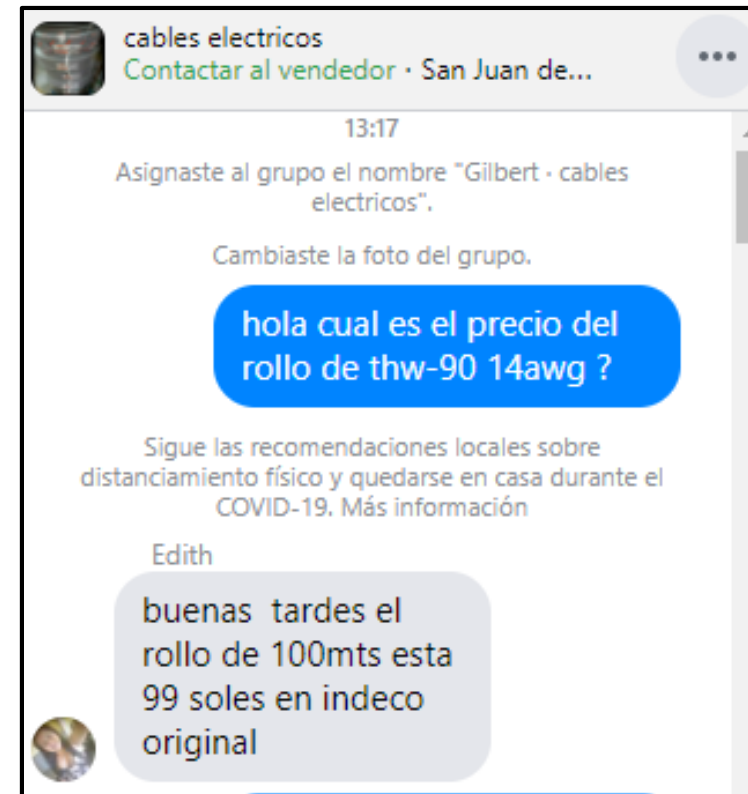
CASOS MEDICAMENTOS

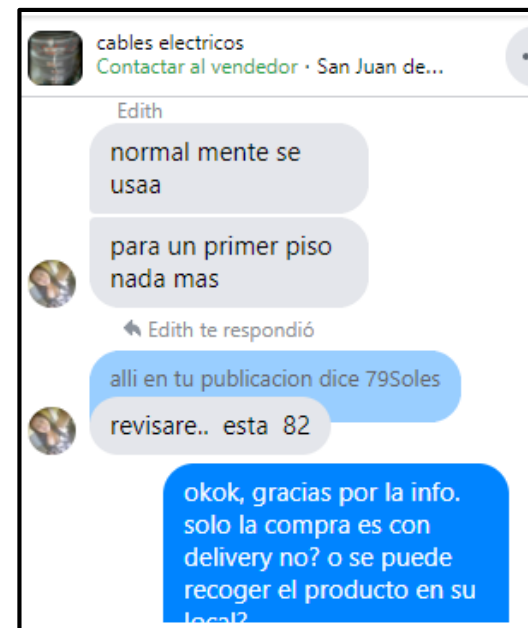
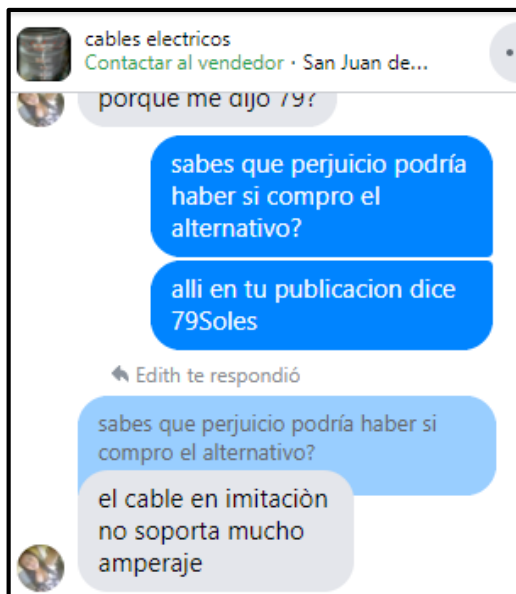
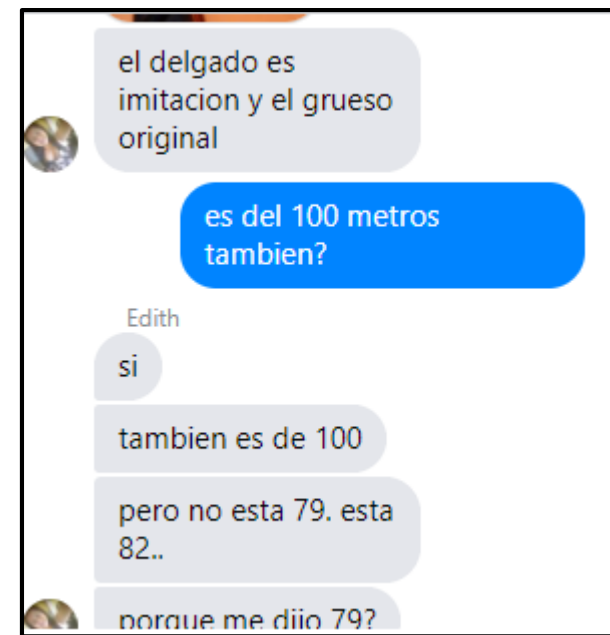
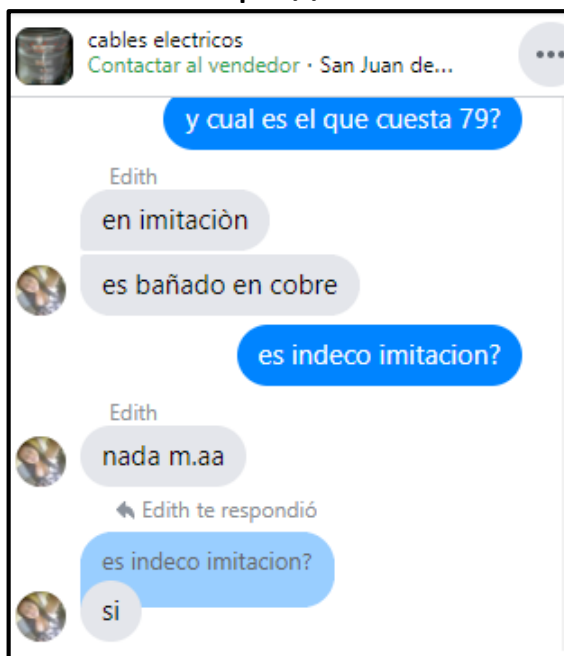


<https://www.facebook.com/marketplace/item/573202920264423>



¿Forma de venta?
Contacto con el vendedor





Enfoque: OBSERVANCIA COLABORATIVA

CONCLUSIONES:

- i) Tras el COVID-19, los hábitos de consumo y los escenarios de competencia se han consolidado en un escenario virtual (*e-commerce*). Las Autoridades de Observancia deben revisar sus planes, normas y adaptarse.
- ii) El enemigo es una organización criminal, a la que hay que visibilizar y destruir sus alianzas estratégicas.
- iii) Es necesario que la Autoridad establezca sinergias con terceros que están en una mejor posición en el mercado *online* para adoptar medidas de cese del acto infractor (Plataformas).



Enfoque: OBSERVANCIA COLABORATIVA

CONCLUSIONES:

- iv) Es necesario establecer acuerdos remunerados con los que poseen información relevante para identificar a los grandes responsables.
- v) Para las organizaciones criminales, este es tiempo de FALSIFICAR.
- vi) Para nosotros es tiempo de FISCALIZAR (Observancia Colaborativa).





GRACIAS



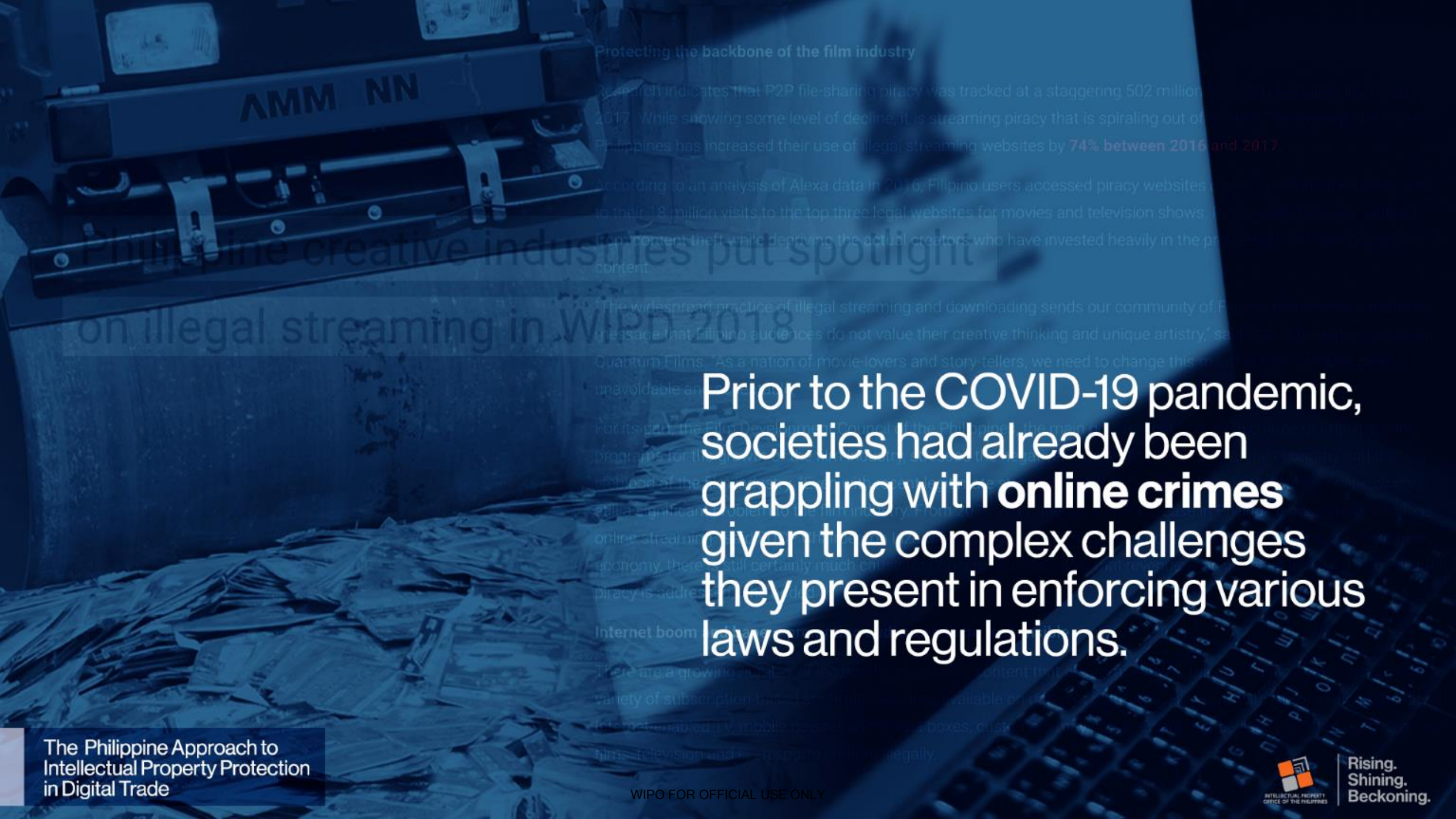
Advisory Committee on Enforcement
Online Dialogue

The Philippine Approach to Intellectual Property Protection in Digital Trade

Atty. Rowel S. Barba
Director General,
Intellectual Property Office of the Philippines (IPOPHL)



**Rising.
Shining.
Beckoning.**



Protecting the backbone of the film industry

Research indicates that P2P file-sharing piracy was tracked at a staggering 502 million in 2017. While showing some level of decline, it is streaming piracy that is spiraling out of control. The Philippines has increased their use of illegal streaming websites by 74% between 2016 and 2017.

According to an analysis of Alexa data in 2016, Filipino users accessed piracy websites 18 times more than their 18 million visits to the top three legal websites for movies and television shows. This rampant theft while depriving the actual creators who have invested heavily in the content.

The widespread practice of illegal streaming and downloading sends our community of Filipino filmmakers a clear message that Filipino audiences do not value their creative thinking and unique artistry," said Quantum Films. "As a nation of movie-lovers and story tellers, we need to change this mindset."

Prior to the COVID-19 pandemic, societies had already been grappling with **online crimes** given the complex challenges they present in enforcing various laws and regulations.

The Philippine Approach to Intellectual Property Protection in Digital Trade

WIPO FOR OFFICIAL USE ONLY



Rising. Shining. Beckoning.

But as the pandemic prompted an even faster digital shift, several countries, including the Philippines, reported an unprecedented surge in online crimes, including crimes related to intellectual property rights (IPRs), such as **counterfeiting** and **piracy**.

SUBJECT: Revised Rules of Procedure on Administrative Enforcement of Intellectual Property Rights (IPR)

The Intellectual Property Office of the Philippines (IPOPHL) in collaboration with various relevant actors in the public and private sectors, has undertaken ongoing efforts.

- develop more robust enforcement strategies in the online space
- improving border safeguards, the judicial system and nationwide awareness

At the onset of the COVID-19 outbreak in the Philippines, the IPOPHL had already expressed concern about a possible upward trend in counterfeiting and piracy, given the digital shift in various aspects of people's daily lives – from commerce to entertainment.



Nightbooks
2021



Candyman
2021



My Son
2021

2020

121



IPR violation
complaints

95%



of these claims
concerned the
digital space



issued New Rules to expand its enforcement functions online and to make more dissuasive remedies available to right holders

On its own initiative, IEO can:

- 1) monitor marketplaces**
- 2) immediately and temporarily stop IPR infringing operations through cease-and-desist orders**
- 3) endorse the cancellation of an infringer's business permits, including licenses**

The Office has a wide network of private sector partners with whom IPOPHL continues to intensify its engagement in order to **better understand the challenges** they face and **develop better enforcement measures** accordingly.

March
2021

Signing Ceremony

MOU between Brand Owners and Online Platforms



Memorandum of Understanding (MOU) with e-commerce platforms and select right holders

- improving the notice-and-takedown procedures of e-commerce platforms
- puts preventive measures in place
- creates legitimate sharing of relevant information with authorities upon request
- institutes policies to prevent repeat IPR infringements

The MoU currently
has **16** signatories.

3 online platforms

9 brand owners

4 Chambers of Commerce &
Industry Associations

Online platforms:

Lazada E-Services Philippines, Inc.

Shopee Philippines, Inc.

BF Jade E-Services Philippines, Inc. (Zalora Philippines)

Brand owners:

Unilever Philippines, Inc.

Castrol Limited

GlaxoSmithKline Consumer Healthcare Philippines, Inc.

GlaxoSmithKline Philippines, Inc.

Solar Pictures, Inc.

Globe Telecom, Inc.

Daniel Wellington AB

Cambridge University Press

Golden ABC, Inc.

Chambers of Commerce/Industry Associations:

American Chamber of Commerce of the Philippines

British Chamber of Commerce of the Philippines

European Chamber of Commerce of the Philippines

Philippine Retailers Association



Establishing a fast and rolling site-blocking regime



to lay out a **clear-cut, inter-coordination protocol** for this process



- implement a complaint validation process with a **“fine-toothed comb”** to safeguard access to legitimate content
- **ensure** that blocking only occurs in cases which all **evidence firmly points to piracy**

Enforcement strategies must be shaped in line with emerging technologies that allow counterfeiting and piracy to operate on a grander scale and render them more complex to deal with.

2020

IPOPHL proposed a bill to amend the 1997 IP Code

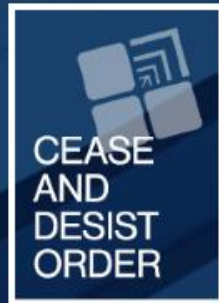
- make the IP law system more **robust, effective, modern and forward-looking**
- strengthen the Philippines' position as an **attractive investment destination**

2020

proposed amendments will allow the government to intensify its efforts in preventing counterfeiting and piracy:



establishment of a site-blocking regime



provide the IPOPHL Director General with the power to issue cease and desist orders and an order of confiscation



increase penalties for IPR infringers



remove the minimum amount for a damage claim to allow Micro, Small, and Medium Enterprises (MSMEs) to seek administrative remedies

IPOPHL supports the proposed Internet Transactions Act (ITA)

AN ACT PROVIDING PROTECTION TO CONSUMERS AND MERCHANTS ENGAGED IN INTERNET TRANSACTIONS, CREATING FOR THE PURPOSE THE ELECTRONIC COMMERCE BUREAU, AND APPROPRIATING FUNDS THEREFOR

- **set standard measures** to drastically change how e-commerce platforms, merchants and websites operate
- **ensure that online operations do not funnel income towards counterfeiting**, among other possible crimes

SECTION 1. *Short Title.* – This Act shall be known as the “Internet Transactions Act”.

SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote maintain a robust electronic commerce (eCommerce) environment in the country by building trust between online merchants and consumers. The State

Internet Transactions Act forseees

solidary liability
for erring online
merchants

trademark enforcement
will be treated similarly to
copyright enforcement

(individuals who conduct activities that indirectly contribute to the fulfilment of an infringing act will be sanctioned for criminal and civil actions)

Whole-of-Government Approach





NCIPR has recorded an increasing number of seizures, with an **annual average growth of 55%**.

USD 468.5M

2018

VS.

USD 69.5M

2008



Increased enforcement efforts

IPOPHL inspection activities jumped **69%**.

2,644 inspections

vs.

1,565 inspections

2018

2008

Today, inspection activities continue to uncover counterfeiting hotspots.



Recently, the Bureau of Customs (BOC) discovered an entire building that stored counterfeit goods intended to be sold online.

BOC launched an inter-agency Border Protection MoU in October 2020, which involves 26 Philippine government agencies, including IPOPHL.

- establish a systematic mechanism for sharing border protection-related intelligence



At the regional level, **IPOPHL** plays a leading role in strengthening IPR protection in representing the Philippines as the chair of the **ASEAN Network of IP Enforcement Experts (ANIEE)**.



Under the Philippine chairmanship, the ANIEE has also engaged with the ASEAN Customs Enforcement Compliance Working Group (CECWG).

- ANIEE Completes Deliverables under the ASEAN IPR Action Plan, Takes on a New Deliverable

Under the chairmanship of the Philippines, the ANIEE has completed all its deliverables under the ASEAN IPR Action Plan 2016-2025, including: 1) a template for the cross-border movement of goods, 2) a template for the cross-border movement of services, 3) a template for the cross-border movement of intellectual property, and 4) a template for the cross-border movement of intellectual property enforcement issues and development. The ANIEE will be taking on the new deliverable on enforcement of intellectual property rights in the ASEAN Member States through the ASEAN Working Group on Intellectual Property Cooperation (AWGIPC). The new deliverable focuses on digital enforcement. This new focus is in addition to the activities under the ANIEE's mandate, Beyond.



Upon the initiation of IPOPHL, the Supreme Court issued the **2020 Special Rules on the Prosecution of Intellectual Property (IP) Cases**, which amended the 2010 version.





Protecting IP on Facebook and Instagram



FACEBOOK

Rights holders learn IP protection best practices on FB, Instagram

IPOP HL | www.ipophil.gov.ph



IPOP HL continuously engages with right holders to help them cope with the new challenges brought about by the digital economy.



The Philippine Approach to Intellectual Property Protection in Digital Trade



Concerned citizens have been very active in reporting possible acts of IP infringement to IPOPHL not only through **emails** but also through **social media** and **sms messages**.

Bilang isang concerned citizen, puwede ka na magreport ng paglabag sa IP rights gaya ng **pamemeke** at **pamimirata**.



Report IP Violations via SMS
0995 022 0522 (Globe)

I-text lamang ang mga sumusunod na impormasyon:

1. **Reklamo** (Paglabag gaya ng pamemeke o pamimirata)
2. **Saan** (Online shop or pisikal na tindahan)
 - Kung online
 - pangalan ng online shop, o kahit na anong impormasyon na mag-uugnay sa online or live seller
 - link or uri nito
 - Kung sa pisikal na tindahan
 - pangalan ng tindahan at address kung saan ito matatagpuan



* Lahat ng detalye kasama na ang identity ng nagreport ay confidential at gagamitin lamang upang i-verify ang mga detalye ng report.

Facebook | Twitter | Instagram | YouTube | IPOPHL | www.ipophil.gov.ph



**REPORT
IP VIOLATIONS**



 operations@ipophil.gov.ph



www.ipophil.gov.ph

IPOPHL partnered with WIPO for the conduct of a nationwide survey that will **assess the level of awareness of consumers on IP.**

WIPO Consumer Survey Toolkit on Respect for IP



“ With this **nationwide survey**, IPOPHL will be able to improve its **IP awareness strategy** and the approach will be based on the findings of this survey.

We will also be able to identify priority areas and make the most out of our resources. This will enable us to **detect the gaps** in our current programs and **address them accordingly.**

”
Atty. Nelson P. Laluces
IPOPHL Deputy Director General
On IPOPHL's partnership with WIPO in conducting a National Survey on IP Awareness

INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES | IPOPHL | www.ipophil.gov.ph



IPOPHL is collaborating with the Trade and Industry Department's Consumer Protection Group to develop awareness campaign.

The screenshot shows a Zoom webinar interface. At the top, it says "Consumer Care Webinar Series: Intellectual Property Rights" and "Recorded Live". The main content area features the DTI Philippines logo and the text "Consumer Care Webinar". Below this, it specifies "Series 102: Intellectual Property Rights" and the date and time "08 June 2021; 10:00AM to 12:00NN". The speaker is identified as "Intellectual Property of the Philippines (IPOPHL) Speaker". The host is listed as "DTI-Consumer Policy and Advocacy Bureau (CPAB) Host". The webinar is accessible "Via ZOOM" and "Consumer Care". At the bottom, there are social media links for DTI Philippines on Facebook, Twitter, Instagram, and YouTube, along with the website "www.dti.gov.ph". A small video feed of the moderator is visible in the top right corner.

IPOPHL will continue to **shape its strategy in response to the needs of right holders** in the ever-evolving digital economy.

An enforcement program not only to benefit right holders, but ultimately to achieve other national goals, namely **consumer protection, public health, fair trade, a sound regulatory foundation** to attract investors and a **robust digital economy** driven by an environment that nurtures **innovation and creativity.**



РОСКОМНАДЗОР

COMBATING ONLINE PIRACY: THE RUSSIAN EXPERIENCE

Mr. Alexey Skryagin

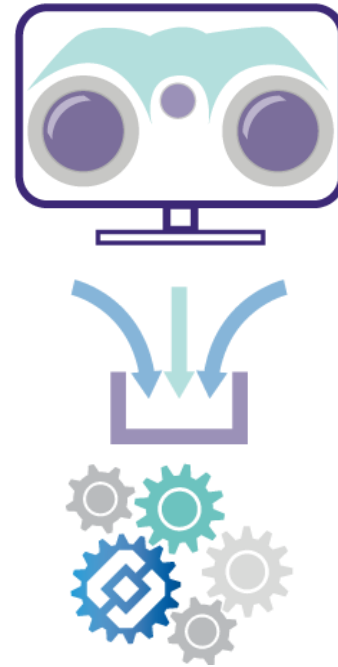
Deputy Head of Digital Communications
Supervision and Control Department of
Roskomnadzor

THE REGISTER OF COPYRIGHT VIOLATORS



**THE FULL SCOPE OF 'ANTI-PIRACY' MECHANISMS
ENVISAGED BY MODERN LEGISLATION ARE
AUTOMATED AND ACT AS A SINGLE ECOSYSTEM –
THE REGISTER OF COPYRIGHT
VIOLATORS**

**THIS IS A LARGE DATABASE THAT CONTAINS ALL
INFORMATION ABOUT THE RESOURCES-VIOLATORS
AND THE OBJECTS UNDER PROTECTION**



CORE MECHANISMS OF LEGAL CONTENT PROTECTION

As established by the Federal Law dated 27.07.2006 No. 149-FZ
'ON INFORMATION, INFORMATION TECHNOLOGIES, AND INFORMATION PROTECTION'



INTERIM MEASURES → INFORMATION WAS DELETED FROM 1.4 MILLION URLS, 135,000 URLS ARE BLOCKED

ACCESS RESTRICTED PERMANENTLY BY COURT ORDER → 1,981 WEBSITES ARE BLOCKED.

EXTRAJUDICIAL ACCESS RESTRICTION TO THE COPIES ('WEB-MIRRORS') OF THE PERMANENTLY BLOCKED WEBSITES IMPLEMENTED BY DECISIONS OF THE MINISTRY OF DIGITAL DEVELOPMENT, COMMUNICATIONS, AND MASS MEDIA → 28,000 WEBSITES ARE BLOCKED

SOFTWARE APPLICATIONS → OUT OF 19 APPLICATIONS, 13 APPS DELETED THE INFORMATION WHILE 6 APPS ARE BLOCKED

THE DELETING OF LINKS TO PERMANENTLY BLOCKED WEBSITES AND THEIR 'WEB-MIRRORS' FROM THE SEARCH ENGINE RESULTS.

THE IMPLEMENTATION OF A NEW MECHANISM BASED ON THE SELF-REGULATION PRINCIPLES AT THE LEGISLATION LEVEL IS PLANNED –
DIRECT INTERACTION BETWEEN THE COPYRIGHT OWNERS AND SEARCH ENGINE OPERATORS



THE INTERACTION OF ROSKOMNADZOR WITH FOREIGN COPYRIGHT OWNERS



380 COURT DECISIONS OF THE MOSCOW
CITY COURT ON THE APPLICATIONS OF GLOBAL
MAJORS



136 – WARNER BROS. ENTERTAINMENT INC

137 – SONY



88 – UNIVERSAL MUSIC GROUP

11 – DISNEY ENTERPRISES INC

AND SO ON



THE INTERACTION WITH SEARCH ENGINE OPERATORS



**SINCE OCTOBER 2017,
SEARCH ENGINE OPERATORS SHOULD DELETE
INFORMATION ABOUT THE RESTRICTED
INTERNET RESOURCES FROM SEARCH
RESULTS**

MEMORANDUM ON THE COLLABORATION IN THE SPHERE OF PROPRIETARY RIGHTS PROTECTION IN DIGITAL ERA



COPYRIGHT OWNERS



SEARCH ENGINES

THE MEMORANDUM WAS SIGNED BY MASS MEDIA INDUSTRY HEAVYWEIGHTS INCLUDING RUSSIAN SEARCH ENGINE SERVICES (NOVEMBER, 2018)

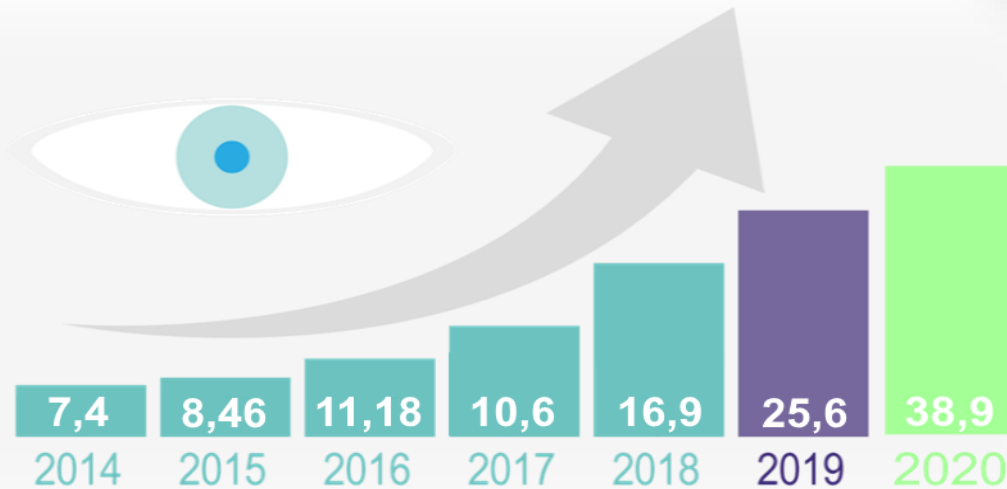
SINCE THE MEMORANDUM WAS SIGNED, 25 MILLION OF LINKS HAVE BEEN DELETED FROM SEARCH RESULTS

AS A FOLLOW-UP TO THE SUCCESSFUL TESTING PROCEDURES, THE CORRESPONDING BILL IS READY AND IS BEING CONSIDERED BY THE STATE DUMA

HOW THE COPYRIGHT PROTECTION MECHANISM AFFECTS THE STATE OF RUSSIAN MEDIA SEGMENTS



RUSSIAN MARKET OF LEGAL VIDEO SERVICES (billion ₺., 2014 - 2020 гг.)




Source:
J'son & Partners Consulting



BOX OFFICE OF RUSSIAN MOVIES
SURPASSED **₺22,8** BILLION,

NET AUDIENCE SURPASSED **88,7** MILLION OF VISITORS

PARTICIPATION IN COMBATING ONLINE PIRACY AT THE INTERNATIONAL LEVEL



ON SEPT. 21, 2020, A MEMORANDUM OF UNDERSTANDING WAS SIGNED BETWEEN ROSKOMNADZOR AND WIPO IN ORDER TO CONTRIBUTE INFORMATION ON COPYRIGHT-INFRINGEMENTING SITES TO THE WIPO ALERT DATABASE.

ROSKOMNADZOR FEEDS INTO THE DATABASE THE RESOURCES RESTRICTED IN ACCORDANCE WITH ARTICLE 15.6 OF FEDERAL LAW NO. 149-FZ. **1,981 DOMAIN NAMES** HAVE BEEN INCLUDED IN THE DATABASE SO FAR.



THANK YOU FOR YOUR ATTENTION!





РОСКОМНАДЗОР

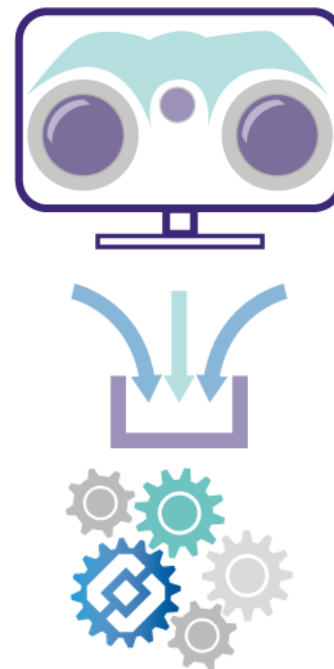
ОПЫТ РОССИЙСКОЙ ФЕДЕРАЦИИ В БОРЬБЕ С РАСПРОСТРАНЕНИЕМ ПИРАТСКОГО КОНТЕНТА В ИНТЕРНЕТЕ

Г-н Алексей Скрягин
Заместитель руководителя
Управления надзора и контроля в сфере
цифровой связи Роскомнадзора



ВСЕ «АНТИПИРАТСКИЕ» МЕХАНИЗМЫ,
ПРЕДУСМОТРЕННЫЕ ТЕКУЩИМ
ЗАКОНОДАТЕЛЬСТВОМ, АВТОМАТИЗИРОВАНЫ
И ПРЕДСТАВЛЯЮТ СОБОЙ ЕДИНУЮ ЭКОСИСТЕМУ—
РЕЕСТР НАРУШИТЕЛЕЙ
АВТОРСКИХ ПРАВ

ЭТО ОГРОМНАЯ БАЗА ДАННЫХ,
ВКЛЮЧАЮЩАЯ ПОЛНУЮ ИНФОРМАЦИЮ
ПО ВНЕСЕННЫМ В НЕЕ ИНТЕРНЕТ-РЕСУРСАМ
И ЗАЩИЩАЕМЫМ ОБЪЕКТАМ
АВТОРСКИХ ПРАВ



ОСНОВНЫЕ МЕХАНИЗМЫ ЗАЩИТЫ ЛЕГАЛЬНОГО КОНТЕНТА

Регламентируются Федеральным законом от 27 июля 2006 года № 149-ФЗ
«ОБ ИНФОРМАЦИИ, ИНФОРМАЦИОННЫХ ТЕХНОЛОГИЯХ И О ЗАЩИТЕ ИНФОРМАЦИИ»



ПРЕДВАРИТЕЛЬНЫЕ ОБЕСПЕЧИТЕЛЬНЫЕ МЕРЫ → ИНФОРМАЦИЯ УДАЛЕНА НА 1.4 МЛН. ИНТЕРНЕТ-ССЫЛОК,
БЛОКИРУЕТСЯ 135 ТЫС. ИНТЕРНЕТ-ССЫЛОК

ПОСТОЯННАЯ БЛОКИРОВКА ПО РЕШЕНИЮ СУДОВ → БЛОКИРУЕТСЯ САЙТОВ – 1 981.

ВНЕСУДЕБНАЯ БЛОКИРОВКА КОПИЙ («ВЕБ-ЗЕРКАЛ») ПОСТОЯННО ЗАБЛОКИРОВАННЫХ САЙТОВ,
ОСУЩЕСТВЛЯЕМАЯ ПО РЕШЕНИЮ МИНИСТЕРСТВА ЦИФРОВОГО РАЗВИТИЯ, СВЯЗИ И МАССОВЫХ
КОММУНИКАЦИЙ РФ → БЛОКИРУЕТСЯ САЙТОВ – 28 ТЫС.

ПРОГРАММНЫЕ ПРИЛОЖЕНИЯ → ПОСТУПИЛО 19 ПРИЛОЖЕНИЙ, В 11 ИНФОРМАЦИЯ УДАЛЕНА, 6 ЗАБЛОКИРОВАНЫ, 2 ОТМЕНЕНЫ

УДАЛЕНИЕ ССЫЛОК НА ПОСТОЯННО ЗАБЛОКИРОВАННЫЕ САЙТЫ И ИХ «ВЕБ-ЗЕРКАЛА» ИЗ ПОИСКОВОЙ
ВЫДАЧИ.

ПЛАНИРУЕТСЯ ВВЕДЕНИЕ НА ЗАКОНОДАТЕЛЬНОМ УРОВНЕ МЕХАНИЗМА, ОСНОВАННОГО НА
ПРИНЦИПАХ ОТРАСЛЕВОГО САМОРЕГУЛИРОВАНИЯ –
ПРЯМОЕ ВЗАИМОДЕЙСТВИЕ ПРАВООБЛАДАТЕЛЕЙ И ОПЕРАТОРОВ
ПОИСКОВЫХ СИСТЕМ



ВЗАИМОДЕЙСТВИЕ РОСКОННАДЗОРА С ЗАРУБЕЖНЫМИ ПРАВООБЛАДАТЕЛЯМИ



380 ОПРЕДЕЛЕНИЙ

МОСГОРСУДА ПО ЗАЯВЛЕНИЯМ ГЛОБАЛЬНЫХ МЕЙДЖОРОВ:



136 – WARNER BROS. ENTERTAINMENT INC

137 – SONY



88 – UNIVERSAL MUSIC GROUP

11 – DISNEY ENTERPRISES INC

И Т.Д.



С ОКТЯБРЯ 2017 Г. НА ОПЕРАТОРОВ
ПОИСКОВЫХ СИСТЕМ ВОЗЛОЖЕНА
ОБЯЗАННОСТЬ ПО УДАЛЕНИЮ
ИЗ РЕЗУЛЬТАТОВ ПОИСКОВОЙ ВЫДАЧИ
СВЕДЕНИЙ ОБ ИНТЕРНЕТ-РЕСУРСАХ,
ДОСТУП К КОТОРЫМ ОГРАНИЧЕН
НА ПОСТОЯННОЙ ОСНОВЕ,
И ИХ «ВЕБ-ЗЕРКАЛАМ»

МЕМОРАНДУМ О СОТРУДНИЧЕСТВЕ В СФЕРЕ ОХРАНЫ ИСКЛЮЧИТЕЛЬНЫХ ПРАВ В ЭПОХУ РАЗВИТИЯ ЦИФРОВЫХ ТЕХНОЛОГИЙ



правообладатели



поисковые сервисы

**МЕМОРАНДУМ ПОДПИСАН КРУПНЕЙШИМИ ИГРОКАМИ МЕДИАИНДУСТРИИ,
ВКЛЮЧАЯ РОССИЙСКИЕ ПОИСКОВЫЕ СЕРВИСЫ (11.2018)**

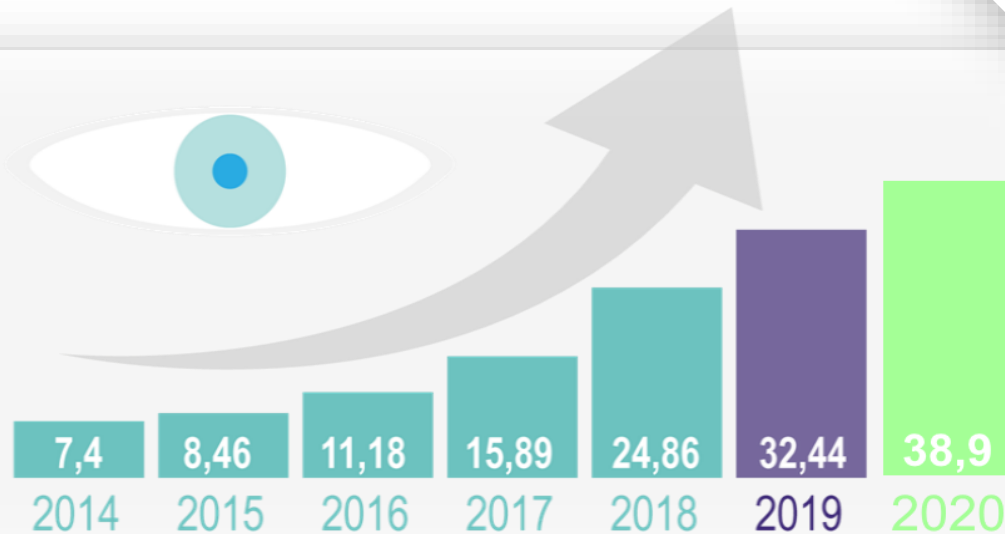
**С НАЧАЛА ДЕЙСТВИЯ МЕМОРАНДУМА ИЗ ПОИСКОВОЙ ВЫДАЧИ
УДАЛЕНО 25 МЛН ССЫЛОК НА ПИРАТСКИЙ КОНТЕНТ**

**ПО ИТОГАМ УСПЕШНОГО ТЕСТИРОВАНИЯ ПОДГОТОВЛЕН И В НАСТОЯЩЕЕ ВРЕМЯ
РАССМАТРИВАЕТСЯ В ГОСДУМЕ СООТВЕТСТВУЮЩИЙ ЗАКОНОПРОЕКТ**

ВЛИЯНИЕ МЕХАНИЗМА ЗАЩИТЫ АВТОРСКИХ ПРАВ НА СОСТОЯНИЕ РОССИЙСКИХ МЕДИА-ОТРАСЛЕЙ



РОССИЙСКИЙ РЫНОК
ЛЕГАЛЬНЫХ ВИДЕОСЕРВИСОВ
(МЛРД РУБ., 2014 - 2020 гг.)



Источник:
J'son & Partners Consulting



КАССОВЫЕ СБОРЫ РОССИЙСКОГО КИНО
ПРЕВЫСИЛИ **22,8** МЛРД РУБЛЕЙ,

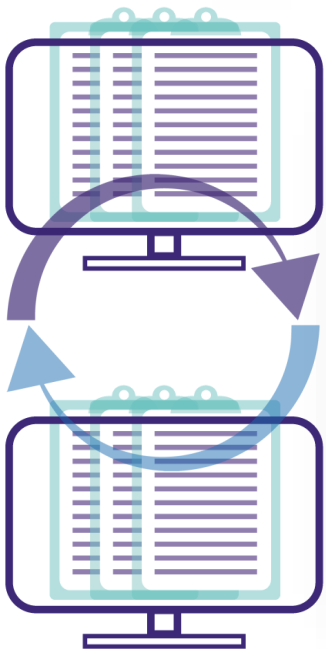
СОВОКУПНАЯ ПОСЕЩАЕМОСТЬ – **88,7** МЛН ЗРИТЕЛЕЙ

УЧАСТИЕ В БОРЬБЕ С ОНЛАЙН-ПИРАТСТВОМ НА МЕЖДУНАРОДНОМ УРОВНЕ



21 СЕНТЯБРЯ 2020 ГОДА МЕЖДУ РОСКОМНАДЗОРОМ И ВСЕМИРНОЙ ОРГАНИЗАЦИЕЙ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ ПОДПИСАН МЕМОРАНДУМ О ВЗАИМОПОНИМАНИИ В ЦЕЛЯХ ПРЕДОСТАВЛЕНИЯ ИНФОРМАЦИИ В БАЗУ ДАННЫХ WIPO ALERT.

СО СТОРОНЫ РОСКОМНАДЗОРА В БАЗУ ДАННЫХ ВНОСЯТСЯ РЕСУРСЫ, ДОСТУП К КОТОРЫМ ОГРАНИЧЕН В СООТВЕТСТВИИ СО СТАТЬЕЙ 15.6 ФЕДЕРАЛЬНОГО ЗАКОНА №149-ФЗ. УЖЕ ВНЕСЕНО **1981 ДОМЕННОЕ ИМЯ.**



СПАСИБО ЗА ВНИМАНИЕ!



COMPANIES AND INTELLECTUAL PROPERTY COMMISSION



Companies and Intellectual
Property Commission

a member of **the dtic** group

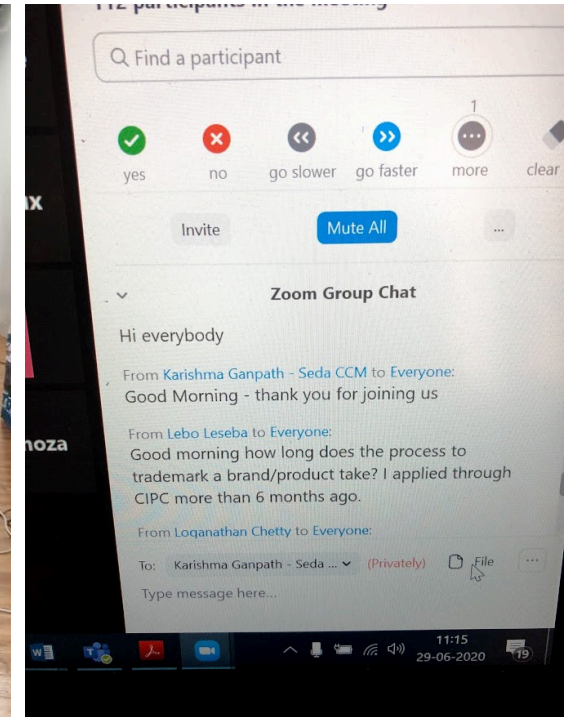
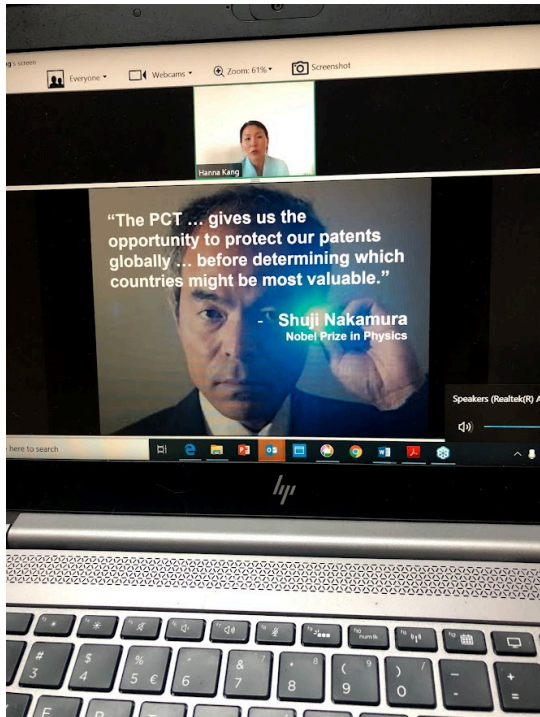
Copyright and IP Enforcement

Ms Amanda Lotheringen



ADVISORY COMMITTEE ON ENFORCEMENT ONLINE DIALOGUE SEPTEMBER 21, 2021

USING THE INTERNET TO SUPPORT EFFECTIVE INTELLECTUAL
PROPERTY ENFORCEMENT – FREEING UP CAPACITY, BOOSTING
COLLABORATION AND EXTENDING THE REACH OF EDUCATION
AND AWARENESS ACTIVITIES



LEARNING NEWS WAYS TO UTILISE THE INTERNET

1. Introduction
2. Challenges posed by the Internet in the fight against fakes
3. Adapt or be left behind – Using the Internet to Support Effective Enforcement of Intellectual Property Rights
 - a) The Impact of the Internet on Collaboration
 - b) International Exchange and Collaboration
 - c) Coordination of Enforcement Operations
 - d) Training and Capacity Building on the Internet
 - e) Social Media Driven Awareness Campaigns on Respect for Intellectual Property
4. Conclusion

INTRODUCTION

- The protection of intellectual property rights (IPRs) is critical for brand protection and is a key driver in aligning the actions to enforce IPRs taken by authorities, IPR holders and other relevant stakeholders.
- The Internet has been a source of great concern for public authorities when it comes to enforcing IPRs. Many countries face the challenge of adopting new ways of combatting online piracy and counterfeiting.
- Yet, despite the challenges posed by the digital environment in enforcing IPRs, the Internet also presents an effective tool to combat IPR infringements:
 - Freeing up capacity,
 - Facilitating collaboration among enforcement officials and
 - Advancing awareness-raising activities.
- The Companies and Intellectual Property Commission (CIPC) plays a key role in the fight against counterfeits through various frontline activities.
- The COVID-19 pandemic forced us to relook at how we did things.

COVID-19 PANDEMIC HIT SOUTH AFRICA IN MARCH 2020

- The world changed as we know it.
- The pandemic changed the way of working for professionals combatting illicit trade, in particular trade in counterfeit goods.
- Although times are tough, the impact of COVID-19 has led to closer collaboration amongst various actors in support of the fight against counterfeit goods.
- Benefits of using Internet-based technology to combat online piracy and counterfeiting:
 - boost inter-agency cooperation,
 - enhance training and capacity building and
 - increase the reach of education and awareness-raising activities.

CHALLENGES POSED BY THE INTERNET IN THE FIGHT AGAINST FAKES

- Internet piracy and the sale of counterfeit goods online is nothing new. Indeed, in recent years, e-commerce platforms have become the new marketplace.
- Illicit online pharmacies pose big threats to public health.
- Copyright piracy is the most difficult and changing behavior. Only education has proved to be effective to curb the increasing wave of infringing material.

CHALLENGES POSED BY THE INTERNET IN THE FIGHT AGAINST FAKES (CONT)

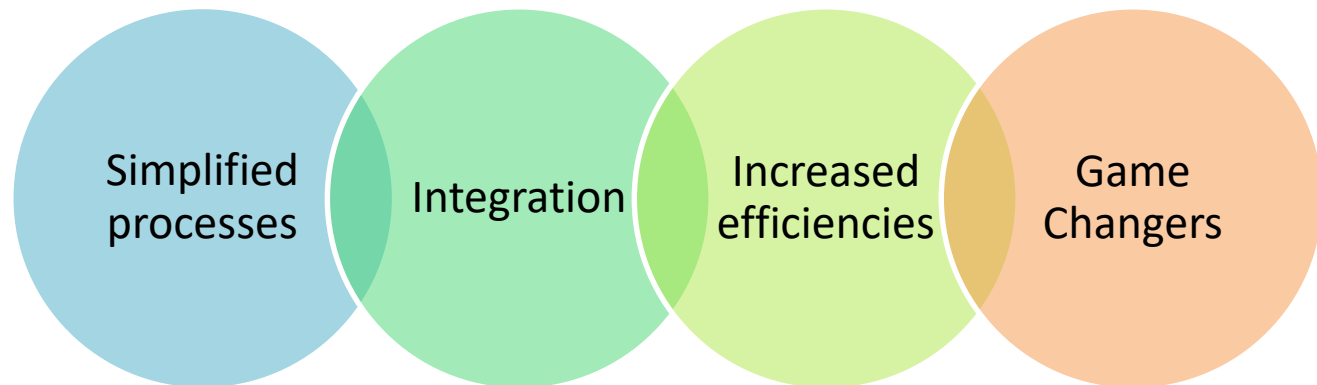
- Rights holders and intermediaries apply self-imposed codes of conduct.
- Some of these codes even call for filtering and monitoring of potentially infringing content.
- All over the world, Internet access providers and other online intermediaries are committing themselves, or are being compelled to commit themselves, to such self-regulatory mechanisms that aim to provide pragmatic solutions to the massive problem of Internet-based IPR infringement.
- IPRs are, in essence, territorial and governed by national laws. However, infringing goods are traded across borders via the Internet with very little recourse.
- What can counter this massive dilemma to enforce IPRs? National governments tend to applaud, or even foster, the above-mentioned self-regulatory solutions, but what other possible solutions are there?
- What could they look like and how can we optimize their benefits?

ADAPT OR BE LEFT BEHIND – USING THE INTERNET TO SUPPORT EFFECTIVE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

- International collaboration among like-minded individuals has been passionately advocated by many in the developing world.
- A recent study concluded that Internet use, as measured by time spent on e-mail, is positively associated with collaboration.

COLLABORATION PARTNERSHIPS

- Partnerships with **all core partners** are beneficial as they:
 - provide for simplified processes;
 - integrate multiple services through innovative collaboration;
 - increase efficiencies; and
 - introduce services in completely new ways that benefit all parties concerned.



INTERNATIONAL EXCHANGE AND COLLABORATION

- During the COVID-19 crisis, law enforcement officials found themselves able to connect with counterparts on all continents by making use of the vast new world of online platforms.
- Connecting with like-minded individuals through videoconferencing platforms supported a new way of collaboration that brought together law enforcement partners and stakeholders from different continents and cultures through a spectrum of technologies, producing a mix of knowledge, skills and solutions.
- Opportunities that previously came at a very high cost in terms of time and financial resources became available at a fraction of the cost and effort. This had the added benefit of freeing up resources and allowed enforcement officials to focus on operational successes.

INTERNATIONAL EXCHANGE AND COLLABORATION

- The CIPC's IP enforcement unit's collaboration at the global level continued to intensify, and opportunities to partake in discussions, including with neighboring African countries, and share lessons learned in South Africa increased, which, in turn, enhanced the enforcement of IPRs.
 - Meetings included the International Criminal Police Organization (INTERPOL) that brought together industry groups representing the pharmaceutical, fast-moving consumer goods, tobacco and liquor industries.
 - A webinar that highlighted the importance of the South African Government's crisis policy in relation to the total ban of liquor and its impact on illicit and counterfeit trade. During this webinar, the lessons learned by South Africa during the pandemic were shared with the rest of the world. Showcasing the work carried out in this area and the commitment of the Government to support IPR owners also ultimately contributes to increased investment into the country.
 - International collaboration through online platforms also makes it easy to identify trends across the global enforcement communities. For instance, a clear shift could be observed in the focus of enforcement officials across the African continent, with priorities moving away from merely confiscating commodities (goods) to detecting and following those most closely involved in IP crime. Information sharing with this goal has allowed the targeting of the kingpins of organized crime rings, which drive counterfeit goods.
- Added benefits are that all these sessions are recorded and in most cases made available to refer back to or watch on demand.

COLLABORATION AND EXCHANGE OF INFORMATION

2021 International Law Enforcement IP Crime Conference

Conference Webinar:
Digital Piracy as Organized Crime
24 February 2021 | 15:00 CET



Session 4:

IP Enforcement in West Africa

March 18th, 2021.

WIPO

INTERNATIONAL SEMINAR ON HARNESSING PUBLIC RESEARCH FOR INNOVATION IN THE TIME OF COVID-19 AND BEYOND - THE ROLE OF INTELLECTUAL PROPERTY POLICIES

Speaker: **Hu Zhilan**
President, Chinese Academy of Science and Technology (CAST)

Participant: **Fernanda De Negri (IPEA)**



Cisco Webex Meetings | Hide menu bar

File Edit Share View Audio Participant Meeting Help

Viewing Simon MUSORA...

AIMS OF THE OPERATION

- The aims are,
- Protect public health
- Prevent trafficking in counterfeit foodstuff beverages;
- Improve practical co-operation between national law enforcement agencies, food a

Zoom Meeting

Attendee: **Amanda Loheringen**

Q&A

Multimedia Viewer

Marius Schneider

Amanda Loheringen

THE "ARGUS"

Infringing Sites

KCOPA
KOREA COPYRIGHT PROTECTION AGENCY

Flags of: USA, South Africa, Denmark, Singapore, Vietnam, South Korea, China, India, and others.

COORDINATION OF ENFORCEMENT OPERATIONS

- INTERPOL Operations/ Feedback sessions for OPSON IX and OPSON X took place during the pandemic.
- Chat services, for example, made it possible to easily share pictures of allegedly illicit goods and seek advice from colleagues.
- In addition, online conferencing services allowed partners to come together and new alliances to form. Working with right holders in the virtual space to support law enforcement agents in enforcing IPRs delivered tangible results that contributed to right holders' profit margins.
- Online meetings brought counterparts from across the African continent into each other's workspaces with a click of a button. Sharing operational challenges and successes on a weekly basis contributed to the sense of being part of a bigger global enforcement community, functioning as one. This quickly became the new daily reality.
- Internet-based technology is also being used to unify record-keeping practices across enforcement agencies in South Africa. Due to a lack of accurate IP seizure data, it is difficult to determine the exact cost that IP infringements have on the South African economy. To address this, the CIPC is well on the way to developing a new mobile phone application named Accurate Justifiable Stats (AJS). The application will provide accurate statistical information and thus show the impact of counterfeiting. This, in turn, will contribute greatly to the ability of officials to press for more resources for IP enforcement activities.



Henrie Lust (Guest)



youngs mapenzi



TRAINING AND CAPACITY BUILDING ON THE INTERNET

Targeting user groups with relevant information became so much easier. Building accurate databases through registration processes facilitated future contact and sharing of information.

Target audiences included:

- small, medium and micro-sized enterprises (SMMEs) and
- creatives and students active in various industries through projects that focus on promoting and protecting South Africa's competitive advantage through the nation's innovative economy.

All these initiatives had to be moved to virtual platforms and **the new format of a “webshop”, i.e., a workshop on the web, was born.** Soon enough, “webshop” sessions began being recorded and could be accessed on demand.

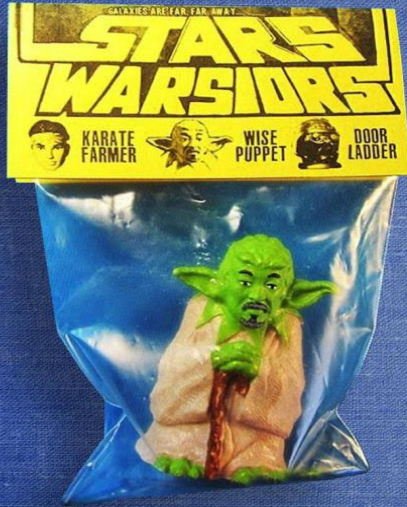
Hosting training sessions in hybrid format also increased their reach, and an effective use of Internet platforms facilitated a cross-pollination of skills. Physical and virtual participants commented on the value of such hybrid sessions.

Another key objective of the CIPC is to train all enforcement officials responsible for IPR actions on the relevant legislation, namely the Counterfeit Goods Act, No. 37 of 1997. During the pandemic, more than ever, providing support to frontline officers was a challenge, and new ways of achieving this objective were required. **Making use of enforcement groups via chat services with right holders also on board overcame the challenge.**

AWARENESS CAMPAIGNS ON RESPECT FOR INTELLECTUAL PROPERTY

- <https://tinyurl.com/News24Link>
- <https://tinyurl.com/StopillegalSilver>

SOCIAL MEDIA DRIVEN AWARENESS CAMPAIGNS ON RESPECT FOR INTELLECTUAL PROPERTY



**SUPPORT
NOT THE
CRIME
YOU
MUST.**

Do not produce packaging material for counterfeit organisations. Check cipc.co.za to ensure the correct trademark owners are producing packaging with you.



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REPUBLIC OF SOUTH AFRICA



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ITAC
International Trade Administration Centre



SARS
At Your Service

Report illegal imported goods **0861 843 384** or **0800 00 2870**



**DON'T RISK
YOUR HEALTH**

Criminals are selling many items that could be **dangerous** to your health.

Ensure you are purchasing PPE equipment from a reputable source.

Only purchase the **COVID-19 vaccine** or **PPE** from **pharmacies** or **national healthcare approved facilities**.



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**STEP OUT.
DON'T
STEP IN IT.**

Purchasing counterfeit goods supports criminal activity. Just don't do it.



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SOUTH AFRICAN LESSONS LEARNED FROM PANDEMIC

- Ministry's are working to improve coordination, consultation, and joint impact assessment of proposed laws.
- Virtual platforms allow for excellent cooperation - meetings can happen more often.
- Networking is easier, and information to follow the source is obtained.
- Sharing updated information on social media platforms is cost effective and fast.

IN CONCLUSION

- In no small measure, all of us contribute to the economic development and growth of our respective countries, by combating the dealing in counterfeit and illicit goods, **directly as an inspector, industry stakeholder** or as a consumer, we all **assist in this great task.**
- Obviously the loss of income results in job losses, which results in the loss of taxes, thus further burdening the social-economic challenges of not only South Africa but the world.
- Measures to deal with illicit trade are an integral part of government's attempts to create a predictable and stable economic environment.

THE LAST WORD

- This pandemic has brought unprecedented challenges that require collaborative solutions — together with all our partners we will find the right path.
- Thank you!

IN CONCLUSION

"It always seems impossible until it's done."

Nelson Mandela



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Property Commission

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THANK YOU
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