

Advisory Committee on Enforcement

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ENFORCEMENT REGIMES: NATIONAL FRAMEWORKS AND INTERNATIONAL COLLABORATIONS

Contributions prepared by Ireland, Japan, Switzerland, Republic of Korea, China, Germany and Peru

1. At the sixteenth session of the Advisory Committee on Enforcement (ACE), held from January 31 to February 2, 2024, the Committee agreed to consider, at its seventeenth session, among other topics, the “exchange of information on national experiences relating to institutional arrangements concerning IP enforcement policies and regimes, including mechanisms to resolve IP disputes in a balanced, holistic and effective manner”. Within this framework, this document introduces the contributions of seven Member States on national and international efforts undertaken to strengthen enforcement regimes related to intellectual property rights (IPRs).
2. Ireland’s contribution describes the role of Ireland's National Intellectual Property Crime Unit in pursuing members of transnational organized crime groups responsible for committing intellectual property offenses, paying particular attention to their monetary and tangible assets gained through illicit activities. It provides some practical examples of exchange of information between law enforcement authorities and other stakeholders which ensured the success of the investigations.
3. Japan’s contribution highlights the widespread problem of online piracy affecting Japanese creative content globally, and how the Government of Japan ensures coordinated efforts between and among ministries to deal with this issue, including formulating a comprehensive plan to combat piracy. The contribution further highlights challenges in addressing cross-border copyright infringement and advocates for stronger international cooperation.

4. Switzerland's contribution describes the challenges faced by Swiss customs authorities due to the rise of counterfeit goods entering the country through small consignments, specifically how these shipments increase the workload of the customs authorities, as well as the burden they impose on right holders. The contribution highlights new legislation that introduces a simplified procedure for destroying counterfeit goods shipped in small consignments and delegates certain administrative functions to the Swiss Federal Institute of Intellectual Property.

5. The contribution from the Republic of Korea highlights the challenges posed by the widespread use of digital platforms, combined with increased cross-border trade and the jurisdictional issues associated with enforcing intellectual property rights across borders. It describes the efforts of the Korean Intellectual Property Office (KIPO) in addressing these challenges through strategic international cooperation, intelligence-sharing, and effective border measures. The contribution also describes recent achievements in IP enforcement in the Republic of Korea.

6. China's contribution describes the work of its market regulatory authority in the area of IP enforcement. It explains how China has established a distinctive dual-track approach for enforcement of IP, consisting of administrative and criminal mechanisms. It also highlights the achievements of the State Administration for Market Regulation (SAMR) in strengthening administrative enforcement of IP, and how SAMR and the China National Intellectual Property Administration (CNIPA) work together in the field of IP protection and enforcement, with distinct responsibilities.

7. Germany's contribution examines the impact of the COVID-19 crisis on IPR infringements, using data from German customs authorities to highlight a significant decline in detentions of counterfeit goods at German borders post- COVID-19. It cites a study from The Machinery and Equipment Manufacturers Association (VDMA) s to reinforce the observation that product counterfeiting has declined in the post-COVID-19 period.

8. Peru's contribution describes the efforts of the Copyright Directorate of INDECOPI in ensuring the protection of copyright and related rights, including domestic and international collaboration with public and private sector stakeholders. The efforts include establishing a National Commission to Combat Customs Crimes and Piracy, and collaboration with the Spanish Soccer League (LaLiga), the International Federation of the Phonographic Industry, online marketplaces, WIPO and the European Union Intellectual Property Office. It also explains in detail the positive impact of the above strategic partnerships and their role in addressing IPR violations, particularly in an increasingly digital world.

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[Contributions follow]

FOLLOW THE MONEY AND ORGANIZED CRIME

*Contribution prepared by Detective Sergeant Robert Madden, National Intellectual Property Crime Unit (NIPCU), Garda National Bureau of Criminal Investigation, Dublin, Ireland**

ABSTRACT

It is well recognized that transnational organized crime groups are now heavily involved in intellectual property crime. The focus of the National Intellectual Property Crime Unit in Ireland is to pursue these individuals, paying particular attention to both their monetary and tangible assets gained through illicit activities. In order for law enforcement authorities to be successful in their pursuit of justice, they must receive adequate training and know-how to acquire and share information in a timely manner with international stakeholders, including other law enforcement authorities as well as the private sector. This contribution highlights some practical examples of how information is exchanged and examines investigative mechanisms adopted to resolve complex matters.

I. THE CASE

1. The National Intellectual Property Crime Unit (NIPCU) in Ireland¹ has oversight of the strategies to combat intellectual property (IP) crime throughout the country and is responsible for implementation of measures against IP crime. During the COVID-19 pandemic, NIPCU reviewed cases that had concluded before the criminal courts of justice in Ireland. The review was undertaken because, at the time, the management of the unit was undergoing a transition, introducing a new approach and structural reorganization.
2. Like in most jurisdictions, there is a hierarchal structure in the court systems. NIPCU focused on the Circuit Court, which is recognized as the higher court and typically administers custodial sentences for an array of serious crimes. NIPCU focused on identifying sentences imposed for breach of copyright and for trademark offences over a three-year period. These were the most common offences related to breach of IP rights.
3. However, the review pointed to the fact that the highest sentence imposed for these offences was a suspended sentence, despite many cases being successfully prosecuted. Sentencing in Ireland is governed by the Judicial Council, so there are some restrictions placed on the length of custodial sentences for breaches of the Copyright and Trademark Act.
4. The serious cases of breaches of IP rights that appeared before the courts incur time, money and resources. From the above findings, it is NIPCU's view that there is no deterrent for the bad actors to cease operating in this illicit space. For instance, cases brought before the courts often resulted in what can be considered low or weak sentences, such as probation being granted to a defendant with multiple prior convictions for trademark-related offences. This reflects the broader challenge of ensuring that penalties effectively discourage repeat violations in this area.
5. In Ireland, the Garda Síochána (Irish Police) have full autonomy on the direction of a criminal investigation. The first juncture of input from a lawyer is when the investigation file is

* The views expressed in this document are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.

¹ <https://www.garda.ie/en/about-us/organised-serious-crime/garda-national-bureau-of-criminal-investigation/>.

submitted to the Director of Public Prosecutions. This can differ in other jurisdictions where lawyers or judges are assigned when an investigation is in its initial stages. The role of the Director of Public Prosecutions is to review the evidence and the methodology of the investigation and decide on the most appropriate criminal offence for which the suspect is to be prosecuted.

6. In order to overcome what NIPCU believes are the shortcomings in the sentencing of perpetrators of IP crimes, a decision was taken in consultation with the Director of Public Prosecution to invoke provisions of the Criminal Justice Act 2006 and the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 against offenders in the area of organized crime. This approach prioritizes a "Follow the Money" strategy aimed at dismantling organized crime groups involved in such activities. Under this framework, offences related to money laundering and organized crime, which carry substantial sentences, are emphasized.

7. Like most law enforcement authorities around the world, NIPCU recognized the advancements in technology being utilized by criminals in committing IP crime. The European Union Intellectual Property Office (EUIPO) and Europol, in their joint report², identified that high level criminals have transnational links and are part of international organized crime groups. The use of the dark web, the abuse of Artificial Intelligence (AI), Virtual Private Networks (VPNs) and passage of illicit funds through payment processors and cryptocurrency are new and challenging issues. It is imperative that our investigators are upskilled in this area to acquire the necessary information from the relevant institutions.

8. In 2024, NIPCU designed and executed a two-day training program in conjunction with EUIPO in Kilkenny, Ireland. The course focused on 'Follow the Money and Organized Crime' and was attended by experienced investigators from 12 European Union countries, members from our own organization and the private sector. We identified the need for collaboration with the private sector and the safe passage of information that can be used in judicial processes. We explored how law enforcement authorities are using cryptocurrency and software to extract the required evidence. Guest speakers from Chainalysis³ a software program used by law enforcement to investigate cryptocurrency platforms and trace financial transactions, delivered lectures on its applications. Additionally, participants were educated on techniques for freezing money in financial institutions and seizing assets derived from the proceeds of crime.

II. THE OPERATIONS

9. The below examples showcase two investigations where information exchange was key to securing evidence.

A. OPERATION TRINOMIAL

10. The focus of Operation Trinomial was on an organized crime group based in the West of Ireland. This group is active in the sale and supply of illicit drugs. They have disputes with a familial gang based in Galway, which has resulted in numerous arson attacks, stabbings and shootings. Due to their elusive nature, it was proving difficult to dismantle the group for the aforementioned crime. The Garda National Bureau of Criminal Investigation was requested to review and assist with the investigation.

² Europol and European Union Intellectual Property Office. Joint report on *Uncovering the Ecosystem of Intellectual Property Crime: A Focus on Enablers*. 2024. Web, Dec. 11, 2024.

³ <https://www.chainalysis.com/>.

11. A criminal asset profile of suspects was initiated and revealed that a significant source of income was from Internet protocol television (IPTV). It was identified that the suspects were using cryptocurrency. Due to the volatile nature of the crime gang characterized by escalating and increasingly devious actions that raised fears for potential loss of life, the search operation was time sensitive, requiring intervention from Garda and therefore many enquires had to be expedited. In the process, we became aware of €530,000 in a cryptocurrency account with Nexo⁴, which is a wealth creation platform for digital assets, in Bulgaria.

12. In order to freeze the account on short notice, we utilized the 24/7 Network, which is a “tool for expedited international cooperation on cybercrime and electronic evidence”⁵. In practice, most 24/7 network contact points are attached to specialized police or prosecution services for cybercrime. We received a notification that the holding funds were in a subsidiary cryptocurrency exchange located in the Caymen Islands. The 24/7 tool didn’t allow for this provision and therefore, through a network of international colleagues, we contacted a local financial investigator in the Royal Caymen Islands Police Service. We were instructed to furnish a criminality report to the investigator concerning the cryptocurrency with a view to temporarily freezing the funds on the day of the search operation, pending a Mutual Assistance request. Mutual Legal Assistance Treaty (MLAT) is an agreement between two or more countries for the purpose of gathering and exchanging information in an effort to enforce public or criminal laws.

13. During the course of the search operation, a pin code was requested from the suspect for a mobile device, which is a standard procedure in such investigative tasks. Once this pin code was entered onsite the mobile device erased all data. As the search continued, to circumvent further deletion of data both onsite and remotely, the forensic investigator was instructed to leave the search with a second seized mobile device. The investigator was then tasked with starting a forensic download using the Cellebrite forensic examination kit. This kit typically includes a laptop or desktop dedicated solely to Cellebrite examinations, equipped with specialized software for forensic data analysis. A short while later we were informed that once the mobile device connected to the Cellebrite forensic examination kit, the device started to erase all data.

14. A minimal data download was successfully retrieved from the mobile device. Subsequent analysis confirmed that a security feature known as ‘Stellar Security’ was activated once a brute-force download attempt was initiated using the forensic examination kit. ‘Stellar Security’ is a paid application commonly employed by criminals to prevent data extraction by law enforcement. This security measure is designed to hinder forensic investigations by rendering data inaccessible during the examination process.

15. This issue was brought to the attention of our organization and Europol, and efforts were initiated to find a mechanism to resolve this matter and prevent it from reoccurring. High-level meetings have taken place between law enforcement and private sector stakeholders who supply forensic software for such interrogation of devices.

16. The uncovering of IPTV has led to further evidence of the crime in Spain. A JIT (Joint Investigation Team) is now being put in place. A JIT is one of the most advanced tools used in international cooperation in criminal matters, comprising a legal agreement between competent authorities of two or more states for the purpose of carrying out a criminal investigation. The JIT is made up of prosecutors, law enforcement authorities as well as judges. JITs are established

⁴ <https://nexo.com/>.

⁵ Council of Europe, “The 24/7 Network established under the Convention on Cybercrime (known as the Budapest Convention).” *Council of Europe*. Web. Dec. 11, 2024.

for a fixed period, typically a period of 12 to 24 months is necessary to ensure a successful conclusion of the investigation”⁶.

17. The search operation resulted in a financial loss of €1.2 million to the Organized Crime Group (OCG). Two bank accounts – one in Ireland and the other in the Caymen Islands were frozen as a result of the operation, involving a total of €995,000. One of the accounts held €530,000 in crypto currency, while the other contained €465,000 in cash. During a house search, €75,000 in cash was also seized, along with three high-end vehicles.

B. OPERATION SHRIKE

18. This operation targeted a transnational organized crime gang that deceived Apple of €9,700,000 by using counterfeit Apple iPhones. This crime occurred in Ireland. The network of criminals involved had developed high-level counterfeiting capabilities in warranty iPhones and submitted them for replacement via an Apple-authorized service provider.

19. Apple have categorized it as the largest counterfeit fraud perpetrated on them in Europe.

20. Significant resources and international cooperation were required to commit this crime. NIPCU set up a working group through Europol, which provided us with funding and further access to expertise to assist with the investigation. Communication with other police forces regarding the investigation was facilitated through the Secure Information Exchange Network Application (SIENA), which is a state-of-the-art platform that meets the communication needs of EU law enforcement. The platform enables swift and user-friendly exchange of operational and strategic crime related information among Europol’s liaison officers, analysts and experts. We also liaised with INTERPOL on the investigation.

21. We made arrests under organized crime legislations which allow us to detain suspects for up to seven days. The main suspect has been charged and remanded in prison pending the criminal trial.

22. Apple, as the injured party in the case, also provided expert forensic evidence. This requires careful management and relevant court orders are required for the passage of information.

23. As part of the investigation, fourteen bank accounts have been frozen and a significant sum of cash seized, along with a number of Rolex watches. Several properties purchased by the suspect are under investigation and we are in discussion with the Criminal Assets Bureau. Under the Proceeds of Crime Act, 1996 to 2016 the Bureau can freeze and seize those assets which it can prove to the High Court are the proceeds of criminal conduct. This is done on the civil standard of proof, which is known internationally as “non-conviction-based forfeiture”.

III. CONCLUSION

24. Ever since adopting the ‘Follow the Money’ technique in IP Crime investigations in Ireland, the results have significantly improved. This is evidenced from the funds seized thus far. The adoption of this method required additional training for officers and the involvement of external experts such as Chainalysis and Binance which provided support for Cryptocurrency focused investigations in Ireland. This supports the assertion that collaborative efforts involving international organizations, law enforcement authorities and the private sector, combined with

⁶ <https://www.eurojust.europa.eu/judicial-cooperation/instruments/joint-investigation-teams>.

training law enforcement officials on the latest technological developments can have a positive impact on IP crime investigation, using the 'Follow the Money' approach, resulting in more seizures and acting as a strong deterrent.

[End of contribution]

THE NECESSITY OF INTERNATIONAL ENFORCEMENT COOPERATION TO COMBAT CROSS-BORDER COPYRIGHT INFRINGEMENT

*Contribution prepared by Ms. Keiko Momii, Director, Japan Copyright Office, Agency for Cultural Affairs, Government of Japan, Tokyo, Japan**

ABSTRACT

Creative content from Japan is popular worldwide, but it is also subject to serious damage from piracy, with 100 billion hits per month on major piracy sites alone. For this reason, the Government of Japan is making concerted efforts among ministries, such as by formulating a comprehensive plan for combating piracy. This contribution introduces the current situation of piracy damage in Japan, which is spreading around the world, and the measures that the Japan Copyright Office is currently taking to combat online piracy. In addition, it points out challenges in tackling cross-border copyright infringement. Finally, it proposes strengthening international cooperation in this field.

I. THE SUBSTANCE OF DAMAGE CAUSED BY PIRACY OF JAPANESE CONTENT

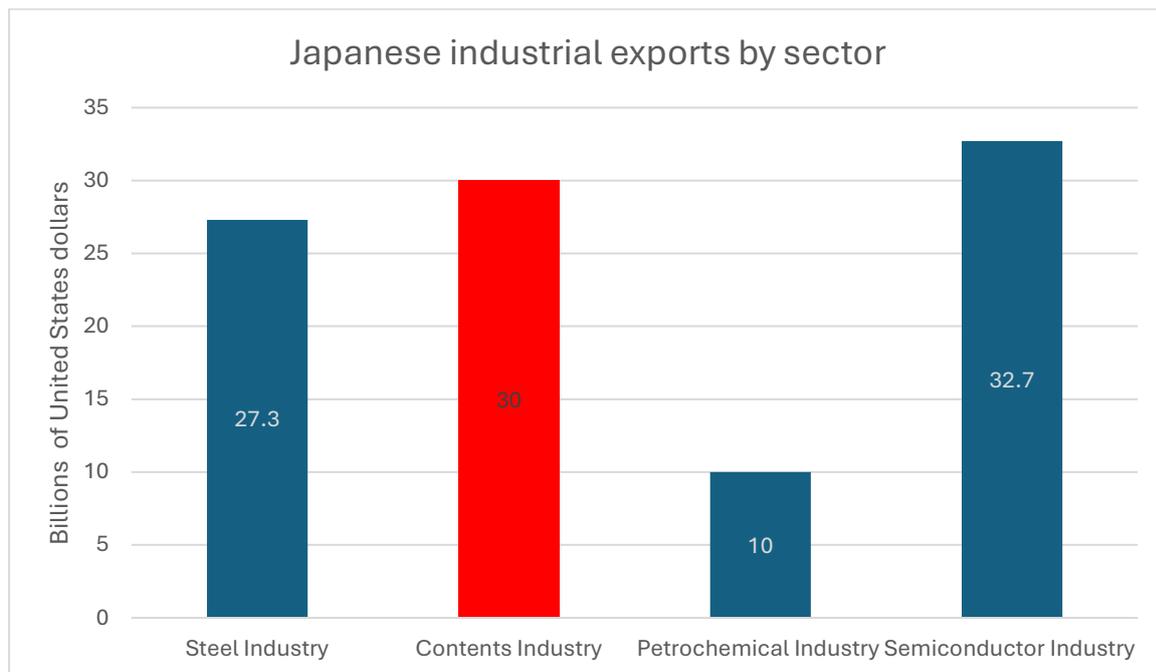
1. Due the popularity of Japanese content worldwide, the creative content industry in Japan has become one of the major industries, with annual exports amounting to approximately 30 billion United States dollars, already on a par with the steel industry at approximately 27.3 billion United States dollars and the semiconductor industry at approximately 32.7 billion United States dollars.⁷ While the popularity of Japanese content is growing worldwide, online piracy is becoming a problem. More than 1,000 pirate sites distribute Japanese manga, which are comic books that tell stories in pictures, and the top 20 piracy sites in Japanese or English receive more than 110 billion hits per month.⁸ According to a research company, the amount of damage is estimated at 13 billion United States dollars per year,⁹ and immediate countermeasures are needed. However, in recent years, the number of foreign sites with operators and servers located overseas has increased, making it difficult to capture the overall picture.

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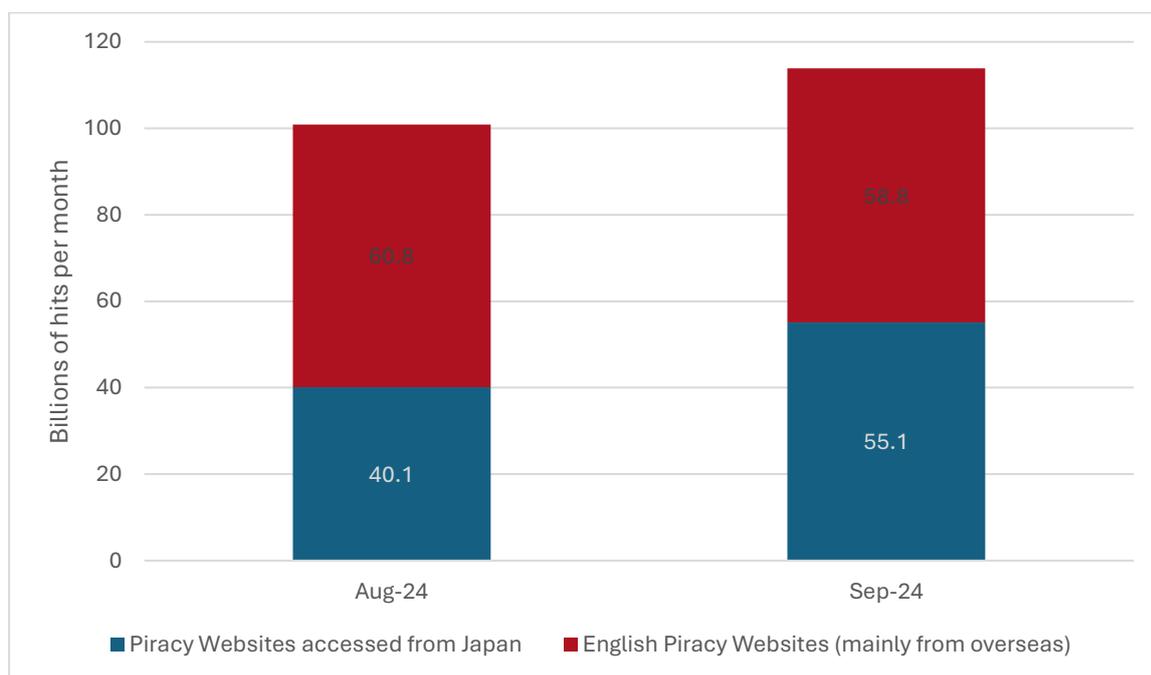
⁷ Based on figures at https://www.kantei.go.jp/jp/singi/titeki2/contents_wg/dai4/sankou1.pdf, using an exchange rate of 150 Japanese yen to the United States Dollar.

⁸ General Incorporated Association ABJ (authorized book of Japan), August 2024; available at: <https://www.abj.or.jp/data>.

⁹ Research conducted by PwC and commissioned by the Content Overseas Distribution Association, available at: <https://coda-cj.jp/news/1472/>.



Cabinet Office (2024): https://www.kantei.go.jp/jp/singi/titeki2/contents_wg/dai4/sankou1.pdf



ABJ (2024): Number of hits on the top 20 piracy websites in Japanese or English

II. GOVERNMENT INITIATIVES

2. In 2019, the Cabinet formulated a comprehensive set of measures to combat Internet piracy, and the Government has been working in unison to address the issue. Specifically, the measures include: (i) efforts to deter users from accessing pirated copies; (ii) enforcement efforts against copyright infringement, such as exposing operators of pirated sites; and (iii)

measures against the negative ecosystem to generate revenue through advertising that enable the operation of pirated sites. The Japan Copyright Office (JCO) has been working in a coordinated manner with other ministries and agencies under this framework. In particular, it has undertaken three initiatives:

(i) To raise awareness of the importance of protecting copyright domestically and internationally by creating videos and educational material.

(ii) To provide information on IP rights enforcement by compiling handbooks that explain local rules and regulations and to build a website for consultation for domestic right holders whose copyright is infringed on the Internet, as well as to provide expert legal support.

(iii) To hold bilateral consultations based on memorandums of understanding with some Asian countries, and to conduct training seminars for government officials involved in enforcement to provide the latest status and know-how on copyright protection measures.

3. These initiatives have contributed to capacity building and facilitated enforcement by right holders and private organizations to some extent such as the takedown of cross-border online pirate sites. However, it cannot currently be said that significant results have been achieved in terms of international enforcement.

4. Nevertheless, there are a few success stories from China. The Content Overseas Distribution Association (CODA) of Japan has set up an office in China and is continuing to crack down on pirated Manga and other sites in cooperation with the Chinese police authorities. In addition, in Brazil, a large-scale crackdown called Operation Animes has been successful, resulting in the simultaneous shutdown of pirate sites. However, there are only a few such initiatives, and in most regions, they have not yet been implemented or explored.

III. CHALLENGES AND FUTURE DIRECTIONS

5. Regardless of these efforts, new piracy sites keep popping up. Even after one site is shut down, the same pirate site is soon available under a different URL, with no end in sight. More fundamental efforts are needed to eliminate pirate sites. While pirate sites can generate advertising revenue for the operator, their losses if the site is discovered are limited, since they can simply shut it down and relaunch the site using a different URL. The key, for law enforcement bodies, is to increase deterrence to operating pirated sites. This is a challenge globally, as pirate sites are operated across borders. For instance, content belonging to Japanese right holders can be consumed in one foreign country through a site located in another foreign country.

6. To increase deterrence, it is not enough to simply shut down pirate sites. It is also necessary to strengthen the enforcement of rights, including criminal penalties. However, enforcement of rights within a country is a matter for the government of that country, and in the cross-border context, enforcement is not possible without international cooperation among relevant bodies.

7. For this reason, Japan is currently working to build a network among countries in Asia (for example, with Malaysia, Thailand and Vietnam) to share experiences and strengthen collaborative initiatives to combat piracy. To begin with, based on the existing bilateral consultations with several countries, we intend to expand the consultative forum to multiple countries. Furthermore, based on the domestic inter-governmental cooperation between different departments of the Government, we intend to involve not only copyright departments,

but also police and other enforcement departments from each country. We expect that this will lead to more effective enforcement of rights for online infringement.

8. We are also planning an online campaign. This has already been done in part by private organizations in Japan, but we would like to scale up the campaign to encourage and educate people not to use pirated copies available online.

9. Finally, we are planning to support the enforcement of rights by individuals. In Japan, not many right holders enforce their rights. This is partly due to the financial burden involved in taking legal action. However, in order to increase deterrence, we are working together with the private sector to encourage individuals to exercise their rights.

10. We will implement a policy that combines these efforts from upstream to downstream, from the stage of preventing copyright infringement to responding in the event of infringement, and from building a framework for rights enforcement to actually enforcing rights. We hope that this will become an effective countermeasure against pirated copies.

IV. CONCLUSION

11. As described above, we intend to continue to make efforts in the fight against piracy that are not limited to JCO, and we look forward to collaborating with the World Intellectual Property Organization and its Member States.

[End of contribution]

SIMPLIFIED PROCEDURE FOR THE DESTRUCTION OF IP INFRINGING GOODS IN SMALL CONSIGNMENTS

Contribution prepared by Mr. Tim Werner, Legal Adviser, and Ms. Bianca Guimarães, International Intern, Swiss Federal Institute of Intellectual Property, Bern, Switzerland

ABSTRACT

The rise of online commerce has led to an increase in counterfeit goods entering Switzerland via small consignments, resulting in an immense workload for customs authorities. Current procedures for detaining and destroying goods suspected of infringing intellectual property rights are often complex and fail to meet the needs of the parties involved. Right holders must take steps to initiate legal proceedings before they even know whether the owner of the counterfeit goods is objecting destruction – and most owners do not. In addition to the burden for right holders these processes also consume valuable resources from the Swiss Federal Office of Customs and Border Security (FOCBS) that are no longer available for its control activities. To address this challenge, two measures are proposed: The introduction of a simplified procedure for destroying counterfeit goods found in small consignments and the delegation of related administrative tasks to the Swiss Federal Institute of Intellectual Property (IPI) after counterfeit goods are intercepted.

I. THE PROBLEM

1. Studies conducted by the Organization for Economic Co-operation and Development (OECD) and the European Union Intellectual Property Office (EUIPO) show that the violation of intellectual property rights causes significant damage, including substantial economic losses for legitimate manufacturers and health risks for consumers. Based on data for 2019, a study estimates that the volume of international trade in counterfeit and pirated products amounted to as much as USD 464 billion in that year, or 2.5% of world trade. In terms of number of seizures, small parcels - in particular via postal services - is the most common, posing a significant challenge in terms of enforcement. Switzerland is fifth on the list of countries whose rights holders are the most affected by counterfeiting and piracy globally.¹⁰ A study by the IPI and the OECD reveals that Swiss companies lose approximately CHF 4.5 billion each year due to intellectual property violations. Without these violations, companies would have been able to offer over 10,000 additional jobs. According to the study, the public sector loses around CHF160 Million a year in tax and other revenue.¹¹

2. Customs authorities play a crucial role in the fight against counterfeiting, as border crossings are key opportunities for inspecting and seizing suspected shipments. However, they can only examine a small fraction of incoming parcels and face growing challenges from the rise of online commerce and the increasing volume of small consignments. Such small consignments of three or fewer items now account for over 90% of the goods seized by the FOCBS.

¹⁰ See: OECD/EUIPO (2021): Illicit Trade, Global Trade in Fakes, A worrying threat; available under: https://www.oecd-ilibrary.org/governance/global-trade-in-fakes_74c81154-en.

¹¹ OECD (2021): Counterfeiting, Piracy and the Swiss Economy; available under: <https://www.ige.ch/en/intellectual-property/counterfeiting-and-piracy/studies>.

II. THE CURRENT PROCEDURE

3. To enable the FOCBS to stop counterfeit goods at the border, Swiss legislation provides for the instrument of customs assistance in intellectual property law. Rights holders can file a request with the FOCBS to detain goods suspected of infringing intellectual property. The request is effective for two years unless it is submitted for a shorter period and is renewable. If the FOCBS detains such goods, it notifies both the applicant (the rights holder) and the declarant, possessor, or owner of the goods about its suspicion. The customs authorities also inform the applicant of the name and address of the declarant, holder or owner, a precise description, the quantity and the domestic or abroad sender of the detained goods. The declarant, possessor, or owner has the right to object to the destruction of the goods within 10 working days. The right holder has the same parallel running deadline to obtain provisional court measures. This means that a right holder is forced to take all precautions at the beginning of that period in order to obtain a court decision in a timely manner in the (unlikely) event that the declarant, possessor or owner objects to the destruction. If the right holder only reacted when it became aware of the objection, its actions would come too late.

4. This procedure causes significant administrative burden not only to the FOCBS but also for right holders. The FOCBS must notify both parties, manage the deadlines and respond to right holders who often request photos or samples of the detained goods to decide whether to pursue legal action, although this is usually unnecessary, as objections occur in less than 5% of cases.

III. THE NEW LEGISLATION

A. OVERVIEW OF THE NEW PROCEDURE

5. The new Federal Act allows small consignments¹² to undergo a simplified destruction procedure. It will lead to amendments to the Swiss Trade Mark Act, the Design Act, the Patents Act and the Copyright Act. In the future, applicants (right holders) will have two options if the detained goods are in small consignments: At the same time as applying for customs assistance, they can request the FOCBS to either destroy the goods according to the current procedure or according to the simplified procedure.

6. If a request for the simplified procedure is made, the procedure is as follows:

- If the FOCBS suspects goods in small consignments of infringing intellectual property rights, it detains them.
- The declarant, possessor, or owner is notified and has 10 working days to oppose the destruction.
- Only if an objection is filed, the applicant is informed and has 10 working days (20 days in justified cases) to obtain provisional court measures.
- If there is no objection filed by the end of the 10-day period, the goods are destroyed at the applicant's expense, with any damage claims against the declarant, possessor, or owner of the goods explicitly excluded by law.
- Destruction occurs no earlier than three months after the deadline to avoid unjustified destruction and potential compensation claims.

¹² The term "small consignment" will not be defined at the legislative level but at the ordinance level in order to allow for a less difficult adaptation to future developments. According to the definition, which is currently under consideration, "small consignments" contain a maximum of three items and have a gross weight of less than two kilograms.

- The applicant (right holder) receives regular updates on the goods destroyed under the simplified procedure.

B. KEY DIFFERENCES BETWEEN THE TWO PROCEDURES

7. The main differences to the current procedure are as follows:

- The applicant will only be notified of the detention if the declarant, possessor, or owner objects the destruction.
- If there is no objection, any potential damage claims by the applicant will be explicitly excluded by law.
- The applicant will receive consolidated updates at regular intervals following the destruction, which will include details about the quantity and type of goods destroyed under the simplified procedure, as well as information about the senders. This will further reduce the administrative burden on the competent authority.

8. In addition, the proposal allows for the possibility that the administrative procedure following the detention of small consignments may be processed by the IPI instead of the FOCBS. This follows the Swiss trend of unburdening the customs authorities with the help of the competent authorities. In a similar way, *Swissmedic*, the Swiss Agency for Therapeutic Products manages procedures for small consignments under the therapeutic product legislation.

IV. CONCLUSION

9. The simplified destruction procedure for small consignments and the delegation of responsibilities to the IPI will enable the FOCBS to focus more on inspections. By cutting administrative burdens, the FOCBS can inspect and detain more goods suspected of violating intellectual property rights, improving protection for rights holders. Additionally, the new procedure will lighten the workload for rights holders, especially in cases where the declarant, possessor, or owner does not explicitly oppose the destruction of the goods.

10. The Council of States discussed the bill on 12 December 2023 and adopted it unanimously, followed by the National Council that adopted it on 19 December 2023. This concluded the parliamentary debate on the revision of the law. The internal implementation and revision of the relevant ordinances are to follow. The initiative is planned to enter into force on July 1, 2025.

[End of contribution]

THE REPUBLIC OF KOREA'S APPROACH TO ENHANCING INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT THROUGH INTERNATIONAL COOPERATION

*Contribution prepared by Ms. Jia Kim, Investigative Consultant (Public Prosecutor), Dispatched to the Intellectual Property Protection and Cooperation Bureau, Korean Intellectual Property Office (KIPO), Daejeon, Republic of Korea**

ABSTRACT

In a rapidly evolving global economy, the proliferation of digital platforms, coupled with the increasing volume of cross-border trade, has intensified the challenge of effectively combating intellectual property rights (IPR) violations. National borders alone are no longer sufficient as sole barriers against IP crimes when counterfeit goods and trade secrets can easily transcend jurisdictions. Recognizing the complex and transnational nature of these issues, the Korean Intellectual Property Office (KIPO) has adopted a comprehensive, coordinated, international approach to enforcement. This contribution examines recent achievements in the Republic of Korea on IP enforcement, highlighting KIPO's strategic international cooperation and its effective border measures in addressing the issue of counterfeit goods.

KIPO has partnered with both public and private entities for effective enforcement, implemented intelligence-sharing initiatives with transnational agencies, and established domestic and international inter-agency cooperation to prevent the distribution and cross-border movement of counterfeit goods. Its active engagement in various international forums, including the World Intellectual Property Organization's (WIPO) Advisory Committee on Enforcement (ACE), further reflects its commitment to enhancing its capacity to combat global IP crime.

I. THE ESSENTIAL ROLE OF INTERNATIONAL COOPERATION IN INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT

1. One of the most significant challenges in IPR enforcement today is the sheer scale and scope of IPR infringement occurring across borders. In the past, counterfeiting and other types of IPR violations were largely confined to physical markets within national boundaries. However, the rise of e-commerce and digital platforms has created new opportunities for counterfeiters and IPR violators to reach consumers worldwide. This shift has made it clear that no single country can tackle the problem alone. International cooperation is therefore essential to ensure that IP rights are sufficiently protected in an increasingly interconnected world.

2. The Republic of Korea has long recognized the importance of global partnerships in IPR enforcement. Over the past decade, the Korean Intellectual Property Office (KIPO) has worked to build and strengthen relationships not only with domestic agencies but also with key international organizations and national enforcement authorities from other jurisdictions. These alliances have enabled the Republic of Korea to share critical information, coordinate enforcement actions and develop best practices for tackling IP crime on a global scale.

* The views expressed in this document are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.

A. CASE STUDY: COLLABORATIVE ENFORCEMENT EFFORTS AGAINST CROSS-BORDER COUNTERFEITING NETWORKS

3. The case below involving a counterfeiting network operating across multiple jurisdictions demonstrates the necessity of cross-border collaboration. In 2023, KIPO partnered with the American multinational corporation Starbucks, the United States Homeland Security Investigations (HSI) and the Seoul Central Police to address the issue of counterfeit Starbucks merchandise being sold in Korean markets. Customs officials had intercepted counterfeit tumbler components (e.g., cup bodies, lids, anti-slip rubber pads, etc.) and false customs declarations for producing counterfeits in the Republic of Korea. The trademark holder of the Starbucks logo reported the incident to KIPO, and investigation commenced on April 18, 2023.

4. A thorough investigation, coordinated between KIPO, HSI and the Seoul Central Police, revealed that the primary suspects were importing blank, logo-free tumblers from abroad and then printing a counterfeit Starbucks logo domestically before assembling them into a final product. Also, custom-made lids and rubber pads were imported under personal customs clearance declarations to avoid detection. Lastly, the imported components were assembled with domestically printed packaging and instruction manuals to create the finished product for distribution.

5. With HSI's IP server tracking and onsite enforcement assistance, KIPO traced the distribution network, leading to the apprehension of eight suspects and seizure of more than 33,000 counterfeit Starbucks items (tumblers, mugs and other branded products) valued at over 1.3 billion won (approx. 905,000 United States dollars). KIPO worked with rights holders like Starbucks, with the company offering its resources and knowledge of its brand, which was used to target counterfeits more effectively. With each party contributing its expertise and resources to the investigation, the operation was successful, underscoring the critical role of international cooperation among both public and private entities to dismantle counterfeiting networks. Without the cooperation of HSI and the Starbucks legal team, it would have been far more difficult for KIPO to identify and dismantle the counterfeiting network, which operated across multiple jurisdictions.

II. INTELLIGENCE SHARING WITH INTERPOL

6. Another key component of the international IP rights enforcement strategy of the Republic of Korea is engagement with the International Criminal Police Organization (INTERPOL). In 2023, KIPO provided INTERPOL with critical information on a new form of criminal activity involving the counterfeiting of "loss goods", i.e., unlabeled surplus products made by legitimate manufacturers. Enforcement agencies in the Republic of Korea discovered that criminals were copying the design of loss goods without authorization to manufacture counterfeits with lower quality materials. These fake loss goods were sold in domestic markets as unlabeled genuine products for a higher profit. This type of counterfeiting tactic presents unique challenges in enforcement because it is difficult to distinguish such items from genuine loss goods, making it harder for consumers and enforcement agencies to detect them as counterfeits.

7. In order to alert the global law enforcement community to this new counterfeiting tactic, KIPO worked with INTERPOL to issue a Purple Notice. This type of notice informs other States of novel criminal tactics, helping police forces and law enforcement agencies worldwide enhance their inspections and remain vigilant against similar approaches by crime groups. By engaging with INTERPOL, KIPO issued the world's first IP-related Purple Notice in December 2023 to raise awareness of the growing threat posed by these emerging counterfeit goods and to enable enforcement agencies around the world to take preemptive action. This allows for more targeted inspections and enforcement actions, ultimately preventing the spread of

counterfeit goods. The use of a Purple Notice in this context highlights the value of real-time international intelligence sharing in addressing the novel and sophisticated tactics employed by IP rights violators.

8. Additionally, KIPO was officially recognized at the 17th Annual International Law Enforcement Intellectual Property Crime Conference, held in September 2024, for its pivotal role in designing innovative approaches to IP crime investigation and collaborating with INTERPOL and various stakeholders. The KIPO IP police also received the Commendation of Merit from the International Intellectual Property Crime Investigators College (IIPCIC), a joint initiative between INTERPOL and UL Standards and Engagement, for its substantial contributions to global IP rights enforcement.

III. ENHANCEMENT OF BORDER MEASURES THROUGH DOMESTIC AND GLOBAL PARTNERSHIPS

9. While intelligence sharing is important in identifying and acting against the threat of counterfeiting, effective border enforcement remains vital to intercepting these goods before they reach consumers. To this end, KIPO, in partnership with the Korea Customs Service (KCS), has implemented comprehensive border enforcement measures to stop counterfeit goods from entering domestic markets. Collaboration between KIPO and KCS has facilitated targeted interceptions during import–export processes with proactive monitoring and effective data sharing.

10. KIPO routinely monitors online marketplaces, identifying counterfeit goods and obtaining detailed information about their sources. KIPO shares relevant information with KCS, including detailed descriptions, trademarks and other IP data. Accordingly, in customs inspections KCS focuses on identifying shipments that match KIPO reports. This measure primarily targets imports as the main points of entry for counterfeit goods into the domestic market.

11. In April 2014, a pilot program was launched to integrate the KIPO IP monitoring system directly with customs inspection systems, enabling customs officers to access real-time IP data with priority given to high-risk products, such as baby products. Substantial success has already been achieved, primarily in relation to imported goods, resulting in the identification of 2,772 cases and stopping of over 7,000 counterfeit items at the border through customs inspections.

12. In addition to its domestic efforts, the KIPO border enforcement strategy includes partnerships with foreign customs authorities, particularly through a proactive approach to inspecting high-risk shipments. By sharing data on suspicious shipments and coordinating inspections with other countries, KIPO has been able to prevent counterfeit goods from entering the global supply chain. For example, KIPO has coordinated with customs authorities in the United States of America, the European Union and China to track the movement of counterfeit goods and take action at key points along the supply chain. This cross-border cooperation has proven particularly effective in cases where counterfeit goods are manufactured in one country and sold in another.

13. Furthermore, recognizing the complexities involved in identifying counterfeits, KIPO conducts specialized training for customs officials, equipping them with up-to-date skills and knowledge on the latest counterfeiting techniques and detection methods to gain enhanced capabilities for precise inspections. The KIPO International Intellectual Property Training Institute (IIPTI) also conducts IP education programs for both domestic and foreign officials, preparing them to tackle IP rights infringements in diverse jurisdictions. These measures are critical not only for protecting consumers and businesses in the Republic of Korea but also for contributing to global IP protection efforts.

14. The success of KIPO border measures highlights the importance of domestic and international cooperation in IP rights enforcement and preventing counterfeit goods from entering the global supply chain. This collective approach ensures that counterfeit goods are intercepted before they reach consumers, safeguarding both national and international markets from IP crime.

IV. OPPORTUNITIES FOR INTERNATIONAL COLLABORATION ON INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT

15. Through collaboration with national law enforcement agencies from other jurisdictions, customs authorities, and international organizations like INTERPOL and WIPO, KIPO has demonstrated that sustained international cooperation is essential for effective enforcement. Significant strides have been already made in bringing Member States together through forums such as the WIPO Advisory Committee on Enforcement (ACE), and bilateral agreements, but there remain substantial opportunities to further address the complex and transnational nature of IP crime.

16. The rise of digital platforms has expedited the movement of counterfeit goods and the proliferation of IP rights violations across borders, underscoring the critical importance of timely and accurate information. Although progress has been made in intelligence sharing, greater efficiency can be achieved through further efforts to enhance real-time exchanges among Member States. Fostering a more integrated global intelligence-sharing network could help to ensure that enforcement agencies have access to the most up-to-date information, enabling them to act swiftly and decisively against infringement.

17. While various enforcement initiatives have demonstrated the potential of intergovernmental collaboration, the effectiveness of these efforts could be substantially enhanced through a more structured and cohesive approach, particularly in the context of digital IP protection. Moreover, as IP crime becomes increasingly sophisticated and transnational, effective enforcement can be impeded by inconsistencies in legal standards among different countries. To deal with such challenges, it will be important to enhance the interoperability of legal frameworks and promote legal consensus across jurisdictions by encouraging international cooperation, capacity building and the adoption of aligned legal standards through mechanisms such as multilateral WIPO treaties and bilateral free trade agreements related to IP. For cross-border enforcement actions, in particular, establishing clearer guidelines and frameworks would allow different countries' domestic enforcement mechanisms to complement one another, leading to a more unified global response.

V. CONCLUSION

18. As IP crime continues to evolve, the need for international cooperation in enforcement will only become more pressing. The rise of digital platforms, the increasing volume of cross-border trade and the growing sophistication of counterfeiting networks have made it clear that no country can address these challenges alone. By working together, countries can pool their resources and expertise, share intelligence and take coordinated action to protect IP rights in today's interconnected marketplace. KIPO will continue to play a leadership role in shaping the global response to IP crime so as to safeguard the interests of rights holders, consumers and businesses against the damaging effects of counterfeit goods.

[End of contribution]

CHINA CONTINUES TO STRENGTHEN INTELLECTUAL PROPERTY PROTECTION THROUGH ADMINISTRATIVE ENFORCEMENT

*Prepared by Yang Weitao, Deputy Director, Inspection Division III, Enforcement Inspection Bureau, the State Administration for Market Regulation, Beijing, China**

ABSTRACT

This contribution focuses on China's intellectual property (IP) protection system and the work of market regulation departments in the area of IP enforcement. It focuses on how China has established a distinctive IP enforcement system with two parallel tracks working professionally and efficiently in synergy, and on how the market regulation bodies have achieved positive results in intensifying administrative enforcement, launching unified destruction operations, holding international forums, and strengthening publicity and guidance. In the future, the market regulation departments will continue to strengthen enforcement, constantly optimize mechanisms to improve the effectiveness of law enforcement, strive to address challenges in enforcement, and actively build a collaborative governance framework, to protect the IP rights of all types of business entities equally in accordance with the law.

I. INTRODUCTION

1. The Chinese Government attaches great importance to IP protection. President Xi Jinping has repeatedly emphasized that innovation is the main driving force behind development and that protecting IP rights also protects and promotes innovation. The resolution of the Third Plenary Session of the 20th Central Committee of the Communist Party of China, which was held in 2024, emphasizes that "we will improve the property rights system to ensure law-based, equitable protection of the property rights of economic entities under all forms of ownership on a long-term basis and establish an efficient system for comprehensive management of intellectual property rights". In terms of IP protection, China focuses on strengthening top-level planning, drawing on international experience, and promoting the institutional mechanism to gradually develop a system that is in line with international rules and adapted to China's domestic framework.

II. CHINA HAS ESTABLISHED A DISTINCTIVE IP PROTECTION SYSTEM

2. China implements a dual-track working mechanism for IP enforcement, including administrative and criminal mechanisms. The administrative enforcement departments and the criminal justice departments have a clear division of functions and responsibilities, while effectively connecting and coordinating with each other. This is a key feature of China's approach against IP infringement and counterfeiting. In China, IP infringements that do not constitute a crime are investigated and processed as per the provisions of the Trademark Law, by the relevant administrative enforcement departments. The violations suspected of being IP-related crimes are investigated and handled by the public security organs, as per the provisions of the criminal law of China. Cases with conclusive evidence and clear facts will be referred to the Procuratorate for prosecution and adjudicated by the court.

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3. IP enforcement in China involves multiple government departments working collaboratively. To strengthen the fight against infringement and counterfeiting, China set up a national coordination group on the fight against IP rights infringement and counterfeiting in 2011. Corresponding bodies have also been established in all provinces (autonomous regions and municipalities), forming a national working mechanism with horizontal cooperation and vertical linkage. In 2023, the functions of the above coordinating group were integrated into the national leading group for coordinating efforts to build China into a strong nation in quality construction, further extending the scope and level of coordination. In addition, by the end of 2023, the interministerial joint conference system aimed at building an IP powerhouse was established to coordinate efforts and implement strategies for building an IP powerhouse.

4. With the aim of developing a professional and efficient enforcement system, in 2018, the Chinese Government carried out institutional reforms and established the State Administration for Market Regulation (SAMR), which is responsible for comprehensive enforcement of market regulations, including administrative enforcement of IP such as trademarks, patents and geographical indications. The SAMR and the China National Intellectual Property Administration (CNIPA) work together with a division of responsibilities in the field of IP protection and enforcement. The CNIPA is in charge of providing professional guidance on trademark and patent enforcement, while the SAMR is in charge of organizing and implementing the enforcement of trademarks, patents, geographical indications, etc., which ensures the synergy of professionalism and efficiency.

III. MARKET REGULATION DEPARTMENTS HAVE ACHIEVED NOTABLE RESULTS IN IP PROTECTION

5. Administrative enforcement was strengthened to protect the legitimate rights and interests of enterprises. We have undertaken the “Iron Fist” operation for several years, with IP enforcement as a key part of it. In April 2024, a two-year special enforcement operation named “Safeguarding IP Rights” was launched nationwide to crack down on infringement and counterfeiting and protect the IP rights of domestic and foreign-invested enterprises equally in accordance with the law. This special action gives full consideration to the advantages of comprehensive law enforcement achieved by market supervision, highlights the two themes of “protecting brands” and “protecting geographical indications to promote rural revitalization”, and focuses on six key tasks. The focus of these tasks is on expanding domestic consumption; high-level opening to the outside world; promoting the development and growth of the private economy; rural revitalization; promoting the transformation and application of IP rights; and building a modern industrial system with strengthened IP law enforcement in emerging industries. To effectively promote the implementation of all the tasks, the measures focus on promoting law enforcement across the entire chain, strengthening cooperation with rights holders, continuing to integrate development and construction, and strengthening outreach and guidance by holding press conferences, publicly exposing typical cases, in-depth policy interpretation and other engagements, to deter infringement and counterfeiting.

6. In order to deter infringement and prevent the recirculation of counterfeit and shoddy goods, the SAMR has held joint destruction operations of infringing products, counterfeits and shoddy goods throughout the country for several years. In the 2024 joint destruction action, more than 200 types of infringing products, counterfeits and shoddy goods were destroyed, ranging from garments, footwear, food and drugs, cosmetics, tobacco and alcohol to pirated publications, amounting to 3,300 tons and worth 330 million yuan, which is believed to have resulted in a strong deterrent effect.

7. A series of international forums was held to promote global governance. The Forum on International Cooperation in Fighting against IPR Infringement and Counterfeiting has been held at the China International Import Expo (CIIE) for seven consecutive years. In addition, the SAMR held the China-ASEAN Cooperation Development Forum on Fighting Against IPR

Infringement and Counterfeiting at the China-ASEAN Expo and the Summit on Fighting Against IPR Infringement and Counterfeiting at the 2023 China International Fair for Trade in Services 2023 (CIFTIS). These forums brought together representatives of international organizations, embassies (consulates) in China, enforcement and judicial bodies, industry associations, experts and scholars, and Chinese and foreign enterprises to exchange experiences and practices in combating infringement and counterfeiting and to promote global governance on IP protection.

8. Outreach and education efforts have been strengthened to raise public awareness of IP protection. On World IP Day (April 26) each year, the SAMR publishes the annual reports on China's efforts to combat IP rights infringement and counterfeiting. In addition to this, annual press conferences are held at China's State Council Information Office to systematically highlight the efforts and achievements in combating infringement and counterfeiting as well as protecting IP rights in the past year, and to publicize IP policies and new developments. The events attract attention and coverage from both domestic and foreign media, which further raise public awareness on IP protection.

IV. MARKET REGULATION DEPARTMENTS STEP UP IP ENFORCEMENT

9. In recent years, infringement and counterfeiting cases have become more covert and complex. Some counterfeiters have resorted to means such as make-to-order (MTO) and separation of goods and labels, to break down their infringement acts into separate parts in order to avoid detection. Some online infringement cases involve a longer chain of infringements, a wider geographical area, and more participants. The infringing acts are conducted and the goods are concealed and diverted at a faster rate than traditional infringements. In the face of new situations and challenges, market regulation departments will continue to make full use of their advantages in comprehensive enforcement, strengthening IP enforcement and improving administrative protection of IP rights, thus contributing to the creation of a favorable innovation and business environment.

10. The relevant working mechanism has been continuously improved over time. Innovative enforcement measures promoting the integration of online and offline enforcement and strengthening cross-regional cooperation, cross-departmental coordination and vertical linkage were undertaken, to shift from regional single enforcement to cross-regional full-chain enforcement, and to establish a mechanism for jointly tracking and combating acts of infringement and counterfeiting.

11. Efforts were made to address challenges with IP enforcement. These included the use of technology such as tools for analyzing big data through searching, detecting and identifying clues, which have also been utilized in the investigation and handling of cases to enhance the ability to combat infringement and counterfeiting. At the same time, enforcement efforts were combined with the establishment of a long-term mechanism with an emphasis on education and rectification, to help enterprises strengthen compliance and management, and to ensure that the enforcement system is strong, standardized, fair and rules-based.

12. We proactively built a collaborative governance framework. Rights holders were encouraged to promptly report infringements and counterfeits to the enforcement departments so that they could play a full role in investigating infringements, identifying products and tracing information. Efforts were also made to promote the self-discipline of industry associations and to encourage the public to actively report relevant infringements to establish a working mechanism to support IP rights enforcement with the participation of industry associations, enterprises, the media, and the public.

V. CONCLUSION

13. Moving forward, the SAMR will continue its efforts to strengthen enforcement. The “Safeguarding IP Rights” special enforcement operation was launched to protect IP rights and crack down on infringement and counterfeiting, focusing on key products and areas closely related to people’s lives. Moreover, IP enforcement on the Internet was strengthened by strictly investigating infringement and counterfeiting acts in online sales and live-streaming sales to ensure the safety of online shopping.

[End of contribution]

LESSONS LEARNED FROM THE COVID-19 PANDEMIC: THE INCREASE IN COUNTERFEITING AND PIRACY AND THE EFFECT OF ECONOMIC PRESSURE ON CONSUMER ATTITUDES TOWARDS COUNTERFEITS

*Contribution prepared by Mr. Roger A. Hildebrandt, Head of “Promotion of the use of Intellectual Property”, German Patent and Trademark Office, Berlin, Germany**

ABSTRACT

The purpose of this contribution is to provide useful information to support analysis of the development of infringements of intellectual property (IP) rights after the coronavirus disease (COVID-19) crisis, based on detentions at the German border reported by the German customs authorities. The latest figures from German customs indicate that the number of detentions, which has risen steadily in recent years, has fallen again since the COVID-19 crisis. A study from the German industry association of mechanical and plant engineering companies could support the theory that the problem of product counterfeiting has been declining again in the post-COVID-19 period, contrary to the trends of recent years.

VI. BACKGROUND

1. Counterfeiting and piracy are a stumbling block to fair competition and new jobs. This is particularly true for a country like Germany, where high-quality products are manufactured. But it is not only German companies that are confronted with the problem of their high-quality products being copied and then sold on the European market at much lower manufacturing costs and predominantly lower quality, taking advantage of cheap labour. The majority of infringing products entering the European Union (EU) are produced in countries outside of the EU. From there, attempts are made to supply counterfeit products to the European market via the external borders of the EU. Customs authorities therefore play a particularly important role in intercepting the flow of goods into the EU markets with their control mechanisms.

2. In order to prevent the import of counterfeits into the EU internal market, it is important for the concerned rights holders and the customs authorities to work together closely and in a spirit of trust. While the successes achieved by customs authorities in apprehending counterfeit goods demonstrate their commitment, they also underline the fact that counterfeits are produced without any let-up and that all efforts to protect against this form of economic crime must therefore continue to be pursued at a high level. The basis for action by the customs authority against infringing products are the existing IP rights of persons or organizations entitled to file an application.¹³ The customs authority may then, upon request, stop goods that are potentially or obviously infringing. The customs authority takes action as part of its customs

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¹³ The owner of a collective mark that can only be an association (or group) with legal capacity, including umbrella associations and umbrella organizations with legal capacity whose members are themselves associations, or a legal entity under public law. See section 98, Law on the Protection of Trademarks and Other Distinctive Marks (Trademark Law – MarkenG).

audit in accordance with EU community regulations¹⁴ or German national legislation.¹⁵ This depends on the status of the goods and the possible customs procedure.

3. As a rule, the customs authorities may only take action against counterfeit goods if the person authorized to submit the application has submitted an application for action (AFA) to the customs administration. A distinction is made between applications submitted in accordance with EU law and applications submitted in accordance with German legislation. The application procedure hardly differs, but the scope of the application differs considerably. The national application is an AFA by the customs authorities in accordance with the national statutory provisions.¹⁶ The national application can be used to assert the property rights of national patents and supplementary protection certificates, national trademarks, national designs, plant varieties, topographies, copyrights and trade names. The EU application can be used to assert the designated IP rights that are based on EU law and therefore produce effects throughout the EU, such as EU trademarks, EU designs, unitary patents and supplementary protection certificates, community plant varieties and geographical indications.¹⁷

4. If the customs authority orders the seizure of the release of the goods in the national customs procedure, it shall immediately inform the person authorized to dispose of the goods (the importer/exporter, i.e. the declarant or holder of the goods) and the applicant of the seizure. Then, two possibilities arise:

- (a) The person authorized to dispose of the goods may lodge an objection to the seizure within two weeks following notification of the seizure.¹⁸ In response to the objection, the applicant must provide the customs authority with an enforceable court decision ordering the impounding of the seized product or imposing a restraint on disposal pursuant to Sections 916, 935 et seq. of the German Code of Civil Procedure. (ZPO)¹⁹
- (b) If no objection is lodged by the person entitled to dispose of the goods, or if the applicant obtains a court decision in response to the objection, the goods shall be confiscated by the customs authority for destruction.

5. If the customs authority orders the suspension of the release of the goods following an EU application, it shall inform the declarant or the holder of the goods within one working day and the applicant “on the same day as, or promptly after” the declarant or the holder of the goods has been notified.²⁰ Here again, there are two possibilities:

- (a) If the applicant confirms in writing that the goods in question infringe their IP rights, the goods will be destroyed, provided that the declarant or holder of the goods confirmed in writing, within 10 working days following the notification of the suspension of the release, that they agree with the destruction, with the notable

¹⁴ Regulation (EU) No. 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No. 1383/2003, Official Journal of the European Union (OJEU), L181/15 (<https://eur-lex.europa.eu/eli/reg/2013/608/oj/eng>); Commission Implementing Regulation (EU) No. 1352/2013 of 4 December 2013 establishing the forms provided for in Regulation (EU) No. 608/2013, OJEU, L341/10 (consolidated version last updated on October 10, 2024: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02013R1352-20241003>).

¹⁵ 142a PatG (www.wipo.int/wipolex/en/legislation/details/21386), §§ 146 ff. MarkenG (www.wipo.int/wipolex/en/legislation/details/22454), § 111b UrhG (www.wipo.int/wipolex/en/legislation/details/21825), §§ 55 ff. DesignG, (www.wipo.int/wipolex/en/legislation/details/21828), § 25a GebrMG (www.wipo.int/wipolex/en/legislation/details/21830).

¹⁶ See footnote 3.

¹⁷ Art. 4 of Regulation (EU) No. 608/2013.

¹⁸ For example, Section 147 (1) MarkenG, Section 142a (3) PatG.

¹⁹ www.wipo.int/wipolex/en/legislation/details/21688

²⁰ Art. 18 of Regulation (EU) No. 608/2013.

addition that the silence of the latter may be considered as a tacit agreement to the destruction.²¹ This is commonly known as the “simplified procedure”.

- (b) If the declarant or holder of the goods objects to the destruction, then the procedure that is in line with Article 51(6) of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) applies: The Customs shall release the goods unless they have been informed that a procedure leading to a decision on the merits has been lodged within ten working days following the notification of the suspension of the release.^{22 23}

6. Applications are submitted via a system called the “ZGR-online” tool. There are no fees for the filing or processing of an application.

7. A national application can be submitted to the competent customs office of a Member State.²⁴ Action is only taken in the Member State in which the national application was submitted. Holders of rights with EU-wide legal effect (e.g. an EU trademark, an EU design (former Community design),²⁵ a geographical indication) have the option of applying for action by the customs administration in the other EU Member States with an application in one EU Member State. The EU application is also submitted to the competent customs office of a Member State.²⁶

8. In accordance with national provisions the customs office can only order a seizure if the infringement is obvious. “Obviousness” means that there is a high probability that the infringement will be recognized during customs clearance. However, suspicion is sufficient for action to be taken in accordance with Regulation (EU) No. 608/2013. Therefore, information for the identification of the genuine product should be provided at the time of application to enable customs to determine the obviousness of an infringement.

9. The authorization is then valid in the Member State of application and one or more Member States for which customs action was requested. The authorization is immediately transmitted to them via the Counterfeit anti-Piracy Information System (COPIS), which is the European database system. When submitting the application, the rights holder must agree that all information contained in his or her application may be transmitted to the customs authorities of the Member States via COPIS. Only one national and one EU application may be filed per Member State for the same IP right. However, if an EU application is filed by holders of an exclusive license valid in the entire territory of two or more Member States, more than one EU application is possible. By submitting an AFA, the rights holder agrees to comply with the provisions of the Regulation,²⁷ including to bear the costs incurred by the customs authorities or other parties acting on their behalf (e.g. the costs for the destruction of the detained goods).

10. If counterfeits are mainly imported in small consignments as postal or express courier items, a procedure called the small consignment procedure can be applied. Due to the immense increase in the number of small consignments seized as a result of e-commerce, this procedure is intended to provide cost-saving and economical processing to facilitate the enforcement of IP rights. Any consignment comprised of a maximum of three units or having a

²¹ Article 23(1)(c) of Regulation (EU) No. 608/2013.

²² Article 23(1), last para. of Regulation (EU) No. 608/2013.

²³ The period of 10 working days mentioned in Art. 23 of the EU Regulation No. 608/2013 is reduced to three working days in case of perishable goods.

²⁴ Art. 5 para. 1 of Regulation (EU) No. 608/2013.

²⁵ The new Regulation on EU designs, which will apply from May 1, 2025 uses the terminology “European Union design” or “EU design” and replaces the term “Community design” as per Art. 1(2) of Regulation (EU) No. 2024/2822 (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202402822).

²⁶ Art. 5 para. 1 and 4, of Regulation (EU) No. 608/2013.

²⁷ Art. 6 of Regulation (EU) No. 608/2013.

gross weight of less than two kilograms and not containing any perishable goods is deemed to be a small consignment. This procedure can be carried out by the customs authority without any involvement of the rights holder until destruction of the detained goods. The small consignment procedure can also only be considered in cases of trademark, copyright or design infringement, or if a geographical indication is involved.²⁸ If the customs authority suspects that the goods are infringing IP rights, it shall notify the declarant or holder of the goods of its intention to destroy the goods and give them the opportunity to express their point of view within 10 working days of the notification. If the declarant or holder of the goods has not expressed their point of view, this will be considered as consent and the goods will be destroyed under customs supervision. If there is no agreement, expressed or implied, by the declarant or the holder of the goods, the rights holder must initiate civil court proceedings to determine whether an IP right has been infringed. The costs incurred for the destruction of the goods in the small consignment procedure are to be borne by the rights holder.

11. In accordance with the Regulation,²⁹ the customs authority may also take *ex officio* action before granting an application (i.e. an action without a former application having been submitted by the rights holder) if, in the course of customs supervision or examination, there is reasonable suspicion of an infringement of an IP right and the goods are not perishable. The customs authority may initially suspend the release of the goods for one working day in order to identify “any person or entity potentially entitled to submit an application”, in which case they will be notified that they are entitled to file an application in connection with the suspected infringement of property rights and that the suspension of the release or detention of the goods is in place. The customs office shall also inform the declarant or holder of the goods concerned. If the person or entity potentially entitled to submit an application cannot be identified, the goods will be released. Within four working days of the notification of the suspension of the release or detention of goods, an application for action must be filed with the Central Industrial Property Office (ZGR). This application is initially granted exclusively for the specific seizure and can be extended to a longer period if all information is available in accordance with Art. 6 (3) Regulation (EC) No. 608/2013.³⁰

VII. DETAILS

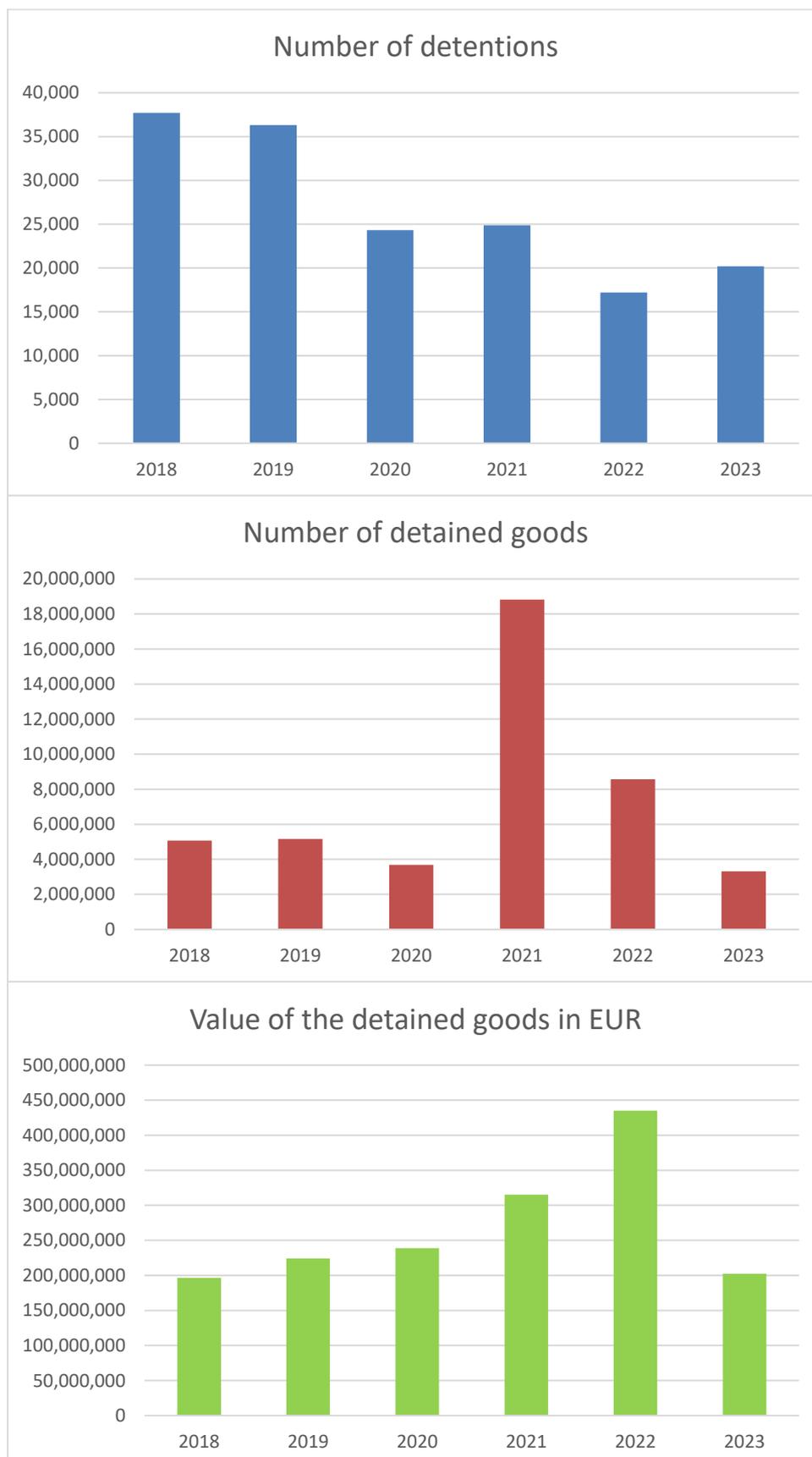
12. The 2023 report on statistics regarding the protection of industrial property from the customs authority in Germany³¹ reveals that no significant increase in detentions was identified for the period 2021–2023 in Germany. Rather, the data from customs suggests that the number of seizures has decreased in the last three years (2021–2023), both in terms of the quantity and value of the goods seized. Ninety-five percent (95%) of the seizures concern trademarks and designs, and seizures involving copyright infringement account for less than two percent.

²⁸ Art. 26(1)(a) read jointly with Art. 1(5) and (6), of Regulation (EU) No. 608/2013.

²⁹ Art. 18 of Regulation (EU) No. 608/2013.

³⁰ Article 5 (3) (a) of Regulation (EU) No 608/2013.

³¹ German General Directorate for Customs: Industrial Property Rights – Statistics for 2023.



Source: German customs statistics, 2020 and 2023

13. One significant exception is the seizures of goods which have been unlawfully affixed with an indication of geographical origin protected either under the German Trademark Act³² or in accordance with legal provisions of the EU. These seizures have almost doubled in the last three years.

14. A breakdown by category of goods shows that pharmaceuticals and CDs, cassettes³³ and games account for fewer seizures, whereas seizures of tobacco products have increased. The breakdown by mode of transport according to the number of interceptions clearly shows that postal and air traffic continue to be the most prevalent means of transportation for counterfeit goods.

15. Against this backdrop, destruction in accordance with the small consignment procedure³⁴ is also taking up an ever-increasing share of the procedures, which in the meantime (as of 2023) exceeds the number of destructions in accordance with the standard procedure.³⁵

16. Twenty-nine point fifty-eight (29.58) percent of detentions for small consignments were in the category “Personal accessories” (e.g. watches, handbags, sunglasses), closely followed by the categories “Personal care products” with 29.45 percent and “Clothing and accessories” with 28.33 percent. Most consignments came from China (93.66 percent).

17. The scenario of a post-COVID-19 period with decreasing product and brand piracy is supported by a 2024 study from the German industry association of mechanical and plant engineering companies (VDMA)³⁶ that comes to similar conclusions. While product piracy has been a constant and enormous threat to the innovative strength and competitiveness of their industry in previous studies, this study shows a significant decline of 26 percent to a historic low of 46 percent for the first time. Compared to the 2022 study, the number of cases of product piracy apparently fell significantly (still around 72 percent in 2022) and has now reached its lowest level since the study began in 2003. The VDMA study cited above suggests that the sharp decline may be attributed, among other factors, to effective measures against counterfeiting by the companies concerned. With a slight decline, 82 percent of the companies surveyed named China as the country of provenance of the counterfeits.

18. These findings are also in line with the 2024 European Union Intellectual Property Office survey on detentions at EU borders, which states that the total number of detained articles decreased from over 24 million in 2022 to 17.5 million in 2023, representing a 27 percent reduction, and reaching the lowest level in the past decade.³⁷

³² Section 151 of the Trade Mark Act – MarkenG states that goods which have been unlawfully affixed with an indication of geographical origin protected in accordance with this Act or in accordance with legal provisions of the EU, shall, unless Regulation (EU) No 608/2013 applies, be subject to seizure on their import, export or transit for the purpose of eliminating the unlawful marking insofar as the infringement of rights is manifest. This shall apply to transactions with other Member States of the European Union and with the Contracting Parties to the Agreement on the European Economic Area only to the extent that controls are carried out by the customs authorities.

³³ https://www.zoll.de/SharedDocs/Downloads/DE/Publikation/Broschuere_Bestandteile/Die-Zollverwaltung/statistik_gew_rechtsschutz_2023_05.pdf?__blob=publicationFile&v=2

³⁴ Art. 26 Regulation (EU) No. 608/2013.

³⁵ Art. 23 Regulation (EU) No. 608/2013.

³⁶ Industrial Security and Product Piracy Study 2024, available at vdma.org/home

³⁷ Source: European Union Intellectual Property Office, 2024: EU enforcement of intellectual property rights: results at the EU border and in the EU internal market 2023.

VIII. CONCLUSION

19. The number of seizures has decreased in the last three years (2021–2023), both in terms of the quantity and value of the goods detained. As encouraging as the decline of the detentions and the number of affected companies may seem at first glance, the results of the VDMA study nevertheless show that every second company surveyed is still affected by IP infringement. A significant number of infringing goods originate in China. Postal traffic and air traffic are the most prevalent means of transportation for counterfeit goods. Concerning copyright infringement, further research is needed to be able to evaluate the specific challenges, especially in the digital world.

[End of contribution]

PUBLIC-PRIVATE ANTI-PIRACY ALLIANCES AND COOPERATION: PROGRESS AND PERSPECTIVES – THE EXPERIENCE OF PERU

*Contribution prepared by Mr. Fausto Vienrich Enríquez, Director of Copyright, National Institute for the Defense of Competition and Protection of Intellectual Property, Lima, Peru**

ABSTRACT

This contribution describes the developments in the protection of copyright and related rights against online infringement in Peru and analyzes the current situation, specifically the role and impact of public-private alliances and cooperation. It sets out the efforts of the Copyright Directorate of the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI), which collaborates on several fronts with the public and private sectors in the national and international arenas, particularly in today's increasingly interconnected and digital context, where infringements of intellectual property rights (IPRs) often transcend physical borders.

I. BACKGROUND

1. The administrative authority of the Copyright Directorate of INDECOPI includes the protection of copyrights and neighboring rights. Several years ago, INDECOPI realized the importance of preparing to face the challenges posed by the digital environment, particularly in combating piracy. The problem of piracy is especially complex because of the difficulty in regulating a new environment that, by its very nature, creates circumstances that tend to facilitate a degree of anonymity that can be detrimental to investment, employment and State revenues. Piracy is also a proven source of financing for organized crime, which can clearly only be tackled using a systematic and integrated approach.
2. The recent pandemic fueled exponential growth in the consumption of legal content on online platforms, but unfortunately also in the consumption of pirated content, which also generated severe congestion, saturated networks and hindered the use of educational and videoconferencing programs, which were in very high demand during the pandemic. This was in addition to the economic losses suffered by the copyright holders.
3. In response, as the administrative authority responsible for copyright enforcement, the Copyright Directorate of INDECOPI resolved that it would begin with efficient monitoring through ex officio surveillance and inspection of the digital environment, targeting sites suspected of infringing content protected by copyright and/or related rights and affecting many owners. The directorate next decided to acquire the appropriate technological tools and train personnel to use them. It was also considered necessary to strengthen the regulatory framework by reviewing the existing legal framework to identify areas that could be improved to support the fight against digital piracy.
4. The directorate also found it necessary to conduct outreach and push for change in consumer habits, especially among young people. They are the most exposed to the broad range of content on the Internet, making them more vulnerable to sites which purport to offer

* The views expressed in this document are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.

“free” access to content, leading to the theft of information and personal data, fraud, and other crimes.

5. Within the directorate, there was a gradual realization that, just as there is no single front in combating the scourge of piracy, there is no guarantee that enforcement authorities alone will win the war against it. Thus, for the vast majority of the initial enforcement actions that the directorate intended to pursue, it was clearly necessary to coordinate its actions with other public and private sector authorities, including industry associations and holders of copyright and/or related rights.

6. The considerable support arising from public-private cooperation has been pivotal in the fight against piracy. Collaborative efforts have garnered early wins and attracted more actors to support the efforts of enforcement authorities, strengthening the fight against digital piracy.

II. STRATEGIC ALLIANCES AND COOPERATION

A. THE COMMISSION TO COMBAT CUSTOMS AND PIRACY OFFENSES

7. Law No. 27595 of December 13, 2001 established the Commission to Combat Customs Crimes and Piracy (CLCDAP), composed of members from public and private sector institutions, including the Ministry of Production (which chairs the CLCDAP), INDECOPI, the Ministry of External Trade and Tourism and the National Superintendency of Taxation.

8. The CLCDAP coordinates the activities of its member institutions and its agreements are binding on all its members. It has the authority to invite inputs from public and private institutions as and when necessary. Its mission is to issue guidelines for the implementation of actions and recommendations by the competent public sector institutions, develop a national strategy to counteract customs and IP crimes and continuously monitor the implementation of these measures by the responsible entities, with a view to reducing or eradicating these crimes for the benefit of the formal industrial sector, consumers and the national treasury.

9. CLCDAP has established several multisectoral working groups, bringing together the public and private sectors (both domestic and international) to devise strategies to discourage and combat piracy. These strategies include coordinating prohibitive action to discourage and sanction such illicit activity; proposing improvements to the regulatory framework;³⁸ and organizing training and workshops for enforcement authorities. The working groups cover sectors such as software, publishing and audiovisual works. A multisectoral coordination platform to combat pay television piracy has also been established.

B. SPANISH SOCCER LEAGUE

10. In 2019, INDECOPI and the Spanish professional football league (LaLiga) signed an inter-institutional cooperation agreement to develop activities and projects to defend and protect IP in the domain of sports. The agreement was intended to establish a collaborative framework for more efficient safeguarding of IP rights against illegal online retransmissions of sports broadcasts.

³⁸ A recent example is the issuance of Legislative Decree No. 30077, which deals with crimes against IP rights, enshrined in the criminal code under Law No. 30077 against organized crime. Similarly, Legislative Decree No. 1649 amended the criminal code to supplement various provisions related to unauthorized recording in movie theaters, a practice known as *camcording*.

11. Through this agreement, LaLiga temporarily granted a non-exclusive license of its Lumiere software to INDECOPI, along with assistance and training on its use. INDECOPI agreed to utilize the information obtained through this tool to conduct inspections in its efforts to safeguard IP rights in the digital environment, as reflected in the corresponding inspection reports. This significant cooperation has led the Copyright Directorate to consider the possibility of using other LaLiga tools to combat infringement.

C. COLLABORATION WITH THE INTERNATIONAL FEDERATION OF THE PHONOGRAPHIC INDUSTRY

12. In 2022, the International Federation of the Phonographic Industry (IFPI), which represents the recording industry worldwide with a membership of more than 1450 recording companies in 75 countries, entered into an agreement with INDECOPI to enhance cooperation mechanisms to counteract the piracy of music and other works disseminated online.

13. The agreement has sought to improve and accelerate the detection of websites and mobile and desktop applications in the digital ecosystem through which copyrights and related rights are infringed or which contribute to their infringement. A major advantage of this cooperation has been capacity-building and retraining of INDECOPI personnel on key aspects of combating digital piracy and information-sharing. The scale of this cooperation has allowed the Copyright Directorate to extend the scope of blocking measures or orders (including dynamic blocking injunctions) against websites, disrupting mobile applications. This has also enabled the Copyright Directorate to share the technical knowledge and experience acquired through the collaboration with other copyright enforcement agencies and offices in the region. An example is the knowledge transfer by INDECOPI to the National Directorate of Intellectual Property of Paraguay (DINAPI) that made it possible for DINAPI to participate in Operation 404 for the first time, as covered in more detail below.



Picture: IFPI, INDECOPI and DINAPI staff (2024)



Picture: INDECOPI staff sharing their experiences with DINAPI team (2024)

D. MERCADO LIBRE PERÚ S.R.L.

14. Cooperation agreements with online marketplaces for the sale of goods soon followed. In 2021, INDECOPI and Mercado Libre Perú S.R.L signed an agreement to work together to safeguard IP rights in the digital environment in an effective, simple and agile manner.

15. Through this agreement, both entities seek to protect trademarks, patents and copyright in e-commerce, which may be infringed by sellers who engage in illegal activities such as offering counterfeit and pirated products through the Mercado Libre website³⁹. This will be possible thanks to the implementation of a technical tool granting special access to INDECOPI and allowing it to suspend the offer of products on the website that violate the aforementioned rights and thus thereby defending consumer rights and ensuring the proper functioning of the market with respect to IP.

E. WIPO ALERT

16. In 2020, INDECOPI signed a cooperation agreement with WIPO to join WIPO ALERT, an online platform through which the authorized IP agencies of WIPO Member States, such as INDECOPI, can upload the details of websites or applications that infringe copyrights in accordance with their national regulations and be notified of them in real time. WIPO ALERT supports INDECOPI's anti-piracy efforts by disseminating the information generated to authorized users in the advertising industry, which can then utilize the information to prevent the placement of legitimate ads from appearing on pirate websites, thus reducing the revenue going to those websites. INDECOPI has now uploaded a considerable number of websites or applications into the system.

³⁹ <https://www.mercadolibre.com.pe/>

F. EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE

17. A Memorandum of Understanding (MoU) has been signed with the European Union Intellectual Property Office (EUIPO) to strengthen cooperation and consolidate a strategic partnership. This cooperation with the EUIPO has been taking place through its IP Key Latin America project and has been essential in helping INDECOPI to strengthen the protection and enforcement of IP rights, through activities such as workshops and seminars and commissioning studies for the improvement of the national regulatory framework for enforcement in the digital environment.

III. RESULTS AND IMPACT OF STRATEGIC COOPERATION AND ALLIANCES

18. The impact of these public-private alliances has been high and markedly positive, as described below:

A. CAPACITY BUILDING AND STRENGTHENING REGULATORY FRAMEWORKS

19. Cooperation has made it possible to equip enforcement officials with the necessary skills and knowledge to strengthen enforcement in the ever-changing digital environment, leading to more efficient monitoring and inspections. It is also important to mention that in 2024, the Copyright Directorate expanded the scope of measures to combat violations of copyright and related rights in the digital environment, beyond blocking orders against infringing websites, to include the disruption of mobile applications that facilitate or allow unauthorized access to content protected by copyright or related rights.

20. Cooperation has made it possible to conduct exploratory studies to improve and/or update the regulatory framework to ensure the effectiveness of mechanisms to combat piracy and improve digital enforcement.

B. PARTICIPATION IN ANTI-PIRACY OPERATIONS: OPERATION 404

21. With the high-impact, positive results achieved from these alliances, Peru has actively participated since 2022 in several international anti-piracy initiatives, such as Operation 404, an initiative led by the Secretary of Integrated Operations of the Ministry of Justice and Public Security of Brazil. This is a multi-jurisdictional effort that covers Brazil and Latin America, seeking to neutralize services and systems that infringe IP rights in the digital environment. The participation of INDECOPI in this initiative has allowed it to take forceful strategic action against violations of copyright and related rights. The positive results of INDECOPI's participation in Operation 404 have generated interest from other entities in the region responsible for copyright enforcement in digital environments in receiving training from INDECOPI on working models and investigative techniques, among other topics.



Picture: posters of the 7th edition of Operation 404 (2024)



Picture: participants at the 7th edition of Operation 404 (2024)

C. EDUCATION AND AWARENESS-RAISING

22. This cooperation has generated funding for the development of educational and outreach materials such as interactive guides and highly useful audiovisual material to promote knowledge and building respect for copyright. Some important studies on the economic contribution of the creative industries are also noteworthy, for example the study on **Economic contribution of creative industries based on copyright in Peru**,⁴⁰ which was undertaken as part of the Global

⁴⁰ <https://cdn.www.gob.pe/uploads/document/file/6343084/5570800-estudio-economico-final.pdf?v=1715699842>

Intellectual Property Rights Program implemented by the Swiss Federal Institute of Intellectual Property through the Peruvian-Swiss Intellectual Property Project (PESIPRO).⁴¹

D. PARTICIPATION IN THE MAIN COMPLIANCE FORUMS IN THE DIGITAL ENVIRONMENT

23. In view of the anti-piracy results obtained, cooperation has been increasingly geared towards enhancing the participation of INDECOPI in enforcement events and forums.

E. MONITORING AND ANALYSIS OF LEGISLATIVE INITIATIVES PROMOTED BY THIRD PARTIES

24. Thanks to this cooperation, the directorate has gained an important ally in the Congress of the Republic for the issuance of technical opinions regarding the appropriateness or otherwise of certain proposed regulatory projects.

F. ACCESS TO TECHNOLOGICAL TOOLS AND INFORMATION

25. Cooperation has provided the directorate with the technological tools, especially access to technical information for more efficient investigations.

IV. CONCLUSION

26. Through the Copyright Directorate, INDECOPI has displayed a growing and continuous interest in forging new strategic alliances with entities experienced in the fight against digital piracy and in pursuing the establishment of international mutual cooperation networks.

27. It is the Directorate's view that these alliances are indispensable for future work, especially to ensure effectiveness of measures such as blocking; to ensure that it is increasingly creative in finding solutions and adopting best practices; and to continue working towards a cultural shift to ensure a safer Internet, free from breaches and threats.

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⁴¹ <https://www.gob.pe/62062-proyecto-peruano-suizo-en-propiedad-intelectual-pesipro>