

Advisory Committee on Enforcement

Seventeenth Session
Geneva, February 4 to 6, 2025

NATIONAL EXPERIENCES ON AWARENESS RAISING

Contributions prepared by Japan, the Philippines and India

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, “exchange of information on national experiences on awareness-building activities and strategic campaigns as a means for building respect for IP among the general public, especially the youth, in accordance with Member States’ educational or any other priorities”. Within this framework, this document introduces the contributions of three Member States, sharing their experiences in developing and implementing awareness raising initiatives focused on addressing the harms caused by IP infringement and the existing gaps in IP awareness.

1. Japan’s contribution describes the role of the Japan Patent Office (JPO) in addressing the issue of consumer behavior in purchasing counterfeit goods, particularly in response to the rise of the e-commerce, including consumer-to-consumer (C2C) transactions. Despite other consumer awareness campaigns, domestic consumption of counterfeit goods continues to rise. To counter this, the JPO has incorporated awareness raising on the harms of counterfeiting in the high school curriculum. Since its launch, the initiative has demonstrated positive shifts in student attitudes toward counterfeit products. The contribution also highlights the long-term objective of the initiative, which is to instill respect for IP in the younger generations and to reduce the damage caused by counterfeits in the long term.

2. The Philippines’ contribution highlights its experiences in running multiple communications campaigns to address the gaps in IP awareness among the public as identified during the pilot phase of the WIPO Consumer Survey Toolkit project in the country. The contribution describes initiatives such as the IP and Citizen Journalism for Schools Project and a three-phase consumer awareness project in collaboration with WIPO, engaging a public figure as ‘anti-piracy Ambassador’, and digital campaigns against piracy and counterfeiting. It also outlines plans for a post-campaign survey to measure the impact of these efforts.

3. India's contribution highlights the vital role of Micro, Small, and Medium Enterprises (MSMEs) in the country's economy, particularly in generating employment, and promoting innovation and development. It explains the challenges MSMEs face in protecting and enforcing their intellectual property (IP) rights, and also outlines current government initiatives to promote and support IP protection and effective enforcement of IP rights. This includes nationwide awareness campaigns aimed at enhancing IP awareness among MSMEs and specialized IP support centers to assist MSMEs with IP protection and enforcement. It outlines the barriers that still hamper MSMEs from undertaking effective enforcement of IP and recommends further collaboration between the public and private sectors, along with technology-driven solutions, to support MSMEs with IP protection and enforcement.

4. The contributions are in the following order:

The Current Status of Domestic Awareness-Raising Initiatives Regarding Counterfeit Goods.... 3

Awareness-raising activities to combat counterfeiting and piracy: a strategic approach to foster awareness of intellectual property (IP) in the Philippines and encourage respect for IP rights 8

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THE CURRENT STATUS OF DOMESTIC AWARENESS-RAISING INITIATIVES REGARDING COUNTERFEIT GOODS

*Contribution prepared by Mr. Shinichiro Hara, Director, Overseas Business Support Office, International Cooperation Division, Japan Patent Office, Tokyo, Japan**

ABSTRACT

The Japan Patent Office is working on issues related to counterfeit goods, in collaboration with the industrial sector and relevant ministries. In response to the expansion of the e-commerce market, including consumer-to-consumer (C2C) transactions, awareness-raising campaigns aimed at consumers have been continuously implemented to enhance awareness about counterfeit goods. However, according to a survey of companies, there is no observed trend of decreasing consumption of counterfeit goods domestically; rather, such consumption appears to be increasing.

In response, starting in the fiscal year 2023, efforts to incorporate the issue of counterfeit goods into high school social studies classes are being undertaken. This initiative aims to help young people recognize the counterfeit goods issue as a significant problem that is both relevant to their lives and connected to contemporary global challenges. By expanding this initiative across many high school curricula, the goal is to instill respect for intellectual property (IP) in the next generation and, in the long term, reduce the damage caused by counterfeit goods in Japan.

I. CURRENT SITUATION OF THE DOMESTIC E-COMMERCE MARKET

Overview

1. In 2023, the scale of the business-to-consumer electronic commerce (B2C e-commerce) market in Japan is expected to expand to 24.8 trillion yen (156.7 billion United States dollars), representing a yearly increase of 9.23 percent. Additionally, the business-to-business electronic commerce (B2B e-commerce) market size in Japan for the fiscal year 2023 is projected to be 465.2 trillion yen (2.9 trillion United States dollars), marking a yearly increase of 10.7 percent. The e-commerce penetration rate is also on the rise, with B2C e-commerce at 9.38 percent (an increase of 0.25 percentage points from the previous year) and B2B e-commerce at 40.0 percent (an increase of 2.5 percentage points), indicating a continued advancement in the digitalization of commercial transactions.

2. Consumer behavior: the coronavirus disease (COVID-19) pandemic accelerated the shift towards online shopping, with many consumers becoming accustomed to purchasing goods and services online. This trend has continued even as physical stores have reopened.

B2C E-Commerce Market in the Retail Sector

3. The B2C e-commerce market in the retail sector has increased by 676.3 billion yen (4.3 billion United States dollars) from the previous year, reaching 14.676 trillion yen (92.7 billion United States dollars), a yearly increase of 4.83 percent, accounting for approximately 59 percent of the total market. The e-commerce penetration rate in this sector is 9.38 percent (an increase of 0.25 percentage points from the previous year).

C2C E-Commerce Market

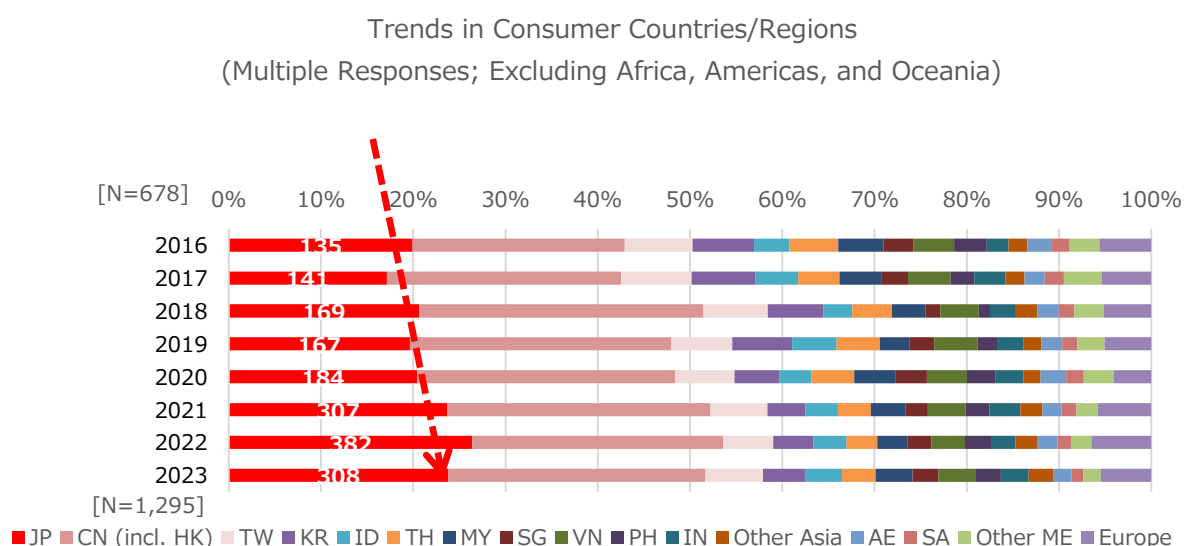
4. In recent years, C2C e-commerce has rapidly expanded as one of the e-commerce channels. The C2C e-commerce market size for the fiscal year 2023 is estimated to be 2.4817 trillion yen (15.7 billion United States dollars), a yearly increase of 5 percent). Since the late 2010s, the growth of the C2C market has been primarily driven by flea market applications (apps).

5. The expansion of the e-commerce market has significantly improved the convenience of consumer transactions. Additionally, the rapid growth of flea market apps has contributed to the expansion of the second-hand market, which aids in addressing social issues such as the realization of a circular economy. However, there are negative aspects to this development. It has been noted that there is a persistent issue of hidden sellers posing as well-meaning consumers, and that consumers, particularly younger individuals, are not only becoming buyers but are also turning into sellers of counterfeit goods, potentially involving themselves in infringement offenses.

II. CURRENT STATE OF COUNTERFEIT GOODS DISTRIBUTION IN JAPAN

6. The Japan Patent Office conducts annual surveys to gather foundational data for planning and formulating the country's IP policies, with a view to understanding the actual state of IP activities among individuals, corporations, universities, and public research institutions in Japan. This includes investigating the extent of damage caused by counterfeiting and the measures taken by rights holder companies to counter the problem. The most recent survey¹ targeted over 7,000 entities.

7. The following figure outlines the survey targets: applicants in Japan, including corporations, individuals, universities, and public research institutions, who have filed five or more applications for any of the following industrial property rights (i.e. patents, utility models, designs, and trademarks) in the two years preceding the survey year.



¹ https://www.jpo.go.jp/resources/statistics/chizai_katudo/2023/gaiyou.html#taisyou

8. According to the responses from the surveyed companies, while there has consistently been significant damage from counterfeit goods overseas, there is a long-term increasing trend in the proportion of counterfeit goods being consumed in the domestic market.

III. DOMESTIC ANTI-COUNTERFEIT AWARENESS-RAISING CAMPAIGNS

9. The Japan Patent Office has been conducting campaigns since 2017 to raise awareness among domestic consumers about the issues related to counterfeit goods.

10. The campaign initially focused on alerting the general public to the social harms associated with counterfeit transactions. Over time, the messaging evolved to target younger consumers who shop online, emphasizing that dealing in counterfeit goods is "uncool". In response to changes in communication methods, the campaign has shifted from traditional media such as posters to utilizing a dedicated website and engaging with social media platforms, including the use of influencers for outreach.

11. Since the late 2010s, there has been a notable increase in C2C transactions, particularly among younger demographics using flea market apps. Concurrently, the proliferation of social media has increased consumers' exposure to counterfeit products. The digitalization of manufacturing tools, such as 3D printers, has also enhanced the precision with which counterfeit goods can be manufactured. Additionally, there has been a rise in hidden sellers posing as C2C participants to sell counterfeit items. As a result, the campaign has collaborated with rapidly growing flea market app operators to raise awareness not only about the risks of purchasing counterfeit goods but also about the consequences of selling them, including potential criminal penalties.

Evolution of Anti-Counterfeit Awareness Raising Campaigns

	Late 2000s-	Late 2010s-	2020s
Target	General consumers→ [People knowingly buying counterfeit goods]	20s and teens→ [People buying counterfeit goods without knowing it]	Teens and High School Students
Message	Focusing on social issues such as the sources of funding for organized crime, and appealing to feelings of guilt	How to distinguish counterfeit products. Peer pressure, egocentric and heteronomous perspectives	Developing lessons that encourage students to think by themselves about the issue of counterfeit goods
Media	Poster distribution → Special website →	Social media use, including influencer →	Introduction into school education and creation of mascot character

12. However, as noted in section II above, there is no observed trend of decreasing counterfeit damage in the domestic market; rather, it appears to be on the rise. Consequently, there is a pressing need for a fundamental reassessment of the awareness-raising methods themselves.




IV. INCORPORATION OF COUNTERFEIT GOODS ISSUES INTO EDUCATION

13. Previously, education related to IP included aspects of IP creation even at the elementary and junior high school levels, but awareness of the harms of counterfeit goods was not included. In light of the situation described in section II, a new initiative has been introduced in addition to the campaigns mentioned in section III: the incorporation of counterfeit goods issues into high school social studies classes. This aims to create a foundation for young people, particularly those starting to buy and sell on flea market apps, to recognize the counterfeit goods issue as an important problem that is both relevant to their lives and connected to

contemporary global challenges. In planning and implementing this initiative, two main aspects were considered:

Contents

14. By using counterfeit goods countermeasures (education on preventing IP rights infringement) as a subject matter for learning, the initiative aligns with the following items set forth in the government's educational guidelines. The goal is to deepen understanding of the counterfeit goods issue in a manner consistent with government policy. Notably, unlike traditional Japanese educational methods, this approach emphasizes that students should "think independently" rather than simply being "taught". This characteristic encourages active engagement and critical thinking among students.

Implementation of Educational Guidelines focused on Counterfeiting Issues	
Counterfeiting Issues	Educational Guidelines for High School Teachers
Understanding the need for intellectual property protection	 <p>"Based on real-world issues and problems related to consumer rights and responsibilities, students will understand how rights and freedoms are guaranteed and realized, and social order is formed and maintained, through the fair and impartial adjustment of opinions and interests of individuals and based on laws and norms, and through the mediation and resolution of personal and social conflicts, in accordance with the Constitution, in accordance with due process, and based on laws and norms."</p>
Understanding the problem of counterfeit goods that arises when companies expand overseas	 <p>"Based on real-world issues and problems related to Japan's role in the international community, including its international contributions, students will understand that a better society can be built through individuals participating in discussions under the Constitution, adjusting conflicts of opinion and interests, and reaching consensus."</p>
Understanding the socio-economic background of the production and sale of counterfeit goods	 <p>"To understand that efficient allocation of resources is achieved through fair and free economic activities based on real-world issues and challenges related to economic globalization and deepening interdependence (including issues of poverty and inequality in the international community)."</p>

Process

15. First, during the preparation phase, influential teachers in the social studies field were approached. In collaboration with them, teaching materials, including examples of lesson plans, were created.

16. Next, trial lessons using the developed materials were conducted in their classes. Based on student reactions and survey results during the lessons, the materials and examples were revised accordingly.

17. The resulting teaching materials and the lessons were not only uploaded as videos on the Japan Patent Office website but were also shared at academic conferences to promote dissemination among other social studies teachers, encouraging adoption in other schools.

Project Outcomes

18. A survey was conducted among students who participated in the model lessons. Key results indicated that after the lessons, more than three-quarters of the students rated the class as "easy to understand", with over 95 percent providing positive feedback.

19. Additionally, while there were relatively lenient opinions towards counterfeit goods before the lessons, there was a significant shift in awareness afterward, with a stronger negative perception of counterfeit products.

20. Thus, the initiatives for the production and implementation of IP rights infringement prevention advertising in fiscal year 2023 signal an important effort to deepen understanding of IP rights among high school students and to curb the purchase of counterfeit goods.

V. CONCLUSION

21. To effectively address the issue of counterfeit goods, particularly in light of trends in the e-commerce market, a long-term response is essential. It is necessary to continuously reassess our initiatives while swiftly adapting to technological advancements and societal changes, including new applications and communication methods. Moving forward, we aim to learn from best practices in other countries and implement effective awareness-raising strategies to reduce the damage caused by counterfeiting both domestically and internationally.

[End of contribution]

AWARENESS-RAISING ACTIVITIES TO COMBAT COUNTERFEITING AND PIRACY: A STRATEGIC APPROACH TO FOSTER AWARENESS OF INTELLECTUAL PROPERTY (IP) IN THE PHILIPPINES AND ENCOURAGE RESPECT FOR IP RIGHTS

*Contribution prepared by Ms. Christine Pangilinan-Canlapan, Supervising Director, and Ms. Marlita Dagsa, Division Chief, IP Rights Enforcement Office, Intellectual Property Office of the Philippines (IPOP HL), Taguig City, Philippines**

ABSTRACT

The Philippines was chosen as the pilot country for the deployment of the World Intellectual Property Organization (WIPO) Consumer Survey Toolkit, which measured the impact of public awareness-raising campaigns on intellectual property (IP) carried out by the Intellectual Property Office of the Philippines (IPOP HL) in 2021. That survey revealed that one of the main gaps in the country is that information about IP is still not widely disseminated or discussed. It also showed that it is not enough to educate the public about the benefits of protecting their IP; they also need to be made aware of the benefits of IP for the country and the need for people to respect it. Another recommendation to emerge from the survey is the need for a more aggressive and widespread campaign to inform the public of the risks of buying and using counterfeit and pirated products. Brand owners could include taglines supporting IP or a warning to the public in their advertisements not to buy fake products.²

Based on those insights, IPOP HL ran various communications campaigns to reduce consumer demand for infringing products and encourage respect for IP rights (IPRs).

This contribution highlights various IPOP HL initiatives designed to address the gaps in awareness of IP in the Philippines and to encourage respect for IPRs.

I. IP AWARENESS-RAISING PROJECTS IN PARTNERSHIP WITH WIPO

A. THE IP AND CITIZEN JOURNALISM FOR SCHOOLS PROJECT

1. Following the successful implementation of the IP and Citizen Journalism for Schools Project in schools in Soweto, South Africa, in 2019 and in Dakar, Senegal, in 2022, the Philippines was chosen by WIPO to implement a similar project. IPOP HL, in partnership with WIPO and with funding from the Ministry of Culture, Sports and Tourism (MCST) of the Republic of Korea, ran the IP and Citizen Journalism for Schools project from October 9 to 23, 2023.

2. The activity was conducted on the campuses of two Young IP Advocates (YIPA) member schools: Philippine Science High School (PSHS) Main Campus and Polytechnic University of the Philippines (PUP) Laboratory High School. A total of forty-eight students from both schools took part.

3. Discussions were focused on understanding IP, including the fundamentals of copyright and trademarks, and on IP enforcement. The importance of respecting those rights while creating and disseminating content was emphasized during the discussions. Other topics

* 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.

² Laluces, Nelson, (2022, August 12) Consumer Attitudes and Awareness in the Philippines – Results and Lessons Learned from Deploying the WIPO Consumer Survey Toolkit, WIPO/ACE/15/9, www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_15/wipo_ace_15_9.pdf.

included the dangers of counterfeiting and piracy and their impact on communities and on the country's economic development. To complement the discussions, a product identification session was held, in which students received practical training on how to differentiate genuine, authentic goods from counterfeits (fakes).

4. A journalist also taught the students how to conduct interviews and make professional videos in preparation for the short video competition, a highlight of the activity. Gold, silver and bronze medals were awarded at the plenary session for the best video entries submitted from each school. Pop artists Clara Benin and Ace Banzuelo, who performed at the plenary session, encouraged the students to buy patronize original works and say "no" to piracy.

B. CONSUMER AWARENESS CAMPAIGN

5. In 2020, the Building Respect for IP (BRIP) Division launched a three-phase awareness-raising project in collaboration with IPOPHL. The first phase involved using the WIPO Consumer Survey Toolkit to conduct a consumer survey of attitudes to piracy and counterfeiting. The survey was completed in November 2021 and the results were presented at the fifteenth session of the Advisory Committee on Enforcement (ACE). The second phase featured the "STOP-PIRACY" awareness-raising campaign, which was based on insights gained from the survey results. The campaign ran from August 2023 to August 2024. The current third phase involves a survey to assess the effectiveness of the campaign: its results will be compared with the baseline level of IP awareness established prior to the campaign, with a view to gauging any shifts in public perception regarding the impact of counterfeit and pirated goods on rights holders, consumers and local industry.

II. ANTI-PIRACY AMBASSADOR

6. IPOPHL, with the support of WIPO, engaged Matteo Guidicelli, a well-known actor, singer and military reservist who has numerous followers on social media, to serve as the IPOPHL Anti-Piracy Ambassador. Mr. Guidicelli worked with IPOPHL to create video content on the following subjects:

- a. Why we should stop patronizing pirated materials;
- b. Changing perceptions of the act of piracy; and
- c. How to stop piracy.



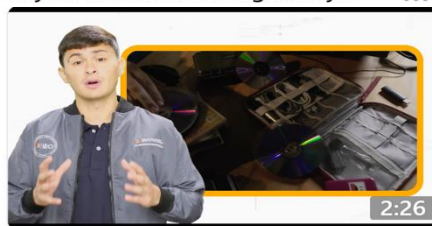
No To Piracy!



Hello, everyone! Meet the Philippines' Anti-Piracy...



Have you considered the influence of your decisions during family...



Piracy is a CRIME - Matteo Guidicelli, Philippines' Anti-Piracy...

7. The four main videos produced and posted to encourage the public to understand and take action against piracy generated 1.617 million views.

8. On his own initiative, Mr. Guidicelli also posted on his social media accounts videos and photos to raise awareness of copyright piracy.

III. THE *PIRATED INFERNO* COMIC BOOK

9. IPOPHL, in collaboration with the National Book Development Board, commissioned Manix Abrera, a famous comic book illustrator and author, to create a comic book on the perils of piracy. Inspired by Dante's *Inferno*, Mr. Abrera wrote *Pirated Inferno*, depicting the effects of piracy on authors and creators. The soft launch of the first comic strip of the book took place at the Philippine Book Festival in June 2023 and thereafter two comic strips were released weekly. The printed version of the book was launched on June 13, 2024, at an event where the author signed copies for fans from IPOPHL and NCIPR. The key objectives of this project are:

- a. Awareness-raising: to highlight the issue of piracy and its impact on creators and the creative industry by using the comic book as a tool to educate the public about the importance of respecting IPRs.
- b. Promotion of the comic book: to introduce *Pirated Inferno* to a wide audience, including comic book enthusiasts, educators, students and industry professionals, and to generate interest in the comic book through various promotional activities.
- c. Community engagement: to create an opportunity for fans and new readers to interact with the author, Mr. Abrera.
- d. Partnerships: to establish and strengthen relationships with organizations, schools and libraries that can support and further the anti-piracy campaign; and to explore opportunities for collaboration on future projects.
- e. Feedback: to collect feedback from attendees and readers about the comic book and its message, and to use that information to improve future editions and in related projects.
- f. Expanded reach: to lay the groundwork for future promotional events and initiatives for *Pirated Inferno* and its anti-piracy message and plan follow-up activities.
- g. Celebration of creativity: to recognize and celebrate Mr. Abrera's creativity and hard work and his contribution to the comic book industry, and to emphasize the value of original content and the need to protect it.
- h. Advocacy: to inspire attendees to become advocates against piracy and to provide them with resources and information to spread the anti-piracy message in their own agencies and communities.

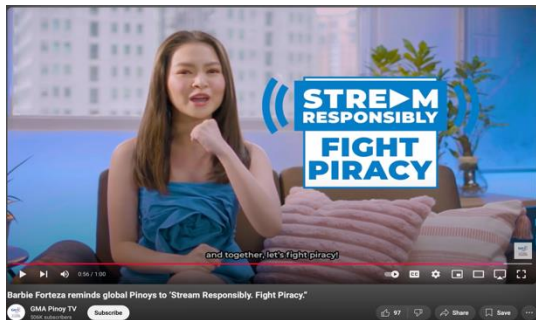


10. The comic book was displayed at the ASEAN exhibit on the sidelines of the Assemblies of the Member States of WIPO in July 2024 with the theme: “Sustainable, Creative ASEAN.”

11. Mr. Abrera continues to promote *Pirated Inferno*, which is much sought after among his fans, and to advocate against piracy at book fairs and Comi-Con. IPOPHL has distributed copies of the comic book to students and the public during events and engagements with schools.

IV. CAMPAIGN AGAINST ILLICIT STREAMING

12. Illicit streaming services have played an increasing role in the provision of access to unauthorized or pirated content such as films and television programs. To strengthen the campaign against online piracy, IPOPHL teamed up with GMA Network Inc., one of the largest media companies in the Philippines, on the Stream Responsibly: Stop Piracy campaign. GMA Network produced videos of celebrities and film actors encouraging Filipinos at home and abroad to watch films and TV shows through subscriptions to legal streaming services. The project was a result of the memorandum of understanding signed between IPOPHL and GMA Network in September 2023. IPOPHL also held a special IP workshop for GMA’s artists and employees in order to boost their awareness of their rights and responsibilities as creators. The Network has also chosen popular celebrities as Anti-Piracy Ambassadors.



13. In January 2024, IPOPHL joined GMA Network in Cebu City to launch the audio version of its anti-piracy videos in the Visayan language on the Network's radio station. In a bid to expand its regional reach, GMA has also produced radio spots in various dialects of the country. GMA continues to engage celebrities as Anti-Piracy Ambassadors to raise awareness of the need to combat piracy.



V. RADIO AND TELEVISION GUEST APPEARANCES AND INTERVIEWS

14. To spread awareness of IP and promote a culture of respect for IPRs, IPOPHL officials also appear on TV and radio to explain IP and the Office's various initiatives to curtail IP infringements. The Office uses those opportunities to explain complex IP concepts in a manner that can be understood by everyone, to expand its reach nationwide and to invite the public to join information sessions and learn more about IP.



VI. ANTI-PIRACY AND ANTI-COUNTERFEITING DIGITAL CAMPAIGNS

15. IPOPHL has also devised digital anti-piracy and anti-counterfeiting campaigns with its messaging objective: Inform. Engage. Mobilize.

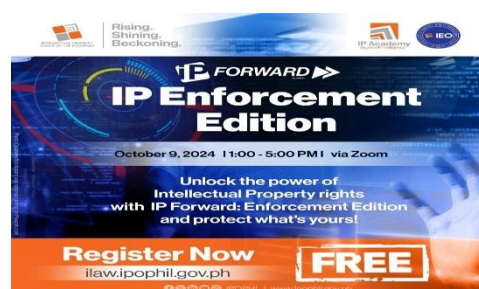
16. The Office channels those campaigns through its social media accounts in order to reach a broader audience and engage people with its call-to-action messaging. The main goal is to enable the public to understand the importance of IP and why we should all work together to combat piracy and counterfeiting. By raising awareness, encouraging community engagement and promoting action, we aim to educate the public on the harmful effects of counterfeiting and piracy, highlight key partnerships that address those issues and motivate people to support legitimate content and goods and to report violations.

17. Types of digital content on IP enforcement (in video and image format)

- Educational materials
- Content highlighting collaborative efforts
- Creative and humorous content
- Initiatives driving action
- Campaign framework

18. Building knowledge by:

- a. Promoting free online learning sessions on how to enforce IP rights and educate followers about IP enforcement through tutorials, webinars or online courses.

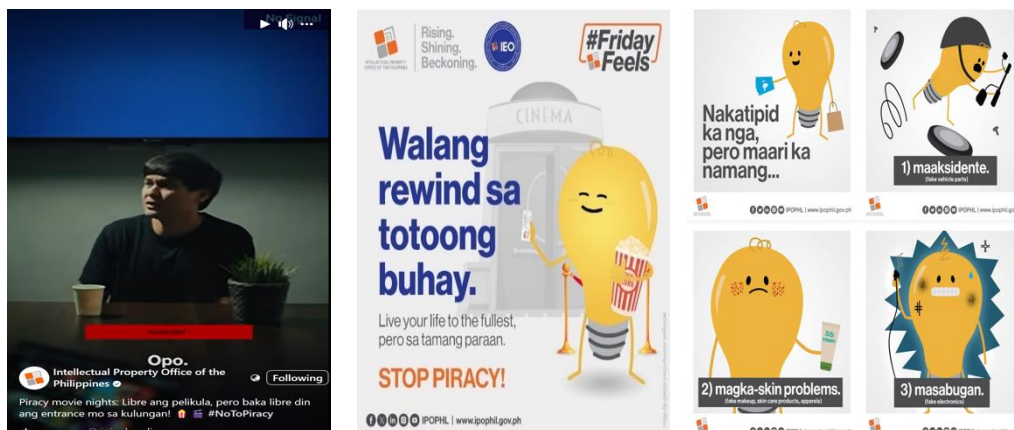


- b. Using real products to disseminate information on social media on how to differentiate between counterfeit and genuine goods. By engaging in the comments sections of social media, IPOPHL can determine whether people are able to identify counterfeits.



19. Engagement and relatability: using engaging, shareable content like memes and humor to raise awareness while appealing to a broad audience.

- a. Anti-piracy and anti-counterfeiting campaigns to raise awareness of the negative impact of piracy and counterfeiting on businesses and consumers.



- b. Celebration of Anti-Piracy Month (October) to maximize public engagement and advocacy by amplifying content on the importance of protecting IP.



20. Publicity to build trust: articles, press releases and social media updates showcasing partnerships, institutional actions and joint efforts by IPOPHL, private entities and international partners to combat piracy and highlighting tangible successes, such as seizures, the shutting down of infringing sites and successful MOUs.



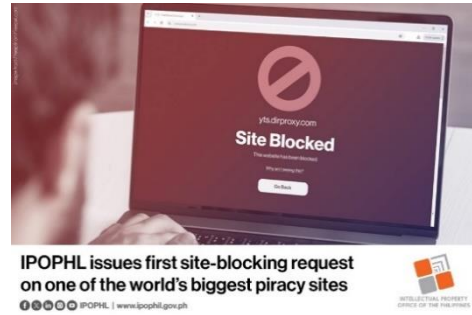
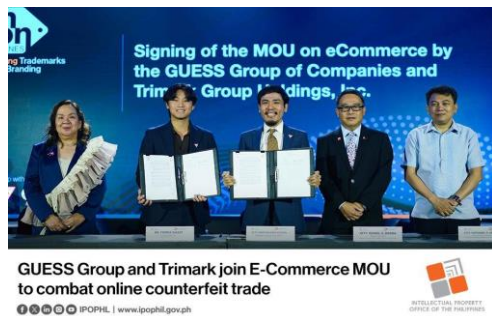
IPOPHL intensifies work with Greenhills and stakeholders to cleanse mall of counterfeits

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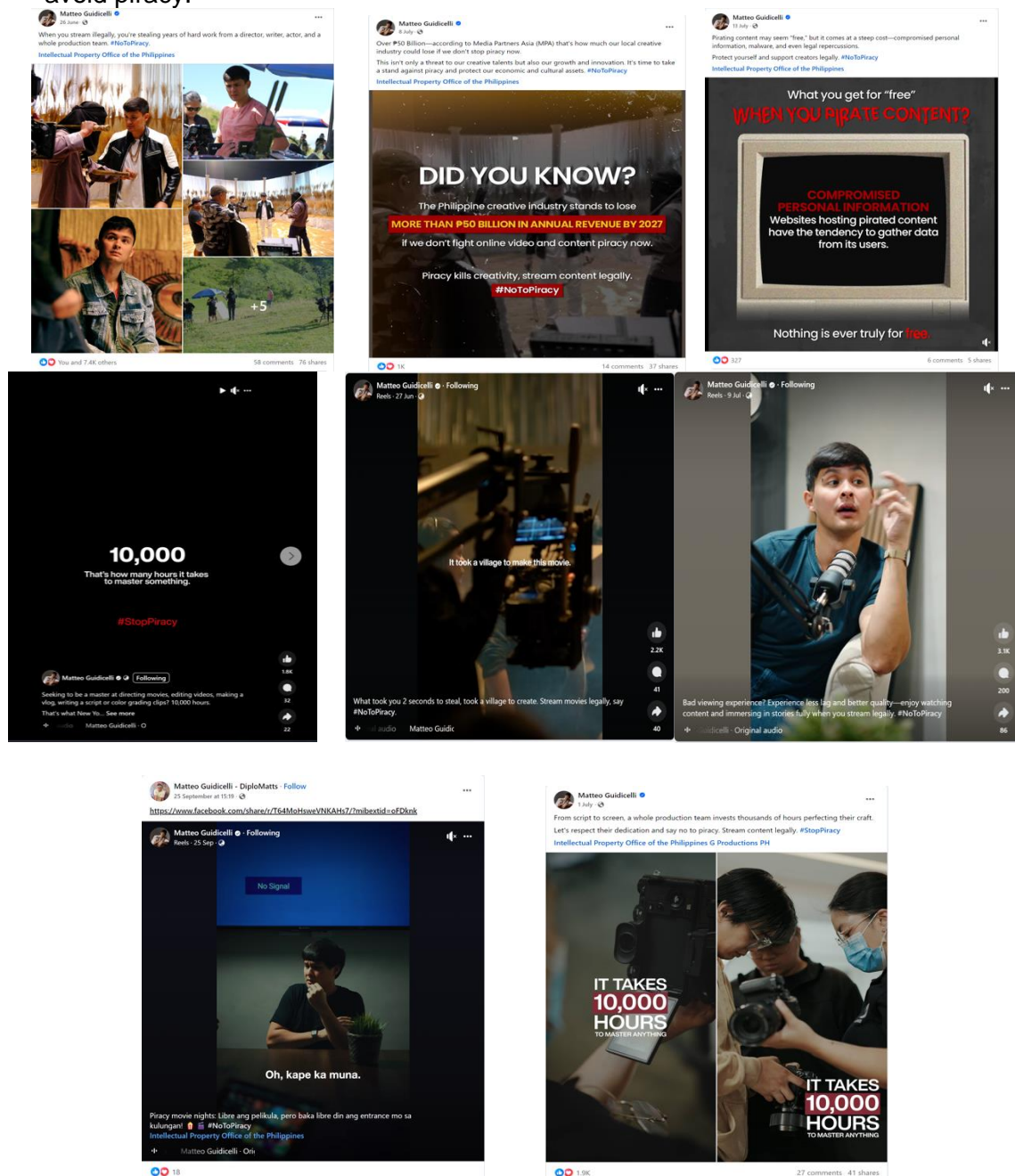
Counterfeits seized in 2023 reach record-high at near P27 billion mark

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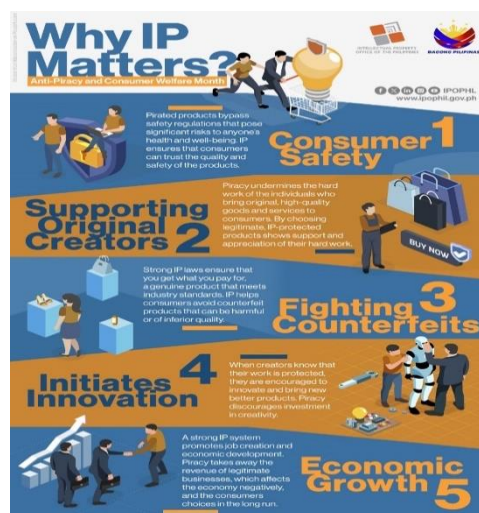


21. Action and empowerment: encouragement for social media audiences to report infringements, creating a community-driven approach to IP protection.

a. Anti-Piracy Ambassador's posts on social media platforms to encourage his followers to avoid piracy.



- b. Campaigns for pro-active community “report IP violations”: providing tools for the public to report IP violations and support legitimate content.



VII. CONCLUSION

22. IPOP-HL hopes that the roll-out of its IP awareness initiatives and programs has helped to boost knowledge and awareness of IP in the Philippines and expects the results to become clear in the post-campaign survey that will be deployed soon with the support of WIPO and the Ministry of Culture, Sports and Tourism of the Republic of Korea.

[End of contribution]

INTELLECTUAL PROPERTY AWARENESS-RAISING INITIATIVES BY THE MINISTRY OF MICRO, SMALL AND MEDIUM ENTERPRISES, INDIA

*Contribution prepared by Mr. Vinamra Kumar Mishra, Director and Mr. Satish Kumar, Assistant Director, Ministry of Micro, Small and Medium Enterprises (MSME), Government of India, New Delhi, India**

ABSTRACT

MSMEs play an indispensable role in the economy of India by fostering innovation and creativity, increasing employment, and contributing to regional and national economic development. As India shifts towards a knowledge-driven economy, securing IP rights and effectively enforcing them has become increasingly vital for these enterprises. Despite the importance of IP protection, Indian MSMEs face numerous barriers to effectively enforcing their IP, such as low awareness, financial limitations, and bureaucratic hurdles, which collectively inhibit their ability to protect and capitalize on their innovations and creative outputs. Addressing these challenges is essential for empowering MSMEs to compete more effectively in the global marketplace, enhancing their resilience, and driving economic growth in India.

This contribution explores existing government incentives and support initiatives for MSMEs to protect their innovation and creative output, with a view to enabling them to protect and enforce their Intellectual Property Rights (IPRs) more effectively. It also highlights certain challenges faced by MSMEs in India in relation to the enforcement of their IPRs, the opportunities for the government to address these challenges and possible collaborations between public and private entities for strengthened enforcement of IPRs and amplified advocacy for streamlined policies.

I. INTRODUCTION

1. MSMEs are critical to India's socioeconomic structure, accounting for a substantial share of employment, innovation, and regional development. According to a recent Press Information Bureau (PIB) report,³ India's MSME sector contributes approximately 30 percent to the country's gross domestic product (GDP), and is responsible for nearly 45 percent of exports, underscoring its importance for India's economic stability. In an era increasingly driven by technology and intellectual capital, IPRs are essential for businesses seeking to maintain a competitive edge and safeguard their innovative and creative efforts.

2. IPRs cover a wide range of intellectual assets, including patents, trademarks, copyrights, industrial designs, and geographical indications (GIs), all of which provide MSMEs with the legal framework to protect their innovations and creative outputs. However, enforcement of IPRs remains a complex and often challenging area for Indian MSMEs, primarily due to their limited resources, lack of awareness, and the complexities of the IP legal landscape in India.

* 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.

³ Press Release, Ministry of MSMEs, available at <https://pib.gov.in/PressReleaseSelfframePage.aspx?PRID=2035073>

3. Strengthening IP enforcement in the MSME sector can empower businesses to better protect their innovations, promote an IP-conscious business culture, and enable India's MSMEs to thrive in a highly competitive global market.

II. GOVERNMENT INITIATIVES, SUPPORT SCHEMES AND COLLABORATIONS ON IP AWARENESS AND PROTECTION

4. There are several government initiatives and schemes aimed at promoting IP awareness and incentivizing IP protection, with strengthened IP enforcement as one of the objectives. The Department for Promotion of Industry and Internal Trade (DPIIT) and the Ministry of MSME have jointly organized several events to support industry, with the aim of enabling entrepreneurs and start-ups to understand the significance of safeguarding their IP, thereby reducing vulnerabilities to IP infringements.⁴

A. GOVERNMENT SUPPORT INITIATIVES AND INCENTIVES

5. Recognizing the importance of IP protection for MSMEs, the Government of India has introduced several incentives and assistance programs for innovators and creators, to enable them to protect and enforce their IPRs. Key initiatives include:

- a) The Scheme for Facilitating Startups Intellectual Property Protection (SIPP): this flagship scheme,⁵ introduced by the DPIIT, supports startups by providing financial assistance for IP registration, creating awareness about IP rights, and simplifying the application process. The SIPP scheme collaborates with World Intellectual Property Organization (WIPO) Technology and Innovation Support Centers,⁶ providing MSMEs with access to expert guidance and resources.
- b) Under the initiative, startups can access patent, trademark, and design protection services by paying only the required statutory fees, as the professional fee for facilitators is fully covered by the government. Facilitators, empanelled by the Controller General of Patents, Designs and Trademarks (CGPDTM) provide a comprehensive range of services, including advisory support, drafting of applications, responding to examination reports, contesting oppositions, and ensuring the final resolution of intellectual property (IP) applications. Since the facilitators are directly compensated by the government, startups receive these services at no additional cost. This simplifies IP protection and enables start-ups to effectively safeguard their IP.
- c) Reduced IP registration fees for MSMEs: the CGPDTM provides up to an 80 percent reduction in patent-filing fee for MSMEs, up to 75 percent for industrial design filing applications and up to 50 percent in trademark filing applications. These financial incentives reduce the cost barriers associated with IP protection, allowing more MSMEs to secure IP rights at a lower cost. This ensures that a larger number of MSMEs are able to protect their IP rights and are able to seek legal remedies in cases of infringement, particularly in cases of IP rights such as patents which cannot be enforced without registration.
- d) The IP Support Program of the Ministry of MSMEs: this program provides a range of IP services to MSMEs, including IP advisory, consultancy, prior art searches, novelty

⁴ <https://pib.gov.in/PressReleasePage.aspx?PRID=2085346>

⁵ <https://iprsearch.ipindia.gov.in/DynamicUtility/Sipp/index>

⁶ https://www.wipo.int/tisc/en/search/search_result.jsp?country_id=80

assessments, and Freedom to Operate (FTO) analysis. The program also offers financial assistance for MSMEs to register patents, trademarks, designs, and GIs. However, there is scope to further increase awareness of this support program among MSMEs, so there is widespread awareness about its benefits and MSMEs are encouraged to take advantage of the available government support. The financial assistance is available to MSMEs registered with the Ministry of MSME. It varies according to the IP right and is subject to certain upper limits, explained below.

B. AWARENESS-RAISING INITIATIVES

6. Building awareness is critical in empowering MSMEs to understand, protect, manage and enforce their IP assets proactively and effectively. It is important that Government agencies, industry associations, and educational institutions work together to raise awareness and to provide training programs tailored to meet the IP needs of MSMEs.

7. One successful example of such collaboration is the flagship IP Yatra Campaign (“IP Journey Campaign”), launched by the Ministry of MSME in 2023, in which the Ministry collaborates with the private sector to organize workshops across the country to build IP awareness amongst MSMEs, address their IP issues, provide one-to-one mentorship and connect them with IP Facilitation Centers (IPFCs).

8. These programs help MSMEs understand the value of IP protection and equip them with the knowledge to navigate the process of IP registration and understand the process and importance of enforcing their IP. Focusing on educating MSMEs about IP rights, filing procedures and enforcement strategies has fostered a culture of innovation and proactive management of IP rights among MSMEs.

9. The IP Yatra Campaign has significantly contributed to raising awareness about IP among MSMEs that were previously unaware of its importance. Now in its second year, the initiative has already travelled to various regions of the country, including small towns and cities where IP awareness is still not prevalent. Consequently, many MSMEs suffer the risk of their IP being infringed upon due to lack of knowledge, and consequently not taking steps to protect and enforce their IPRs. This outreach program has been successful in ensuring widespread outreach to educate MSMEs on the critical role of IP in safeguarding their innovations and creative output.

10. Since 2023, 40 IP Yatra sessions have taken place, reaching more than 6,000 MSMEs. The sessions have featured panel discussions and presentations on key topics of relevance for MSMEs, including registration and enforcement of IP rights and success stories of entrepreneurs and MSMEs protecting and leveraging their IP for business growth. Eminent speakers from the industry, the Government of India, diplomatic missions and IP practitioners and academics have shared their expert insights with the participants.

11. A key highlight of the campaign has been its one-to-one mentorship sessions, which provide personalized guidance to MSMEs on the processes of IP registration and enforcement. These sessions demystify complex procedures, enabling businesses to take concrete steps towards protecting their IP rights. They also offer tailored advice and practical solutions, empowering numerous MSMEs to integrate IP strategies into their business models and strengthening their capacity to compete and innovate in domestic and international markets and to take measures to enforce their IPRs.

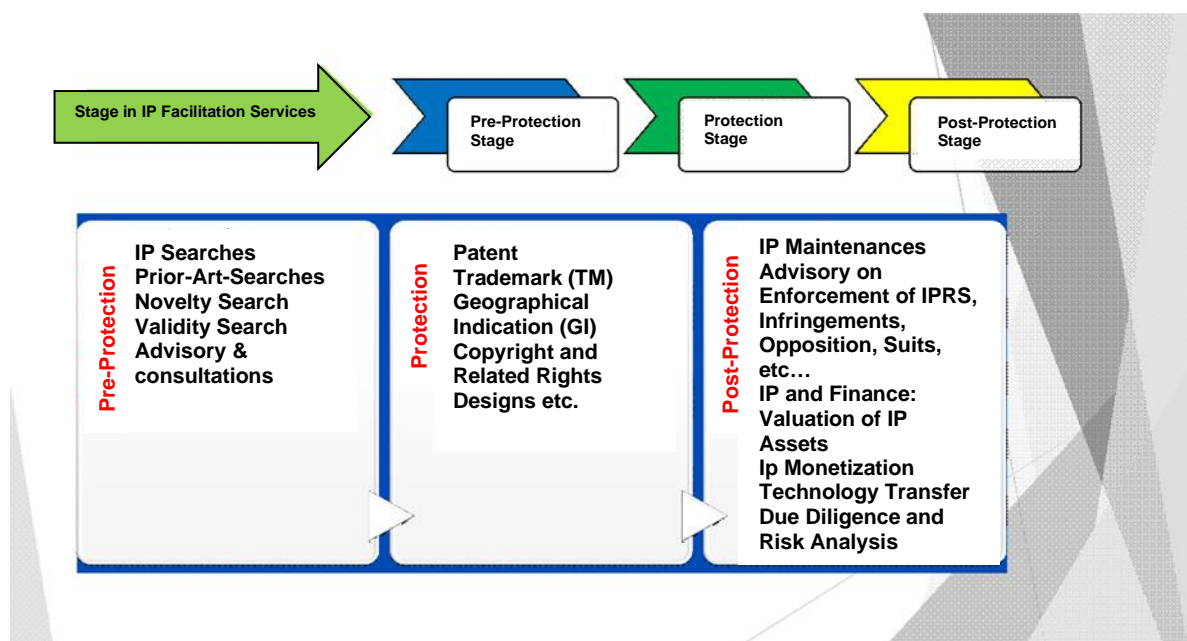


Image: A one-to-one mentorship session during an IP Yatra event

C. SPECIALIZED MSME IP SUPPORT CENTERS

12. Dedicated IP support centers designed specifically for MSMEs provide invaluable assistance and resources to MSMEs. The Ministry of MSME has already established over 75 IPFCs under the MSME Innovative Programme, offering free IP-related services such as prior art searches, IP management advice, and application assistance, thereby actively supporting MSMEs with the protection and management of their IP rights. The figure below explains how these IPFCs support MSMEs at different stages of IP protection, from pre-protection (novelty searches, consultations, validity searches) to post-protection (maintenance of IP rights, valuations, technology transfer). This ensures that MSMEs have access to a one-stop platform to receive comprehensive support on the protection, commercialization and enforcement of their IP rights. This is in addition to the financial support from the government available to MSMEs to protect their innovations and creations, highlighted above.

Figure: Stages of support available through IPFCs



III. CHALLENGES FOR INDIAN MSMEs

13. The support programs and incentives highlighted above have contributed to increased awareness of the importance of protecting and enforcing IP rights. Nonetheless, some challenges remain. One of the primary challenges faced by Indian MSMEs is the lack of awareness and understanding of IP rights and the benefits of IP protection. Many MSME owners are still unaware of the process to protect their IP or its advantages. This limited awareness hampers proactive IP protection and enforcement.

14. MSMEs often operate with constrained financial resources, which limit their capacity to invest in IP protection and enforcement. The cost of IP registration, litigation, and enforcement can be prohibitively high for many small enterprises, discouraging them from pursuing IP claims or defending their rights in case of infringement.

15. Except for some states which have introduced specialized IP benches within the commercial divisions of certain High Courts for faster disposal of IP-related disputes, IP enforcement in India is often characterized by lengthy and complex administrative and judicial procedures. For MSMEs with limited legal expertise, navigating the IP enforcement landscape can be particularly challenging. Delays in adjudication and lack of specialized IP courts in most regions add to these challenges, reducing the effectiveness of enforcement measures.

16. Many MSMEs lack access to IP professionals or legal advisors who can guide them on issues related to IP enforcement. Without adequate legal support or the financial means to access it, MSMEs may find it difficult to pursue infringement cases, resulting in a higher vulnerability to IP theft and unauthorized use of their innovations.

IV. RECOMMENDATIONS

17. The recommendations below may be adopted to address some of these challenges:

18. Continuing existing collaborations between the government and the private sector and exploring more collaboration to promote IP awareness will address the existing gap in IP knowledge and awareness among MSMEs. The IP Yatra initiative serves as a successful case study on how impactful these collaborations can be to achieve the goal of widespread IP awareness. Promoting the government support programs and incentives widely can foster a culture of IP awareness and enable MSMEs to leverage the available tools to secure their IP rights.

19. Embedding IP education within broader developmental programs will ensure that MSMEs are well-equipped to protect their intellectual assets. Specialized training, for example workshops on market surveillance for counterfeits and available legal remedies, will empower MSMEs to act quickly and decisively. Furthermore, collaborative approaches, such as forming industry alliances, can enable shared resources for enforcement and amplify advocacy for streamlined policies.

20. With sustained support and strategic interventions from the government, Indian MSMEs can maximize their potential as key drivers of economic growth and technological progress, paving the way for sustainable development and prosperity.

21. Expanding the network of IPFCs and raising awareness of the available support can ensure that more MSMEs have access to the resources they need to protect their innovations and creative outputs and enforce their IP rights effectively. Specialized IP support centers can serve as a hub for MSMEs to access IP resources and provide advice on management of IP

rights, including enforcement. This will empower MSMEs to navigate the IP landscape with greater confidence.

22. Technological advancements offer promising solutions to monitor, protect, and enforce IP rights, and can be leveraged to provide cost-effective solutions for MSMEs to enforce their IP. Automated IP monitoring tools, for example, can help MSMEs detect potential infringements at a fraction of the cost of traditional monitoring methods. Additionally, online dispute resolution mechanisms can provide MSMEs with an efficient alternative to lengthy and costly court procedures, enabling them to resolve IP disputes swiftly. By facilitating access to affordable, technology-driven IP solutions, the government can help MSMEs safeguard their IP assets more easily and compete more effectively in the IP space.

V. CONCLUSION

23. Strengthening IP enforcement for MSMEs in India involves addressing both significant challenges and unique opportunities. However, with targeted government initiatives, capacity-building programs, and advancements in technology, MSMEs can overcome these barriers. Dedicated IP support centers and awareness-raising campaigns play a pivotal role in helping MSMEs understand the strategic importance of IP, fostering a culture of innovation and proactive IP registration.

24. By introducing further measures on supporting MSMEs with IP enforcement, India can create a more supportive ecosystem for MSMEs, encouraging growth, fostering innovation, and boosting the national economy. We look forward to exploring more collaborations and working together with WIPO, the private sector and other government agencies to support MSMEs with IP protection and enforcement.

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