



DG Trade's activities in the area of IP enforcement

European Commission, DG Trade

The views expressed are personal and not necessarily those of the European Commission

Structure of work on enforcement

- At bilateral level
- At multilateral level
 - OECD recommendation on free trade zones
 - OECD new workstream on small parcels
 - Trips Council – enforcement related issues
- Horizontal enforcement activities



At bilateral level

- Trade negotiations
- IPR Dialogues and working groups
- Technical cooperation programmes (IP Keys)



Trade negotiations

- Bilateral and regional trade agreements, which aim at including a detailed **IPR Chapter with a section on civil and border enforcement**
- The enforcement section offers as far as possible **similar measures, procedures and remedies to those existing in the EU** (IPRED, IPR Border Measures Regulation, E-Commerce Directive)
- Our aim is to **go beyond the TRIPS Agreement** (building on, clarifying or filling the gaps in the TRIPS Agreement)
- Ongoing negotiations: i.e. Mercosur, Australia, New Zealand, Indonesia, Chile, Tunisia, Azerbaijan, Kirghizistan



IPR Dialogues or working groups

The Commission engages in **regular meetings with some priority partner countries** covering also IP enforcement

- To monitor the **implementation of trade agreements**
- To **discuss new legislative and non-legislative initiatives** in third countries
- To **discuss actions taken by third countries** to reduce the level of counterfeiting and piracy

Examples: China, Taiwan, Hong Kong, Korea, Thailand, Turkey, Ukraine



Technical cooperation programmes (IP Key)

- The Commission finances and steers various technical cooperation programmes: **China, Southeast Asia and Latin America**
- The objective is to **support trade negotiations**
- Budget: **EUR 20 million**
- Duration: **4 years** – 2017-2021
- The annual work programmes were recently adopted
- Activities: i.e. training for customs officials, police, judges; workshops; studies; data collection; capacity building; awareness-raising

Horizontal activities on enforcement

- Report on the protection and enforcement of intellectual property rights in third countries (third country report)
- Counterfeit and Piracy Watch-List



Report on the protection and enforcement of intellectual property rights

Third country report - objectives

- To identify those third countries in which the **state of IPR protection and enforcement** is the worst
- To enable the Commission to identify **priority countries**
- To **focus** the Commission **activities and resources** to these priority countries
- The results enable the rightholders (in particular SMEs) to **improve their business strategies**
- Enables companies to **better manage risk around IP** when engaging in business in these countries
- Useful for local authorities - gives information about the perception of EU users and **points at potential areas for improvement**



Information sources

- **Survey**
- Information received from EU delegations
- **Customs reports**
- Data on actions against IPR infringement published by governments
- **OECD and EUIPO reports**
- Trade Policy Reviews
- Judgements by international bodies (WTO Dispute Settlement)
- **IPR Dialogues, IPR working groups, IPR sub-committees**
- IPR Helpdesks



Priority countries

Priority 1: China

Priority 2: Argentina, India, Indonesia, Russia, Turkey, Ukraine

Priority 3: Brazil, Ecuador, Malaysia, Mexico, the Philippines, Thailand, US

List of countries **to be closely monitored** with a view to reassessing their status:
Chile, Colombia, Israel, Paraguay, Peru, South Africa, UAE, Uruguay

FTA implementation: Canada, Singapore, South Korea, Vietnam



New areas

- **Free trade zones**
- **Geographical indications**
- **Online IPR infringements**

New areas

- **Free trade zones (FTZs)**
 - **Incentives for undertakings** (less customs duties to attract investments)
 - **Low regulatory environment** and the proper enforcement is missing
 - Free trade zones play an **essential role in counterfeiting** (OECD-EUIPO data)
 - **criminal networks** establish trading hubs and transshipment points in FTZs
 - **disguise the country of origin**: manufacturing, storing, assembling, exporting, re-exporting, relabelling and repackaging of fake goods

New areas

- **Geographical indications**
 - Confronted with abuses and usurpations in third countries
 - The problem is particularly present for agricultural products and foodstuffs (such as cheese and meat products)
 - Serious economic losses for producers
- **Online**
 - Growth in small consignments
 - Boom of E- commerce



Counterfeit and Piracy Watch-List

Main elements of the initiative

- **Physical or online marketplaces situated outside of the EU**
- **Which are reported to engage in or facilitate substantive IPR infringements**, in particular counterfeiting and piracy
- **45-50 marketplaces**
- **Listing** these marketplaces and **describing** their main features
- E.g. illicit online pharmacies, e-commerce platforms, torrent sites, stream-ripping sites, rogue cyberlockers, bitorrent sites, etc.
- **We have received information from the car industry and took it into account for the selection of e-commerce platforms**



Objectives

- 1, **Intensify work** against commercial-scale IPR infringements in third countries to protect the EU business
- 2, **Urge the operators and market owners** to take actions and measures to reduce the availability of counterfeit and pirated goods and services
- 3, **Urge the competent local authorities** in third countries to intensify efforts to combat piracy and counterfeiting
- 4, Commission will **monitor the measures and actions taken by the local authorities**
- 5, Use the list in **bilateral and multilateral** negotiations, IPR Dialogues, etc.
- 6, **Awareness raising** for consumers who are also affected by IPR infringements (i.e. fake spare parts for cars and motorcycles)

Implementation

- Public consultation
- Analysis of the gathered information
- Checking of the information – EUIPO – Europol
- Selection of the markets to be listed
- Publication of the list
- Monitoring, awareness-raising



Thank you very much!