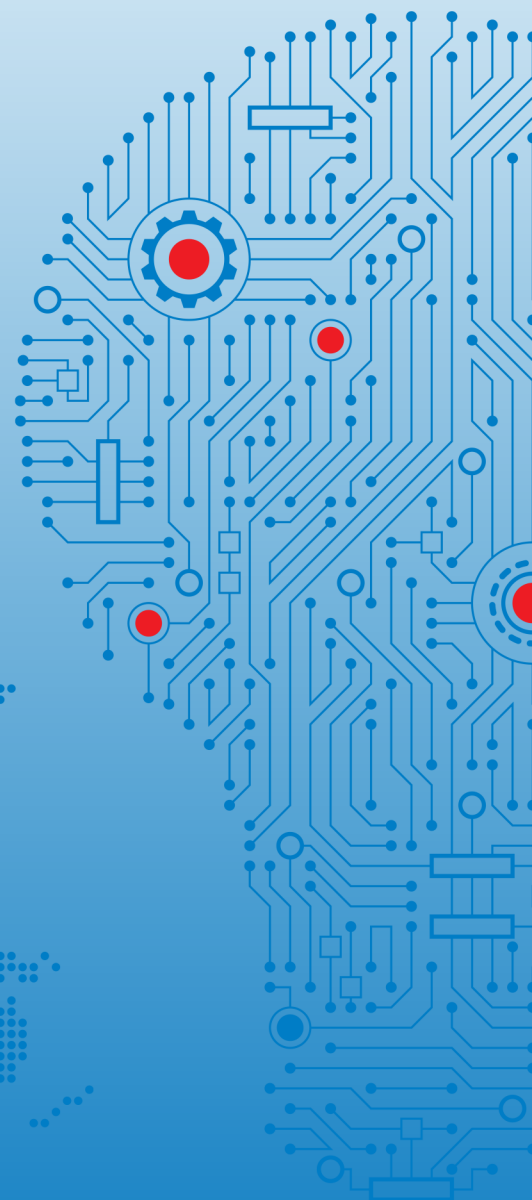




International IP Enforcement Summit

14-15 June 2023, Sofia

**FIGHTING
IP CRIME
GLOBALLY**



Summary Report

14 to 15 June 2023, Sofia, Bulgaria

The 5th edition of the **International IP Enforcement Summit** was held on 14 and 15 June 2023 at the National Palace of Culture in Sofia, Bulgaria. The event was co-organised by the European Commission, the Patent Office of the Republic of Bulgaria (BPO) and the European Union Intellectual Property Office (EUIPO). The 2023 summit followed earlier editions in **London** (2014), **Berlin** (2017), **Paris** (2019) and **Stockholm – online** (2021).

The summit's 5th edition in Sofia brought together around 220 key European and international participants from over 50 countries, while over 700 viewers followed the event online over the 2 days. These included decision-makers, law enforcement authorities, multinational companies, small and medium-sized enterprises (SMEs) and consumer representatives.

Around 60 high-level speakers discussed working solutions for effective IP rights enforcement in the EU and around the globe, and how to scale them up. Participants welcomed the significant progress made in IP rights enforcement and stakeholder collaboration since the summit's 1st edition in 2014.

The event took place at a significant moment, as the Mid-term Serious and Organised Crime Threat Assessment (SOCTA) report was being drafted, an important step towards the complete SOCTA report set for publication in 2025. Participants agreed that IP crime must remain a priority for the post-2025 policy cycle of **EMPACT – the European Multidisciplinary Platform Against Criminal Threats**.

The 2023 IP Enforcement Summit was a unique opportunity for stakeholders to share their expectations of the upcoming **EU toolbox against counterfeiting** at a relevant moment in the decision-making process, ahead of its launch later in 2023. It was also an occasion to follow up on the adoption of the **Digital Services Act** (DSA) and the **Commission Recommendation on combating online piracy of sports and other live events**.

The summit was moderated by Brussels-based journalist Jennifer Baker, specialising in EU policy and legislation in the technology sector.

1. Welcome addresses



Vladia Borisova, President, BPO: *'In today's world of technological development and the movement of goods that are potentially infringed, we are committed to the protection and enforcement of IPRs, and our work is part of fulfilling that commitment.'*

Link to video recording, Vladia Borisova, President of the BPO:

→ <https://youtu.be/nxjDWPIVUSA>.

In her opening address, **Vladia Borisova**, President, BPO, welcomed the participants to the 5th edition of the International IP Enforcement Summit, which Bulgaria proudly hosted. She emphasised that the event would provide opportunities to discuss effective solutions to tackle IP infringement and crime globally. The BPO, as the responsible national authority for the protection of IPRs in Bulgaria, reported a substantial increase in the office's IP enforcement-related work under administrative and criminal provisions. This is partly due to effective inter-agency communication during administrative, criminal, and civil proceedings. In terms of raising awareness on IP and the negative effects of counterfeiting, the BPO is involved in several initiatives at national and European level, such as the EUIPO's European Network of Authenticities project, in which four Bulgarian cities – Sofia, Plovdiv, Burgas and Targovishte – have been successfully certified for their work in this respect. Bulgaria proudly recognises its work within the EMPACT framework and is looking forward to working towards tangible results in the fight against IP infringement.

2. Opening Keynote Speech



Christian Archambeau, Executive Director, EUIPO: *'If we want to encourage investment in innovation, we need an efficient and effectively enforced IP infrastructure to prevent commercial-scale IP infringements and the economic and social harm that they cause.'*

Link to video recording, Christian Archambeau, Executive Director, EUIPO:

→ <https://youtu.be/EVUNEiwq158>.

Christian Archambeau, Executive Director, EUIPO, noted the significant progress achieved in the field of IP enforcement since the first edition of the IP Enforcement Summit. A key development has been the inclusion of IP crime among the EMPACT priorities for the period 2022-2025. The EUIPO is facilitating the information exchange between the relevant authorities through its **IP Enforcement Portal (IPEP)**. The EUIPO is currently working on developing and improving the project, such as with the deployment of the IPEP mobile app for enforcement authorities, which will simplify and improve the notification of detentions. Furthermore, the EUIPO is developing an **Anti-counterfeiting Blockathon Infrastructure** to authenticate products and exchange data between all parties in the supply chain and customs authorities, expecting to have an operational pilot by the end of 2023. Moreover, the EUIPO will assist SMEs to enforce their IPRs through the pilot inclusion of the IP Scan Enforcement in the **SME Fund** by the end of September 2023. Lastly, the EUIPO is supporting policymakers by providing a solid basis for their actions by publishing relevant reports and carrying out awareness campaigns and media outreach on the value of IP and the negative consequences of IP infringement, in collaboration with its partners.



Thierry Breton, European Commissioner for Internal Market: *'With only 10 % of EU SMEs reported to own IP rights, we must do better in helping them protect their innovations.'*

Link to video recording, Thierry Breton, European Commissioner for Internal Market:

→ <https://youtu.be/GL7-28EVq8E>.

Thierry Breton, European Commissioner for Internal Market, emphasised the value of IP as a geopolitical driver that helps Europe to achieve its transition goals and gear up for the global technology race. The EU is devoting efforts to harmonising its IP landscape, following the launch of the 2020 IP Action Plan, which has crystallised in three main achievements: the unitary patent system, the presentation of the patent package and the creation of a new EU-level protection for craft and industrial products with a geographical indication. The Commission is aware that, for some companies, enforcing IP is a matter of survival, despite the fact that counterfeit goods still account for a significant percentage of EU imports – a trend that must be stopped. For this reason, the Commission is developing the EU Toolbox against counterfeiting with the following four goals: to improve cooperation between law enforcement authorities; to clarify the legal rules and promote a uniform application of the **Directive on the enforcement of intellectual property (IPRED)**; to promote new surveillance tools and technologies; and to empower SMEs. Commissioner Breton was pleased to observe the strong commitment of all the key actors present at the International IP Enforcement Summit.

3. A view from the enforcement authorities



Kalin Stoyanov, Minister of Internal Affairs of the Republic of Bulgaria: *'People committing intellectual property crimes do not respect state boundaries. Today, a product produced in one continent ends up in a household on another continent at the click of a mouse.'*

Link to video recording, **Kalin Stoyanov**, Minister of Internal Affairs of the Republic of Bulgaria:

→ <https://youtu.be/WmuFeXt-xKY>.

The perspective of Law Enforcement Authorities (LEAs) on IP infringement was presented by **Kalin Stoyanov**, Minister of Internal Affairs of the Republic of Bulgaria. He emphasised how IP infringement was not only a serious threat for the infringed companies, but also for the health and safety of consumers and for the environment. People committing intellectual property crimes do not respect state boundaries. The internet has created legitimate business opportunities that benefit not only citizens as legitimate consumers and traders, but also individuals with purely criminal intentions. Access to an unlimited number of people and the lack of borders have made the online space the preferred means for criminal activity, which is increasingly international in nature. All these factors call for a coordinated approach at cross-border level to combat serious and organised crime, including IP crime. Such an approach involves concerted action by the law enforcement authorities of all EU Member States, with the active support of European agencies and institutions, international organisations and the private sector. Bulgaria, as the driver of the IP crime EMPACT priority, thanked the European institutions and agencies, including Europol, OLAF, Frontex, the EUIPO, Eurojust and the Commission, for the active cooperation and the daily support to the work of the Ministry of Interior of the Republic of Bulgaria.

4. The industry's point of view and the SME perspective



Link to video recording, **Dharmesh Mehta**, Vice-President, Amazon:

→ <https://youtu.be/LmwvBgbNxe8>.

Dharmesh Mehta, Vice-President, Amazon, highlighted that the company's efforts devoted to brand protection has provided great success in stopping counterfeits by focusing on three areas: implementing robust proactive controls; creating powerful tools for rights owners to protect their brands; and holding counterfeiters accountable. However, Amazon recognises that, despite the significant progress achieved so far, there is more work to do regarding collaboration between the public and the private sectors, especially with regards to improving the private sector information sharing, communication with customs authorities and the prioritisation and resourcing of law enforcement agencies to prosecute counterfeiters. Amazon is proud of the progress it has accomplished by developing best practices applicable to the retail industry and expressed its commitment to continue investing and innovating in the prevention of counterfeiting in the future.



Link to video recording, the industry's point of view and the SME perspective:

→ <https://youtu.be/mfswSepEmB0>.

Brandon Blacoe, CEO, ByoWave, presented the point of view of an SME in the technological field, created to develop technologies that make video game controllers accessible for players with disabilities. ByoWave was the recipient of one of the EUIPO's SME Fund grants, which allowed it to contract an IP expert to design an IP strategy as part of the IP Scan service. The expert also participated in a pitch in front of investors, through which Byowave secured one of the largest angel seed round investments in Ireland. Due to the high level of competitiveness in the hardware market, ByoWave benefitted greatly from having their IPRs protected, particularly as the company was collaborating with big companies in the sector. The company expects to be able to expand its licencing to other players in the sector shortly. Regarding future developments, ByoWave wishes that more grants were available for start-ups to use the services of IP experts, as well as more information and training for start-ups on the importance of having IPRs protected from the very beginning of their business journey.

Juan Manuel Perán, Executive President, Pikolinos, emphasised the importance of design protection for companies in the fashion sector. Adequate protection extends the lifetime of a design and helps to ensure the return on investment. Pikolinos has registered more than 120 designs annually, devoting more than EUR 100 000 to design protection. However, the existence of numerous copies of its website made it very difficult for consumers to know whether they were purchasing an original product. In general terms, the company found that the internet and online platforms had multiplied the opportunities for counterfeiters to offer their products. Pikolinos expects that the future will bring more harmonisation in the legislation at European level and more court specialisation to speed up the procedures.

5. Panel I – Strengthening the fight against IP crime through cooperation



Link to video recording, **Ernesto Bianchi**, Director of the Revenue and International Operations and Investigations and Strategy, European Anti-Fraud Office (OLAF):

→ <https://youtu.be/YBEFjfoFrWI>.

Ernesto Bianchi, Director of the Revenue and International Operations and Investigations and Strategy, European Anti-Fraud Office (OLAF), underlined the fact that cooperation was at the heart of all OLAF's actions. IP crime operates across all borders and jurisdictions, exploiting the weaknesses of the legislation by using existing loopholes. Therefore, to successfully fight it, all the stakeholders must team up and think as globally as the infringers. All stakeholders should be responsible for ensuring that all national administrations are communicating efficiently, that the work of the European public bodies is coordinated and that the communication with third parties, international organisations and the private sector is fluid. OLAF is strongly engaged in knowledge-building and training activities in the framework of EMPACT. Information about fraud schemes should be widely publicised to ensure that these schemes are prevented from being exported to other countries. Mr Bianchi mentioned that legislation and the way law enforcement works should be adapted in order to be able to counter the new methods counterfeiters use. He also stressed the importance of joint operations and investigations under EMPACT and defined the summit as a trust-building event.



James Mancuso, Director, US National IPR Coordination Center: *The Super Bowl, as the major sporting event in USA, is an excellent opportunity to educate the consumers about all the dangers associated with counterfeiting.*

Link to video recording, panel I:

→ https://youtu.be/N_omX7oovxY.

James Mancuso, Director of the US National IPR Coordination Center, summarised the work of the US National IPR Coordination Center, which was focusing the investigative resources and authorities to fight the greatest threats to the USA via large-scale and complex investigations. The USA believes that the increase in cooperation with the European organisations that platforms such as EMPACT brought, was beneficial on a global scale because it opened up further possibilities for working together and sharing experiences. Regarding the cooperation with the private sector, Mr Mancuso stated that enhanced partnership is key to achieving results, especially real-time information sharing, and the US IPR Centre was working to extend its network both in the USA and in Europe. Mr Mancuso also mentioned that cooperation with China on IP enforcement is currently limited, at best. Lastly, the USA's main priority is to focus on IP enforcement outreach and training activities, both in the USA and in third countries where IP enforcement is not a priority.

Delphine Sarfati-Sobreira, CEO, UNIFAB, highlighted the importance of raising public awareness about the consequences of buying counterfeit goods. UNIFAB, which represents more than 200 companies, carried out actions against counterfeiting in the famous Saint-Ouen flea market, held discussions with the Ministry of Interior and the Ministry in charge of customs of France on the dangers of counterfeiting for the image of France and collaborated with the police and the prosecutor's office in operations against infringing

business models. Moreover, UNIFAB believe that there should be a better exchange of information between the private sector and public authorities, especially customs administrations, and is ready to make the most of the 2024 Paris Olympic Games to establish synergies with the government of France, French public authorities, and consumers. The organisation is optimistic about the future and is opening offices in third countries to enhance cooperation and improve the public's understanding of the dangers of counterfeiting.

Bogdan Ciinaru, Head of Office of the Analysis Project Copy Online, Europol, explained that his unit is trying to cover all kinds of IP crime activities both online and offline. Having IP as a priority under EMPACT is useful in increasing Europol's awareness of IP crime in general, therefore, helping to create real capacity building between the law enforcement authorities and increasing cooperation. Concerning good practices for cooperation with stakeholders, Europol recommended creating networks of investigators devoted to working on specific types of crimes and involving other European agencies and stakeholders in those networks. Furthermore, for big challenges such as sports events, Europol tries to understand all the forms of criminality surrounding them in advance, trying to take down as many criminal networks as possible before the event takes place. Europol thanked Bulgaria and the intermediaries collaborating in the operations for their support and explained that Europol is trying to establish cooperation with more countries outside the EU to exchange strategic data and is closely monitoring emerging technologies.

Gabriel Tsekov, Driver of EMPACT IP Crime, Counterfeiting of Goods and Currencies, Ministry of Interior, the Republic of Bulgaria, stated that as the driver of IP crime as an EMPACT priority, Bulgaria is trying to gather experts from across the EU and relevant third countries to exchange information and eliminate gaps, initiate transnational investigations, operate offline and online, increase the investigative capacity of law enforcement actors in the EU and improve cooperation with the private sector. Having IP crime as a priority allows for more commitment and resources from the national administrations and gives law enforcers the opportunity to tackle vulnerabilities in the system from an international point of view. Bulgaria is clear on the importance of building trust to accomplish inter-agency cooperation as well as identifying good practices, implementing technology in proceedings and building cooperation with the private sector.

Mr Tsekov mentioned, among the non-EU countries with which EMPACT is working, the USA, the Western Balkan countries, the UK, Norway, and Switzerland. Bulgaria emphasised the importance of keeping IP crime among the EMPACT priorities in the following cycles and encouraged Member States to share their data with Europol to avoid having fragmented information.

6. Breakout sessions

Link to video recording, Day 1 Breakout sessions, Chairpersons summing up and discussions:

→ https://youtu.be/h9C_OGZtaOI.

6.1. Breakout session I – Intensifying cooperation with intermediaries to tackle IP infringement at the source



Harrie Temmink, Head of Service at the EUIPO Observatory, chaired a session on the efforts made by intermediaries and rights holders to engage with law enforcement authorities to tackle infringement at the source. The panel was comprised of: **Christoph Baert**, Regulatory Affairs Counsel, Mastercard Europe; **Elizabeth Kendall**, Global Head of Media and Intellectual Property Policy, Meta; and **Jan de Visser**, Senior Director of the Brand Protection Lead, Philips Intellectual Property & Standards.

The panellists took part in a discussion about the biggest challenges to tackling online infringement and the respective legal framework. On the intermediaries' side, on the one hand, Mastercard's position as a

merchant with contractual relations demanded that it was explicitly informed of the illegal transaction to act upon it. For example, if there is a merchant selling illegal content that is facilitated by a bank, Mastercard can impose a fine on that bank. On the other hand, Meta faced a wide variety of infringing accounts and was investing in finetuning a system to detect illegal content. On the rights holders' side, Phillips expressed their concern about repeat infringers in the online environment, as infringing websites were taken down, but then quickly replicated. Concerning the DSA, Phillips appreciated the new obligation that e-commerce platforms had of knowing and being transparent about their infringing users. Moreover, Meta explained that it is devoting a lot of resources to understanding the extent to which it is in line with the DSA rules. Lastly, Mastercard does not directly fall under the DSA rules but is closely following its implementation.

6.2. Breakout session II – Protecting live sporting events



The panel addressed potential measures to combat live sporting events piracy. The session was chaired by **Ida Dojčinović**, Legal and Policy Officer of DG CNCT, European Commission, and included: **Carlos Castro**, Head of Intellectual Property of the Legal Affairs Department, International Olympic Committee (IOC); **Mark Lichtenhein**, Chairman, Sports Rights Owners Coalition (SROC); and **Olivia Joffre**, Head of Legal and Public Affairs, Audiovisual Anti-Piracy Alliance (AAPA).

The focus point of the panel discussion addressed the immediate reaction that should happen during the live event to prevent the damage caused by IPR infringement to rights holders. Discussing the current developments at EU level, the panellists positively

noted the clear link that the Commission's recommendation on combating live sports and other live events established between the DSA and live events piracy. However, the panellists' recommendations also suggested setting up different trusted flagger mechanisms by the intermediaries and putting in place policies against repeated misuse of intermediary services. Regarding the **EUIPO IP Perception Study**, the panel pointed out how the rights holders' big investments impacted the affordability and legal offers of the content and stated that consumers might not even be conscious of the existence of those offers. Regarding the Commission's recommendation, it was stated that it is paramount to incentivise the Member States to dedicate further resources to the national authorities that are enforcing IPRs.

6.3. Breakout session III – Raising IP awareness among consumers and increasing the IP knowledge of enforcement authorities



The session explored the importance of raising IP awareness among consumers and increasing the IP knowledge of enforcement authorities. The panel was chaired by **Virginie Fossoul**, Legal and Policy Officer, DG GROW, European Commission, and the panel was comprised of: **Ole Henrik Antonsen**, Chair, Norwegian Society of Composers and Lyricists (NOPA) and Board Member of the European Composer and Songwriter Alliance (ECSA); **Alexandru Caciuloiu**, Deputy Head of Training and Research Unit, European Union Agency for Law Enforcement Training (CEPOL); **Sorin Mierlea**, President of InfoCons, Romania; and **Andrea Szabó**, Head of Department of Customs and Finance Guard, National University of Public Service, Hungary.

The panel highlighted the importance of consumer education, placing consumers at the forefront of discussions and equipping them with the right tools. It was pointed out that the use of new technologies plays a pivotal role in empowering consumers. In addition, the panellists highlighted the importance of incorporating IP into the school curricula. The panel also deliberated on the negative consequences of piracy experienced by creators. Furthermore, it was pointed out that their works were often utilised for the development of AI models without asking them for permission or providing any form of compensation. Regarding the training of enforcement authorities, the panel emphasised the importance of adopting a practical approach to training, promoting cross-border cooperation among various authorities, and ensuring the interoperability of tools. Different enforcement training programmes at national and EU levels were presented. The panel also underscored the importance of EMPACT for the area of training, as since IP was recognised as a priority, it consequently became a focal point for training initiatives by EU enforcement agencies.

7. Panel II – Information sharing: breaking down silos between rights holders, intermediaries and law enforcement

The second panel discussed the key role of an efficient regulatory framework and the use of new technologies for ensuring effective and safe information sharing between all stakeholders.



Axel Voss, Member of the European Parliament, stressed that IP was becoming increasingly important due to the changes brought about by digitalisation.

To achieve a progressive Europe, a space for innovation and creativity should be ensured within its borders. Mr Voss stated his concern about the difficult relationship between copyright and the internet and highlighted the importance of the Copyright Reform to address this issue. He urged the Commission to be strict with those Member States that had not completed the implementation of the reform. He noted that the DSA is a significant development, but further protection should be given to live events. Mr Voss expressed his wish that the fruitful discussions held at the IP Enforcement Summit would bring forward IP enforcement in the light of new technologies such as artificial intelligence and the metaverse.



Link to video recording, panel II:

→ <https://youtu.be/5Zi3XwDkjk>.

May Berthelot, Senior Director of Anti-Counterfeit, Vinted, shared the company's experience as Europe's largest platform dedicated to second-hand fashion. For Vinted, the biggest obstacles to information sharing were data protection rules, trade secrets and business-sensitive information. Sharing information in a confidential environment can be facilitated by the establishment of memoranda of understanding or bilateral agreements. To identify counterfeits, Vinted request as much information as possible, especially the price ranges of the goods and their key elements. Vinted is trying to find a balance between applying restrictions to its users and increasing its controls by rebuilding its whole internal counterfeit strategy. Its anti-counterfeit strategy is based on three pillars: anti-counterfeit policies; tools and algorithms; and knowledge training and cooperation with external actors. The company explained that the most useful collaboration was the one in which there was a two-way flow of information where Vinted shared information

on counterfeit patterns and trends and user information, while receiving all the possible knowledge about the products from the brands.

Representing transport service providers, **Jean-Paul Forceville**, Director of European and International Relations, La Poste Group, emphasised the legal obstacle that prevented La Poste from sharing information with any other actors besides customs authorities. Furthermore, transport services are not an integrated network, which diminishes the quality of the information. He mentioned GDPR compliance as an issue for La Poste, as the information requested by, for example, the USA customs, is currently being granted via a provisional exemption from the GDPR. In addition, collaboration with Member States is very variable, although cooperation with French customs' and UNIFAB's efforts were praised. On the biggest challenges for information sharing, La Poste pointed out that there is a need for a real dialogue supported by an adequate legal framework and emphasised the key aspect of the availability of data through blockchain initiatives. Lastly, La Poste shared the outcome of the fruitful discussions held at the first joint **WCO-UPU Global Conference** from 6 to 8 June 2023 in Tokyo.

Léo Longauer, Brand Protection Director, LVMH, pointed out that LVMH is cooperating with intermediaries in the online environment as well as on the ground with relevant authorities. For LVMH, the main obstacles undermining information sharing with law enforcement authorities are the lack of resources, tools, and willingness to use those that already exist. With regards to e-commerce marketplaces, LVMH reported interest on their side to cooperate with rights holders, an attitude that is not as common when dealing with social media platforms. To ensure a healthy flow of information between stakeholders, it is necessary to invest in developing technological solutions to make effective use of the data, especially considering the resistance that remains in authorities and intermediaries in some regions. LVMH is hopeful that the European Commission's efforts to improve the legal framework and the latest legal decisions will make a difference in the long run. Although blockchain technologies could provide interesting opportunities for traceability, there are no concrete working examples in counterfeiting and LVMH is not in favour of considering them the solution to all the sector's problems.

Claudia Martínez Félix, Deputy Head of Unit at DG GROW, European Commission, stressed how the Intangible Economy unit she is part of was responsible for developing the IP legal framework and the policies in the context of IP enforcement implementation. The Commission has implemented a series of modernisation measures such as the design reform, the new scheme for protecting craft and industrial products with a geographical indication and the patent package. Concerning criticism towards the data protection framework, the Commission explained that the problems mentioned were present in its consultations and taken very seriously. The European Data Protection Supervisor (EDPS) is currently developing guidance to facilitate the sharing of information in compliance within the rules of the GDPR. The Commission is pushing for greater cooperation between different actors – through new legislation, such as the proposal for the EU Customs Union reform, and encouraging participation in the working groups on relevant topics. The EU Toolbox against counterfeiting will promote the use of some new tools, but also the use of tools that already exist, such as the IPEP. The Commission has launched a public tender for a follow-up study on the application of the IPRED, covering different areas which are relevant for the fight against counterfeiting.

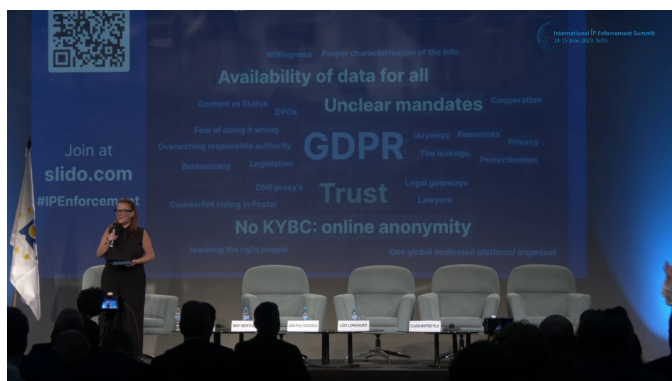
8. Keynote speech: the consumer's point of view



Link to video recording, **Helga Pizzuto**, Chairperson, Malta Competition and Consumer Affairs Authority:

→ https://youtu.be/V2eS_j-3zHA.

Helga Pizzuto, Chairperson, Malta Competition and Consumer Affairs Authority, stressed that more efforts were needed to engage consumers and consumer associations in the battle against counterfeiting. In this respect, it is necessary to continue the current efforts to raise consumers' IP awareness, to increase the number of initiatives devoted to removing infringing products from the market, and to create an environment that motivates consumers to value IP when making purchasing decisions. The EUIPO Observatory's outreach initiatives focused on keeping key stakeholders collectively engaged on this front are a good example of how to improve the integration of IPRs into the European consumer agenda. Moreover, from a consumer legislation perspective, the Omnibus Directive⁽¹⁾ is a much-needed step to extend the scope of consumer protection law to address specific issues linked to online sales. While the Directive does not have specific provisions related to piracy, the market oversight that is being set up to ensure the effective implementation of these new provisions, can also serve to facilitate the identification of sites possibly selling products in breach of IPR. It is paramount to consider counterfeit issues as product safety issues, coordinating all enforcement efforts and communicating appropriately with consumers through clear and simple messages.



1 Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules.

9. Keynote speech



Daren Tang, Director General, World Intellectual Property Organization, (WIPO): *'International cooperation is essential to protecting IP rights, rights holders and consumers, and to ensuring that IP remains a powerful catalyst for economic, social and cultural development around the world.'*

Link to video recording, Daren Tang, Director General, World Intellectual Property Organization, (WIPO):

→ <https://youtu.be/MYXa55WQtn0>.

Daren Tang, Director General, World Intellectual Property Organization (WIPO), stated that IP plays a critical role in supporting Europe's economic and social well-being and EU innovators are amongst the largest users of WIPO's services, responsible for 5 in 10 design applications, 4 in 10 trade mark applications, and 2 in 10 patent filings in 2022. However, they are endangered by IP infringement, which not only has an economic cost, but also weakens communities, poses a serious risk to human health, and has close ties with other illegal activities. Director General Tang praised the fact that the EU IP community present at the summit understood that IP infringement is a global threat. WIPO's Advisory Committee facilitated international dialogue on important issues around IP enforcement, cooperation, capacity building and awareness raising. It supports Member States to develop IP enforcement strategies and provides training to relevant actors, such as judges, law enforcement officials, and rights holders. Among WIPO's initiatives is WIPO's database of copyright-infringing websites, **WIPO Alert**, which seeks to stop the advertising flow to infringing websites. Furthermore, WIPO has developed IP clubs to support the younger African generations in learning about IPRs in collaboration with the African Regional IP Organization (ARIPO), and will shortly release a mobile game to raise awareness about IP, and offers **WIPO's IP diagnostics platform**

to help SMEs understand their IPRs and take actions to protect them. The platform has been accessed over 12 000 times and generated more than 2 000 reports for SME owners in its first year of use. Moreover, to ensure that policy and enforcement keep pace with the digital transition, WIPO's Advisory Committee on Enforcement will consider AI issues at its next session. More EU Member States are invited to join WIPO Alert and add to the database of 11 000 infringing websites. WIPO is working with the WCO and several Member States to help customs officials detect counterfeit goods by creating a system linked to WIPO's Industrial Property Administration System (IPAS) software. WIPO looks forward to continuing its important work with the EUIPO, including through the Observatory, and joint capacity building activities.

10. Keynote speech: closing of the first day



Alexandra Poch, Acting Director, EUIPO Observatory: *'While fighting IP crime aims to tackle the supply chain of IPR infringing goods, raising awareness of the negative consequences of counterfeiting & piracy is key to addressing the demand side.'*

Link to video recording, **Alexandra Poch**, Acting Director of the EUIPO Observatory:

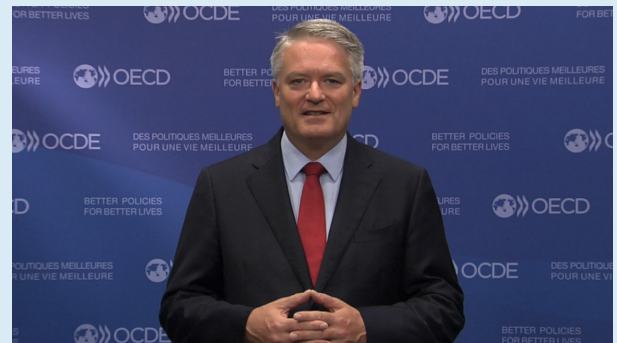
→ <https://youtu.be/Cs0UvfkGhF8>.

Alexandra Poch, Acting Director of the EUIPO Observatory thanked all the participants for a day full of rich and engaging discussions, from which the Observatory distilled three main themes. Firstly, the need for more cooperation and information sharing between all players involved was crucial to tackle IP

crime. The [Operation Fake Star Analysis Report](#) published on 6 June is a relevant example of what can be achieved with appropriate coordination and targeted efforts. The Observatory proudly supports the reintegration of IP crime in the EMPACT priorities, with several actions within its mandate, namely, the development of the IP Crime Investigation Handbook, the organisation of training events with CEPOL and the support of Europol in the drafting of a new report highlighting the links between IP crime and other types of crime in 2024. Looking to the next EMPACT policy cycle, it is important to start mobilising now to ensure that IP crime remains a priority from 2026 onwards. Technology plays a key role in fostering cooperation between all the players involved and enables effective and safe information sharing. Therefore, the IPEP was devised to create bridges between all the relevant players. The Observatory is working on a new mobile version of IPEP to facilitate its use by front-line enforcers to swiftly communicate with rights holders and easily notify detentions and launching the possibility for e-commerce platforms to log into IPEP. Secondly, the diversity of intermediaries involved in the IP environment was undeniable. These are not only the traditional e-commerce platforms, but also providers of services on social media, payments, transport, and logistics. The Observatory's Expert Group on Cooperation with Intermediaries released a series of discussion papers dealing with trends, challenges, and best practices. These papers, together with a series of dedicated stakeholder workshops, are feeding into the ongoing work of the European Commission on the EU toolbox against counterfeiting. Consequently, the Observatory will explore ways to support the implementation of the DSA on IP enforcement-related aspects and will take up tasks to support the implementation and monitoring of the Commission's recommendation to fight live event piracy. Thirdly, solving IP infringement will never be possible without eliminating consumer demand, which is why raising IP awareness is a central pillar of the Observatory's role. The first step to accomplishing this goal was to understand the situation by carrying out surveys such as the latest IP Perception Study. With this information in hand, the next steps are to raise awareness and shape behavioural changes, which are the aims of actions such as the pan-European media campaigns, the IP Awareness grants, the European Network of Authenticities and the IP in Education activities.

11. Panel III – SMEs and IP enforcement

The panel discussed solutions to help SMEs overcome their vulnerabilities from threats related to counterfeiting and piracy.



Mathias Cormann, Secretary-General, Organisation for Economic Co-operation and Development (OECD): *'Governments need to provide SMEs with a framework to reach their full innovative potential by addressing the obstacles in accessing the finance and skills to register and enforce their IP rights.'*

Link to video recording, **Mathias Cormann**, Secretary-General, Organisation for Economic Co-operation and Development (OECD):

→ https://youtu.be/m_Bik1o7j-g.

Mathias Cormann, Secretary-General, Organisation for Economic Co-operation and Development (OECD), emphasised the importance of SMEs for the economy and the importance of supporting their success through policies. Intangible capital has become a primary driver of economic growth and competitiveness. However, its protection is critical for harnessing its value and protecting the incentives for firms to continue to innovate. SMEs benefit more from IP protection than larger multinational businesses as those that own IP have a higher revenue per employee and are more likely to succeed than those which do not. OECD data shows that SMEs that protect IP are more likely to succeed. 93 % of SMEs in the EU with registered IP rights see a positive impact on their business. Policymakers should address the obstacles that SMEs have to face: improving access to financial resources, knowledge and skills needed to register intellectual assets; improving SMEs' access to IP enforcement and monitoring; and effectively

enforcing competition laws against anti-competitive IP-related business practices. The OECD 2023 Ministerial Council Meeting on 8 June 2023 adopted a **Recommendation of the Council on Intellectual Property Rights and Competition**, which promotes a balance between protecting innovation and keeping markets open to new competitors.

Link to video recording, panel III:

→ <https://youtu.be/2jppedU0mX8>.



Jan Bormans, CEO, European Startup Network (ESN): *'Deep tech is both a blessing and a curse for start-ups. While it enables incredible innovations, it also amplifies the threats of property infringement. Let's discuss how start-ups can best navigate the complex matters.'*

Jan Bormans, CEO, European Startup Network (ESN), stated that the two main objectives of ESN are to explain to policymakers the specific characteristics of the start-up sector and to exchange best practices among its members. As an NGO representing European national start-up organisations, ESN is familiar with the need to further support deep tech start-ups on developing an IP strategy, although they are generally more conscious of their innovation strategy than other types of start-ups. Moreover, start-ups need support from policymakers in creating a code of conduct on IP when working together with universities and corporate organisations to prevent abuse and need independent experts that can assist them when needed.

Claudia Martínez Félix, Deputy Head of Unit, DG GROW, European Commission, explained that the Intangible Economy unit oversees developing concrete policies to support European SMEs. The Commission aims to tackle the lack of knowledge on IP by SMEs by offering them support, in collaboration with the

EU IPO and national IP offices, with the SME Fund and the IP Scan service. The Commission and the EU IPO are exploring ways to provide support to SMEs to enforcement their IP rights, in the context of the EU Toolbox Against Counterfeiting, namely through a pilot project of an IP Enforcement Scan to be carried out from September 2023 onwards. The Commission intends to develop a toolkit to train SMEs to better defend their confidential information from cybertheft. To address the lack of IP awareness of start-ups, the Commission announced its plan to draw up a list of IP specialists willing to offer IP due diligence services to beneficiaries of the Horizon programme on how to assess and protect their IP assets. The EU is supporting its SMEs through relevant initiatives such as the unitary patent system and the creation of a unified patent court, the proposal of the standard essential patents with specific support measures and financial fee reductions for SMEs, and the scheme on the protection for geographical indications for craft and industrial products.

Mar Peire Nadal, CEO and Founder, Coolcasc, shared her company's experience with IP infringement. Coolcasc produces helmet and goggle covers and started operating on the Spanish market before expanding into the rest of Europe. From the very beginning, Coolcasc was conscious of its vulnerability towards counterfeiting and worked hand in hand with a law firm to protect its IP. Although having an IP strategy in place is an asset for its economic activity, the process was very costly both in the sense of being time-consuming and in the monetary sense, which puts a lot of pressure on an emerging SME. Sadly, SMEs sometimes find that their efforts are undermined by bigger companies that see only the economic opportunity of copying their products and disrespecting their IP. Coolcasc advise other SMEs to have a Non-Disclosure/Non-Use/Non-Circumvention agreement (NNN agreement) signed with their suppliers, to choose their supplier very carefully and sign the contract in the language of the country.



Todd Reves, Director of the Building Respect for IP Division, World Intellectual Property Organization (WIPO), emphasised WIPO's work with its Member States to improve their SME legislation, provide legislative advice on a confidential demand basis and improve capacity building in collaboration with other international organisations, including the EUIPO. Moreover, initiatives such as the Patent Cooperation Treaty (PCT) and the Madrid and the Hague systems, for trade marks and designs respectively, offer SMEs the opportunity of applying broadly to protect their IPRs through the Member States part of these agreements. Moreover, WIPO presented its initiative, WIPO Alert, to tackle online piracy through advertising. WIPO Alert is a database in which national authorities provide lists of infringing websites that are used by advertising actors to prevent legitimate advertising from going to those websites. Furthermore, WIPO is developing a similar pilot project with payment providers, so that they can use the lists to deny services under their terms and conditions to infringing merchants.

Eli Salis, IP Expert, Latin America IP SME Helpdesk, provides support to EU SMEs on protecting and enforcing their IPRs in most Latin American countries. The Latin America IP SME Helpdesk provides information, confidential advice and materials and training to any SME that wishes to expand its business to Latin America. To include SMEs effectively in the IP environment, it is paramount to train not only the companies, but also the public authorities in charge of IP enforcement to understand their needs and to give them real examples of good practices in their

sector, which would encourage them to be aware of legal options. The Latin America IP SME Helpdesk advises deep tech entrepreneurs to look for professional advice for patent applications, because some of the relevant countries are not in the PTC, which

complicates the process when trying to enforce their IPRs. Lastly, to ensure that SMEs' rights are protected in Latin America, it is necessary to collaborate with the authorities of the Latin American countries.

12. Breakout Sessions

Link to video recording, Day 2 Breakout sessions, Chairpersons summing up and discussions:

→ <https://youtu.be/ASYjbaZjrSM>.

12.1. Breakout session IV – Putting technological innovation at the service of the global fight against IP crime



Henriëtte Bongers, Director, Customs Schiphol Cargo: *'At the Dutch customs one of our goals is to protect society and the European market. The infrastructure can help us in the risk selection by using data from the blockchain to prove authenticity of the goods.'*

Claire Castel, Head of Service, EUIPO Observatory, chaired a session on how innovative technologies could help IP enforcement. The panel was comprised of: **Florian Adt**, Chief Operating Officer and General Counsel, Mercedes-Benz Intellectual Property GmbH & Co. KG; **Henriëtte Bongers**, Director, Customs Schiphol Cargo; **Tarek Fahmy**, Director for IP Enforcement, US Department of State; and **Kester Meijer**, Director of Operational Integrity, Compliance & Safety, Air France KLM Cargo.

The breakout session focused on blockchain technology, especially on the functioning of the authentication platform that the Observatory is developing in collaboration with four brands, two transport and logistic operators and one custom authority. As an icebreaker, the product journey [video](#) was shared presenting the anti-counterfeiting infrastructure on blockchain and showcasing a real-life business operation using the system, thereby improving existing logistic flows. Panel participants focused on public-private cooperation as the key to creating an ecosystem change to guarantee authentication through the supply and logistic chain until a product reaches the end user. Panellists agreed that this can only be achieved as long as this type of infrastructure remains interoperable and affordable to all IP rights holders in order to facilitate the adoption and development in all production lines and subsequently in general importing shipments in the EU. Blockchain was also put into perspective by the US Department of State, with artificial intelligence benefits in global digital sharing the solution of the future. All participants agreed on the long-term vision such a project establishes and have confirmed their interest in following closely the end infrastructure, which is expected to be released within the next 6 months.

12.2. Breakout session V – Consumers’ health and safety



Pinuccia Contino, Head of Unit, DG JUST, European Commission, chaired a session on how to avoid the risks to consumers’ safety and health posed by fake products. The panel was comprised of: **Stefan Kirsch**, Deputy Director of Compliance and Enforcement, World Customs Organization (WCO); **Michael Moore**, Associate General Counsel, Senior Director, Trademarks and Copyrights, Mattel Inc; and **Margarita Synanidi**, ECC-Net Strategy Coordinator, European Consumer Centre Belgium.

The main points in the discussion revolved around how to convince consumers, in particular young consumers, of the dangers of buying counterfeit goods. The panellists were convinced that it is necessary to create more space to gather data evidence to scientifically demonstrate this. Furthermore, it is crucial to improve the messages and the cooperation between the relevant authorities, such as customs, international organisations, and consumer organisations. For instance, although at the moment there is not enough evidence to prove that buying counterfeit clothes is dangerous, there is good evidence of the lack of sustainability of counterfeit production and this information is relevant for younger audiences.

12.3. Breakout session VI – International cooperation on trade



The panel focused on the changes to global trade. The panel was comprised of: **Georgi Gospodinov**, Chief of Customs Checkpoint Kapitan Andreevo, National Customs Agency, the Republic of Bulgaria; **Shi-Hyeong Kim**, Director General of the Intellectual Property Protection & International Cooperation Bureau, Korean Intellectual Property Office (KIPO); and **Brigitte Spiegel**, Member of the Anticounterfeiting Committee Western Europe, International Trademark Association (INTA). The session was chaired by **Piotr Stryszowski**, Head of Unit, Working Party on Countering Illicit Trade, Organisation for Economic Co-operation and Development (OECD).

The discussion in this panel focused not only on counterfeit trade but also on illicit trade. Anti-counterfeiting surveillance is very time-consuming and costly in terms of resources. However, many stakeholders effectively address the illicit trade of fake products, therefore, they should work together to maximise the efficiency of the outcome, proactively reaching out to other partners. The KIPO presented examples of local and international training and collaboration with law enforcement agencies. As the criminals are experts in exploiting gaps created by trade simplification procedures, enforcement authorities should be helped with good quality information, harmonised legislation and coordinated efforts. As counterfeiting is a universal threat, stakeholders should focus on gathering robust and solid evidence to share with the general public.

13. Closing keynote addresses



Link to video recording, **Mikael Kullberg**, State Secretary of the Ministry for Justice, Sweden:

→ <https://youtu.be/GcRExRAbf6Y>.

Mikael Kullberg, State Secretary of the Ministry for Justice, Sweden, shared the Swedish Presidency's views on the importance of a strong framework for IPRs. The Presidency's overall priority is to strengthen European competitiveness through the creation of sustainable growth, the acceleration of the green and digital transitions, the increase of economic resilience and the strengthening of the EU's geopolitical importance. As IP is key to meeting social changes in a rapidly evolving world, the Swedish Presidency continues to build on the Commission's IP Action Plan, has reached an agreement on the regulation on geographical indications for craft and industrial products, and made substantial progress in the review of the EU design legislation. Moreover, it followed closely the follow-up on the copyright related CJEU's judgement on the RAAP case⁽²⁾ and the publication of the Commission's patent package. During the remainder of the Presidency, Sweden will focus on the supplementary protection certificates of the unitary patent system. As the IP Enforcement Summit has proved, IP infringement is an international problem and should be addressed as such through the collaboration of all stakeholders.

Link to video recording, **Ibán García del Blanco**, Member of the European Parliament:

→ https://youtu.be/VGDd7cb9_S8.



Ibán García del Blanco, Member of the European Parliament: *'It is crucial for IP enforcement to educate our societies, especially our younger generations, of the importance to respect the work and ideas of others. In a 2021 resolution, the European Parliament endorsed the IP in Education network managed by the EUIPO and encouraged the development of IP-related skills among learners and teachers.'*

Ibán García del Blanco, Member of the European Parliament, found that the discussions at the summit were key to tackling IP-related issues such as assessing the challenges posed by counterfeiting and piracy and their effect on society and the effective inclusion of SMEs in the IP ecosystem. Regarding raising awareness of this matter through awareness and education, especially for younger audiences, MEP García del Blanco acknowledged the EUIPO's efforts to integrate IP into the national curricula through its IP in Education network, and to include IP Skills development in the framework of the European Year of Skills 2023. The Parliament approved the report on artificial intelligence to offer a transparency provision on the obligation to report the used data, subject to IPRs. Furthermore, it is working on upgrading the design protection system, improving the standard patent licencing, and revising the legislation on supplementary protection certificates. In addition, the Parliament is ready to start its work on the Commission Recommendation on combating online piracy of sports and other live events, which has sparked a debate over the best way to expeditiously remove any reported illegal

content. On this matter, the Parliament is adamant that only a dedicated legislative instrument in the Commission will have a real effect on the situation. He is positive that the Spanish Presidency of the Council of the EU will progress on IP-related files and conclude negotiations before the start of the next legislative term.



Merete Clausen, Director for Investment, DG GROW, European Commission: *'Without strong IP enforcement, innovative ideas cannot be sufficiently protected, and companies lose out on their investments and on future capital. In the case of SMEs, this can lead to complete business failure.'*

Link to video recording, **Merete Clausen**, Director for Investment, DG GROW, European Commission:

→ <https://youtu.be/pGGhAldeKAg>.

Merete Clausen, Director for Investment, DG GROW, European Commission, emphasised the excellent existing cooperation with the European Parliament and the Council of the EU to modernise the EU-level legislative framework for the protection of IP. However, there is also a need for a strong enforcement framework where all actors come together to share their expertise in fighting IP infringement. The Commission is convinced that a strong and effective IP enforcement system in the EU is essential to protect the EU industries' competitiveness and innovation. Ms Clausen stressed that IP is an asset for European companies and can help them secure financing to grow their business, and that accurate valuation of IP assets facilitates businesses to access finance. Moreover, cooperation and operations under EMPACT has brought relevant results in tackling IP crime in Europe. The adoption of the DSA and the recommendation on combating online piracy of sports and other live events provides

an opportunity to set even more ambitious goals in the fight against online infringing business models. Furthermore, the EU Toolbox against counterfeiting will focus on modernising the MoU on the sale of counterfeit goods via the internet, optimising legal proceedings, promoting new technologies and surveillance tools, and promoting training and international cooperation as part of the Commission's awareness-raising strategy.

