

Inter-Agency Cooperation at National and International Level:

An assessment of best practices for improving IPR enforcement



OFFICE FOR HARMONIZATION
IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

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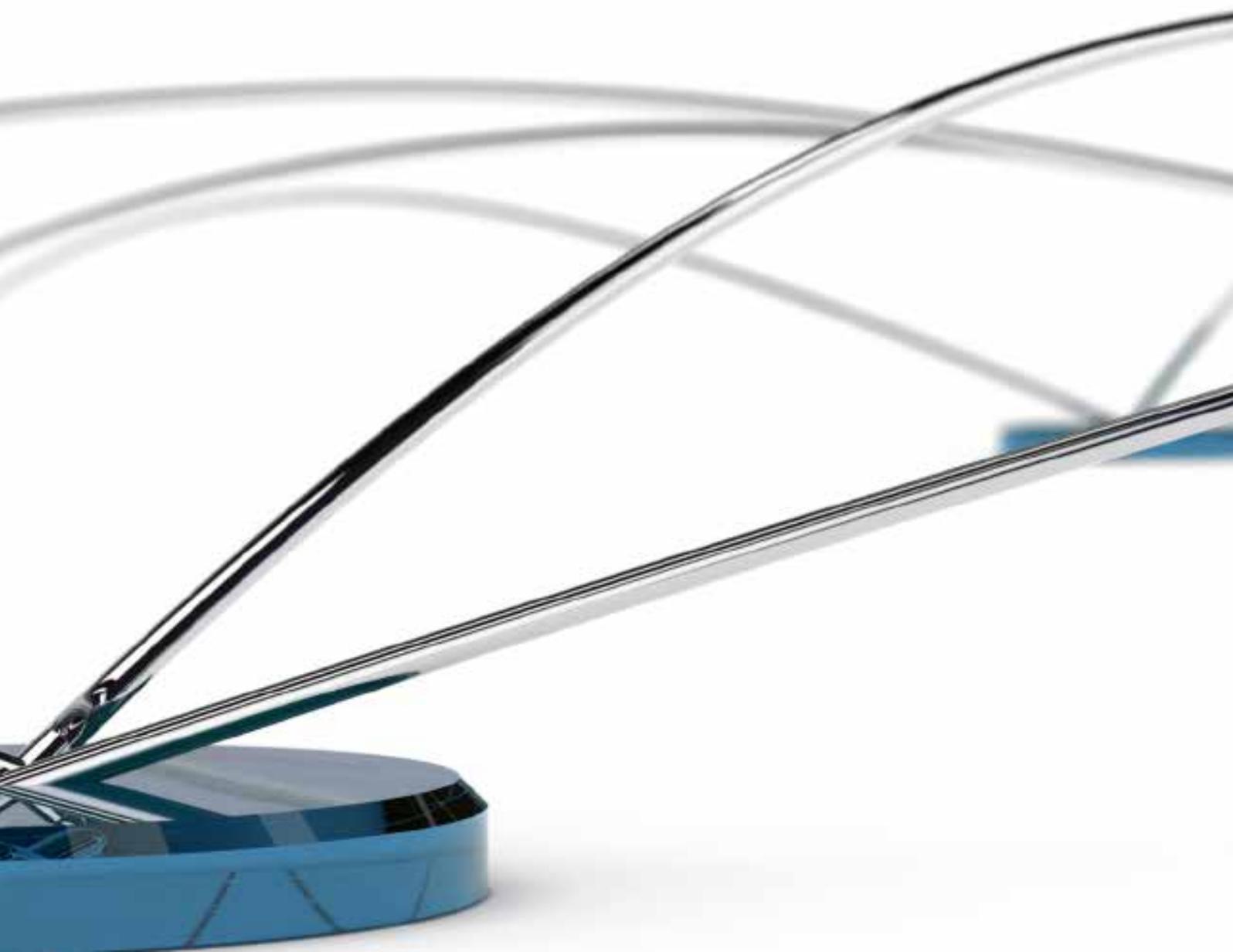
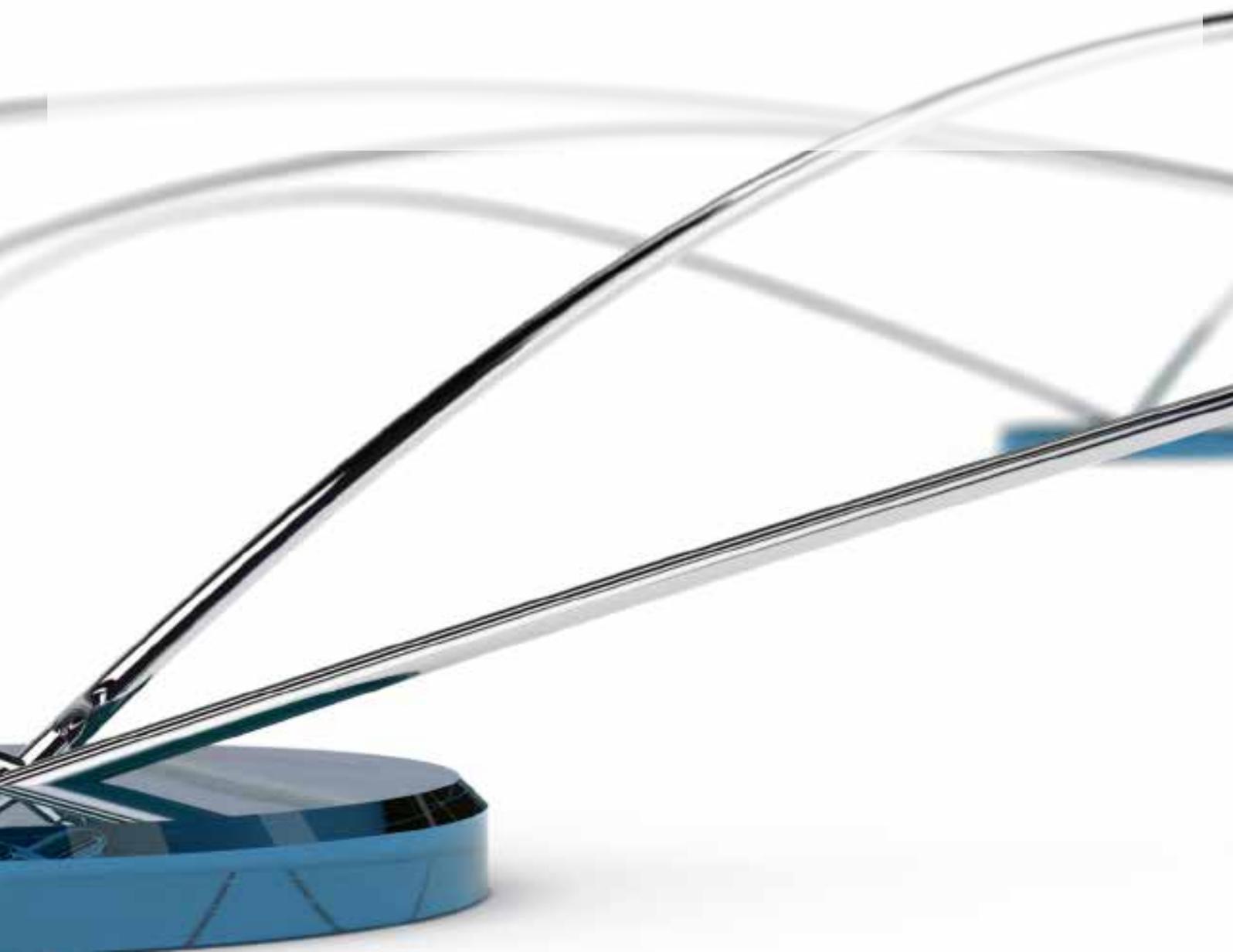


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Study

1. Background

In 2013 the Legal Issues Working Group (LIWG) of the EU Observatory on Infringements of IPR identified inter-agency cooperation on enforcement as a possible source of best practices. A preliminary study was carried out by an external expert whose work was subject to peer review by independent experts. The results were subject to consultation with the LIWG.

In order to supplement the information arising from this process Observatory public sector representatives of all of the Member States were circulated with a questionnaire (see Annex I) in November 2013. The responses received are summarised in Annex II. The complete version of the responses is contained in Annex III. The responses cover a total of twenty five of the current twenty eight Member States¹. While this does not constitute complete coverage of the European Union it does provide sufficient information for a general picture of the situation to be appreciated. This, in turn, allows a number of possible best practices to be identified in the field of inter-agency cooperation on IPR enforcement in the Member States.

2. Executive Summary

2.1. Findings:

- Not all Member States have frameworks or structures for inter-agency cooperation.
- Where there are structures, some are informal structures and others have more formalised structures, often based on national legislation.
- In some cases there is a single agency that takes the lead in the cooperation effort but this is not always the case
- There is virtually no involvement of the judiciary in inter-agency cooperation bodies in the Member States.
- Private sector stakeholders are not always involved in the inter-agency structures
- Cross border cooperation outside of existing EU and international organisations is rare
- The range and variety of activities undertaken through inter-agency activity is extremely wide.

2.2. Priority best practices:

- All Member States should consider establishing an inter-agency cooperation structure where they do not already have one
- It is desirable where possible to have only one agency lead the cooperation effort.
- Inter-agency cooperation structures should explore how to involve the judiciary
- Private stakeholders should be given the opportunity of participating in inter-agency structures
- The possibility of cross border cooperation should be part of Member States' inter-agency cooperation²

¹ There have been no responses from Greece, Lithuania or the Netherlands

² This is in addition to any cooperation that takes place through the Observatory itself or other EU or international organisations

3. Introduction

Inter-agency cooperation in IPR enforcement can produce a number of benefits. It can produce savings in existing resources and help avoid wasting resources in the future. It can improve communication between agencies and help build a team spirit that makes their activities more effective and efficient. Improvement in effectiveness and efficiency lead to resource savings. Proper coordination will also avoid overlaps in activities. There is little point, for example, in two or more agencies directing the same or similar awareness campaigns at the same audience. Worse still would be directing campaigns at the same audience but delivering diverging messages. Cooperation also has the potential for more easily identifying gaps in enforcement programmes and activities.

On the other hand, the creation or continued existence of inter-agency cooperation is not a magic wand: it does not solve all problems. It is one of a number of things that has the potential to improve enforcement. From the responses to the questionnaire and the known differences between the legal and administrative culture in the various Member States it is also clear that there is no one-size-fits-all formula for inter-agency cooperation.

The above considerations have been taken into account in reaching conclusions on the findings (4.0) and priority best practices (5.0) below.

4. Findings

The situation in the various Member States is extremely diverse.

4.1. Existence of framework or structures for inter-agency cooperation

Some Member States have no formal framework for inter-agency cooperation (e.g. Austria, Cyprus), others have informal structures (Belgium, Estonia, Ireland, Germany, Luxembourg, Malta) and most have formalised structures (Bulgaria, Croatia, Czech Republic, Denmark, France, Hungary, Italy, Latvia, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom), often based on national legislation.

Even within these subdivisions there remains a range of approaches. Luxembourg, for instance, has an informal platform whereas Malta coordinates on the basis of a written memorandum of understanding between police and customs.

Within the variety of formalised structures some, as already mentioned, are based on legislation but others are not. In some cases the structures were initially based on administrative measures but later covered by legislation (e.g. Hungary).

The trend is for more Member States to adopt structures where they have not had them before (e.g. Croatia) and there is no indication of any move to abandon such structures.

4.2. Single or multiple structures

Where there is a structure for inter-agency cooperation it is not always one unique body. In the majority of Member States this is the case. However, in some cases responsibility is divided on the basis of the nature (e.g. industrial property and copyright) of the IPR involved (e.g. Spain).

In most cases there is a single agency that takes the lead but this is not always the case. In many cases the lead is the national industrial property office or a body located within or associated with that office.

4.3. Judicial involvement

Courts have a role in both civil and criminal enforcement of IPR. Furthermore, where prosecution authorities are part of the judiciary they also have a role in enforcement. Despite this, participation by the judiciary in the cooperation structures that have been established seems limited. The examples of Romania is one of the few exceptions. It may be the case that this is prompted by concern to respect the separation of powers between the executive, judicial and legislative branches of government. Nevertheless it is a striking feature.

4.4. Role of private stakeholders

Private sector stakeholder participation ranges from the informal (Bulgaria, Estonia, Ireland, Portugal), to full participation in the structures (Croatia, Germany, Hungary, Italy, Poland, Romania, Spain and United Kingdom) but with some structures having no private sector participation at all (Czech Republic, Luxembourg, Slovakia and Slovenia).

One of the benefits of inter-agency cooperation on IPR enforcement is the elimination of overlaps and the identification of synergies. While inter-agency cooperation has as its basis activities and programmes of public sector organisations, there is a possibility of synergy or overlap between public and private interests, such as in awareness raising campaigns.

4.5. Cross border activity

Member States are engaged in cross border IPR enforcement activity in a number of ways but this is normally through existing EU or international organisations such as TAXUD, Europol or Interpol.

However, with these general exceptions regular cross border activity is more the exception than the practice (e.g. France, Ireland, Portugal). This is somewhat surprising given that, the internal market notwithstanding, illicit operators in many spheres try to exploit national boundaries to their advantage.

4.6. Website presence

Where a structure for inter-agency cooperation exists, dedicated websites are frequently available in relation to their activities. Even in the absence of a dedicated website information is often provided on the activities involved on the website of one or other of the participating agencies, particularly intellectual property offices.

4.7. Scope of activities

The scope of activities involved covered by inter-agency IPR enforcement cooperation, viewed across all the Member states is extremely wide and diverse. Among the activities most commonly undertaken are ³:

- Awareness raising
- Collecting data
- Coordination of actions and activities
- Information sharing
- Providing advice on legislation and policy
- Training

³ The list is by no means exhaustive

The range of activities carried out by the inter-agency structure in any one Member State varies from the very narrow to the very diverse.

5. Conclusions on best practices

5.1. Member States should consider establishing an inter-agency cooperation structure where they do not already have one.

The experience of those Member States which have an inter-agency cooperation structure is positive despite, or perhaps because of, the diversity of models that are in existence. The trend noted above (4.1) is for the increasing adoption of cooperation structures. Unless there are clear obstacles to such a course it is suggested that the attempt be made, at least on a trial basis. The establishment of a larger number of inter-agency structures should produce increased opportunities for a network at EU level to be created.

Member States embarking on the establishment of an inter-agency structure have a wide choice in the type of model they might adopt. Given the differences in administrative and legislative culture that exists between the Member States it is beneficial to have such a choice of models available.

5.2. It is desirable where possible to have only one body or agency lead the cooperation effort.

There are different models in existence at present. In some cases there is no specific body responsible for coordinating the inter-agency work. However, in many cases there is a single body and in a few there is more than one coordinating body, particularly where there is a separate focus on industrial property rights on the one hand and copyright on the other.

While allowance must be made for the administrative and legislative diversity among the Member States, it seems desirable to have efforts within each Member State coordinated in as simple a structure as possible. Such an approach would also facilitate the construction and growth of an EU network.

For these reasons, the possibility of there being only one body or agency to lead the cooperation effort should be considered. The choice of which agency is most suitable will be determined by the circumstances of each Member State. This approach would reflect the approach advocated by the EU Commission in its communication⁴ on enhancing the enforcement of intellectual property rights in the internal market.

5.3. Inter-agency cooperation structures should explore how to involve the judiciary.

The judiciary are key players in the enforcement of IPR. However, they do not feature significantly in the inter-agency cooperation structures. Judicial participation could give rise to concern about sensitive issues such separation of powers and the independent role of the judiciary. Any moves towards inclusion or greater involvement of the judiciary in such structures would have to take these concerns into account with great sensitivity. The likely benefit from their involvement would be likely to outweigh the effort

4 COM(2009) 467 final

5.4. Inter-agency cooperation structures should explore how to involve the judiciary.

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5.5. Private stakeholders should be given the opportunity of participating in inter-agency structures.

Private stakeholders, particularly right holders and consumers, are the ones who suffer the most immediate impact of IPR infringement. They are thus likely to be able to give significant input into any process, including inter-agency cooperation, which deals with IPR enforcement. The consumer view would appear to be particularly useful in the context of activities designed to raise awareness about intellectual property.

There would be constraints on private stakeholder involvement, particularly with respect to operational matters. These constraints would have to be taken into account in devising the means of involving the private stakeholders in inter-agency structures. This issue has clearly been successfully addressed already by some Member States such as France, Hungary, Latvia and Spain.

5.6. The possibility of cross border cooperation⁵ should be part of Member States' inter-agency cooperation.

Even within the internal market national borders can at times complicate the task of IPR enforcement. While there are possibilities for cross border cooperation in enforcement through existing EU (e.g. EUROPOL) and international (INTERPOL) organisations there may be gaps that need to be filled. Cooperation between inter-agency structures of different Member States could be one means of filling these gaps. The Observatory could assist, through its own activities, in such a development.

⁵ This is in addition to any cooperation that takes place through the Observatory itself or other EU or international organisations

Annex I: Questionnaire for Member States

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)
2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?
3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)
4. Is there one agency that takes the lead? Which one?
5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?
6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.
7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?
8. Is there a dedicated website?
9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).
10. Please provide the details of a contact person.

Please feel free to supplement these questions with any information you consider appropriate.

Annex II: Summary of responses to the questionnaire

Country	What agencies are involved in IPR enforcement?	Is there any form of inter-agency cooperation?	What form does it take?
Austria	Police and Customs	Restricted to intelligence	Case by case
Belgium	Federal Public Service Economy (economic inspection); Federal Public Service Finance (customs)	Yes	(a) The Inter-Ministerial Economic Commission always includes counterfeiting on its agenda. (b) The Foundation against Counterfeit (NANAC).
Bulgaria	Prosecution authorities, Ministry of Interior, Ministry of Culture, Customs Agency, Bulgarian Patent Office	Yes	The Council for Protection of Intellectual Rights is responsible for the cooperation on political level. On operation level there is ad hoc cooperation based on statutory requirements. It is based on procedural rules requiring joint actions by the competent authorities in the prosecution of IP-related crimes and administrative offences.

Croatia	Office of the State Attorney, Ministry of Justice (courts competent for cases in the field of intellectual property), Ministry of the Interior, Ministry of Finance – Central Office of Customs Administration, Ministry of Health (Directorate for Sanitary Inspection and Health protection Directorate), Ministry of Agriculture, Croatian Food Agency, Agency for Medicinal Products and Medical Devices of Croatia, State Intellectual Property Office	Yes. In the Republic of Croatia the coordination mechanism for performance of the tasks and activities related to the enforcement of intellectual property rights was established in 2010. Coordination mechanism is operating on several levels through standing coordinating bodies, coordinating sub-groups and working groups.	The coordination mechanism was established in accordance with National Strategy for the Development of Intellectual Property System of the Republic of Croatia for the period from 2010 to 2012 and includes the following permanent bodies: I. Steering Committee for the Enforcement of Intellectual Property Rights is composed of high officials from the competent state administration bodies and it is a management (strategic) level of coordination. It carries out supervision over the enforcement of intellectual property rights in the Republic of Croatia. II. Coordination Board for the Enforcement of Intellectual Property Rights III. Operational Group for the Enforcement of Intellectual Property Rights IV. Group for the Cooperation with the Holders of Intellectual Property Rights V. Working groups
Cyprus	Customs & Excise Departments responsible for any goods imported or transferred into the Republic of Cyprus. Cyprus Police and the Ministry of Energy, Commerce, Industry and Tourism responsible for any goods that are manufactured in Cyprus	No	N/A

Czech Republic	Customs, National Police, Trade Inspection, Agriculture and Food Inspection	Yes	The Interministerial Commission for Combating illegal actions against intellectual property rights was set up to coordinate work between its members. Its work consists mainly in the coordination and stimulation of its members.
Denmark	State Prosecutor for Serious Economic and International Crime, Customs Task Force Counterfeiting, Patent and Trademark Office, Ministry of Culture, National Police, Health and Medicines Authority, Safety Technology Authority, Competition and Consumer Authority, Veterinary and Food Administration Business Authority, Ministry of Foreign Affairs	Yes	Danish Ministerial Network against IPR Infringements
Estonia	Tax and Customs Board, Ministry of Finance, Police and Border Guard Board	No formal structure	Formal and informal communication
Finland	Customs, Ministry of Employment and the Economy, the Copyright Information and Anti-Piracy Centre, Finnish Anti-Counterfeiting Group, Police	MoU between Customs and the Copyright Information and Anti-Piracy Centre and The Anti-Counterfeiting Group	Exchanging information according to the memorandum of understanding
France	INPI, Customs, Police, Gendarmerie, Justice, DGCIS	Yes, CNAC	An informal structure without administrative status, led by a parliamentarian
Germany	Ministries of Justice and Consumer Protection, Finance, Food and Agriculture, Interior at federal and state level; civil courts and bailiffs, police, customs, prosecution services, local market supervision authorities.	Yes	The character and basis of the inter-agency cooperation varies depending on its subject.
Greece	-	-	-

Hungary	National Tax and Customs Authority, Police, Market surveillance authorities, National Food Chain Safety Office, district and county level authorities, prosecutors	Yes	National Board Against Counterfeiting (NBAC)
Ireland	Revenue Commissioners, Garda Síochána (police)	Yes	<p>It is an informal arrangement. Revenue has responsibility for IPR enforcement at EU borders, while An Garda Síochána has responsibility for enforcement of controls relating to goods in free circulation.</p> <p>The Irish Medicines Board (IMB), with whom both agencies work closely, has an indirect involvement in that it has responsibilities in relation to all illegal medicines, medical devices, and cosmetics, which may include IPR infringing products.</p> <p>Similarly, The Food Safety Authority of Ireland (FSAI) has responsibilities in relation to food products which could include IPR infringing goods. However, neither of these agencies is empowered to act in relation to the specific area of IPR infringements.</p>
Italy	Information and Publishing Department, Department for European Policies and of the Presidency of the Council of Ministers, Ministries of Foreign Affairs, Interior, Justice, Economy and Finance, Economic development, Agriculture and Forestry Policies, Health, Cultural Heritage and Activities and Tourism. Tax Police, Customs, Carabinieri, National Anti-Counterfeiting Council (CNAC) Parliamentary Committee, Institute for Foreign Trade, Society of Authors and Publishers	Yes, CNAC and DGLC-UIBM	<p>The inter-agency cooperation takes place via the CNAC (a specific body that work through its general Secretariat DGLC-UIBM) set up to direct, promote and coordinate strategic actions with all of the administrations involved in the fight against counterfeiting.</p> <p>For specific matters there are in place different cooperation agreements between agencies and or via informal or formal taskforces.</p>

Latvia	Ministries of Justice (Patents Office), Culture, Agriculture, Interior, Economics, Finance, Education and Science, Foreign Affairs, Transport, Prosecutors' Office, Courts	Yes	There are two bodies: the Intellectual Property Council, at ministerial level and the Intellectual Property Rights Expert Group at expert level
Lithuania	-	-	-
Malta	Customs (Ministry of Finance), Police (Ministry of Home Affairs and Internal Security).	No specific structure.	There is a memorandum of understanding between customs and police.
Netherlands	-	-	-
Poland	Ministry of Culture and National Heritage, Ministry of Internal Affairs, Ministry of Administration and Digitisation, Ministry of Finance, Ministry of Justice, Chancellery of the Prime Minister, Ministry of Foreign Affairs, Ministry of National Education, Ministry of Science and Higher Education, Ministry of Economy, Customs Service, Border Guards, Police, The Patent Office, Prosecution General, National Broadcasting Council, Office for Competition and Consumer Protection, Office of Electronic Communication, Inspector General for the Protection of Personal Data, Human Rights Defender (ombudsman).	Yes, the Team for Counteracting Infringements of Copyright and Related Rights	Minister of Culture and Heritage

<p>Portugal</p>	<p>ASAE (Authority for Food and Economic Safety); GNR (Republican National Guard); PSP (Public Security Police); INPI (National Institute of Industrial Property); PJ (Judiciary Police); and AT (Customs).</p>	<p>Yes, the ACG (Anti-Counterfeiting Group)</p>	<p>The ACG is an inter-ministerial group that congregates the multidisciplinary expertise in fight against counterfeiting of the six organizations already mentioned.</p> <p>The fundamental competence of this Group is to develop joint actions to prevent and repress counterfeiting activities, with full respect to the jurisdiction of each entity.</p> <p>The Group was officially created through the Ordinance No. 882, September 10, 2010.</p>
<p>Romania</p>	<p>Public Ministry, Ministry of Justice, Ministry of Culture, Copyright Office (ORDA), State Office for Patents and Trademarks (OSIM), General Inspectorate of the Romanian Police (Fraud Investigation Division), General Inspectorate of Border Police, National Inspectorate of Gendarmerie, National Customs Authority, Financial Guard, National Authority for Consumers Protection, General Inspectorate of Communications and Information Technology, National Institute of Magistracy</p>	<p>Yes, the Service for the coordination of the Public Ministry activity in IPR field (IPR Unit)</p>	<p>Inter institutional cooperation is set up through a Government Decision in 2005 followed by a Minister of Justice order in 2006 when the IPR Unit has been settled within the GPO s.</p> <p>The IPR WG is set up by a Memorandum of Understanding and the public – private cooperation is settled between 40 signatories, with the Public Ministry as coordinator.</p>
<p>Slovakia</p>	<p>Ministry of Finance (Customs), Ministry of Justice (Courts), Ministry of Interior (Police), Trade Inspection (Ministry of Economy).</p>	<p>Yes, the National Inter-Ministerial Commission for the coordination of cooperation against counterfeiting and piracy (Commission)</p>	<p>The Commission operates based on (Rules of Procedures) and the activities are in line with adopted Action Plan – part of the National Anti-counterfeiting Strategy.</p>
<p>Slovenia</p>	<p>Intellectual Property Office, Customs, Market Inspectorate, Office of the State Prosecutor</p>	<p>Yes, the Intergovernmental Working Group for the fight against piracy and counterfeiting</p>	<p>The main task of the group is to coordinate activities of different state agencies in the field of counterfeiting and piracy.</p>

Spain	Ministries of Industry, Energy and Tourism, (including the Spanish Patent and Trademark Office (SPTO)), Education, Culture and Sports, Justice, Interior and the Police and the Civil Guard, Foreign Affairs, Health and Consumers, Customs Department, the Federation of Municipalities and Provinces.	Inter-sectoral Commissions for: (a) action against activities that infringe industrial property rights and (b) for the action against copyright infringements.	Both of them are specific bodies to coordinate work and initiatives among representatives of the public sector (at a local, regional and national level) and private stakeholders.
Sweden	Police, Customs Office, International Prosecutor's Chambers, Courts for civil and penal prosecution.	Yes, involving seven agencies	Regular meetings, one for legal experts, one for information specialists and joint meetings.
United Kingdom	Trading Standards, Police, Revenue and Customs (HMRC), Medicines and Healthcare products Regulatory Agency (MHRA), National Crime Agency, Intellectual Property Office (IPO), Department for Culture, Media and Sport, Border Force, Food Standards Agency, Ministry of Justice, Crown Prosecution Service	Yes, the UK IP Crime Group	The UK IP Crime Group (coordinated by the IPO) is a strategic group comprised of representatives from industry, enforcement agencies and government, which works to implement the UK's IP Crime Strategy. It meets on a regular basis (every two months) to coordinate enforcement activities, identify and disseminate best practice and raise awareness of IP crime

Country	Is there cross border activity?	Is there a dedicated website?	Principal activities
Austria	No	No	Not applicable
Belgium	Federal Public Service Economy (economic inspection); Federal Public Service Finance (customs)	Yes	(a) The Inter-Ministerial Economic Commission always includes counterfeiting on its agenda. (b) The Foundation against Counterfeit (NANAC).
Bulgaria	Prosecution authorities, Ministry of Interior, Ministry of Culture, Customs Agency, Bulgarian Patent Office	Yes	The Council for Protection of Intellectual Rights is responsible for the cooperation on political level. On operation level there is ad hoc cooperation based on statutory requirements. It is based on procedural rules requiring joint actions by the competent authorities in the prosecution of IP-related crimes and administrative offences.
Croatia	Not at present	Yes	Meetings of coordinating bodies and working groups, twice yearly reports, collection of statistics, awareness raising, education
Cyprus	N/A	N/A	N/A
Czech Republic	No	No	The operational programme covers processing data, deepening cooperation, training, consumer education.
Denmark	Yes, the Network eg cooperates on the following recurring international enforcement actions: Operation "Opson", Operation "Pangea" and Operation "In Our Sites" .	Yes	Cooperation on the organisation of a 3-day IPR enforcement seminar for Nordic enforcement authorities held in November 2013 (organised in cooperation with OHIM, Europol and others)

Denmark			<p>1 day training seminar for IPR-contact persons among the public prosecutors in the local police districts (November 2013)</p> <p>Contribution to the IPR guidelines for police and public prosecutors.</p> <p>Re-launch of the Network's websites</p>
Estonia	Yes, through Medicrime and COPIES	No	
Finland	No	No	N/A
France	Yes, through the Observatory and with bodies outside Europe (e.g. Brazil, China)	Yes	Charters to fight counterfeiting, public awareness activities, diplomatic intervention to help right owners solve IPR infringement problems abroad.
Germany	Yes. In criminal enforcement, the prosecution services, police and customs regularly make use of the instruments available for cross-border legal assistance in the EU and with non-EU countries.	No. The respective authorities involved in enforcement provide information on IP on their websites.	N/A
Greece	-	-	-
Hungary	No	Yes	The NBAC strategy is separated into three areas: first reducing supply, secondly reducing demand and thirdly pinning down the economic impact.
Ireland	Yes, with Police Service of Northern Ireland (PSNI)	No	Exchange of information, awareness raising, training

Italy	Yes	Yes	<p>Communication, education and training</p> <p>Enforcement at local level</p> <p>Fight against online counterfeiting and piracy .</p> <p>SME training on IP management</p> <p>"Made in Italy" protection from foreign usurpation</p> <p>Preservation of Judges' specialization in IP matters</p>
Latvia	No	No, but there is information on the website of the Ministry of Justice.	The tasks of the Intellectual Property Council are to revise policy planning documents, proposals for amendments of IPR legislation and set priorities for IPR awareness. The Expert Group supports the Intellectual Property Council.
Lithuania	-	-	-
Luxembourg	Yes	Yes	<p>Participation in all Joint Customs Operations in the framework of IPR enforcement organized by:</p> <p>Europol, TAXUD, WCO</p>
Malta	Through EU structures and events	Malta Customs website.	Law enforcement
Netherlands	-	-	-
Poland	No	No	The tasks of the Team include the preparation of applications and proposals concerning the improvement of coordination of actions taken by the governmental administration bodies within the scope of an effective combating of the infringements of copyright and related rights.

<p>Portugal</p>	<p>The ACG was involved in a cooperation action with Moroccan's enforcement agencies (CONPIAC), and received a Moroccan delegation in Portugal.</p>	<p>Yes</p>	<p>Management of the Anti-Counterfeiting Portal and Online Complaint; Information Exchange; Statistics Harmonization; Cross training between ACG entities; Best Practices Identification; Cooperation with Private Sector; Propose law changes</p>
<p>Romania</p>	<p>A cooperation framework was set up with other 6 European anti-counterfeiting coordination agencies –following the French CNAC initiative. Under Phare project 2007 – 2008 a partnership with DKPTO was established. The IPR WG through its members has been developed cooperation partnerships with authorities and antipiracy and anti-counterfeiting associations in the Balkan area.</p>	<p>Yes</p>	<p>Continuous training of the designated IPR personnel from the authorities Improvement of the IPR legislation Increase IPR enforcement Public awareness Most recent actions Training seminar on the investigation of IPR infringements on the internet, followed by a Guideline for the use of police and prosecutors; Training seminars on new methods for combating software piracy (virtual machines) and on investigating cases regarding counterfeiting of a trademark; Updating the Guideline for the investigation of software piracy (version II); National and European jurisprudence relevant in IPR cases (on going activity) published on the website.</p>

Slovakia	No	No, but information can be found on the IPO site.	<p>Development of the National Anticounterfeiting Strategy.</p> <p>The Commission's activities are focused primarily on public awareness raising activities and education/training of main players (Police, Customs).</p>
Slovenia	No	No, but information can be found on the IPO site.	<p>Summary of Market Inspectorate report related to IPR, reports of Customs, conference reports on enforcement.</p>
Spain	No	<p>The Inter-sectorial Commission for action against activities that infringe industrial property rights has a dedicated website.</p>	<p>The Inter-sectorial Commission for action against activities that infringe industrial property rights' main activities are:</p> <ul style="list-style-type: none"> To draw up an overall plan that puts forward guidelines for the State's various bodies aimed at combating copyright and industrial property piracy. To promote the compiling of reports on legislation protecting intellectual and industrial property rights. To monitor and provide information on relations with other states and international organizations involved in the fight against acts infringing on these rights. To propose ways in which the Central and Regional Government could work together in this area within their respective powers. To put forward proposals for the training of authorities and agents charged with the task of prosecuting these illegal acts. To propose that measures be adopted in order to raise the awareness of the general public and organizations such as

Spain			<p>trade unions about this issue. These measures should put forward means of ensuring ongoing collaboration with them.</p> <p>The Inter-sectorial Commission for the action against copyright infringements' main activities are:</p> <p>To advice in the fight against the violation of intellectual property rights through the Internet. importance of respecting copyright.</p> <p>To coordinate public administrations and private organizations dedicated to the protection of copyright, as well as other organisations representing social interests, for the study, proposal and implementation of actions that develop the Plan of the Government for the reduction and elimination of activities infringing copyright.</p> <p>To promote advertising campaigns and a widespread knowledge of copyrights to raise public awareness about the need of protect these rights.</p>
Sweden	Planned with Denmark.	No	Mutual information sharing, competence building and information dissemination.
United Kingdom	Yes	No	The main product of the IP Crime Group is the annual IP Crime Report. It presents an overview of the initiatives and activities of industry, law enforcement agencies and Government Departments that are committed to tackling, investigating and reporting IP crime.

United Kingdom

Other recent initiatives include:

IP Crime – enforcement aide memoire (hard copy only). This is a pocket-sized booklet providing guidance on the key legislation in relation to IP crime.

The Supply Chain Toolkit (which is intended to help individuals and businesses to be aware of the growing risk from counterfeit goods getting into business supply chains.

The Proceeds of Crime Act leaflet, which aims to raise awareness of the Act.

Annex III: Complete responses to the questionnaire

Austria

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

Austrian IPR enforcement agencies are

- Police and
- Customs.

Police can only act where there is an order of a court, as police may not act upon their own initiative to initiate investigation or legal action with respect to IPR offences.

Customs is responsible to enforcement IPR according to Regulation (EU) No 608/2013.

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

As there is a clear definition of responsibilities, cooperation between police and customs is very limited and restricted to intelligence.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

Sharing of intelligence takes place on a case by case basis where necessary.

4. Is there one agency that takes the lead? Which one?

No, not necessary.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

No, not necessary.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

No.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

No.

8. Is there a dedicated website?

No.

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

10. Please provide the details of a contact person.

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Belgium

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)
 - Federal Public Service Economy : economic inspection
 - Federal Public Service Finance : customs
2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes
3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)
 - a) There is the Inter-Ministerial Economic Commission. It's a meeting between different Federal Public Services (Economy, Finance, Police, Medication, Public Health) where different economic matters are on the agenda. Counterfeit is always on the agenda amongst other matters. This meeting takes place several times a year.
 - b) There is NANAC, the Foundation against Counterfeit. This foundation started in 2010 and is a cooperation between the International Chamber of Commerce and the Federal Public Service Finance. The Federal Public Service Economy is also involved. The goal of the foundation is to sensibilise consumers. The foundation tries to link the public sector with the private sector.
4. Is there one agency that takes the lead? Which one?
 - a) Federal Public Service Economy
 - b) Federal Public Service Finance (customs)
5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?
 - a) The Belgian law of the 15th of May 2007 concerning the punishment of counterfeit and piracy foresees a working group "coordination of the battle against counterfeit and piracy", founded in the Inter-Ministerial Economic Commission. Also representatives from the FPS justice, the public prosecutor, Food Security, medicals, the FPS finance and the federal police are participating in this working group. On the long run there has to come a royal decision to institutionalise this working group. An annual report on the collaboration between all the stakeholders active in the field is foreseen.
 - b) It's a private foundation which is funded by the members.
6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.
 - a) No
 - b) Yes
7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?
 - a) Only through Europol
 - b) No

8. Is there a dedicated website?

- a) No
- b) www.nanac.be

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

- a) The goal of this cooperation is to be close to the action. Past inquiries are evaluated and hot topics are discussed. The coordination between all the stakeholders is the biggest priority. No reports or studies are made.
- b) A study day will be organised in April, a memorandum will be send to politicians, a brochure to sensibilise consumers will be made.

10. Please provide the details of a contact person.

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E: jannik.grooten@economie.fgov.be,

Benedicte Somja, NANAC
North Galaxy A10
Koning Albert II laan 33
1030 Brussel

T: + 32 470 78 12 29
E: benedicte.somja@minfin.fed.be,

Bulgaria

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- Prosecution authorities
- Ministry of Interior
- Ministry of Culture
- Customs Agency
- Bulgarian Patent Office

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

There is inter-agency cooperation on political and operational level.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

The Council for Protection of Intellectual Rights is responsible for the cooperation on political level.

On operation level there is ad hoc cooperation based on statutory requirements. It is based on procedural rules requiring joint actions by the competent authorities in the prosecution of IP-related crimes and administrative offences.

4. Is there one agency that takes the lead? Which one?

The Council for Protection of Intellectual Property Rights is presided by the Minister of Culture.

The prosecution authorities are responsible for the criminal enforcement of IPR. In case of administrative-penal procedures the leading agency is the Bulgarian Patent Office.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

The Council for Protection of Intellectual Property Rights is set up by Decision of the Council of Ministers No 42 of 23 January 2006.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Private stakeholders may be invited to participate in the work of the Council by its Chairman at his discretion.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

No.

8. Is there a dedicated website?

The website of the Council for Protection of Intellectual Property Rights is:

<http://mc.government.bg/page.php?p=52&ts=257&sp=0&tt=0&tz=0>

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

Assists the authorities in the coordination of their activities; develops priority measures and activities for raising the efficiency of implementation of the statutory acts; discusses draft statutory acts; assists the cooperation with private stakeholders; assists the implementation of significant IPR enforcement projects; monitor the work in the field of IPR enforcement, other IPR enforcement related tasks.

10. Please provide the details of a contact person.

Georgi Damyanov – Director of the Copyrights Directorate at the Ministry of Culture
address: 17, Al. Stamblyiski blvd., room 121

T: +359 (0)2 94 00 821

F: +359 (0)2 980 53 88

E: g.damyanov@mc.government.bg

Bulgaria

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- Prosecution authorities
- Ministry of Interior
- Ministry of Culture
- Customs Agency
- Bulgarian Patent Office

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

There is inter-agency cooperation on political and operational level.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

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5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

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Private stakeholders may be invited to participate in the work of the Council by its Chairman at his discretion.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

No.

8. Is there a dedicated website?

The website of the Council for Protection of Intellectual Property Rights is:

<http://mc.government.bg/page.php?p=52&ts=257&sp=0&tt=0&tz=0>

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

Assists the authorities in the coordination of their activities; develops priority measures and activities for raising the efficiency of implementation of the statutory acts; discusses draft statutory acts; assists the cooperation with private stakeholders; assists the implementation of significant IPR enforcement projects; monitor the work in the field of IPR enforcement, other IPR enforcement related tasks.

10. Please provide the details of a contact person.

Georgi Damyanov – Director of the Copyrights Directorate at the Ministry of Culture
address: 17, Al. Stamblyiski blvd., room 121

T: +359 (0)2 94 00 821

F: +359 (0)2 980 53 88

E: g.damyanov@mc.government.bg

Croatia

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- Office of the State Attorney
- Ministry of Justice (courts competent for cases in the field of intellectual property)
- Ministry of the Interior
- Ministry of Finance – Central Office of Customs Administration
- Ministry of Health (Directorate for Sanitary Inspection and Health protection Directorate)
- Ministry of Agriculture
- Croatian Food Agency
- Agency for Medicinal Products and Medical Devices of Croatia
- State Intellectual Property Office

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes. In the Republic of Croatia the coordination mechanism for performance of the tasks and activities related to the enforcement of intellectual property rights was established in 2010. Coordination mechanism is operating on several levels through standing coordinating bodies, coordinating sub-groups and working groups.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

The coordination mechanism was established in accordance with National Strategy for the Development of Intellectual Property System of the Republic of Croatia for the period from 2010 to 2012 and includes the following permanent bodies:

I. Steering Committee for the Enforcement of Intellectual Property Rights is composed of high officials from the competent state administration bodies and it is a management (strategic) level of coordination. Steering Committee carries out supervision over the enforcement of intellectual property rights in the Republic of Croatia.

II. Coordination Board for the Enforcement of Intellectual Property Rights, consisting of managing civil servants from the authorities for the enforcement of intellectual property rights and other relevant public bodies, is an executive level of coordination of all the activities related to the prevention and suppression of the infringements of intellectual property rights. Coordination Board monitors the situation in the field of the enforcement of intellectual property rights in the Republic of Croatia, as well as development of legislation in this field, makes analyses of statistical reports on the infringements of intellectual property rights and takes activities on raising public awareness and education in this field.

III. Operational Group for the Enforcement of Intellectual Property Rights

Operational group for the enforcement of intellectual property rights is an operational level of coordination of the tasks and activities related to the prevention and suppression of infringements of intellectual property rights. Operational Group is composed of officers from the Ministry of the Interior, the Customs Administration and the State Attorney's Office and it is operating at the appropriate regional and inter-ministerial structure.

IV. Group for the Cooperation with the Holders of Intellectual Property Rights

Group for the Cooperation with the Holders of Intellectual Property Rights is composed of the representatives of the right holders from particular organisations and industrial sectors, representatives of consumer associations and of

the representatives of the competent bodies (Ministry of the Interior, Ministry of Justice, Central Office of Customs Administration and State Intellectual Property Office). It is a consultative level of coordination, and a forum for the exchange of information and experiences in this field.

V. Working groups

Coordination Board for the Enforcement of Intellectual Property Rights establishes ad hoc working groups for professional support to certain activities. Following working groups have been established and are operating so far:

- Working group for statistics on the enforcement of IPR
- Working group for raising public awareness on the importance of respecting IPR
- Working group for legislation in the field of IPR (established in September, 2013)

4. Is there one agency that takes the lead? Which one?

State Intellectual Property Office of the Republic of Croatia is the coordinating institution.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

In response to questions 5.1. and 5.2., please see the answers to the question 3.

5.3. Activities of coordinating bodies are financed from the state budget. But, in the organization of certain common educational and informational activities (especially public events Stop Counterfeiting and Piracy) the organizations of holders of IPR also participate in the cost of events.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Yes. Private stakeholders are involved in the work of inter-agency cooperation (Group for the Cooperation with the Holders of Intellectual Property Rights was established; please see the answers to the question 3.).

The list of the stakeholders:

I. Collective management rights societies:

- Hrvatsko društvo skladatelja HDS ZAMP / Croatian Composer's Society
- Hrvatska udruga za zaštitu izvođačkih prava HUZIP / Croatian performers' rights collecting society
- Udruga za zaštitu, prikupljanje i raspodjelu naknada fonogramskih prava ZAPRAF / Association for protection, collection and distribution of remuneration for producers of phonograms
- Ars Croatica, Udruga za kolektivno ostvarivanje prava likovnih umjetnika / Visual artists rights collecting society
- Društvo za zaštitu novinarskih autorskih prava DZNAP / Society for the protection of journalist's rights
- Udruga za zaštitu prava nakladnika ZANA / Association for the Protection of Publishers' Rights

II. Organizations of holders of IPRs

- APAW – Protection of Audiovisual Works
- Brand Owners Association BOA
- Business Software Alliance BSA
- Association SNB React
- CARPC – Croatian Association of Research – based Pharmaceutical Companies
- INTA

III. Consumer associations:

- Savez udruga za zaštitu potrošača Hrvatske / Association for the Consumer Protection Croatian
- Potrošač – Hrvatski savez udruga za zaštitu potrošača / Consumer – Croatian Association for the Consumer Protection

IV. Other members:

- Croatian Chamber of Patent and Trademarks Representatives
- Croatian Chamber of Trades and Crafts
- American Chamber of Commerce in Croatia (AmCham)
- Representatives of groups of industries
- ICC – National Board Croatia

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

Until now, there was no opportunity for cooperation with the coordinating bodies of the other Member States.

However, the coordinating bodies in the field of enforcement of IPR in the Republic of Croatia are regularly informed and reported on the initiatives and projects of the European Observatory on Infringements of Intellectual Property Rights.

8. Is there a dedicated website?

Yes, there is the common web site (in Croatian language only):

<http://www.stop-krivotvorinama-i-piratstvu.hr/hr/index.html>

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

I. Number of meetings of the coordinating bodies and working groups, per year:

Steering Committee for the Enforcement of Intellectual Property Rights - 2
Coordination Board for the Enforcement of Intellectual Property Rights - 4
Operational Group for the Enforcement of Intellectual Property Rights 3 - 4 (and more, if needed)
Group for the Cooperation with the Holders of Intellectual Property Rights - 3
Working groups 1- 4

II. Documentation

The minutes of the meetings of the coordinating bodies are regularly prepared and delivered to the members of the bodies.

Twice a year, a comprehensive report on the activities of the Coordination Board for the Enforcement of Intellectual Property Rights shall be submitted to the Steering Committee for the Enforcement of Intellectual Property Rights.

III. Statistics

In the Republic of Croatia a comprehensive methodology of collecting and statistical analysis of the data on proceedings initiated against the alleged infringements of IPR has been developed. The statistical reports containing these data are issued annually. The report is prepared and issued by the State Intellectual Property Office, on the basis of collected and processed data on the conducted proceedings concerning infringements of the IP rights as recorded by the authorities competent for the enforcement of IP rights: the State Attorney's Office, the Ministry of the Interior, the Ministry of Justice (statistics for the competent courts), the Customs Administration and the

State Inspectorate. The statistical reports are available at:

<http://www.dziv.hr/en/ip-enforcement/stats/>

IV. Raising Awareness

In the field of raising awareness, the enforcement bodies taking part in the coordination have adopted a joint Communication Strategy for Raising Public Awareness on Respect for and Enforcement of Intellectual Property Rights 2010 – 2012, which is implemented according to the annual plans of related activities. These activities, among others, include regional public information events on risks and social consequences of counterfeiting and piracy, as a part of the campaign Stop Counterfeiting and Piracy. The last activity under this campaign took place on 14 February, 2014 in Slavonski Brod. The information on this activity is available at:

<http://www.stop-krivotvorinama-i-piratstvu.hr/hr/novosti/u-slavonskom-brodu-u-trgovackom-centru-city-colosseum-14.02.2014.-odrzana,27.html>

One of the significant projects of the Communication Strategy implemented so far is web-site www.stop-krivotvorinama-i-piratstvu.hr (stop-counterfeiting-and-piracy). It is a joint official web-site of the coordination bodies for the enforcement of IPR, launched with a purpose of providing information to citizens and general public about the issue of counterfeiting and piracy. The web site includes all relevant information on national IPR enforcement system, legislation and related international initiatives.

Respective information and education materials have been prepared for the purpose of informing the public about the potential risks that may arise from using counterfeited products. The publications are available at:

<http://www.stop-krivotvorinama-i-piratstvu.hr/hr/novosti/promotivni-materijali/index.html>

V. Education

With the objective of ensuring and developing education in the field of intellectual property, the State Intellectual Property Office, as an institution that brings together experts with specific knowledge in the IP field, has established the Academy for Intellectual Property. The role of the Academy is dissemination of knowledge and experience in the field of IPR and bringing together experts and scientists who can contribute to the education in this field. The Academy organizes education activities intended for all the factors included in the system of protection of intellectual property rights including education in the field of enforcement of IPR (in most of cases these activities are organized in cooperation with the enforcement bodies).

10. Please provide the details of a contact person.

State Intellectual Property Office

E: kopppiv@dziv.hr

E: Provedba_prava@dziv.hr

Cyprus

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

Customs Et Excise Department is responsible for any goods imported or transferred into the Republic of Cyprus.

Other competent authorities are Cyprus Police and the Ministry of Energy, Commerce, Industry and Tourism responsible for any goods that are manufactured in Cyprus.

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

No

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

N/A

4. Is there one agency that takes the lead? Which one?

N/A

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

N/A

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

N/A

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

N/A

8. Is there a dedicated website?

N/A

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

N/A

Czech Republic

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- Czech Customs
- Czech National Police
- Czech Trade Inspection
- Czech Agriculture and Food Inspection

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

The body of such inter-agency cooperation in the Czech Republic is the Interministerial Commission for Combating illegal actions against intellectual property rights which was established by the Czech Government Resolution. This specific body was set up to coordinate work between its members and has limited powers only, relating to decision-making. Its work consists mainly in the coordination and stimulation of its members.

4. Is there one agency that takes the lead? Which one?

Yes, by relevant resolutions of the Government, the management committee was entrusted to the Czech Ministry of Industry and Trade.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

No, see above.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

No

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

No

8. Is there a dedicated website?

No

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

- Interministerial Commission for Combating illegal actions against IPR sets out the operational program, which covers i.e.:
 - Processing of Czech annual data for USA Watch List Report
 - Deepening of interministerial cooperation of the responsible supervisory bodies

- Special IPR training of employees of such institutions
- Consumer education

10. Please provide the details of a contact person.

František Peer,
oddělení společné obchodní politiky, WTO a ostatních mezinárodních ekonomických organizací,
Ministerstvo průmyslu a obchodu
Politických vězňů 20,
112 49 Praha 1, CZ

T: +420 224 852 769

Ministry of Industry and Trade

www.mpo.cz

Denmark

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

State Prosecutor for Serious Economic and International Crime

- Danish Customs Task Force Counterfeiting
- Danish Patent- and Trademark Office
- Danish Ministry of Culture
- Danish National Police
- Danish Health and Medicines Authority
- Danish Safety Technology Authority
- Danish Competition and Consumer Authority
- Danish Veterinary and Food Administration
- Danish Business Authority
- Ministry of Foreign Affairs

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes, we have extensive inter-agency cooperation.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

Our inter-agency cooperation takes place through the Danish Ministerial Network against IPR Infringements which was established in 2008 and functions extremely well. More information on the Network is available on its website: www.stopfakes.dk.

The Network's annual report (including an executive summary in English) can be found via this link to the Network's website;

<http://www.stopfakes.dk/media/151038/aarsrapport%202012%20ministeriernes%20netværk.pdf>

The Network has two annual 1-day meetings on pre-decided dates in March and September for all members of the Network. However, the main advantage of these plenary meetings are without doubt the personal contacts established through the meetings, which has facilitated a close cooperation and dialogue between the members in their daily work and including on concrete enforcement actions.

4. Is there one agency that takes the lead? Which one?

Yes – The Danish Patent and Trademark Office is secretariat for the Network and is thus responsible for taking the lead.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

The Network was established on the basis of a large inter-governmental report from 2008, which was presented by the then Minister for Economic and Business Affairs;

<http://www.stopfakes.dk/media/80429/rapportpiratkopiering.pdf>

So far, the Network does not have a statutory basis, but its' terms of reference is available on the Network's website in Danish;

<http://www.stoppiratkopiering.dk/media/101609/sg.pdf>

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

The Network itself consists of public authorities only. This facilitates a very open dialogue and a large extent of information sharing and close cooperation between the authorities in their daily work and including on concrete enforcement operations.

However, the Network has established a structured dialogue with the industry and this cooperation is crucial and highly useful. The set-up for the dialogue was agreed between the Network and industry representatives at their first meeting.

The Network and the industry representatives have two plenary meetings a year on pre-decided dates in May and November. The topics of the plenary meetings are agreed prior to the meetings between the Network and the Industry. The industry representatives take turns in hosting the meetings and the participants can vary according to the concrete topic of the agenda.

Additional ad hoc meetings and continuous informal dialogues are also possible in the very flexible set-up of the cooperation between the Network and industry. The contact and networking taking place through the plenary meetings facilitates a continuous and informal cooperation and dialogue between the Network and the industry and this is probably the main advantage of the cooperation.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

Yes, the Network eg cooperates on the following recurring international enforcement actions;

- Operation "Opson" (against counterfeit food)
- Operation "Pangea" (against falsified medicines)
- Operation "In Our Sites" (against domain names used for websites offering counterfeit or pirated products)

8. Is there a dedicated website?

Yes: www.stopfakes.dk (in English) and www.stoppiratkopiering.dk (in Danish).

The websites eg provide extensive guides targeted specifically at consumers and businesses respectively. It also contains legal information and links to various reports etc. on counterfeiting and piracy.

The Danish website also contains a complete case law database of all criminal IPR cases, which is useful both for the public sector (e.g. public prosecutors) and the private sector. The case law database is available here:

<http://www.stoppiratkopiering.dk/domssamling.aspx>

The Danish website further includes a regularly updated news facility.

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

Examples of the Network's activities in 2013 are;

- Cooperation on the organisation of a 3-day IPR enforcement seminar for Nordic enforcement authorities held in November 2013 (organised in cooperation with OHIM, Europol and others)

- 1 day training seminar for IPR-contact persons among the public prosecutors in the local police districts (November 2013)
- Cooperation on international enforcement operations (Opson, Pangea and In Our Sites)
- Contribution to the IPR guidelines for police and public prosecutors.
- Re-launch of the Network's websites in September 2013 including launch of a complete case law database on criminal IPR cases (see www.stopfakes.dk and www.stoppiratkopiering.dk. The case law database is available at <http://www.stoppiratkopiering.dk/domssamling.aspx>)
- Development of a standard form for submitting police reports on IPR crime (developed together with the private industry through our "structured dialogue cooperation" mentioned above)
- A fruitful "structured dialogue meeting" with the industry concerning civil and criminal investigation on the Internet in cases concerning infringements of digital rights.
- Participation in all working groups of the Observatory
- Publication of the network's annual report for its activities in 2012;
- <http://www.stopfakes.dk/media/151038/aarsraport%202012%20ministeriernes%20netværk.pdf>

The Network's main activities in previous years e.g. include;

- Implementation of the many initiatives in the above mentioned inter-governmental report from 2008 and including increased criminal penalties (up to 6 years of imprisonment) for all IPR crimes except infringements of GIs.

10. Please provide the details of a contact person.

The secretariat for the Network is:

The Danish Patent and Trademark Office
Helgeshøj Allé 81
2630 Taastrup

T: + 45 43 50 84 00

E: pvs@dkpto.dk

Contact person:

Barbara Suhr-Jessen, Chief Legal Adviser

T: + 45 43 50 84 33

E: bej@dkpto.dk

Estonia

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- 1) Estonian Tax and Customs Board
- 2) Ministry of Finance
- 3) Police and Border Guard Board

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Inter-agency cooperation is not specially organized for enforcement of IPR, but cooperation works well between institutions.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

Cooperation works via normal formal and informal communication.

4. Is there one agency that takes the lead? Which one?

No

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

No

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Private stakeholders are involved always if new legislation is prepared. Estonian Tax and Customs Board with REACT have organized information days for representatives of trademark owners. Estonian Tax and Customs Board organized roundtable for patent attorneys about implementation of new customs regulation 608/2013 and COPIS.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

Cross border activity is organized through Medicrime

8. Is there a dedicated website?

No

9. Please provide the details of a contact person.

Piret Liira, Chief Specialist of Customs and Excise Policy Department, Ministry of Finance.

In addition: New agency The Estonian Intellectual Property and Technology Transfer Centre (<http://www.eitk.ee/services-2/>) is not involved in enforcement, but can carry variety of intellectual property rights studies

Finland

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- Finnish Customs
- Ministry of Employment and the Economy
- The Copyright Information and Anti-Piracy Centre
- The Finnish Anti-Counterfeiting Group
- Finnish Police

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

MoU-agreement between Finnish Customs and The Copyright Information and Anti-Piracy Centre and The Finnish Anti-Counterfeiting Group

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

Changing information according the Memorandum of understanding.

4. Is there one agency that takes the lead? Which one?

No

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

No

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Only through The Finnish Anti-Counterfeiting Group

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

No

8. Is there a dedicated website?

No

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

-

France

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

INPI, Customs, Police, Gendarmerie, Justice, DGCCIS

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes, the CNAC (Comité National Anti Contrefaçon)

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

Informal structure without administrative status. It is led by one of the parliament (today, the Senator Richard Yung)

4. Is there one agency that takes the lead? Which one?

INPI is the general secretary of the CNAC

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

The interagency coordination body is the CNAC. It does not have a statutory basis. It is funded exclusively by INPI. Partners are offering some indirect financial support (meeting room, human resources...).

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Yes, they are involved in the work of one of the 5 working group of the CNAC:

- Communication
- International cooperation
- Legal
- Cybercounterfeiting
- Arts

Public actors

- Chambres de Commerce et d'Industrie de France (CCI de France)
- Comité pour la protection des obtentions végétales (CPOV)
- Institut national de l'origine et de la qualité (INAO)
- Institut national de la propriété industrielle (INPI)
- Institut de recherche en propriété intellectuelle (IRPI)
- Ministère des Affaires étrangères (MAE)
- Ministère l'Agriculture et de l'Agroalimentaire
- Ministère de la Culture et de la Communication
- Ministère de l'Economie, des Finances et du Commerce extérieur (Direction générale du trésor, Direction générale de la concurrence, de la consommation et de la répression des fraudes – DGCCRF, Direction générale des douanes et des droits indirects – DGDDI)

- Ministère de l'Intérieur (Direction générale de la gendarmerie nationale – DGGN, Direction générale de la police nationale – DGPN)
- Ministère de la Justice (Direction des affaires criminelles et des grâces – DACG, Direction des affaires civiles et du sceau – DACS)
- Ministère du Redressement productif (Direction générale de la compétitivité, de l'industrie et des services – DG-CIS)
- Musée Rodin

Private partners

Associations :

- Association des avocats de propriété industrielle (AAPI)
- Association de lutte contre la piraterie audiovisuelle (ALPA)
- Association des ayants droit des artistes décorateurs et designers (AADADD)
- Association des obtenteurs horticolas européens (AOHE)
- Association des praticiens en matière de marques, dessins et modèles (APRAM)
- Association des spécialistes en propriété industrielle de l'industrie (ASPI)
- Association française pour la protection internationale du droit d'auteur (AFPIDA)
- Bureau national interprofessionnel du Cognac (BNIC)
- Business software alliance (BSA)
- Chambre de Commerce Internationale – Comité français (ICC France)
- Chambre syndicale des producteurs et exportateurs de films français (CSPF)
- Comité interprofessionnel du vin de Champagne (CIVC)
- Comité Colbert
- Comité des constructeurs français d'automobiles (CCFA)
- Comité de liaison des industries de la main-d'œuvre (CLIMO)
- Comité national interprofessionnel de l'économie laitière (CNIEL)
- Comité national des interprofessions viticoles (CNIV)
- Compagnie nationale des conseils en propriété industrielle (CNCPI)
- Confédération générale des petites et moyennes entreprises (CGPME)
- Confédération nationale des producteurs de vins et eaux-de-vie à AOC (CNAOC)
- Fédération des entreprises de la beauté (FEBEA)
- Fédération française des industries de santé (FEFIS)
- Fédération des exportateurs de vins et spiritueux de France (FEVS)
- Fédération française de coutellerie
- Fédération française de la couture, du prêt-à-porter des couturiers et des créateurs de mode
- Fédération française de la maroquinerie
- Fédération française des industries du sport et des loisirs (FIFAS)
- Fédération de l'horlogerie (FH)
- Fédération des industries des équipements de véhicules (FIEV)
- Fédération des industries électriques, électroniques et de communication (FIEEC)
- Fédération des industries mécaniques (FIM)
- Fédération du jouet et de la puériculture (FJP)
- Fédération nationale des associations françaises d'inventeurs (FNAFI)
- Fédération nationale du tissu (FENNTISS)

- Fondation Alberto et Annette Giacometti
- Fondation ARP
- Fondation Dina Vierny – Musée Maillol
- Fondation Hartung Bergman
- Fondation Le Corbusier
- Groupement des industriels et fabricants de l'optique (GIFO)
- Institut of research against counterfeit medicines (IRACM)
- Les entreprises du médicament (LEEM)
- Mouvement des entreprises de France (MEDEF)
- Société pour l'administration du droit de reproduction mécanique (SDRM)
- Société des auteurs dans les arts graphiques et plastiques (ADAGP)
- Société des auteurs, compositeurs et éditeurs de musique (SACEM)
- Société civile des producteurs phonographiques (SCPP)
- Syndicat de l'édition vidéo numérique (SEVN)
- Union des fabricants (UNIFAB)
- Union des industries textiles (UIT)
- Union des producteurs de phonographiques français indépendants (UPFI)
- Union française des industries de l'habillement (UFIH)

Entreprises :

Sont également membres du CNAC, des entreprises directement impliquées dans la lutte contre la contrefaçon comme AFNOR, BAT France, Bic, Chanel, Hermès, Imprimerie nationale, Groupe EPI, JTI France, Lacoste, La Poste, Longchamp, L'Oréal, Moët Hennessy - Louis Vuitton (groupe LVMH), Microsoft France, Nike France, Pernod-Ricard, Philip Morris France, PSA Peugeot Citroën, Renault, Sanofi-Aventis, Succession Picasso.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

Yes, CNAC is the French representative at the European Observatory on IP Infringements

CNAC is periodically signing convention with similar structure out of Europe (China, Brasil, ...)

8. Is there a dedicated website?

www.contrefacon-danger.com Still the same since 2008, should evaluate this year.

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

- Charters to fight against counterfeiting
- Public awareness activities
- Diplomatic intermediary to help right owners to solve IP Infringement problems abroad

10. Please provide the details of a contact person.

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Germany

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- General policy and planning:
 - Federal Ministry of Justice and Consumer Protection: responsible for drafting of substantive IP law and rules for enforcement including criminal investigations and court procedures for civil and criminal cases; also responsible for the organisation of the Federal Court of Justice; it has no executive powers.
 - Federal Ministry of Finance: responsible for rules concerning border measures, enforcement and organisation of customs
 - Federal Ministry of Food and Agriculture: responsible for drafting of substantive plant varieties law, GI's for wine and spirits and rules on market supervision in the food sector including enforcement of GI's
 - Ministries of Justice/of Interior/of Food and Agriculture at federal state (Land) level: responsible for organisation of civil and criminal courts, bailiffs, prosecution service; for organisation of the police forces at federal state level; for organisation of market supervision authorities in the food sector
- Civil enforcement:
 - civil courts, ranging from local courts to the Federal Court of Justice: responsible for provisional measures as well as for decisions on the merits; cases are often handled by a specialised judge/division within the courts
 - bailiffs: responsible for enforcing court judgments at the request of the plaintiff
- Criminal enforcement:
 - police forces including federal state-wide as well as local agencies
 - customs
 - prosecution services
 - criminal courts, ranging from local courts to the Federal Court of Justice
- Border measures:
 - central customs agency for intellectual property protection (Zentralstelle Gewerblicher Rechtsschutz): responsible for coordinating work on border measures, e.g. examination of applications for action under Regulation 608/2013
 - local customs agencies: responsible for implementing border measures
- Administrative enforcement of GI's:
 - local market supervision authorities: responsible for conducting checks in accordance with Regulations 1151/2012 and 882/2004 with a view to detecting and preventing misleading of consumers

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes.

- General policy and planning:

In accordance with statutory requirements extensive consultations are held during the phase of preparing and drafting policies and regulations regarding IPR enforcement. These usually include:

- concerned ministries at the federal level
- Federal Court of Justice
- concerned ministries at federal state level – they often in turn consult their executive agencies and courts
- relevant stakeholders

The aim of these consultations is to gather as much evidence and views as possible. This is essential in particular in order to ensure smooth and effective implementation of rules. The Federal Ministry of Justice and Consumer Protection and the other federal government ministries do not have executive powers in individual cases though.

- Implementation at federal state level in general:

The competent authorities established at federal state level work together closely. The federal states and the federal government regularly consult to review cooperation and to discuss possible improvements.

- Criminal enforcement:

Criminal enforcement in general entails close cooperation between prosecution services, police forces, customs and the courts. Infringement of IP rights on a commercial scale is usually regarded as a form of economic crime. These cases are therefore usually handled by specialised bodies. For example, within the police it is often a federal state-wide specialised agency (Landeskriminalamt) that investigates cases or supports investigations by local police authorities. Likewise, in many federal states there are prosecution services which are specialised in dealing with economic crime. Where an IP infringement case falls within the jurisdiction of the second instance criminal courts (Landgerichte) – i.e. a serious one – it will come before an economic crime division.

- Border measures:

There is close cooperation between the Zentralstelle Gewerblicher Rechtsschutz and the local customs agencies.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

The character and basis of the inter-agency cooperation varies depending on its subject. Some examples:

- In the phase of preparing regulations the Rules of Procedure of the Federal Government Ministries oblige the ministries to carry out consultations involving public and private sector stakeholders. These usually consist of a written notice giving the opportunity to submit comments on a draft text. Where appropriate there is also an oral hearing.
- General implementation issues are discussed between the federal states and the federal government on an informal basis. There are regular meetings of the ministers of the federal states and the federal government for each subject (e.g. justice, home affairs, food/agriculture). There are also specialised working groups at civil servant level.
- Inter-agency cooperation in criminal enforcement is largely determined by the applicable legal rules. For example, the courts need to approve applications for a search or arrest warrant. The cooperation between the prosecution services and the courts is thus rather formal. It tends to be less formal within the police forces and between the police, customs and prosecution service.

4. Is there one agency that takes the lead? Which one?

There is no single agency that takes the lead for enforcement as such. As outlined above work on enforcement

takes many different forms. As far as general policy is concerned there is usually one ministry that has the primary responsibility (in the case of civil and criminal rules on IPR enforcement: the Federal Ministry of Justice and Consumer Protection; for IP enforcement through customs: the Federal Ministry of Finance). For criminal enforcement the prosecution services are the leading authority for investigating individual cases; they rely on the police or customs to carry out examinations, searches etc. in practice. Likewise, market supervision authorities are responsible for conducting checks in the food sector.

5. **Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?**

No.

6. **Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.**

Yes. Private stakeholders are regularly included in the consultations carried out in the process of preparing policies and regulations. There are also ad-hoc meetings on specific questions.

7. **Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?**

Yes. In criminal enforcement, the prosecution services, police and customs regularly make use of the instruments available for cross-border legal assistance in the EU and with non-EU countries.

8. **Is there a dedicated website?**

The respective authorities involved in enforcement provide information on IP on their websites.

9. **Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).**

Not applicable.

10. **Please provide the details of a contact person.**

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Hungary

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

In terms of direct enforcement actions, it is the National Tax and Customs Authority (itself a full member of the NBAC) which is responsible. It deals with criminal affairs and customs actions; processes the customs applications from businesses under the EU Customs Regulation, and exchanges information with the national counterpart authorities (other members of NBAC) but especially with the Police and Market surveillance authorities.

In relation to Union protection of geographical indications and appellations of origins of agricultural products, foodstuffs as well as spirit drinks, vine and wine products, inspection and enforcement roles are exercised by the competent district office of animal health and food control, the food chain safety and food control directorate of the competent county government office, the plant and soil protection directorates of county government offices, food chain safety and animal health directorate and the National Food Chain Safety Office.

In addition to the above, prosecutors and courts (both in civil and criminal enforcement) also form part of the enforcement system in Hungary.

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes, inter-agency cooperation exists mainly within National Board Against Counterfeiting (NBAC).

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

The NBAC was set up in 2008 and is one of the more comprehensive inter-agency co-operation bodies and covers the whole range of IPR protection and enforcement as a Public-Private partnership. For enhanced cooperation in some specific fields, the NBAC signed several cooperation agreements with some of its members.

4. Is there one agency that takes the lead? Which one?

Yes, the NBAC supervises, coordinates, stimulates and operates the inter-agency cooperation in the field of IPR enforcement.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

Yes, the NBAC. From 2008 to 2010 it was an administrative initiative of the Hungarian IP Office (HIPO) but from 2010 it was 'renewed' by an amendment to Patent Act and the operation of NBAC was laid down by law:

"HIPO shall operate, pursuant to the provisions of specific legislation, the National Board Against Counterfeiting, and it shall also contribute in other ways to the establishment and development of a system of conditions required for the effective enforcement of intellectual property rights"

(Art. 115/K of the Patent Act)

The specific legislation mentioned above is Government Decree No. 287/2010 (XII. 16.) on the National Board Against Counterfeiting setting out the main rules of the duties, operation, governance, funding of the NBAC.

The NBAC is funded mainly by the HIPO and its budget and resources are controlled by the HIPO.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

The following participate from private sector as members of the NBAC:

- American Chamber of Commerce in Hungary
- Hungarian Association of Brands
- National Federation of Associations for Consumer Protection
- Hungarian Association for the Protection of Industrial Property and Copyright
- Hungarian Publishers Et Booksellers' Association
- Hungarian Pharmaceutical Manufacturers' Association
- Hungarian Trademark Association
- Confederation of Hungarian Employers and Industrialists
- ProArt Association for the Protection of Copyright
- National Association of Entrepreneurs and Employers

As members of the NBAC and also of its 4 Working Groups, stakeholders from private sector initiate actions, events, trainings, provide experts thereof, take part in initiating and forming proposals in the field of IPR protection, enforcement and legislation, support the NBAC in the execution of its strategy, provide prizes for the NBAC's competitions and campaigns and occasionally financially support the events and activities of the NBAC.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

No, there is no formal cooperation to such extent. However, the NBAC participates in the work of the European Observatory and closely follows any operations therefrom.

The NBAC also keeps up with and follows the practice and initiatives of other Member States (for example in its campaign against counterfeit medicine this year, the NBAC, based on the cooperation with and the permission from the Austrian Finance Ministry together with the Austrian Chamber of Pharmacists, has used their campaign video).

8. Is there a dedicated website?

Yes, there are two websites operated by the NBAC. One is the official website of the NBAC, and the other one is the platform of fight against counterfeit medicine.

The NBAC also operates a blog and a Facebook page.

<http://www.hamisitasellen.hu/home>

<http://www.hamisgyogyszer.hu/>

<http://nokamu.postr.hu/>

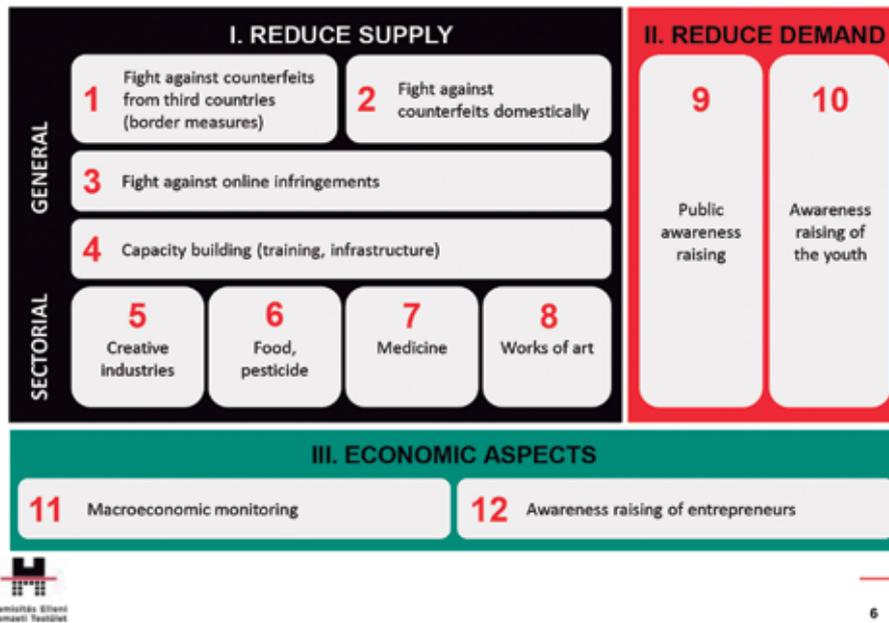
<https://www.facebook.com/NoKamu>

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

The NBAC strategy is separated into three important areas of the campaign against the trade in fakes: first reducing supply, secondly reducing demand and thirdly pinning down the economic impact. These three areas are further divided into discrete areas of operations or activities: for reducing supply there is the fight against imports of counterfeits from third countries; the fight against the manufacture and distribution of counterfeits domestically; the fight against online infringements; and capacity building for enforcement institutions and agencies in terms

of training and infrastructure. Somewhat proscriptively, the sectorial directions for reducing demand are only four specific areas: creative industries; food and pesticides; medicine; and works of art. Reducing demand divides into raising public (consumer) awareness and education of 'youth'. And finally the 'economic aspects' of the strategy are first macroeconomic monitoring and secondly awareness raising for entrepreneurs.

Strategic Directions of the Fight against Counterfeiting in Hungary



For the first time among corporate decision makers in Hungary, a survey called 'Corporate Experiences on Counterfeiting in Hungary' (see the summary of the survey in Annex I) has been conducted in 2013 to map out corporate decision makers' experience and opinions regarding counterfeiting. The survey was conducted upon the initiation of the NBAC, who has approached over 450 business leaders from every region of the country.

As of 2009, the NBAC has been conducted 'Counterfeiting in Hungary' consumer survey¹ yearly on the awareness and attitudes of consumers in relation to counterfeiting (see the summary of the 2013 survey in Annex II) In addition to the above, the NBAC conducted a survey nationwide in the Hungarian secondary schools in the spring of 2011 in the form of an online questionnaire relating to the online use of copyrighted content and counterfeiting in general. The target group was aged between 14 and 16, and a sample of 17,345 students answered from 241 secondary schools.

In October 2013, as part of its programme aiming at raising the awareness of students and teachers on IPR protection and infringements, the NBAC launched a competition for teachers to draft and outline lessons for students completing specific subjects within the curriculum framework in schools to educate students on the various aspects of IPR protection. The best 3 drafts are rewarded by prize money and other outstanding entries will be awarded other valuable prizes.

NBAC already makes good use of a web-site, social media posts, and a weekly newsletter. All of these highlight the latest developments both in Hungary and internationally, reproducing reports and surveys, transcripts of conferences, descriptions of exhibitions etc. The web-site includes an FAQ section for both consumers and businesses. There is

¹ The survey can be accessed here in Hungarian: http://www.hamisitasellen.hu/wp-content/uploads/2013/08/HENT_felmeres_kozepiskolasok_2011.pdf

a good attention to law: the current situation, proposed amendments and other government initiatives and also – most importantly, reports of actions, seizures and court cases.

The NBAC has currently put under review some aspects of enforcement procedure (such as the calculation of damages) and will initiate amendments to law based on the conclusions of its work. The NBAC also included in its working plan for 2014 the organisation and support of several practice based trainings for the staff of enforcement authorities.

10. Please provide the details of a contact person.

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The deputy-secretary of the NBAC is Ms Roberta Pál

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The communication officer of the NBAC is Ms Dorottya Vannai

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Ireland

1. What agencies are involved in IPR enforcement in your Member State? Please list all enforcement ministries/agencies involved)

- The Revenue Commissioners who enforce IPR controls at import/export
- An Garda Síochána who enforce IPR controls within the country

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

It is an informal arrangement. Revenue has responsibility for IPR enforcement at EU borders, while An Garda Síochána has responsibility for enforcement of controls relating to goods in free circulation.

The Irish Medicines Board (IMB), with whom both agencies work closely, has an indirect involvement in that it has responsibilities in relation to all illegal medicines, medical devices, and cosmetics, which may include IPR infringing products.

Similarly, The Food Safety Authority of Ireland (FSAI) has responsibilities in relation to food products which could include IPR infringing goods. However, neither of these agencies is empowered to act in relation to the specific area of IPR infringements.

4. Is there one agency that takes the lead? Which one?

As the greatest level of IPR control is carried out at the point of import, Revenue is the lead agency in terms of enforcement and interception of goods. Revenue has specialist IPR trained operational staff stationed at all ports, airports and main postal depots in the country. In terms of seizures, Revenue made 5,580 confirmed detections in the course of 2012, which was the 4th highest of all EU states.

In terms of cooperation, there is no formal lead agency, although in terms of exchange of information and intelligence, most of the information is generated by Revenue's Customs Service.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

No

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

While there is no formal platform for cooperation in the field of IPR enforcement, private stakeholders cooperate with Revenue in a number of areas. This cooperation includes the submission of Applications for Action by Right Holders to Revenue, as well as the provision of information and training to Revenue Officers. In addition, Revenue engages with the Law Society of Ireland, the Irish branch of the Anti-Counterfeiting Group and other legal representatives on matters of mutual interest.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

As there is no formal inter-agency cooperation body, Revenue cooperates with other EU Customs administrations, the Commission and the World Customs Organisation on customs related IPR matters.

8. Is there a dedicated website?

Again, no formal cooperation exists in this area, although Revenue provides IPR information on its website www.revenue.ie

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

Cooperation consists mainly in the exchange of information between Revenue and An Garda Síochána, the IMB and the FSAI. All of the agencies seek to raise awareness of IPR issues and they cooperate in training for the respective agencies

The EU Observatory and the Commission have also recently contributed to training for Revenue Officers.

10. Please provide the details of a contact person.

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Revenue Commissioners

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1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

In Ireland,

- the National Bureau of Criminal Investigation (NBCI) in An Garda Síochána deals with enforcement of IPRs.
- The Intellectual Property Crime Unit (I.P.C.U.) is a unit within the National Bureau of Criminal Investigation, Harcourt Square, Dublin 2 tasked with the responsibility for the protection of Intellectual Property rights and also to ensure a structured and co-ordinated approach in tackling counterfeit products. The unit liaises on a national basis with investigating Gardaí and assists in all aspects of this particular type of criminality. It is also the responsibility of the unit to highlight the problem of counterfeit goods both within An Garda Síochána and to the public in general.

The Intellectual Property Crime Unit (I.P.C.U.) was established by H.Q. Directive Number 48/10 replacing the Anti-Racketeering Unit.

The purpose of the Intellectual Property Crime Unit (I.P.C.U.) is as follows:

- The protection of intellectual property rights and to ensure a structured and coordinated approach in tackling the problem of counterfeit products.
- To liaise, on a National Basis, with investigating Gardaí and assist in all aspects of this particular criminality.
- To work closely with other Police Forces and agencies in the discharge of its role.

The unit maintains contact with representatives from industries that are directly affected by counterfeiting. Industry representatives have a ready point of contact within An Garda Síochána when they become aware of a particular problem of counterfeiting. These complaints are passed on to local Gardaí for investigation or investigated by the unit whenever necessary. It is also necessary for Gardaí bringing a prosecution in this area to have an expert witness from the particular industry affected to determine and give evidence in court that the goods are in fact counterfeit. In this regard the Intellectual Property Crime Unit (I.P.C.U.) can put investigating Gardaí in contact with the relevant experts.

The unit has also set up regional committees to combat I.P. Crime. These committees, which are also replicated at National Level, bring together the Gardaí and interested parties from industry as well as representatives from the Department of Social and Family Affairs Investigation Unit, Revenue Commissioners and Local Authorities. It is the aim of this multi-agency approach to facilitate the co-ordination of investigations to ensure full tax and social welfare compliance by those engaged in piracy as well as pursuing Criminal investigations.

- In relation to copyright piracy, the IPCU is assisted the by the Irish Recorded Music Association (IRMA).
- The Revenue's Customs Service enforcement action to tackle counterfeit or pirated goods has concentrated mainly on the points of importation into the State
- The Criminal Assets Bureau, in conjunction with the Revenue Commissioners Customs Service and HM Revenue and Customs have been involved in a number of operations targeting the large scale importation of cigarettes by organised crime

Agencies that deal with IP Crime in Ireland

- An Garda Síochána – IPCU
- Customs and Revenue – At entry points. No IP powers inside the border area.
- Food Safety Authority – IP infringements in Food/Drinks industry
- Irish Medicines Board – IP infringements in Pharma industry

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes, between the agencies within this area listed at question 1.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

Good informal cooperation exists between Gardai and Customs in relation to day to day activities etc.

An Garda Síochána support the Food Safety Authority and Irish Medicines Board when assistance is requested. However these bodies have powers of investigation in relation to their own sector.

4. Is there one agency that takes the lead? Which one?

In relation to criminal investigations An Garda Síochána is the lead agency. However, in relation to counterfeit medicines the Irish Medicines board are the lead, and the same for the Food Safety Authority in relation to food and drink products.

5. Is there a specific body set up to coordinate work? If so, doesn't have a statutory basis (is it based on national legislation)? How is the body funded?

There is no specific body set up to coordinate work. (Such as Trading Standards in the UK). The investigation into IP Crime in Ireland falls between several different agencies.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

There is no body/platform/agency in charge of inter-agency cooperation as stated at question 5; however the IPCU in An Garda Síochána works closely with the Anti Counterfeiting Group industry body in the UK. There are currently plans to set up a similar industry body in Ireland.

The Unit also works closely with the Tobacco industry within Ireland due to the large amount of illicit cigarettes in this jurisdiction.

The cooperation with all the above industry bodies relates to receiving both intelligence and evidence from industry, from which criminal investigations can commence. Industry provides the relevant expert witness evidence in court proceedings.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

In relation to An Garda Síochána, cross border cooperation is through Europol and Interpol.

Detective Sergeant Nigel Mulleady of the IPCU sits on the Cross Border Crime Task Force (Intellectual Property Crime Sub Group) with members of the Police Service of Northern Ireland. This ensures a whole island approach to IP Crime Investigation on the island of Ireland.

8. Is there a dedicated website?

No

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

Not applicable

10. Please provide the details of a contact person.

The relevant contact person for An Garda Síochána is;

D/Superintendent George Kyne,
National Bureau of Criminal Investigation,
Harcourt Square,
Dublin 2

Italy

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

Information and Publishing Department of the Presidency of the Council of Ministers: this department includes the Committee for the Protection of Intellectual Property (Comitato per la Tutela della Proprietà Intellettuale), established by Law no. 248/2000. Its task is to develop any necessary legislation and implemented targeted measures, to dialogue with professionals in the field in order to share codes of conduct, and to adopt anti-piracy actions and initiatives to combat piracy. In addition, in January 2009, the Technical Committee against Digital and Multimedia Piracy (Comitato Tecnico contro la Pirateria Digitale e Multimediale) was established to coordinate actions to combat the phenomenon and to develop and draw up anti-piracy proposals.

Department for European Policies at the Presidency of the Council of Ministers: pursuant to article 3 of Legislative Decree no. 303 of 30 July 1999, the Prime Minister makes use of this support structure for activities regarding the implementation of the European Union's general and sector-specific policies and commitments undertaken under its aegis, as well as for coordinating actions during the drafting stages of European Union legislation. Topics relating to intellectual and industrial property and protection of information in the internal market are the responsibility of the Office for the Implementation of Internal Market and Competition Policies, which one of whose main roles has been negotiating and implementing Council Directive 2004/48/EC on the enforcement of intellectual property rights, in addition to the role of national correspondent on issues concerning the implementation of the measures contained in said directive.

Ministry of Foreign Affairs: operating through Office III – Protection of Intellectual Property, Patents and Copyright and Anti-counterfeiting of the Directorate-General for Globalisation and Global Issues, the ministry is responsible for Italy's relations with all international organisations, in particular the World Intellectual Property Organisation, the European Patent Office and the Office for Harmonisation in the Internal Market.

Ministry of the Interior: coordinates domestic prevention and monitoring measures and crime suppression by the police.

Ministry of Justice: the ministry operates through the Specialised Sections on Industrial and Intellectual Property which deal with disputes over trademarks, patents, designs and copyright before the courts and the Courts of Appeal.

Ministry of Economy and Finance: the Italian Tax Police report directly to the Ministry.

Ministry of Economic Development: the Directorate-General for the Fight Against Counterfeiting – Italian Patent and Trademark Office is part of this ministry and deals with patents, trade marks and industrial designs and contributes to establishing EU industrial property policies. On the basis of article 146 of the Industrial Property Code, the Ministry of Economic Development also has the power to order of its own motion the administrative seizure of counterfeit goods through the Prefect of the province in question.

Ministry of Agricultural and Forestry Policies: the ministry is responsible for Protected Geographical indications at the national, European and international level. In Italy this work is performed by the Central Inspectorate for the Protection of Food Quality and Fraud Suppression which also operates through its branch offices, and the State Forestry Corps (which, with the most recent reform of 2004, has acquired police duties also in the agri-food sector. The Carabinieri also have a Agricultural and Food Policy Command under the Ministry of Agriculture and Forestry Policies. Finally, the Ministry's Directorate-General for Agri-Food Development and Quality and Directorate-General for Community and International Market Policies collaborate actively in protecting Geographical Indications outside Italy.

Inter-Agency Cooperation at National and International Level:

An assessment of best practices for improving IPR enforcement

Ministry of Health: the Directorate-General for Medicines and Medical Devices provides guidelines for the activities of the Italian Medicines Agency, forming together with it, the Istituto Superiore della Sanità and the Carabinieri Nuclei Antisofisticazioni (units appointed to investigate the adulteration of beverages and foodstuffs), the "Impact Italia" task force for combating pharmaceutical counterfeiting. The Carabinieri Command for the Protection of Health reports directly to the Ministry of Health.

Ministry of Cultural Heritage and Activities and Tourism: the Directorate-General for Book Heritage, Cultural Institutes and Copyright carries out activities relating literary property and copyright and monitors the Società Italiana Autori ed Editori (SIAE, Italian Society of Authors and Publishers) together with the Presidency of the Council of Ministers. The Permanent Advisory Committee on Copyright, established as part of SIAE's Copyright and Supervision Service IV, examines matters relating to copyright and advises the ministry with regard to copyright-related issues.

Italian Tax Police: A special police corps reporting directly to the Ministry of Economy and Finance; it is responsible for combating crimes of an economic nature such as counterfeiting of trade marks, violation of intellectual property rights and the marketing of products which do not comply with European and domestic safety standards. In order to ensure the proper functioning of economic relations and to protect consumers and companies, the corps is supported by the Special Trademark Protection Unit which has national status and conducts risk analyses, crosschecks data bases, acts as a liaison with other operational departments and assists them in their investigations. The Tax Police Corps are responsible for tracing fake good supply streams back to their origins: import channels, warehouses, storage, etc. The Tax Police have twelve officers based at diplomatic missions overseas and in another five countries, who work to protect government and community finances and combat violations of an economic and financial character.

Customs Agency: an Italian State agency whose tasks concern the circulation of goods and taxation matters related to international trade. It has the power to seize goods from non-EU countries suspected of violating an intellectual property right and to commence assessment procedures which can lead to goods being seized.

Carabinieri Command for the Protection of Health: the command reports directly to the Ministry of Health and through its Nuclei Antisofisticazioni (units appointed to investigate the adulteration of beverages and foodstuffs) works to combat adulteration and fraud in the areas of food and medical/health products.

Carabinieri Command for Agricultural and Food Policies: the command works in accordance with applicable laws and the directives of the Ministry of Agriculture, Food and Forestry Policies, under whose mandatory authority it operates. It is divided into three anti-fraud units (NAC, Nuclei Antifrodi Carabinieri) located in Parma, Rome and Salerno, which are responsible for the North, Centre and South of Italy respectively, and an Operational Coordination Unit (NCO, Nucleo di Coordinamento Operativo) based in Rome. It is responsible for fraud prevention and enforcement activities in the agricultural and agri-food sectors and to protect economic actors and consumers. It supports the ROS (Raggruppamento Operativo Speciale or Special Operational Group) and the Provincial Investigation Units (Nuclei Investigativi Provinciali) in the aim specific investigations especially at the national and international level; it develops shared intervention strategies with the Carabinieri Commands for the Protection of Health, the Environment and Labour.

National Anti-Mafia Directorate: the directorate coordinates investigations into counterfeiting when organised crime is involved at both the domestic and international level.

AGCOM – Communication Guarantees Authority: an independent authority called upon to monitor the telecommunications market; as part of its role of ensuring fair competition between providers it works to protect copyright in the computer and audiovisual industries.

AIFA – Italian Medicines Agency: a body governed by public law which based on Ministry of Health guidelines carries out chemical, pharmaceutical, biological, pharmacological and toxicological assessments in order to ascertain the quality and safety requirements of all pharmaceuticals.

CNAC – National Anti-counterfeiting Council: an inter-ministerial body under the Ministry of Economic Development. Operational since December 2010, it is responsible for directing, promoting and coordinating strategic actions with all of the administrations involved in the fight against counterfeiting (11 ministries – Economic Development, Finance, Economy, Justice, Interior, Defence, Agricultural Policies, Cultural Heritage, Social Policy, Foreign Affairs, Health and Public Administration – and the Association of Italian Municipalities) with the ultimate goal of improving anti-counterfeiting measures globally at the national level (article 145 of the Italian Industrial Property Code, CPI).

Parliamentary Committee of Inquiry into counterfeiting and piracy in the commercial sphere: the committee was established on September 2013 by a resolution of the Chamber of Deputies for the duration of the seventeenth legislature. It is tasked with building a definite, unambiguous knowledge base on counterfeiting so that it can be countered effectively and analysing legislation and best practices trialled in Europe.

ICE – National Institute for Foreign Trade: a public body whose overseas offices are where the IPR (Intellectual Property Rights) DESKS are located (in 10 countries around the world). These offices were established by the Ministry of Economic Development and tasked with providing advice for Italian companies abroad and monitoring brand protection and indications of origin. Under Law no. 214/2011 it took on the new name "Agenzia ICE".

ISS (Istituto Superiore della Sanità): a public body incorporating the Pharmaceutical Department which, through a team of experts, conducts research into the development of innovative analytical methods that can be applied to analysing counterfeit drugs and develops national strategies for combating pharmaceutical counterfeiting.

SIAE – Italian Society of Authors and Publishers: a public body responsible for copyright protection. It administers economic exploitation rights in the name and on behalf of its members.

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes it does.

At a national level:

- **CNAC – National Anti-counterfeiting Council:** an inter-ministerial body under the Ministry of Economic Development. Besides CNAC's Members, involvement of law enforcement agencies as well as business and consumers associations is also granted through two Permanent Consultative Committees.
- **Ministry of Economic Development:** the Directorate-General for the Fight Against Counterfeiting – Italian Patent and Trademark Office, also as CNAC general Secretariat.
- At a local level:
- **Prefectures** (Ministry of the Interior), through the Provincial Permanent Conferences for order and safety that coordinate the activities to prevent and combat counterfeiting, among the other tasks.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

The inter-agency cooperation takes place via the CNAC (a specific body that work through its general Secretariat DGLC-UIBM) set up to direct, promote and coordinate strategic actions with all of the administrations involved in the fight against counterfeiting (11 ministries – Economic Development, Finance, Economy, Justice, Interior, Defence, Agricultural Policies, Cultural Heritage, Social Policy, Foreign Affairs, Health and Public Administration – and the Association of Italian Municipalities).

For specific matters there are in place different cooperation agreements between agencies and or via informal or formal taskforces as for es. the "Protocollo di Padova" where all enforcement local agencies regularly met to coordinate activities, in the framework ensured by the Prefectures.

4. Is there one agency that takes the lead? Which one?

- CNAC – National Anti-counterfeiting Council.
- Ministry of Economic Development: the Directorate-General for the Fight Against Counterfeiting – Italian Patent and Trademark Office

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

- CNAC statutory basis are in national legislation: art. 145 of the Industrial property code (Legislative decree February 10th 2005, n. 30 www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2005-02-10;30!vig=)
- Directorate-General for the Fight Against Counterfeiting – Italian Patent and Trademark Office: Decree of the Republic President November 28th 2008, n. 197 www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.del.presidente.della.repubblica:2008-11-28;197!vig=

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Yes, they are.

Within CNAC, two Commissions have been established:

- Law Enforcement (Guardia di Finanza, Carabinieri, Municipal Police, Postal Police, Forest Rangers, Customs Agents)
- Productive Forces (Confederazione Italiana Agricoltori, Coldiretti, Confagricoltura, Confartigianato, Confapi, Confindustria, CNA, Unioncamere) and Consumers (via the CNCU, National Council of Consumers and Users).

The two Permanent Advisory Committees are responsible for :

- Develop proposals on the definition of strategic guidelines on sectorial issues and the guidelines set by the CNAC;
- Contribute to the implementation of the strategic lines of the CNAC;
- Constantly keep update CNAC on the different sectorial initiatives concerning the fight against counterfeiting
- Depending on the subjects treated, participate in the work of the CNAC.

Moreover, the Directorate-General for the Fight Against Counterfeiting – Italian Patent and Trademark Office coordinates a permanent working group with all the main Italian private stakeholders (industry, SMEs, trade, agriculture, lawyers and IP consultants).

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

Italian authorities engage in numerous pillars of international cooperation. For instance, there is currently an Italian – French Anti –Counterfeiting Committee managed by the Directorate-General for the Fight Against Counterfeiting – Italian Patent and Trademark Office.

At policing level, the Guardia di Finanza (financial police) cooperates with corresponding foreign structures through INTERPOL, WCO, EUROPOL or through bilateral agreements.

International cooperation is also granted through the IMPACT initiative (at the World Health Organisation), and the Council of Europe/European Directorate for the Quality of Medicines committee (Committee of Experts minimising public health risks posed by counterfeiting of medical products and related crimes). Italy cooperates with all the European countries in the EU / CoE areas.

The DGLC-UIBM is an active member in the European Observatory on Infringements of Intellectual Property Rights and in its working groups.

The CNAC is in the EUROMED coordination (Cannes declaration)

8. Is there a dedicated website?

www.uibm.gov.it

<http://www.cnac.gov.it/>

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

Italy has a strategic Anti-Counterfeiting Plan, developed by the National Anti-Counterfeiting Council. This Plan highlights 6 priority areas in the fight against counterfeiting:

- I. Communication, education and training
- II. Enforcement at local level
- III. Fight against online counterfeiting and piracy
- IV. Smes' training on IP management
- V. "Made in Italy" protection from foreign usurpation
- VI. Preservation of Judges' specialization in IP matters

This strategic Plan was presented to the entire Italian system committed to the fight against counterfeiting during a national Convention - the Stati Generali Lotta alla Contraffazione - in Milan on November 19, 2012 and is currently under implementation.

- National Anti-counterfeiting plan

<http://www.cnac.gov.it/attachments/article/113/Piano%20Nazionale%20Anticontraffazione.pdf>

- DGLC-UIBM:
On 20 December 2008, an anti-counterfeiting campaign, primarily aimed at young consumers, was launched by the Ministry of Economic Development (MiSE). The campaign commenced with the online diffusion of six "viral" videos through social networks in order to raise awareness on the consequences of counterfeiting at personal level. Playing on the similarity between an original and a fake, the videos revealed the way in which the consumer of a counterfeit product can be duped ("A fake always let you down").
- Soon after this first initiative, a national campaign integrating different channel (tv, radio, press, subway and railway tv channel) and more institutional in language and approach followed, highlighting – through a fake national football team - the negative effects of counterfeiting at national level ("With counterfeiting, the whole nation loses"). Other national campaign was launched and in progress in collaboration with National Consumers Association.
- Communication campaigns towards consumer related problems and specific training in schools devoted to children from 6 to 15 years have been organised. For example a widespread campaign carried out since 2006 by the Patent and Trademark Office, based on the message ("Counterfeiting damages economy") was channelled through various

communication instruments, in order to raise the consciousness of the consumers and change the mindset about infringements. This campaign was repeated in 2007 and subsequent years. The Ministry of economic Development together with the Ministry of Cultural Assets and Activities are planning to launch a further campaign in 2013 to raise awareness of piracy in schools.

- Training in schools has also taken place. For the 2012/2013 school year, the Patent and Trademark Office prepared for educational material on IPRs and counterfeiting and piracy. Workshops for pupils and teachers are also organised and the appreciation of IP is broadened through students getting the opportunity for students to present inventions to a jury of experts with the possibility of receiving an award for the best three entries.
- Other contact facilities exist and the Ministry of Economic Development, through its Patent and Trademark Office, has set up a "Filo diretto" call centre and an e-mail address that can be used by consumer's. The "Filo Diretto" is an initiative offers continuous telephone assistance from 8.30 a.m. to 17.30 p.m. for those (citizens, enterprises...) that have any problem with counterfeit goods.
- A systematic and improved Media strategy about piracy and counterfeiting is part of the Plan that was presented by CNAC on November 19th 2012, in Milan, at the event "Stati generali per la lotta alla contraffazione".
- Since 2007 the "IPERICO" database gathers police and national customs authorities' information.
<http://www.uibm.gov.it/iperico/en/>
- Just on October 22nd 2012, was presented by Ministry of Economic Development - Directorate for the Fight against counterfeiting - Italian Patent and Trademark Office (DGLC-UIBM) a recent study about the impact on the counterfeiting on the Italian system (CENSIS : "L'impatto della contraffazione sul sistema paese dimensioni, caratteristiche e approfondimenti") http://www.uibm.gov.it/iperico/home/2012_Studio_Fondazione_Censis_EN.pdf
- And on February 1st 2013, was presented by Ministry of Economic Development - Directorate for the Fight against counterfeiting - Italian Patent and Trademark Office (DGLC-UIBM) a recent report carried out by UNICRI "Counterfeiting as an activity managed by transnational organized crime -The Italian case" was aimed at obtaining a better understanding of the involvement of transnational criminal networks in counterfeiting activities
- Incentives for SMEs are available to fund IPRs filing, development of business plan based on IPRs (patents, trademarks and designs) and to ease credit access (National Innovation Fund).

10. Please provide the details of a contact person.

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Latvia

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- Ministry of Justice (The Patent Office of Republic of Latvia (trademarks, designs, inventions, topographies of semiconductor products, geographical indications (to the extent related to the general regulation));
- Ministry of Culture (copyright and related rights);
- Ministry of Agriculture (plant varieties, geographical indications of food and agricultural products);
- Ministry of the Interior (infringements of intellectual property, main responsible - Intellectual Property Rights protection Division of Economic Police Department);
- Ministry of Economics (unfair competition matters, development and implementation of innovation and industrial policy);
- Ministry of Finance (State Revenue Service - Customs (processing rights-holders applications, seizure of counterfeit goods, intelligence, assessment of the risks, etc.);
- Ministry of Education and Science (education campaigns on intellectual property area in schools);
- Ministry of Foreign Affairs (cooperation with foreign countries);
- Ministry of Transport (issues related to the domains, servers, and down retrieving, e-government and information technology);
- The Prosecutor's Office (IPR violations);
- Court (IPR violations).

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

There are two inter-agency cooperation bodies set up to coordinate work between agencies.

First, the Intellectual Property Council. The Intellectual Property Council is established by Cabinet of Ministers. The Council consist of Minister of Justice, State secretaries from Ministries that are involved in the intellectual property rights protection (Ministry of Justice, Ministry of Culture, Ministry of Agriculture, Ministry of Interior, Ministry of Economics, Ministry of Finance, Ministry of Education and Science, Ministry of Foreign Affairs, Ministry of the Environmental Protection and Regional Development), the Prosecutor General and The Chief Justice.

Second, the Intellectual Property Rights Expert Group. The Intellectual Property Rights Expert Group is established by the Prime Minister to ensure inter-agency discussions in matters of trademarks, geographical indications, patents, designs, topographies of semiconductor products, copyrights, related rights, database protection specialties (sui generis) and plant varieties.

The Expert Group consists of experts from different institutions that deal with intellectual property rights protection (Ministry of Justice, Ministry of Culture, Ministry of the Environmental Protection and Regional Development, Ministry of Economics, Ministry of Education, Ministry of Agriculture, Ministry of Foreign Affairs, the Patent Office of Republic of Latvia, National centre for education), experts from universities and academies (Board of Rectors, Latvian Academy of Sciences, Riga Technical University TTO), courts, Prosecutor's Office, police, customs and private stakeholders (AIPPI Latvia, Computer software copyright association, Latvian Association of Broadcasters', Latvian Association of Electronic Communications, Latvian Performers and Producers association, The Association of Patent Attorneys of Latvia, Copyright and Communication Consulting Agency/Latvian Authors Association, Latvian Music

Producers association, Intellectual Property Rights Coalition).

4. Is there one agency that takes the lead? Which one?

The Chairman of the Intellectual Property Council is Minister of Justice. The Chairman of the Council chair the Council meetings.

The Head of the Intellectual Property Rights Expert Group coordinates Expert Groups meetings. From 2006 – 2013 the Head of the Expert Group was the director of the Patent Office of Republic of Latvia, since 2013 and ongoing the Head of the Expert Group is Head of the Division of Policy development and Religion Affairs from Sectoral policy department of Ministry of Justice.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

No, there isn't a specific body to coordinate work.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Yes, private stakeholders are involved in the Intellectual Property Rights Expert Group. Private stakeholder representatives are members of the Expert Group and have the same rights as other members from ministries and agencies.

The stakeholders, that are members of the Expert Group, are:

AIPPI Latvia, Computer software copyright association, Latvian Association of Broadcasters', Latvian Association of Electronic Communications, Latvian Performers and Producers association, The Association of Patent Attorneys of Latvia, Copyright and Communication Consulting Agency/Latvian Authors Association, Latvian Music Producers association, Intellectual Property Rights Coalition.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

No, the inter-agency cooperation bodies are not involved in cross border activities.

8. Is there a dedicated website?

No, there isn't a website dedicated to inter-agency cooperation body, but you can find information about the work of Intellectual Property Council and the Intellectual Property Rights Expert Group in the website of Ministry of Justice and about cooperation with the Observatory in the website of Patent Office of the Republic of Latvia.

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

The Intellectual Property Councils aim is co-ordination between different IPR enforcement institutions. The main tasks are to revise policy-planning documents, proposals of amendments of IPR legal acts and discuss priority areas for actions to increase public awareness of IPR.

The last meeting of the Council was held in April 2013, where the Council supported the informative report on the implementation of the IPR protection and enforcement guidelines.

The aim of the Intellectual Property Rights Expert Group is to submit proposals, provide analysis and information to the Intellectual Property Council about novelties, questions, problems etc. in the field of intellectual property. Also, to revise proposals of amendments of IPR legal acts, participate in IPR protection best practice systematising and promote establishment of a IPR protection learning network.

The last meeting of the Expert Group was held on May 2012, where the Expert Group was introduced to the new IPR protection and enforcement guidelines project for 2013-2017 and were asked to submit their proposals and comments about it. The next meeting is planned on 26 February 2014, where the updated IPR protection and enforcement guidelines project will be discussed.

10. Please provide the details of a contact person.

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Luxembourg

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- Customs Administration
- Ministry of Economy

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

Informal platform

4. Is there one agency that takes the lead? Which one?

Customs

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

No

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

No

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

Yes

8. Is there a dedicated website?

Yes

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

Participation in all Joint Customs Operations in the framework of IPR enforcement organized by:

Observatory

Europol

TAXUD

WCO

10. Please provide the details of a contact person.

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Malta

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- Malta Customs – Ministry for finance. Customs act IPR enforcement in terms of the National IPR Law Act VIII of 2000 chapter 414 and EU Regulation 608/2013.
- Malta Police – Ministry for home affairs and internal security. Police act IPR enforcement in terms of the Criminal Code chapter 9 of the Laws of Malta.

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

We do not have a specific structured inter-agency, but there is full cooperation between Malta Customs and Malta Police on ad hoc bases related to IPR enforcement cases when both institutions are involved.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

Cooperation between Malta Customs and Malta Police is done via existing memorandum of understanding agreed between both institutions.

4. Is there one agency that takes the lead? Which one?

Malta Customs is effective on IPR enforcement in the Customs territory, and on excises goods that are suspected to be counterfeit goods found inland. Malta Police are effective on IPR enforcement inland in terms of the Criminal code.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

We do not have a specific body or national legislation to this effect.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Answer as in question 5.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

Both Malta Customs and Malta Police cooperate to the full extent with all EU MS through several events, meetings and other activities related to IPR enforcement in the EU territory. Malta Customs IPR enforcement is in conjunction DG TAXUD and the EU Observatory strategy and policy on IPR enforcement throughout the Union.

8. Is there a dedicated website?

Malta Customs website offers IPR enforcement requirements.

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

Answer as in questions 1 and 7.

10. Please provide the details of a contact person.

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Poland

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- Ministry of Culture and National Heritage
- Ministry of Internal Affairs,
- Ministry of Administration and Digitisation,
- Ministry of Finance,
- Ministry of Justice,
- Chancellery of the Prime Minister,
- Ministry of Foreign Affairs,
- Ministry of National Education,
- Ministry of Science and Higher Education,
- Ministry of Economy,
- Customs Service,
- Border Guards,
- Police,
- The Patent Office of the Republic of Poland;
- Prosecution General of the Republic of Poland,
- National Broadcasting Council,
- Office for Competition and Consumer Protection,
- Office of Electronic Communication,
- Inspector General for the Protection of Personal Data
- Human Rights Defender (ombudsman).

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes. The Team for Counteracting Infringements of Copyright and Related Rights.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

Minister of Culture and National Heritage is the Chariman as well as coordinator of works of the Team for Counteracting Infringements of Copyright and Related Rights.

4. Is there one agency that takes the lead? Which one?

As below.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

Regulation No 83 of the Chairman of the Council of Ministers dated 9 November 2000 on the appointment of the Team on Combating the Infringements of Copyrights and Related Rights. Official Journal "Monitor Polski" dated 2012, item 66. Since 1 January 2012 "Monitor Polski" has been issued in only electronic form in line with the sequence of items in a given calendar year.

<http://www.monitorpolski.gov.pl/>

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Companies /Representative Associations etc.	Sector
Business Software Alliance (BSA)	software industry
Polski Rynek Oprogramowania PROPolish Software Market Association	software industry/collective management society
Stowarzyszenie Filmowców Polskich Polish Filmmakers Association (SFP) Union of Audiovisual Authors and Producers	film industry/collective management society
Fundacja Ochrony Twórczości Audiowizualnej FOTA Foundation for the Protection of Audiovisual Works	film industry/collective management society
Fundacja Ochrony Twórczości Audiowizualnej FOTA Foundation for the Protection of Audiovisual Works	film industry
Związek Producentów Audio Video ZPAV Polish Society of the Phonographic Industry	recording industry/collective management society
Stowarzyszenie Autorów ZAiKS Author's Society	collective management society
Publisher's Society REPROPOL	press/collective management society
Press Publishers' House – IWP	Press
Authors and Artists' Association – "Polska Książka"	books/collective management society
Stowarzyszenie Zbiorowego Zarządzania Prawami Autorskimi Twórców Dzieł Naukowych and Technicznych KOPIPOL (Society for Collective Copyright Administration for Authors of Scientific and Technical Works)	scientific and technical works/collective management society
Stowarzyszenie Aktorów Filmowych i Telewizyjnych SAFT (Association of Film and Television Actors)	TV and film industry/collective management society
Association of TV Programme Distributors SYGNAL	TV industry
Związek Stowarzyszeń Artystów Wykonawców STOART (Union of Polish Performing Artists' Associations)	collective management society
Stowarzyszenie Artystów Wykonawców Utworów Muzycznych i Słowno – Muzycznych SAWP (Polish Musical Performing Artists' Society, SAWP)	collective management society
Związek Artystów Scen Polskich ZASP (Association of Polish Stage Artists)	collective management society
Stowarzyszenie Twórców Ludowych (Folk Artists Association)	collective management society
Związek Polskich Artystów Plastyków ZPAP (Polish Artists Association) (visual artists)	collective management society
Związek Polskich Artystów Fotografików	collective management society
ZPAF Union of Polish Art Photographers – ZPAF	collective management society
Stowarzyszenie Twórców Ludowych The Association of Folk Artists	collective management society

Inter-Agency Cooperation at National and International Level:

An assessment of best practices for improving IPR enforcement

Stowarzyszenie Architektów Polskich SARP Union of Polish Architects	collective management society
Polish Chamber of Information Technology and Telecommunications [PIIT]	informatics, telecom industry, ISP's (over 130 companies)
Polish Confederation of Private Employers Lewiatan (PKPP Lewiatan)	private employers, informatics, telecom industry, ISP's (about 3750 companies)
Polish Chamber for Electronic Communication – PIKE	broadband electronic communications operators and the manufacturers and distributors of the equipment and service used by these operators (about 110 companies)
Association of TV Programme Distributors "SYGNAL" (Signal)	TV industry

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

No.

8. Is there a dedicated website?

No.

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

The tasks of the Team shall include the preparation of applications and proposals concerning the improvement of coordination of actions taken by the governmental administration bodies within the scope of an effective combating of the infringements of copyright and related rights. The tasks shall in particular include:

- 1) the presentation of the current analysis of the situation within the scope of observance of the copyright and related rights law to the President of the Council of Ministers,
- 2) the presentation of proposals of actions aimed at the prevention of infringements of copyright and related rights and the combating of infringements,
- 3) the development of the proposals of legislative amendments leading to a more effective enforcement of copyright and related right law,
- 4) periodic evaluation of the progress of actions within the scope of combating the infringements of copyright and related rights.

10. Please provide the details of a contact person.

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Portugal

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved):

There are different authorities involved: ASAE (Authority for Food and Economic Safety); GNR (Republican National Guard); PSP (Public Security Police); INPI (National Institute of Industrial Property); PJ (Judiciary Police) and AT (Customs).

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes, the Anti-Counterfeiting Group (ACG), a national structure for coordination of the authorities mentioned above.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

The ACG is an inter-ministerial group that congregates the multidisciplinary expertise in fight against counterfeiting of the six organizations already mentioned.

The fundamental competence of this Group is to develop joint actions to prevent and repress counterfeiting activities, with full respect to the jurisdiction of each entity.

The Group was officially created through the Ordinance No. 882, September 10, 2010.

4. Is there one agency that takes the lead? Which one?

The Portuguese Anti-Counterfeiting Group doesn't have an agency that takes the lead. All the authorities are at the same level.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

The Portuguese National Industrial Office coordinates the Group Activities, schedules the several meetings that happen each year and represents the Group in the European Observatory on Infringements of Intellectual Property Rights.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Private stakeholders are involved in the work of the ACG, but are not present in the group meetings (namely the meetings where the Activities Plan or the Plan Report are discussed). Some companies associations participated in a Seminar organized by the ACG and where present in other training occasions.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

The ACG was involved in a cooperation action with Moroccan's enforcement agencies (CONPIAC), and received a Moroccan delegation in Portugal. The ACG also cooperates in all the activities proposed by the European Observatory.

8. Is there a dedicated website?

Yes, the anti-counterfeiting Portal, that was created as a result of the work carried out by the Anti-Counterfeiting Group: <http://anti-contrafaccao.com/en/>

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

The principal activities of the ACG are:

- Management of the Anti-Counterfeiting Portal and Online Complaint;
- Information Exchange;
- Statistics Harmonization;
- Cross training between ACG entities;
- Best Practices Identification;
- Cooperation with Private Sector;
- Propose law changes;
- Cooperation with the European Observatory.
 - The 2011 and 2012 Annual Report are available in the Anti Counterfeiting Portal;
 - The 2012 seizures data are also available: (<http://anti-contrafaccao.com/en/statistics/>)
 - Participation in the training action "Curriculo Cidadania Digital" (<http://www.cidadania-digital.com/>);
 - Organization of an Enforcement Seminar, that also had the participation of private associations, directed to ACG entities members: (<http://www.marcaspatentes.pt/index.php?section=705>) ;
 - Around 200 news and recommendations were published in our Portal during 2013 (<http://anti-contrafaccao.com/en/news/>)

10. Please provide the details of a contact person.

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Romania

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

Re: The institutions engaged in the protection and enforcement of intellectual property rights in Romania are: Public Ministry, Ministry of Justice, Ministry of Culture, Copyright Office (ORDA), State Office for Patents and Trademarks (OSIM), General Inspectorate of the Romanian Police (Fraud Investigation Division), General Inspectorate of Border Police, National Inspectorate of Gendarmerie, National Customs Authority, Financial Guard, National Authority for Consumers Protection, General Inspectorate of Communications and Information Technology, National Institute of Magistracy.

Since 2005, the Romanian **Public Ministry** is in charge with the implementation of the action plan for the Romanian Strategy in the IPR field and the coordination of public authorities with competences in the fight against counterfeiting and piracy. For that purpose, a specialised unit has been settled within the Prosecutors Office attached to the High Court of Cassation and Justice (GPO) – The Service for the coordination of the Public Ministry activity in IPR field (IPR Unit). A network of IPR specialised personnel has been settled within the following institutions: Public Ministry (all over the country), General Inspectorate of the Romanian Police (Fraud Investigation Division), National Customs Authority.

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Re: 1. The IPR Unit within the GPO s is the coordinator of public authorities for the fight against counterfeiting and piracy, according to Government Decision no. 1174/2005.

The IPR Working Group (IPR WG) is a public – private partnership platform established on the basis of the Memorandum of Understanding signed in June 26, 2006.

The IPR Working Group is established as a natural effect of common professional, economic and cultural interests of both the Romanian public authorities and the private sector, with the main purpose of ensuring an appropriate environment for developing and encouraging the creativity, innovation, loyal competition and IPR s in Romania.

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together).

Re: The inter institutional cooperation is set up through a Government Decision in 2005 followed by a Minister of Justice order in 2006 when the IPR Unit has been settled within the GPO s.

The IPR WG is set up by a Memorandum of Understanding and the public – private cooperation is settled between 40 signatories, with the Public Ministry as coordinator.

The main objectives of the IPR Working Group are to provide an institutional and efficient cooperation between public institutions involved in IPR field as well as between public institutions and private industries and the rights holders. All the activities of the IPR Working Group are agreed in an Annual Action Plan approved by the IPR WG members according to the European and national priorities in IPR field.

4. Is there one agency that takes the lead? Which one?

Re: The Romanian Public Ministry is the coordinator of the IPR Working Group through its IPR Unit.

The IPR Unit consists of two offices: the Office for combating crimes in the field of IPR and the Office for the coordination of the activity in the field of IPR. The first one is in charged with the criminal prosecution in IPR complex cases and the second one ensures the coordination of the activities carried out by the institutions involved in IPR

enforcement, by organising common training events for IPR designated prosecutors, judges, police and customs officers, by elaborating investigations manuals and bulletins of jurisprudence.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

Re: See the answers for previous questions.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Re: Yes, private stakeholders are involved in the activities of the IPR Working Group. The main activities organized within the IPR WG are related to: training actions for police officers, customs officers, judges, prosecutors specialized on IPR cases, elaborating common guidelines and best practices manuals regarding the investigation of IPR cases, organising and developing awareness campaigns in IPR field.

The main private stakeholders (right holders and antipiracy and anticounterfeiting associations) involved in many of the IPR Working Group's activity are:

- BSA: The Business Software Alliance,
- REACT Europe: European Anticounterfeiting Network,
- MPA: Motion Picture Association,
- ANPPCPPS: National Association for Consumers Protection,
- Romanian Chamber of Commerce and Industry,
- Group Renault Romania,
- National Chamber of Industrial Property Adviser in Romania,
- Scientific Association of Intellectual Property Law,
- Intellectual Property Center from Bucharest University – Law School,
- The Romanian Anticounterfeiting Association,
- Electronic Arts, Vivendi Universal Games,
- HBO Romania,
- ROMINVENT,
- Copy-Ro,
- CREDIDAM,
- VISARTA,
- DACIN SARA,
- UPFR: Romanian Union of Phonogram Producers;
- AIMR: Romanian Association of Music Industry.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

Re: 1. A cooperation framework was set up in 2008 with other 6 European anti-counterfeiting coordination agencies – Cannes Declaration 2008 following the French CNAC initiative.

2. Under Phare project 2007 – 2008 a partnership with DKPTO was established and a complex program has been developed in Romania with the main results: the creation and the development of a common data base which is an IT tool for exchange of information between the key players in the fight against counterfeiting and piracy,

developing a dedicated awareness website www.stoppirateria.ro (stop piracy), a.s.o.

3. The IPR WG through its members has been developed cooperation partnerships with authorities and antipiracy and anti-counterfeiting associations in the Balkan area.

8. Is there a dedicated website?

Re: Yes, there is a dedicated web site for the IPR Working Group: <http://grupdpi.ro/>

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any)

Re: The IPR WG has settled 4 main objectives:

- a. Continuous training of the designated IPR personnel from the authorities,
- b. Improvement of the IPR legislation,
- c. Increase IPR enforcement,
- d. Public awareness.

Since its set up in 2006 up to present, the IPR WG developed every year activities under these main objectives:

Most recent actions conducted by the IPR WG in 2013:

- 1 training seminar on the investigation of IPR infringements on the internet, followed by a Guideline for the use of police and prosecutors;
- 3 training seminars on new methods for combating software piracy (virtual machines);
- 3 training seminars on investigating cases regarding counterfeiting of a trademark;
- Updating the Guideline for the investigation of software piracy (version II);
- National and European jurisprudence relevant in IPR cases (on going activity) published on the website;

10. Please provide the details of a contact person.

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Slovak Republic

1. **What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)**

Ministry of Finance of the SR(Customs), Ministry of Justice of the SR (Courts), Ministry of Interior of the SR (Police), Slovak Trade Inspection (Ministry of Economy of the SR).

2. **Does your country have any form of inter-agency cooperation in the enforcement of IPR?**

At the proposal of the Industrial Property Office of the Slovak Republic (IP Office) the National Inter-Ministerial Commission for the Coordination of Cooperation in the Fight against Counterfeiting and Piracy was established in 2011. The proposal was approved by the Government of the Slovak Republic in its Resolution No. 198 of March 16, 2011 where the members of the Commission were also defined. The inter-agency cooperation in the enforcement of IPR is performed by this Committee.

3. **If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)**

The Commission operates base on statute (Rules of Procedures) and the activities are in line with adopted Action Plan – part of the National Anti-counterfeiting Strategy. The work of the Committee is coordinated by the Secretariat (IP Office).

4. **Is there one agency that takes the lead? Which one?**

Industrial Property Office of the Slovak Republic

5. **Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?**

The Secretariat of the Commission coordinates the overall activities. The Commission does not have a special budget. The activities are financed from the general budget of the IP Office.

6. **Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.**

No, the private stakeholders have not been involved yet. However, the Rules of Procedures allow the cooperation with private sector.

7. **Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?**

No, the Commission is not involved in cross border activities.

8. **Is there a dedicated website?**

No special web site has been created. Information concerning the Commission's activities are published at the official web site of the IP Office (<http://www.upv.sk/?medzirezortna-komisia-pre-koordinaciu-spoluprace>).

9. **Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).**

The first important task of the Commission was the development of the National Anti-counterfeiting Strategy. The Commission's activities are focused primarily on public awareness raising activities and education/training of main

players (Police, Customs). These activities are part of IP Office activities (workshops, seminars, IP campagne) due to absence of the special budget.

10. Please provide the details of a contact person.

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Please feel free to supplement these questions with any information you consider appropriate.

The IP Office launched the national campaign nefejku.sk in May 2013. The campaign nefejku.sk, of the Intellectual Property Office of SR is aimed at young generation of the age between 10 and 15 years. Persisting low public awareness of intellectual property, growing threats and dangers of fakes for consumers and social responsibility of the government to solve these problems and to inform public are the main reasons for this initiative.

The campaign is supported by famous artists and sportsmen in the form of videos. Educating road-show for Slovak schools supported by artists and sportsmen (concerts, book signings) will take place in January 2014. The responses to the questionnaires and public opinion survey are just analysed and assessed.

For more info see <http://nefejku.sk/eng/>

Slovenia

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- Slovenian Intellectual Property Office (Ministry of Economic Development and Technology)
- Customs Administration of the Republic of Slovenia (Ministry of Finance)
- Slovenian Market Inspectorate (Ministry of Economic Development and Technology)
- The Office of the State Prosecutor General of the Republic of Slovenia
- Police (Ministry of Interior)

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

We have an Intra-governmental Working Group for Fight against Piracy and Counterfeiting

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

Main task of the group is to coordinate activities of different state agencies in the field of counterfeiting and piracy. Also important are: exchange of data and information, good practices, developments and trends on the market. It was set up upon the governmental decision.

4. Is there one agency that takes the lead? Which one?

The working group is chaired by Slovenian Intellectual Property office. It is providing administrative, logistical and technical support to the working group.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

No.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

No.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

Not as a group, but individual members are heavily involved in international cooperation.

8. Is there a dedicated website?

No. But there is part of SIPO's webpage dedicated to the enforcement of IP rights and to the work of the working group (<http://www.uil-sipo.si/uil/urad/o-intelektualni-lastnini-uveljavljanje-pravic/medresorska-koordinacija/>).

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

Summary of Market inspectorate report related to IPR

Reports of Customs Administration

Intellectual property rights intensive industries: contribution to economic performance and employment in the EU study.

Conference reports on IPR enforcement etc.

10. Please provide the details of a contact person.

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Spain

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

In Spain, public and private organisms are involved in IPR enforcement. However, two are the main ministries involved:

- The Ministry of Industry, Energy and Tourism, and within this Ministry, the Spanish Patent and Trademark Office (SPTO). The SPTO provides legal protection to all types of industrial property. It also disseminates information on the various ways in which industrial property can be protected.
- The Ministry of Education, Culture and Sports, and within this Ministry the Section Two of the Commission of Intellectual Property. This Commission is in charge of the enforcement of copyright and related rights and is part of the Deputy Directorate General for Intellectual.

Among other public organisms involved in IPR enforcement we find the following ones: the Ministry of Justice, the Ministry of Interior and the Police and the Civil Guard, the Customs Department, the Ministry of Foreign Affairs, the Ministry of Health and Consumers, the Spanish Federation of Municipalities and Provinces.

There are also various Spanish private entities (the National Association for the defense of the brand, the Study Centre for the Promotion of Research, the Association of branded Products) with interests in this field.

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Spain has two different inter-agency cooperation bodies:

- The "Comision intersectorial para actuar contra las actividades vulneradoras de la propiedad industrial" (Intersectorial Commission for action against activities that infringe industrial property rights). It succeeded the former Inter-Departmental Commission to act against activities that violate Intellectual and Industrial Property in 2005.
- The "Comisión intersectorial para actuar contra las actividades vulneradoras de los derechos de propiedad intelectual" (Intersectorial Commission for the action against copyright infringements).

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

Both of them are specific bodies to coordinate work and initiatives among representatives of the public sector (at a local, regional and national level) and private stakeholders.

According their regulation, these Inter-sectorial Commissions' aims are to get coordination between public administrations and private organizations dedicated to the protection of IPR, as well as other organisations representing social interests, for the study, proposal and implementation of actions that develop the protection of this rights.

The excellent functioning of these Commissions has led to a close cooperation among all the public bodies involved in the field of anti-counterfeiting and piracy. This also has led, among other results, to the identification of legislative gaps and to their solution (criminal regulation, destruction of goods, cost and damages and so on).

4. Is there one agency that takes the lead? Which one?

- The Spanish Patent and Trademark Office leads the Inter-sectorial Commission for action against activities that infringe industrial property rights. The president is the Minister of Industry, Energy and Tourism and the SPTO assumes the Secretariat.

- The Ministry of Education, Culture and Sports leads the Inter-sectorial Commission for the action against copyright infringements. The President is the Minister of Culture.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

Both Commissions have a Permanent Commission in charge of the general coordination of the body.

Both Commissions are created by and based on national legislation:

- The Inter-sectorial Commission for action against activities that infringe industrial property rights is based on Royal Decree 1224/2005 of 13 October, which creates and regulates the Inter-sectorial Commission for action against activities that infringe intellectual property rights.
- The Inter-sectorial Commission for the action against copyright infringements Royal Decree 1228/2005 of 13 October, which creates and regulates the Inter-sectorial Commission for action against copyright infringements.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so, please describe the extent to which such participation takes place and provide a list of the stakeholders in question

Private stakeholders are involved in the work of both Commissions as they are members of them:

- Private entities in the Inter-sectorial Commission for action against activities that infringe industrial property rights are the National Association for the defense of the brand, the Study Centre for the Promotion of Research, the Association of branded Products.
- Private entities in the Inter-sectorial Commission for the action against copyright infringements are representatives of each of the Copyright management societies, representatives from the information and communication technology industries, representatives of any other private entities dedicated to the protection of copyright, professionals related to the defence of copyright.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

No, there is no inter-agency cooperation body/platform/agency involved in cross activity.

8. Is there a dedicated website?

The Inter-sectorial Commission for action against activities that infringe industrial property rights has a dedicated website: <http://oepm-stopfalsificaciones.es/en/index.html>. However, the other one has not a specific site although one can find information about it and its activities in the Ministry of Education, Culture and Sports' website:

<http://www.mcu.es/propiedadInt/index.html>.

9. Please, summarize its principal activities, and most recent actions, reports, studies and recommendations (if any).

The Inter-sectorial Commission for action against activities that infringe industrial property rights' main activities are:

- To draw up an overall plan that puts forward guidelines for the State's various bodies aimed at combating copyright and industrial property piracy.
- To promote the compiling of reports on legislation protecting intellectual and industrial property rights.
- To monitor and provide information on relations with other states and international organizations involved in the fight against acts infringing on these rights.

- To propose ways in which the Central and Regional Government could work together in this area within their respective powers.
- To put forward proposals for the training of authorities and agents charged with the task of prosecuting these illegal acts.
- To propose that measures be adopted in order to raise the awareness of the general public and organizations such as trade unions about this issue. These measures should put forward means of ensuring ongoing collaboration with them.

Several studies ("La actitud del consumidor ante las falsificaciones" inter alia) have been recently published on the matter and can be consulted on the SPTO web page (www.oepm.es).

The Inter-sectorial Commission for the action against copyright infringements' main activities are:

- To advice in the fight against the violation of intellectual property rights through the Internet. The Commission worked primarily in two areas: on the one hand, it agreed on the improvement of the regulatory framework, which was followed by the approval of the Sustainable Economy Act, which modified the Copyright Law in order to create a specific body, the Section Two of the Intellectual Property Commission. This new body is part of the Secretariat of State of Culture of Spain and is in charge of an administrative procedure for the protection of copyright on the Internet. On the other hand, the Commission adopted decisions concerning the promotion of legal offer of protected contents and social awareness of the importance of respecting copyright.
- To coordinate public administrations and private organizations dedicated to the protection of copyright, as well as other organisations representing social interests, for the study, proposal and implementation of actions that develop the Plan of the Government for the reduction and elimination of activities infringing copyright.
- To promote advertising campaigns and a widespread knowledge of copyrights to raise public awareness about the need of protect these rights.

10. Please, provide the details of a contact person.

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Sweden

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

Police, Customs Office, International Prosecutor's Chambers and Courts for civil and penal prosecution.

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes, there is an inter-agency network in which seven Government Agencies take part:

The Patent and Registration Office, PRV

The Companies' Registry

The Swedish Police

The International Prosecutor's Chambers

ECC Sweden (Konsument Europa)

The Swedish Customs Office

The Swedish Medical Products Agency

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

The seven agencies meet regularly in three constellations, one group of legal experts and one group of information specialists. There are also joint meetings.

4. Is there one agency that takes the lead? Which one?

None of the seven agencies involved has taken the formal lead, however, the Patent and Registration Office has the role as coordinator of what started as a web-page project but has turned into a more general information project.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

The joint group has proposed a mandate which has subsequently been endorsed by the director generals. The current mandate goes to mutual information sharing (among others to report from events at the Observatory), competence building and also to common information dissemination towards the public. Each contributing agency has funded an equal amount from its information budget, originally with the aim to set up a common web page. As has already been mentioned, this project has been put on hold in favour of more general information activities. During autumn 2013, the Director Generals of the seven agencies issued a common press release informing about the network. This action co-incident with the release of an information campaign/petition with the purpose of warning the public for purchasing counterfeit goods for Christmas. Two of the agencies refrained from taking part in this campaign based on the view that they did not have a statutory mandate to take part in such action. In 2014, the network is planning to carry out seminars directed to SME:s with the aim of increasing the knowledge among Swedish entrepreneurs of the risks etc. with counterfeiting.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

No. For reasons of independency/autonomy, the group has refrained from involving private stakeholders.

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

Co-operation with the corresponding network in Denmark is on the agenda, however no such meeting has been held yet. NB one of the participants in the network is also a member of the Observatory's Legal WG, which means that the Swedish Group has access to the development in the Observatory. Conversely, the members of the network have contributed actively to the Swedish reports in Best Practices regarding costs and damages, storage and destruction.

8. Is there a dedicated website?

No

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

See under item 5 above.

10. Please provide the details of a contact person.

Magnus Ahlgren, Benjamin Winsner of the Swedish Patent and Registration Office

United Kingdom

1. What agencies are involved in IPR enforcement in your Member State? (Please list all enforcement ministries/agencies involved)

- Trading Standards
- Police
- Her Majesty's Revenue and Customs (HMRC)
- Medicines and Healthcare products Regulatory Agency (MHRA)
- National Crime Agency
- Intellectual Property Office (IPO) (IP enforcement policy)
- Department for Culture, Media and Sport (online copyright policy)
- Border Force
- Food Standards Agency
- Ministry of Justice
- Crown Prosecution Service

2. Does your country have any form of inter-agency cooperation in the enforcement of IPR?

Yes

3. If so, what form does such inter-agency cooperation take? (e.g. via a specific body set up to coordinate work, via cooperation agreements between agencies, or via formal or informal taskforces, platforms or other informal set ups that link all these actors together)

At the national level the UK IP Crime Strategy 2011–2015¹ provides a high level direction on tackling IP crime across the UK. Progress updates are provided annually through the UK IP Crime Report².

The UK IP Crime Group (coordinated by the IPO) is a strategic group comprised of representatives from industry, enforcement agencies and government, which works to implement the UK's IP Crime Strategy. It meets on a regular basis (every two months) to coordinate enforcement activities, identify and disseminate best practice and raise awareness of IP crime.

There are a number of coordinating networks at the regional level:

- Government Agency Intelligence Network (GAIN) – an intelligence sharing law enforcement group including police, HMRC, Border Force, NCA, trading standards, MHRA and IPO (all of which are involved in IP enforcement). The GAIN network operates at a regional level, and provides resources to assist in tackling regional organised crime through a secure conduit for intelligence sharing and a tasking framework whereby agencies can request support from GAIN partners to progress their investigations.
- Scottish Anti-illicit Trade Group – brings together public and private sectors with the strategic aim of reducing the scale, impact and cost of illicit trade throughout Scotland. A member of this group also sits on the UK IP Crime Group.
- Northern Ireland's Organised Crime Task Force IPC Sub Group – brings together police, customs and other law enforcement agencies, along with Government Departments, the Policing Board and the local business community to combat organised crime in Northern Ireland. A member of this group also sits on the UK IP Crime Group.

1 <http://www.ipo.gov.uk/ipcrimestrategy2011.pdf>

2 <http://www.ipo.gov.uk/ipenforce/ipenforce-crime/ipenforce-role/ipenforce-report.htm>

4. Is there one agency that takes the lead? Which one?

The UK Serious Organised Crime Strategy³ notes that the IPO is the national coordinator on IP crime. Its Intelligence Hub coordinates and exchanges criminal intelligence between intellectual property enforcement agencies and the private sector in the UK and overseas. IPO is the Secretariat for the IP Crime Group and leads in preparing the annual IP Crime Report.

5. Is there a specific body set up to coordinate work? If so, does it have a statutory basis (is it based on national legislation)? How is the body funded?

IPO has a national coordinating role in IP crime. It works to bring together government, industry and law enforcement agencies to raise awareness, spread best practice and share information. It also provides practical support for enforcement agencies through its Intelligence Hub. The Intelligence Hub manages the Intellectual Property Intelligence Database (IPIID), and is able to interact across institutions and organisations, add value to both strategic and tactical knowledge and support better and more enforcement intervention to protect IP in the UK and further afield.

The IPO is the official government body responsible for granting IP rights in the UK. IPO is an operating name of the Patent Office (the Patent Office was established by the Patent Law Amendment Act 1852), and is an Executive Agency of the Department for Business, Innovation and Skills. The IPO is a Trading Fund, and under the Government Trading Funds Act 1973 is authorised to use its receipts to meet outgoings.

The National Crime Agency coordinates the national response to serious and organised crime (including IP crime). It was established under the Crime and Courts Act 2013⁴ and is funded by government.

6. Are private stakeholders involved in the work of the body/platform/agency in charge of inter-agency cooperation? If so please describe the extent to which such participation takes place and provide a list of the stakeholders in question.

Yes. As well as being members of the IP Crime Group the private stakeholders listed below work closely with the IPO in sharing strategic and tactical knowledge.

- Anti-Counterfeiting Group (ACG)
- Alliance for Intellectual Property
- Federation Against Copyright Theft (FACT)
- Federation Against Software Theft (FAST)
- The Publishers Association (PA)
- PRS for Music
- BPI (British Recorded Music Industry)
- BEAMA
- National Markets Group
- ESCO Executive (formerly the UK Electronics Alliance)

7. Is the inter-agency cooperation body/platform/agency involved in cross border activity (i.e. does it cooperate with other Member States)?

Yes

³ <https://www.gov.uk/government/publications/serious-organised-crime-strategy>

⁴ <http://www.legislation.gov.uk/ukpga/2013/22/contents>

8. Is there a dedicated website?

No, but some content is available on the IPO website – <http://www.ipo.gov.uk/ipenforce.htm>

9. Please summarise its principal activities, and most recent actions, reports, studies and recommendations (if any).

The main product of the IP Crime Group is the annual IP Crime Report⁵. The most recent (2012/13) Report was published in June 2013. This presents an overview of the initiatives and activities of industry, law enforcement agencies and Government Departments that are committed to tackling, investigating and reporting IP crime.

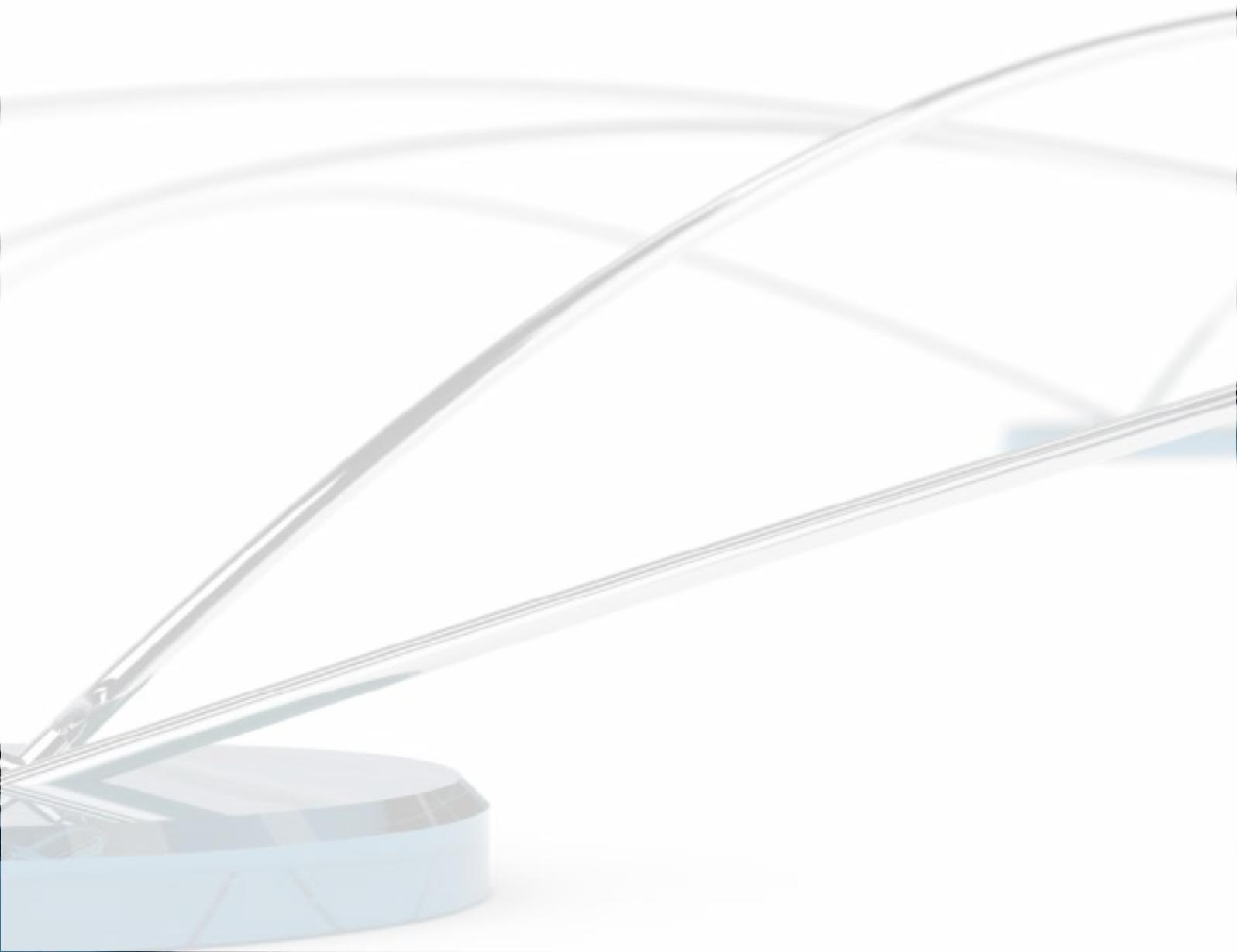
Other recent initiatives include:

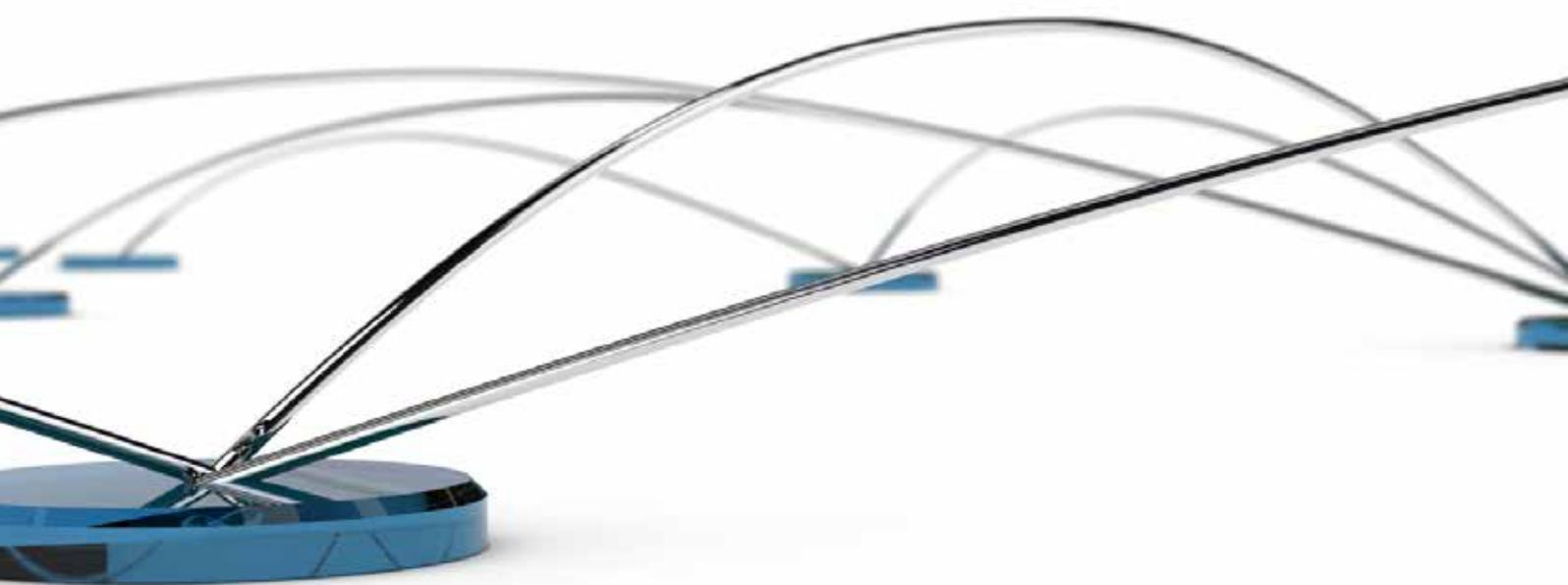
- IP Crime – enforcement aide memoire (hard copy only). This is a pocket-sized booklet providing guidance on the key legislation in relation to IP crime, for the use of enforcement agencies. It summarises the key elements of the law and what constitutes an offence, the powers provided for each offence, the evidence required, and links to appropriate codes of practice.
- The Supply Chain Toolkit (<http://www.ipo.gov.uk/ipctoolkit.pdf>), which is intended to help individuals and businesses to be aware of the growing risk from counterfeit goods getting into business supply chains.
- The Proceeds of Crime Act leaflet (<http://www.ipo.gov.uk/pocaleaflet.pdf>), which aims to raise awareness of the Act. Targeting consumers and market traders, the leaflet warns would-be buyers and traders of counterfeit goods of the real cost – not only in terms of economic damage but also the risks to health and safety.

10. Please provide the details of a contact person.

E: enforcement@ipo.gov.uk

⁵ <http://www.ipo.gov.uk/ipenforce/ipenforce-crime/ipenforce-role/ipenforce-report.htm>





Inter-Agency Cooperation at National and International Level:

An assessment of best practices for improving IPR enforcement