

# European Observatory on Infringements of Intellectual Property Rights Newsletter

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## Editorial

*Welcome* to the second edition of the Observatory's newsletter. Following the adoption of a Communication establishing an EU Action Plan on the enforcement of IPR, Commissioner Barnier agreed to share his thoughts with us about the plan and about the role of the Observatory in the overall Commission's IPR enforcement strategy.

With this Action Plan we will seek to build upon the consensus that IP enforcement policy should be focused on the fight against commercial scale IP infringing activity, which is the most harmful. The Action Plan lists ten (non-legislative) actions and aims to propose new enforcement policy tools, such as a so-called "follow the money" approach seeking to deprive commercial scale infringers of the revenue flows. There are three key themes running through the Action Plan: the needed focus on commercial scale infringements, the required enhanced cross-border cooperation and the importance for all stakeholders to get involved in the prevention of such IP crime, which undermines all our efforts to re-establish sustainable growth and employment levels in our EU knowledge based economy.



It is no coincidence that the first action in this strategic paper is the promotion of the Observatory's and national authorities' efforts to launch and monitor a new generation of targeted communication campaigns to raise awareness amongst citizens on the economic harm caused by commercial scale IP infringements. European citizens are largely favourable to IPR. The recent perception study carried on also confirmed that 96% of Europeans believe that IP is important as it supports innovation and creativity and rewards inventors, creators and artists. However, the study also showed that at individual level, there is a certain tolerance for the idea that individual IP infringements are not that "harmful". Some 34% of Europeans think that buying counterfeit goods can be justified to save money. It follows that the Observatory must pursue its



work streams that stimulate public debate and raise awareness.

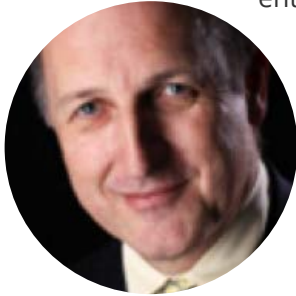
I am thus very encouraged by the considerable effort that OHIM is making with the Observatory in this field. In particular, following from the results of the survey the Observatory is focusing on the need to engage more with the digital generation. I wholeheartedly support this. Youth is the generator of ideas and innovation. We aim to have a European IP policy that will contribute to helping our younger citizens to have stimulating careers in the creative and innovative sectors of our economy that represent our future. The digital generation must therefore be both listened to and informed in the development of that policy. It has now been a little more than two years since we entrusted the OHIM with the tasks associated with the operation of the European Observatory on Infringements of Intellectual Property Rights. I now look forward to starting implementation of this Action Plan with OHIM through the Observatory, with all Member States and with the incoming European Parliament.

*Michel Barnier*

For more information go to the link: [http://ec.europa.eu/internal\\_market/iprenforcement/action-plan/index\\_en.htm](http://ec.europa.eu/internal_market/iprenforcement/action-plan/index_en.htm)

## Advisory Board

# Article from Advisory Board member Gerhard Bauer



Since its beginning OHIM has chosen different and often innovative ways of dealing with IP matters. Sometimes this has seemed to challenge the way IP has taken so far and the approach stakeholders and especially trademark owners have been used to or expected.

So I felt encouraged to take a different approach as well and dare to challenge OHIM. The target I chose for this challenge is called EDB. One more acronym in the world of IP? Yes – standing for the “Enforcement Database”!

Yet another database? Yes – we might like it or not. But should we be happy about it? Should we worry? Should we expect more work, more input to type in? Do we have a duplication or even multiplication of our internal work and efforts? These are the thoughts we all had when first learning about the EDB. These are all questions which are posed by stakeholders and possible users (trademark owners and their representatives). Followed by: what are the purposes, the effects and possible benefits of the database?

To answer these questions we have to take a closer look at the EDB and its origins. When the EU Commission entrusted the Office (OHIM) with the responsibility of the European Observatory on Infringements of Intellectual Property Rights a huge task was put in front of OHIM to establish an effective organization and to analyse the current situation and develop ideas on how to best deal with the assignment. Programmes,

programme groups and working groups had to be installed and activities identified, which were based on a strategic plan for the Observatory.

Besides developing, performing, analysing and publishing groundbreaking studies on Intellectual Property, its perception and its effects one specific task was undertaken to create an Enforcement Database (EDB), open to all stakeholders (trademark owners and their representatives as well as IP enforcement authorities). The creation of such a database in itself was not the challenge; databases for enforcement purposes have been and are available at different levels and by different institutions. For example, within the framework of the new regulation 608/2013 that came into force on January 2014, the COPIS database introduced by DG TAXUD for the filing of applications for action by customs authorities, and the IPM database established by the World Customs Organisation (WCO).

When OHIM underwent the task of establishing its Enforcement Database, it was a major task to ensure interoperability with the two databases mentioned above. So was ensuring transparency in the development and implementation process of the EDB right from the beginning with the direct involvement of its stakeholders.

It had to be ensured that this new and additional database, which was to be designed to help enforcement authorities to better identify and discern fake products from genuine products, was also giving added value to trademark owners in defending their rights. Therefore the EDB was designed to hold data on registered IP rights, contact information, supplementary product information and logistics. This exchange of information defines the core functionality, but it had to be complemented by additional features such as:

These were the thoughts we all had when first learning about the EDB

Advisory Board

- guiding the right holders in the process of filing an application for action and overcoming some of the translation issues that they had with existing databases;
- connecting several intellectual property databases (TMview, geographical indications, DesignView etc.), thereby updating information about the validity of the different rights concerned;
- providing users with an alert module;
- making available a repository of enforcement authorities for the different users.

In a short period of time starting in Q4 of 2011, OHIM had developed the database and brought it into its test phase, with only 5 companies participating. This number quickly grew to 70 users from different sectors during the pilot phase (from June 2013 until April 2014). After that the integration of the database with the EU customs secure network was implemented, involving DG TAXUD and Member States' customs authorities.

This was the time when all EU customs authorities started to actively access the database and make use of it. The Observatory is training customs officers and other enforcement authority officers in each Member State and, in view of the huge task, an approach to “train the trainers” has been taken.

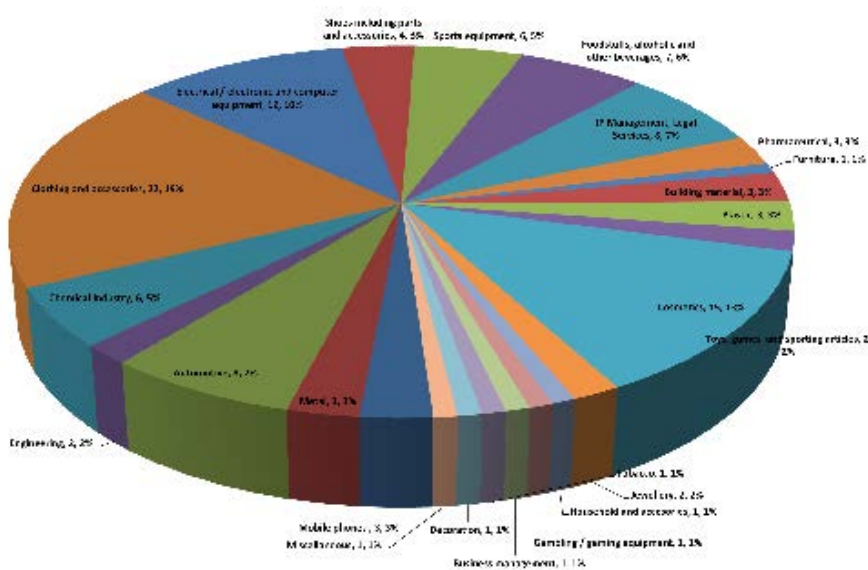
Now it's time for more users to take advantage of the tool and experience the benefits.

What reflects the success of a system better than stakeholder response?

So far, stakeholders have positively recognized the interoperability with other existing systems of EU and national authorities and the reaching out to an audience that is not yet well acquainted with IP-related enforcement, especially EU SMEs.



ENFORCEMENT DATABASE  
COMPANIES PER SECTOR



Sectors	Amount
Mobile phones	3
Metal	3
Automotive	8
Engineering	2
Chemical industry	6
Clothing and accessories	22
Electrical / electronic and computer equipment	12
Shoes including parts and accessories	4
Sports equipment	6
Foodstuffs, alcoholic and other beverages	7
IP Management, Legal Services	8
Pharmaceutical	3
Furniture	1
Building material	3
Plastic	3
Toys, games and sporting articles	15
Cosmetics	2
Jewellery	2
Household and accessories	1
Gambling / gaming equipment	1
Business management	1
Tobacco	1
Decoration	1
Miscellaneous	1

TOTAL (including companies in process of registration) = 116

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## Latest News

# President Barroso visits OHIM

On 10 April, the President of the European Commission Jose Manuel Durão Barroso visited OHIM. President Barroso met OHIM staff and received a briefing on the work of the Office, including the Observatory. In his speech to staff, he un-

derlined the value of intellectual property to the EU economy and how important it is to transmit to European citizens the relevance of preserving it for the future of the European Union.



## Latest News

## Observatory Public Sector Representatives' Meeting

Five years on from the founding of the Observatory, public sector representatives met in Athens to coincide with the Greek Presidency of the EU, on 2-3 April. All delegates expressed their appreciation to the Greek Presidency for hosting the event, which marked the first time such a meeting had been held in Athens. The support and involvement of the Greek authorities was crucial to the success of the gathering.

The agenda for the meeting was a busy one, with the Observatory Director briefing delegates on the main results achieved by the Observatory since the Plenary meeting in September 2013. Delegates also received a briefing on European Commission activities from DG MARKT on recent initiatives, including the status of the review of copyright rules. OHIM's Chief Economist also gave an update on the ongoing work of the Observatory's next major study, on the quantification of infringements.

The Spanish and Slovakian IP Offices gave presentations on public campaigns in their Member States, and the Observatory briefed delegates on proposed awareness-raising at EU level. Presentations were also given by the Observatory on OHIM Academy activities; the development of the Enforcement Database (EDB); a follow-up briefing on knowledge building activities (including the recent Europol-OHIM IP Crime in Sport seminar); the Online Copyright Infringement report and the Mapping of New Business Models report, both of which were prepared with significant input from the IP in a Digital World working group; and the Inter-Agency Cooperation Report.

A discussion was opened by the Observatory Director on the logistical challenges the Observatory is facing: in particular, the size of the working groups along with the space limitations of OHIM's Brussels Liaison Office. A number of solutions as to how to circumvent the issue were offered.

These included managing working group size and stakeholder spread among working groups, the possibility of holding one of the working group meetings in Alicante, and the use of video-conferencing.



The Italian Ministry for Economic Development presented a recently launched Italian awareness-raising campaign and briefed delegates on the upcoming international platform of Mediterranean countries (CNAC EUMED) meeting, on 26 November. WIPO gave delegates a presentation on the work of the organisation's Building Respect for IP division, and a representative of the IPR Enforcement Unit in Malta presented a detailed overview of the work and challenges encountered by Maltese customs officers.

Observatory representatives then outlined the development of a process through which the Observatory would produce reports, with working groups involved from the start if necessary, discussed by the groups when finalised, and presented to Member State representatives in the public stakeholder meetings and in the OHIM Administrative Board meetings.

For more info, go to the link: [https://oami.europa.eu/ohimportal/en/web/observatory/news?p\\_p\\_id=csnews\\_WAR\\_csnewsportlet&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&journalId=1202037&journalRelatedId>manual/](https://oami.europa.eu/ohimportal/en/web/observatory/news?p_p_id=csnews_WAR_csnewsportlet&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&journalId=1202037&journalRelatedId>manual/)

## Latest News

### Observatory Private Sector Representatives' Meeting

The Observatory's private sector stakeholders met in Brussels on 11 April. The Observatory briefed delegates on the progress made in the implementation of the Observatory work programme. Stakeholders were told that seven out of nine projects were either closed or about to be closed and two projects were still ongoing (the Enforcement Database and the Orphan Works database). Stakeholders welcomed the progress made and discussed the ongoing work.

Private sector stakeholders also considered the logistical challenges facing the Observatory in terms of organising meetings and discussed possible solutions, including greater focus on the sub-groups and pre-meeting coordination.

Participants were briefed on the proposed process for issuing reports from the Observatory, and informed that a written procedure on this

Stakeholders were also briefed on the Observatory's awareness-raising strategy focused on youngsters

matter would be sent out to representatives of the Member States for approval. Stakeholders also exchanged views on the Online Copyright In-

fringements and Mapping New Business Models reports in the context of the proposed process to adopt the Observatory's reports.

Stakeholders were also briefed on the Observatory's awareness-raising strategy focused on youngsters, as well as the common visual identity that is to be tested and used in all awareness-raising activities. OHIM also presented the ongoing work on the quantification of the social impact of IP infringements and the results of the pilot project with CEFIC. Stakeholders welcomed the work and discussed the preliminary outcomes.

Delegates were also briefed on developments with the Enforcement Database and the Anti-Counterfeiting Information Support Tool. Members welcomed the development of the tools, emphasized the importance of the security of data and were assured that the EDB will be a secure platform, and were informed of the security work which is currently taking place.

Delegates were also briefed on the Academy's training activities, and suggested ideas for future training to be due consideration by the Academy. UNIFAB informed participants about a Memorandum of Understanding signed with contrefacon.fr, a new website enabling consumers to check whether a website is selling counterfeited goods.

### Administrative Board and Budget Committee Meeting

OHIM's governing bodies, the Administrative Board and Budget Committee, met in Alicante from 20 to 22 May 2014.

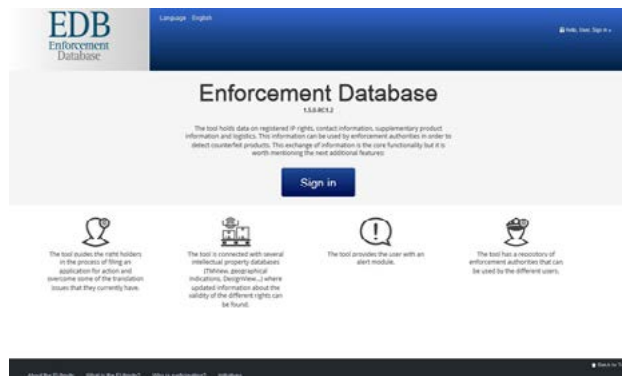
Member State Representatives and a representative from the European Commission are joined by observers from the Benelux Office of Intellectual Property, the European Patent Office and the World Intellectual Property Organisation. Observer representatives from the user associations INTA, BusinessEurope, MARQUES, AIM, APRAM, ECTA and UNION also attended.

Members and observers were briefed by President Campinos on the Annual Report of OHIM and of the EU Observatory on Infringements of Intellectual Property Rights, as well as the Office's progress towards its goals in the Strategic Plan.

ABBC members were informed of the new process for producing reports and studies from the Observatory, which had already been already presented to the representatives. Its basis is that stakeholders should be involved in the identification of areas of study and the terms of reference, and that the rules governing OHIM's decision making process should be followed.

## Latest News

## Enforcement Database update



The Enforcement Database (EDB) has concluded its pilot phase with 70 registered right holders and more than 100 products. The last release of the EDB included a connection to CCN/CSI, a secure network by DG Taxud that connects to all EU Customs. This means that all customs officers in the Member States can have direct access from their work station to the EDB, where they can, amongst others things, search for product images of counterfeit and genuine products, search for the validity of the IP rights, and contact the right holder.

Furthermore, a Service Organization Controls (SOC) 2 Type 2 audit was successfully completed. The independent auditing firm Deloitte evaluated the processes, procedures and controls for security, availability, processing integrity and confidentiality of the tool, at OHIM's facilities for the period 1 October 2013 to 31 March 2014.

SOC 2 certification assures users and stakeholders that the Office, acting through the EU Observatory for Infringements of Intellectual Property Rights, has effective operational controls and is accountable for operational excellence, which covers security, availability, processing integrity and confidentiality of its database supporting the enforcement of intellectual property rights. This internationally recognised certification, based on a rigorous assessment, is especially geared towards technology oriented services and tools, notably those running complex systems.

During the coming phase the focus will be on the integration of the customs authorities of the Member States. The main objectives are to raise awareness of the tool amongst customs officials, listen to their needs, and establish interoperability between EDB and COPIS this will provide EDB users with the option to send Applications for Action (AFA's) electronically and EU Customs with the benefit of receiving AFA's electronically in their operating systems, avoiding the re-key-in of the data.

There are several releases a year and for the coming ones, the following features are foreseen:

- Connection to COPIS, to allow the e-filing of an Application for Action (AFA) via EDB;
- Statistics for each account holder on their account and the usage of the EDB;
- Possibility to upload videos;
- An automated registration form;
- Interoperability between EDB and IPM;
- A news item area.

For more info, go to <https://www.tmdn.org/enforcementdb-ui-webapp/>



## Latest News

## Memorandum of Understanding between OHIM and WCO



The Office for Harmonization in the Internal Market (OHIM) and the World Customs Organisation (WCO) have signed a Memorandum of Understanding to strengthen their cooperation and develop a range of activities to combat counterfeiting and piracy. Cooperation will focus on the areas of Information Technology systems, the exchange of statistical data and of expertise, and collaboration to assure interoperability between the EDB and IPM.

The MoU was signed by António Campinos, President of OHIM, and Kunio Mikuriya, Secretary General of the WCO at the International IP Enforcement Summit, which took place on 11 and 12 June in London.

## Study on inter-agency cooperation in the enforcement of intellectual property rights

Inter-agency cooperation on enforcement was identified as a possible source of best practices. A preliminary study was carried out by an external expert. In order to supplement this, Observatory public sector representatives of all of the Member States were provided with a questionnaire. The responses covered a total of 25 of the current 28 Member States. 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, allowed a number of possible best practices to be identified in the field of inter-agency cooperation on IPR enforcement in the Member States. The priority practices can be summarised as follows:

- All Member States should consider establishing an inter-agency cooperation structure if 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 to participate in inter-agency structures.
- The possibility of cross-border cooperation should be part of Member States' inter-agency cooperation.

The study will be published soon on the Observatory website.

## Survey for DG Trade

As mentioned in the last newsletter, the Observatory, on behalf of the EU Commission (DG TRADE), launched a survey on 10 March directed at EU entities with an interest in the protection and enforcement of intellectual property rights (IPR) in third countries. The purpose of the survey is to gather information from those involved and interested in order to build up a picture of the reality of IPR protection and enforcement in various third countries. This information will be collated by the Observatory and transmitted to DG TRADE, which will then be in a position to use the information, together with what it has gathered from other sources, in compiling analyses of the situation in various third countries. It will put this information to use in compiling its own reports on the general IPR enforcement scene in third

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## Latest News

countries, the situation in individual countries and in providing assistance in preparation for negotiation and discussion with these countries. The survey will be one of the tools used to help improve IPR enforcement in third countries.

The survey was due to close on 10 June but, in response to requests from interested parties, the closing date was extended by one week to 17 June. The data contained in the responses to the survey are now being extracted, sorted and aggregated so that they can be easily used by DG TRADE.

## Country guides

These guides are written to provide basic assistance to intellectual property rights holders and their advisers on the IP protection and enforcement system in the countries concerned. The current batch of guides covers Brazil, China, India, the Russian federation and Turkey. The guides are intended to provide simple guidelines on how rights holders can protect their IP assets and what to do if their rights are infringed. Each guide gives some brief background information on the country concerned, outlines the legal framework and identifies significant weak points concerning IP protection and enforcement. Basic advice is provided together with details of useful contacts. Links to online resources are provided when they are available.

The guides are published on the Observatory website. If there are any significant changes in circumstances, the respective guides will be updated. This newsletter will inform readers of such updates.

## Updates on costs and damages and storage and destruction published

In 2010 a report was prepared by the then Legal Issues Working Group of the Observatory entitled Damages in Intellectual Property Rights, available at: [http://ec.europa.eu/internal\\_market/iprenforcement/docs/corrective\\_measures\\_en.pdf](http://ec.europa.eu/internal_market/iprenforcement/docs/corrective_measures_en.pdf).

The report was prepared in the context of the then relatively recent implementation of the Directive on the Enforcement of Intellectual Property Rights<sup>1</sup> (the Directive).

The original report covered more than recommendations on storage and destruction. It included the results of surveys of intellectual property practitioners and associations from most Member States on the legislation, practices and case law in each respective Country. In order to update the information in respect to storage and destruction, public representatives of the 28 Member States were asked to confirm that the relevant information is still accurate and up to date or, if not accurate and up to date, to supply this information. Member States whose responses did not feature in the previous report were given an opportunity to supply the relevant information. Amendments have been made in parts of the survey for Bulgaria, Estonia, Germany, Hungary, Latvia, Portugal, Romania, Slovakia, Sweden and the United Kingdom. Responses from Croatia have been included.

## Latest News

At the same time, a report was also prepared by the working group entitled Damages in Intellectual Property Rights, available at: [http://ec.europa.eu/internal\\_market/iprenforcement/docs/damages\\_en.pdf](http://ec.europa.eu/internal_market/iprenforcement/docs/damages_en.pdf)

The updates were published on 14 May 2014 and are available here: <https://oami.europa.eu/ohimportal/en/web/observatory/observatory-publications>

Where the Observatory is alerted to changes in the future, these online publications will be updated accordingly. This newsletter inform readers of such updates.

## OECD Task Force on Charting Illicit Trade



Roundtable / Exploratory Meeting on Counterfeit and Pirated Trade (Paris, 28 May 2014)  
Trade in counterfeit products goods is a longstanding problem, which appears to be growing in scope and magnitude. Counterfeiting has negative effects on the revenues and profits of legitimate industries, while also generating adverse economic effects on governments and consumers. In addition, there are potential health and safety implications.

The OECD Task force on Charting Illicit Trade was setup to map and quantify different sectors of the illegal economy that pose serious economic risks, and in the course of its work has renewed interest to come to grips with the economic impacts of counterfeiting and piracy.

A meeting of experts from OECD member countries, the OECD, OHIM, the European Commission's Joint Research Centre, WIPO and WCO, as well as from academia and the private sector, was held at OECD's headquarters in Paris on 28 May 2014 to discuss the feasibility of updating the 2008 OECD study on the Economic Impact of Counterfeiting and Piracy. That study contained a rigorous analysis of counterfeiting and piracy from a global perspective and continues to be widely cited.

The methodology developed by OECD combines customs seizures data and trade data in order to draw a representative picture of global trade flows in counterfeit goods. It applies statistical analysis to generate an estimate of the volume of counterfeit goods traded globally and regionally.

The meeting discussed possible improvements and refinements of this methodology in order to take advantage of better data and additional studies that have been conducted during the past six years. The meeting concluded that that the methodology as developed in the OECD 2008 study is still valid and that an updated study should be undertaken. The Observatory intends to work together with OECD in order to carry out this study.

Together with studies to quantify other types of IPR infringements, such as online piracy, the OECD-OHIM study will make a substantial contribution to quantifying the extent of IPR infringement and its effects on the economy.

## Academy NEWS

### IP Teaching Kit

#### Intellectual Property Teaching Kit IP Basics



The OHIM and the EPO recently announced the online publication of the first part of their [IP Teaching Kit \(IP Basics\)](#).

The kit is especially aimed at university teachers whose students have little or no knowledge of intellectual property, and aims to give a basic yet comprehensive introduction to different IP rights and the concept of IP as a whole. The European graduates of tomorrow will enter a labour market that is increasingly based on innovation and creativity. Our OHIM/EPO IP Contribution Study, published in September 2013, shows that IPR-intensive industries (intensive in trade marks, designs, patents, copyright and geographical indications) provide 26% of employment in the EU. Moreover, 88% of the EU's imports and 90% of the EU's exports are accounted for by IPR-intensive industries. IP is a driving factor in the EU economy and, thanks to the digital and technological revolutions of the past two decades, an increasingly important

part of everyday life. Universities themselves deal with IP issues on a daily basis, in terms of research, technology transfer and management of their own IP portfolios.

This first kit will be followed by a second part (IP advanced) later this year.

The IP Teaching Kit contains an extensive set of freely accessible teaching materials (both PDF and PPT), developed by IP professionals from the EPO and OHIM through strong cooperation and mutual support between the management and staff of the two organisations. It is one of the most comprehensive IP teaching resources in the world, and is available through the OHIM Academy Learning Portal.

For the moment, the IP Teaching Kit is available in English. Further language versions (DE, FR, IT and ES) will be available in due time. For more information, please visit: <http://oami.europa.eu/knowledge/course/view.php?id=1738>.

### “CTM in a nutshell” for future OHIM trainees

In the last article we looked at the OHIM Academy Learning Portal (OALP), explaining its main functionalities, its benefits, the type of IP content and how to access it. In this article, we report on the latest eLearning initiative that has had a positive impact on the platform.

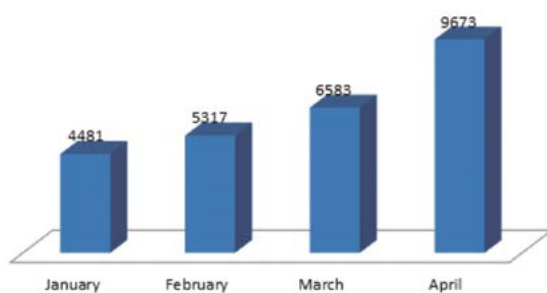
To increasingly engage external stakeholder towards IP online content, the Academy in close cooperation with the Cabinet and Human Resources has agreed to launch an initiative whereby all trainees seeking to gain professional experience at OHIM must successfully complete the eLearning “CTM in a Nutshell” as a preliminary requirement to be eligible for selection. CTM in a Nutshell is a learning tool presenting core information related to Community Trade Marks and the scope and functioning of the OHIM, gathered in eight learning modules of four hours in total. Delivering engaging

## Academy NEWS

## CTM in a Nutshell



## OALP visits



online courses relating to OHIM core business not only gets future trainees' attention but also proves their engagement with the subject and their willingness to provide support if selected.

This initiative has had an amazing impact on the course visits and on the platform. For instance, this course has been visited in April 6142 times compared to 172 visits in March. In turn, the OALP reached 9672 visits against 6583 visits in March. The statistics speak for themselves: there is an increase of 47.97 % in visits to the OALP, an increase of 63.15 % of time spent there and an increase of 37.25 % of additional users. These growing figures clearly show that there is an appetite for courses on IP and that the learning portal is filling a gap! For more information, go to: <http://oami.europa.eu/knowledge/mod/page/view.php?id=11414>

## Judges in Action

Since 2008, OHIM has organised seminars for judges several times of year. Hundreds of judges from all court levels, including many judges from Supreme Courts, have been invited so far.

During the first 2014 quarter, two very successful events were organised by the OHIM Academy for the judges.

On 24 and 25 March 2014, a seminar focused on the highly technical issue of transnational enforcement of provisional measures related to IPR infringement. Several practical questions were built up around a mock case, known as the Max case, especially setup for the event. As usual the Commission supported this event by sending an Administrator to attend the debates as an observer. Some thirty judges and prosecutors attended the event held in Alicante, from fourteen EU Member States. As usual for the Judges' Seminars, the participants shared freely and extensively their personal experience at working tables in a confidential and secure environment. The feedback received for this event had a high level of satisfaction.

Right after, from 26 to 28 March 2014, a tailor-made seminar on the Community Trade Mark and Design Systems for the Judges of the Finnish Market Court was organised in Alicante on the OHIM premises. An ad hoc intensive advanced course was designed to respond to the new challenge that this Court, which has been recently entrusted with duties similar to the OHIM's Board of Appeal, must respond to. For three days, OHIM experts debriefed the 25 attending Nordic judges on our processes regarding trade marks and design analysis. This initiative, which was not the first of its type, was also highly rated by the participants.

It can be proudly said that the OHIM, as a European Agency, has developed expertise in training, knowledge sharing and networking with judges and prosecutors.

## A Busy Whirl of Events

### IP Sports Crime

In March, the OHIM and Europol held a major conference on counterfeiting and piracy in the sports industry. Experts from sports companies, experienced investigators and enforcement officers from the EU and beyond attended. Also at the conference were representatives from major European and international authorities, notably including the Brazilian National Council on Combating Piracy, the European Commission, the World Intellectual Property Organization and the World Customs Organization.

After the conference, some of the delegates gave their reactions to what had been discussed.



Please go to the following link to watch the videos: [https://oami.europa.eu/ohimportal/en/web/observatory/news?p\\_p\\_id=csnews\\_WAR\\_cs-newsportlet&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&journalId=1260660&journalRelatedId>manual/](https://oami.europa.eu/ohimportal/en/web/observatory/news?p_p_id=csnews_WAR_cs-newsportlet&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&journalId=1260660&journalRelatedId>manual/)

### Regional seminar in Bucharest



From 12 to 15 May the Office for Harmonization in the Internal Market (OHIM) through its Observatory (Academy), together with the General Prosecutor Office attached to the High Court of Cassation and Justice, organised in Bucharest (Romania) the Seminar on Enforcement of Intellectual Property Rights Targeting Officials from South-Eastern Europe.

In particular the following 8 countries attended the event: Bulgaria, Croatia, FYROM, Greece, Hungary, Romania, Serbia and Turkey for a total of 45 delegates from public institutions such as: national IP offices, customs, police and judiciary.

Presentations were given by public and private sector representatives and EU agencies such as OHIM and Europol and the international organization called SELEC (Southeast European Law Enforcement Center). Moreover, three workshops were held to discuss national programmes, EU and international cooperation and case studies on enforcement.

This regional seminar was instrumental to facilitate networking among the delegates, raise awareness on the ongoing activities in the South-eastern Europe region, and inform the attendants on the projects and activities run by the agencies and organisations.

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## A Busy Whirl of Events

### Best port practice on fake and illicit pesticides 4-6 June 2014, Antwerp

OHIM and EUROPOL organised a follow-up meeting to the conference on illicit trade of pesticides that took place in Alicante in November 2012. The meeting was attended by enforcement authorities coming from several EU Member states as well as by representatives of the European Commission, (DG Sanco, OLAF) and of regulatory agencies in EU. The meeting was followed by a visit to the Belgian Custom installations at the Port of Antwerp.



## A Busy Whirl of Events

# International IP Enforcement Summit London 2014



The first International IP Enforcement Summit of its kind brought together key European and international decision makers, enforcement agencies, multinational companies and other stakeholders to discuss the growing impact of intellectual property right infringements and the challenges facing enforcement and society.

With a view to increasing the engagement between national and international partners, this event aimed to provide strategic but also practical orientations on general and more specific international enforcement issues, as well as sharing best practices with a view to promoting the adaptation of enforcement regimes that are important for trade and investment.

### The Summit:

- provided an effective forum for discussion and debate on crucial international IP enforcement matters;
- increased engagement between national and international partners in combating counterfeiting and piracy;
- supported interaction and sharing of successful examples of international best practice strategies and techniques.

## The programme

The programme was themed around Europe, with a broader international element, involving keynote speeches and plenary and breakout sessions on key elements of IP enforcement, with a strong positive message on respecting IP, particularly in the digital world. The components had a clear focus on the online environment, customs enforcement in Europe and external borders, and the coordination of tools and techniques to tackle IP infringement.

For our latest news and videos, please go to <https://oami.europa.eu/ohimportal/en/international-ip-enforcement-summit>







## A Busy Whirl of Events

### Executive week OHIM / EPO Munich



The IP executive week is an annual event organized by the OHIM-EPO and is designed for the middle management from National IP Offices from around the world - we expect this year some 50-60 participants. The whole conference takes place 7 - 11 July in the EPO HQ in Munich, the Observatory's part is foreseen on the 10 July. The Observatory will present there its studies, tools and various training and capacity building events.

### Raising consumer awareness on IP value



OHIM recently presented the Observatory's work, including the Enforcement Database, at an event organised by the Spanish Ministry of Industry, Energy and Tourism, through the [Spanish Patent and Trademark Office](#), and [ANDEMA](#), the National Association for the Defense of Trademarks. The event was built around the World Anti-Counterfeiting Day and took place in Algeciras with the collaboration of Spanish customs and enforcement authorities.

The main objective of the event was to raise consumer awareness on the value of intellectual property for business and the damage caused by infringement of IP rights. The Spanish Patent and Trademark Office took the opportunity to present their latest tools and activities in the fight against counterfeiting.

## Stakeholder News

# OHIM collects prize at the Global Anti-Counterfeiting Awards



the OHIM, as Phil Lewis picked up the Individual Achievement Award. Phil Lewis spent nearly three years at OHIM, working in the Observatory as one of its founder members. He joined the European Commission as a seconded national expert, and was part of the small team which set up the Observatory when it was still in DG MARKT.

The European Observatory on Infringements of Intellectual Property Rights of OHIM has been presented with the International Public Body Award in the prestigious Global Anti-Counterfeiting Awards, sponsored by Reconnaissance International's Authentication News™ and the Global Anti-Counterfeiting Group (GACG).

The winners of the sixteenth annual awards were announced in Paris on World Anti-Counterfeiting Day at the Musée de Contrefaçon housed at the Headquarters of the Union des Fabricants.

The awards were made as a continuing recognition of special achievements by individuals, companies and organisations. Among the achievements mentioned of the OHIM were the Observatory studies on the contribution of IP and on the perception the public has of IP, as well as the setting up of the [Enforcement Database](#).

Another of the awards was also closely linked to

## Stakeholder News

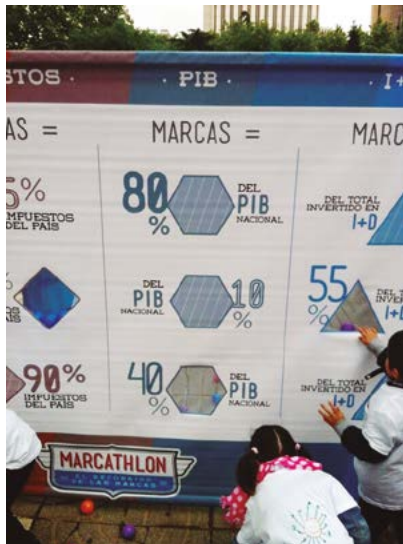
# Marcathlon 2014: trademarks' itinerary

## Madrid, 26 April

Last 26 April, the Spanish Patents and Trademarks Office and the Spanish Association for the Defense of Trademarks (ANDEMA) celebrated World Intellectual Property Rights Day in Madrid through the organization of a street event called "Marcathlon: the trademarks' itinerary".



In an enjoyable way, using games and races, the event aimed at raising society's awareness on the importance of innovation, trademarks and design for our society: they imply investment in Research and Development, tax collection, social security,



employment, guarantee of quality and safe consumption.... Benefits which are not always clear at first sight.

The Marcathlon had an educational and playful character and consisted of two different activities.

- A gymkana for the youngest who, throughout all the morning, could learn through four different activities about why trademarks and innovation are important in our daily life, what is the contribution of trademarks for the Spanish economy and society and – with the help of police officers– what are the damages of fakes. They all received presents sponsored by trademarks.

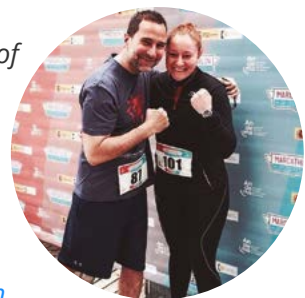
- A five kilometer race in Azca District for adults, among which had distinguished participants such as the United States Ambassador to Spain and a good number of police officers who currently deal with the fight against fakes. Medals were given to the first three men and women, coupled with a good selection of presents.



The Marcathlon Event was possible with the help of 80 companies, associations, foundations and institutions that supported the activities, and of course, it became a reality thanks to the children and adults that participated and to those who contributed to its diffusion, which led to a great impact on social media... more than 22,500 links on the Internet.

Marcathlon showed once again the importance of cooperation between public and private sector in the need to improve public awareness.

*Pictures and the video of the Marcathlon Event can be viewed on social media at #marcathlon2014, through the Flickr account of the OEPM or in the webpage [www.marcathlon.com](http://www.marcathlon.com)*



## Stakeholder News

## Promotional activities of the Luxembourg Intellectual Property Office, as part of the Ministry of Economy

For many years, the Luxembourg Intellectual Property Office has increasingly been organizing training and awareness events in all intellectual property (IP) domains.



Recently, the 7th edition of the “Luxembourg Intellectual Property Day” was held, during which the Intellectual Property Office aimed to inform about current events in the domain of intellectual property. This year, speakers again set a high standard by discussing the recent developments within the European patent system (the unitary patent, the unified patent jurisdiction), community trademark reform, present and future endeavours of the European Observatory on Infringements of Intellectual Property Rights, as well as the current state of the directive on trade secrets protection.

Concurrently to the conference itself, the public had the opportunity to speak to IP specialists (\*) about all aspects of intellectual property.

Furthermore, the Intellectual Property Office took part in the World Book and Copyright Day organized by UNESCO by taking its message to schools. The aim was to sensitize young adolescents towards the importance of copyright, main-

ly by emphasizing that copyright, as well as other IP rights, reward the work of inventors, creators and artists.

Finally, and with the aim of reaching the largest possible number of people, the Intellectual Property Office is organizing training sessions specifically targeted at companies and public bodies, Luxembourgish civil servants and the public in general.

(\*) official authorities (national, European, international), professional representatives, Luxembourgish collective right management societies, IP lawyers registered in Luxembourg.

For more information: [http://www.eco.public.lu/attributions/dg7/d\\_propriete\\_intellectuelle/index.html](http://www.eco.public.lu/attributions/dg7/d_propriete_intellectuelle/index.html)

[http://www.eco.public.lu/salle\\_de\\_presse/evenements/2014/04/JLPI\\_2014.pdf](http://www.eco.public.lu/salle_de_presse/evenements/2014/04/JLPI_2014.pdf)

## WIPO's Building Respect for IP Division

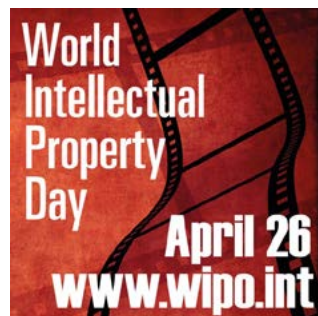


The World Intellectual Property Organization celebrated World IP Day on 26 April 2014 under the banner “Movies – A Global Passion”, focusing on the role of IP in supporting the film industry. Industry personalities provided fascinating video messages for the WIPO web site <http://www.wipo.int/ip-outreach/en/ipday/> and WIPO's Communications Division, in addition to organizing a free programme of film screenings in Geneva, supporting events all round the world

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that celebrate IP and the movie industry. Many of them are reported on WIPO's IP Day Facebook page: <https://www.facebook.com/worldipday>.

Of course, the work of building respect for IP goes on every day at WIPO, in particular in the division dedicated to that purpose. This work concerns much more than the enforcement of IP rights, extending more generally to public awareness and the encouragement of a beneficial social and business environment for IP. As a UN agency with 187 member states, WIPO is well placed not only to conduct its own initiatives, but also to support and coordinate the diverse activities of national and regional IP offices, sharing national experiences and providing technical assistance. The Building Respect for IP division's balanced approach takes fully into account social and economic concerns, in accordance with the mandate received from WIPO's member states. It is keen to continue and enhance its cooperation with the EU Observatory, which has already made remarkable achievements in the field of building respect for IP.



Under the leadership of its director, Louise Van Greunen, the BRIP Division carries out activities designed to achieve four goals:

- Progress in the international policy dialogue among WIPO member states
- The establishment of tailored and balanced legislative, regulatory and policy frameworks
- Enhanced capacity at the national level to develop and give effect to IP enforcement and respect for IP awareness policies and measures, taking into account socio-economic and development-oriented concerns
- Systematic and effective cooperation and coordination between the work of WIPO and

other international organizations in the field of building respect for IP.



The division manages the periodic sessions of the Advisory Committee on Enforcement, in which the WIPO member states meet, roughly every 18 months, to exchange views and experiences and receive information related to the enforcement of IP rights. At its last meeting on 3 to 5 March 2014, 72 countries were represented, along with 18 observers and 24 speakers.

The topics for discussion, which will remain on the agenda for the Committee at its next session, were first, the practice and operation of alternative dispute resolution in the IP field, and second, preventive actions undertaken to reduce the size of the market of counterfeit or pirate goods.

Through the year, the division provides legislative advice (on request) to individual member states; carries out numerous training missions with law enforcement agencies, judges and IP officials around the world; and supports the development of awareness-raising strategies by national IP offices. A highlight of 2014 for the BRIP division has been the organization, in partnership with national IP offices, of a film-themed competition in the context of World Intellectual Property Day. Pupils at schools in six countries (Antigua & Barbuda, Trinidad & Tobago, Malaysia, the Philippines, Kenya and Nigeria) were asked to imag-

## Stakeholder News

ine themselves to have made a movie and then to make a short video clip on the theme: “How would you convince your friends to respect your rights in this movie?” The concept was embraced with enthusiasm and it is hoped that it can be extended to other WIPO member states.

The division has a diverse portfolio of activities, defined not by legal subject-matter, but by the over-arching need to promote the protection of IP as a global motor of culture, trade and development.

## APM celebrates the international IP day with a release of a movie



The short film “Lichtblicke – Glimmers of Light” is a production of the Filmakademie Baden-Württemberg. The production is the result of a competition, where APM has asked the students of the Film Academy to present proposals on how to illustrate the topic “innovation and intellectual property” and its meaning for our society in a short film. The concept for the film “Lichtblicke” emerged as a winner from more than 30 submissions.

The film “Lichtblicke” was made by Dorian Lebherz and Daniel Titz (directors), Johannes Kunkel (production) and Helena Hofmann (producer) and is available in English and German version:

<http://www.markenpiraterie-apm.de/193-1-Film-projekt.html>

## And the Trademark World Met in Hong Kong



On 10-14 May, the International Trademark Association (INTA) held its 136th Annual Meeting in Hong Kong, convening the largest gathering of trademark owners, experts and government officials worldwide. It was the third outside North America (after Amsterdam and Berlin) and the first in Asia. This year, INTA hosted a record number of attendees outside the US. Among the total 8,605 attendees were 2,774 from Asia-Pacific (also an Annual Meeting record), 2,731 from Europe, 1,890 from North America, 798 from Latin America and the Caribbean, and 412 from Africa and the Middle East. Over 40 IP offices, IP attachés, and public authorities from around the world were also represented in Hong Kong, with particularly high attendance from the ASEAN countries.

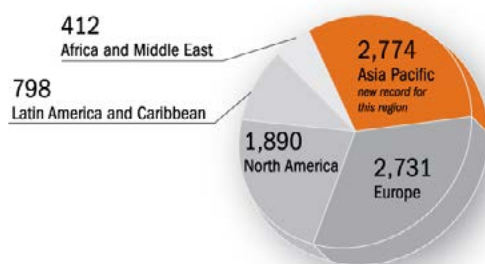
Over 300 educational opportunities were scheduled throughout the event including sessions titled “Criminal Action against Counterfeiters in China”, “A Response to Counterfeits in Transit: Case Studies from Hong Kong and Singapore”, “Working with Customs in Europe”; roundtables on the new EU Customs Regulation, online counterfeiting and infringement, and best practices for in-house anticounterfeiting programmes. The programme also included a specialized “Focus on Asia” track of eight sessions and presentations by the “TM5” offices and regional IP attachés. The Exhibition Hall featured over 130 service providers, publishers, law firms and IP organizations, including ARIPO, OAPI, OHIM and WIPO.

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A number of national and regional IP offices held meetings to engage with their users including OHIM, whose meeting for CTM / RCD users, was very well-attended. INTA is very pleased with the high level of participation from European officials and practitioners. Over 40 European jurisdictions were represented among the 2,731 European attendees. Led by President Antonio Campinos, OHIM sent 15 delegates to Hong Kong. Among them was the Director of the EU Observatory on IP Infringements, who met with INTA's Task Force on the EU Observatory for an exchange of views with members on the Observatory's initiatives, achievements and plans for the future.

INTA's Unreal® Campaign, a public awareness initiative to educate youth about counterfeiting, hosted a student engagement session in Hong Kong, its first outside the US and in a foreign language: Cantonese. Approximately 50 students from local schools engaged with the Hong Kong IP Department, Hong Kong Customs and Unreal Campaign sponsor Gucci, to discuss the impact of counterfeiting on society and public health. Estee Lauder and Fox Entertainment also sponsored the event.



The next INTA Annual Meeting will be held in San Diego (California) on 2-6 May, 2015. Information regarding future Annual Meetings and other INTA events is available at [www.inta.org/calendar](http://www.inta.org/calendar).

## Italian Project with consumers

Italian Patent and Trademark Office last February started up a second phase of the project with consumers' associations entitled "Io Sono Originale". The initiative was conceived to imply the citizen-consumer directly and actively the citizen-consumer in the fight against counterfeiting by providing complete information about industrial property. It aims at creating a correct perception of the phenomenon in order to make consumers aware of its negative effects, especially among youngsters, through the most popular social networks such as Facebook, Twitter and YouTube. The activity plan concerns three actions:

1. Realization of surveys and vademecum
2. In particular, two surveys regarding the IP perception and the counterfeiting phenomenon with two different targets: youngsters and adult consumers and nine editorial products (vademecum) concerning nine productive sectors (sportive clothes and shoes, agroindustry, furniture and design, ceramics, jewelry, glasses, shoes, leather goods and computer devices) providing consumer information and counseling on how to protect from and prevent counterfeiting
3. Creation of 5 front-offices as evidence of the territorial presence. The territorial front-offices are based in Turin, Venice, Rome, Naples, Bari and Catania and are all in charge of providing information about risks and damages of counterfeit products and counseling on IP protection and defense against counterfeiting. They will promote 20 events on counterfeit



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topics, about health protection and security in consumption. Information will be spread out through 12 bimonthly newsletters, which will collect all activities about the project carried out by the consumers' associations.

4. Setup and production of a virtual system. Many actions will be carried out:
  - Audiovisual on risks of counterfeit in 14 sectors
  - Website of the project
  - Thematic video/games with competition and award
  - Interactive section through social networks
  - Two apps to download from mobile devices

For more details: <http://www.uibm.gov.it/index.php/proprieta-industriale-e-contraffazione-avviate-le-iniziativa-per-i-consumatori-io-sono-originale>

## UK businesses will be able to better protect their intellectual property rights in the UK and abroad, with the new Intellectual Property Act receiving Royal Assent (14 May 2014)

A key part of the Intellectual Property Act is the creation of new powers for the UK to implement the Unified Patent Court Agreement. This is a central part of introducing a single patent across almost all EU countries, which could lead to savings of up to £40 million per year for UK businesses.

The Intellectual Property Act also provides new protections for designers, as well as removing red tape and some of the uncertainties for businesses when protecting their designs. It will also introduce a number of online services to help businesses better manage their intellectual property.

## AGCOM regulation on administrative copyright enforcement

On 12 December 2013 AGCOM gave final approval, by deliberation no. 680/13/CONS, available at <http://www.agcom.it/Default.aspx?DoCID=12229>, to a regulation concerning the protection of copyright on electronic communication networks. The regulation entered into force on 31 March 2014.

AGCOM's intervention is two-fold and takes into equal consideration both the support of the legal offer of digital works, the promotion of education and information for the public, and enforcement proceedings in case violations should occur.

The regulation is composed of five chapters. The first gives the definitions and outlines the aim and the scope of the regulation, which does not apply to peer-to-peer programmes aimed at a direct file sharing activity or to end-users. The second is centered on the measures proposed by AGCOM to boost the development and protection of the legal offer of digital works. With this aim, the regulation establishes a committee for the development and the protection of the legal offer of digital works, whose members are chosen among the associations representing the interests of all involved stakeholders.

The third and the fourth chapters describe the enforcement proceedings in the case of copyright violations online or on audiovisual media services (or radio services). Proceedings are launched only following a complaint by the right holders. All interested parties (e.g. service providers, uploaders, page/site owners) are then invited to participate and present relevant documentation.

Where an actual infringement of the copyright law is attested in the online environment, AGCOM can adopt different measures depending on the location of the server hosting the content: in case the server is located in Italy, AGCOM may

## Stakeholder News

order the hosting provider to remove the digital work from the website. If the server is located outside Italy, AGCOM may intervene only through mere conduit providers, who may be ordered to disable the access to the website. With regard to AVMS providers, on demand providers may be ordered to remove illegal content from their catalogues and linear service providers may be ordered to refrain from retransmitting illegal



works in their future schedules.

In cases of non-compliance with the orders, AGCOM can impose a fine from EUR 10.000 up to EUR 258.000, pursuant to Article 1, para 31, of the law no. 249/1997, establishing AGCOM itself.

The first orders have been adopted during the months of April and May, leading to the blocking of five entirely pirate websites, which were allowing users to download very recent movies and music albums. A significant number of proceedings have been archived following the spontaneous removal of the illegal content. The list of ongoing proceedings and interventions is published at <https://ddaonline.it/interventi.html>.

## News from AAPA

At a conference organised by the European Observatory on Infringements of Intellectual Property Rights, managed by OHIM and EUROPOL and AAPA members. Christine Maury Panis from Viaccess-Orca and Andreas Rudloff from Sky Deutschland presented the challenges of card sharing and illegal streaming to the 90 delegates from law enforcement agencies, including the police, prosecutors and customs bodies, as well as private sector stakeholders. It was made clear that the broadcast and online distribution of sports contents forms a significant part of the sports and Pay TV businesses. Consequently, online piracy, whether in the form of card sharing or streaming, is a serious crime, damaging both right holders and Pay TV operators.

Case studies were discussed during a workshop co chaired by Sheila Cassels, Executive Director of AAPA and Marios Aristidou for the IP Crime Unit of the Cyprus Police.

In parallel, AAPA has opened dialogue with Benoit Lory from DG Trade to better understand Euro-China IP dialogue. It is clear that many set top boxes facilitating internet piracy ( card sharing and streaming) are originating from China, mostly Shenzhen. It was suggested that AAPA could try to obtain Member States' support. A meeting with the UK IPO has been organised in that respect. It has been decided to concentrate on evidence gathering so that IP attaches can better explain the situation in China to Chinese authorities, working with the Observatory and the IP key programme, and try to obtain there clearer legislation in terms of copyright infringement and illegal business operations.

## Stakeholder News



## IP Education in Slovakia: Successful Slovak Customs Administration Graduates

Since 2000 the Industrial Property Office of the Slovak Republic (IPO SR) offers Intellectual Property Courses under a four-module education scheme accredited by the Ministry of Education of the Slovak Republic for both professionals and general public. These 4 modules are: A – Intellectual Property and Copyright Basics; B – Creativity, its Management, Marketing and Economy; C – Information in the Field of Intellectual Property; and D - Industrial Property Law.

Growing interest and effective promotional activities of the IPO SR resulted in great, unexpected interest of the Customs Administration in the Intellectual Property Course in 2013. The IPO SR received 46 new applications for the course.

In the middle of May 2014, a group of 18 customs officers from Department of consumers Protection and IP graduated and completed the first study module. There has been close and fruitful cooperation between customs and the IPO SR for years.

The education of enforcement agencies representatives is one of the main objectives of National IPR Enforcement Strategy approved by the Slovak Government in 2011.



## Italian Patent and Trademark Office contributes actively to the UNODC campaign on counterfeiting



The Directorate General for the Fight Against Counterfeiting – Italian Patent and Trademark Office (I.P.T.O.), contributed actively to the elaboration of the contents of the global campaign on counterfeiting, promoted by the United Nations through the United Nations Office on Drugs and Crime (UNODC).

Following other initiatives relating to criminal phenomena, particularly serious, realized in the past, the United Nations focused their attention on the phenomenon of counterfeiting, through the production of a video spot, translated in different languages, and a specific [document](#), linked to counterfeiting.

The video spot "*Conunterfeit: don't buy into organized crime*", was broadcast in Italy by Mediaset Group. It focused on the consumer, the involvement of transnational organized crime in the illicit traffic of counterfeit products and on the negative impact that counterfeit has on all of society as well as on safety and consumers' health.

## Stakeholder News



The document *The illicit trafficking of Counterfeit Goods and Transnational Organized Crime* refers to the study conducted by the Directorate General for the fight against counterfeiting in collaboration with Unicri United Nations Interregional Crime and Justice Research Institute.

## Italy confirms anti-counterfeiting commitment by renewing its strategy for the years 2014-2015



The Italian Anti-Counterfeiting Council (CNAC, *Consiglio Nazionale Anticontraffazione*) is moving ahead with its strategy after expiration of the two-year office term of former delegates and appointment of new delegates representing its member institutions for the next two years. This strategy revises the 2012 National Anti-Counterfeiting Plan in view of two important institutional events: the Italian Presidency of the EU in the second half of 2014 and the Universal Exposition to

be held in Milan in 2015 (*Expo 2015 - Feeding the Planet. Energy for life*). "Made in Italy" protection from foreign usurpation, anti-counterfeiting law enforcement at local level, and online counterfeiting are the three priority areas outlined by the Council. Representatives of enforcement agencies and business associations, involved in the Council through the setting up of dedicated Commissions, have worked on a document to be released in June 2014 and presented to CNAC's President for its inclusion in the Italian Presidency agenda. This document will feature action proposals aiming at tackling critical issues in each of the three priority areas. Among proposals currently being developed in partnership with the French CNAC: the organization of a Euro-Mediterranean meeting of national anti-counterfeiting committees to be held in Rome late November 2014 in order to strengthen anti-counterfeiting cooperation in the area.

CNAC ([www.cnac.gov.it](http://www.cnac.gov.it)) is Italy's inter-ministerial body provided for the Italian Industrial Property Code in order to direct, boost and coordinate the strategic initiatives undertaken by the many institutions in the fight against counterfeiting. Its final aim is to improve enforcement action against counterfeiters at national level. CNAC members include 11 ministries and the Association of Italian Municipalities. Representatives of enforcement agencies, business associations and consumer associations are also involved, in order to include the varied competencies needed to fight against counterfeiting.

## News from Brussels and Beyond

### Commission communications on better enforcement of intellectual property rights in the EU and in third countries

As already mentioned in the Editorial on Tuesday 1 July the European Commission adopted a package comprising two communications – An Action Plan to address infringements of intellectual property rights in the EU and a strategy for the protection and enforcement of intellectual property rights (IPR) in third countries.

The EU Action Plan will set out 10 specific actions providing for new enforcement policy tools to address in particular commercial scale IP-infringing activity. These activities are considered as the most harmful and represent a key challenge for the EU as they undermine investment in innovation and sustainable job creation. These new (non-legislative) tools include the so-called “follow the money” approach seeking to deprive commercial scale infringers of their revenue flows.

The Strategy for the protection and enforcement of intellectual property rights in third countries will review the Commission’s approach to IPRs towards third countries in light of current challenges in the international IP environment. Its aim will be to enhance cooperation between authorities, including customs authorities, in the EU and third countries in the fight against the trade of IP-infringing goods, and goes hand-in-hand with the EU Customs Action Plan.

Their common objective is to (i) use all means to efficiently dissuade and impede the entry and diffusion of IP-infringing products into the EU and externally; and (ii) stimulate investment, growth and employment in IP-reliant sectors that are key to our respective economies. Making consumers and producers more aware of the wider consequences of IPR infringements through debates and awareness-raising is also an important part of the strategy. For more information please go to: <https://oami.europa.eu/ohimportal/en/web/observatory/news/-/action/view/1306727>

### MEP Rapkay visit - meeting in Alicante



German MEP Bernard Rapkay, one of the 10 MEPs appointed from the outgoing Parliament to act as observers of the work of the Observatory, visited OHIM in May. Mr Rapkay met President Campinos and the Director of the Observatory, Paul Maier, during his visit. Afterwards, Mr Rapkay shared his impressions of the Observatory’s work.

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## News from Brussels and Beyond

### Article By Oksana Popruga from the EU delegation in Ukraine

Following the recent unprecedented events in Ukraine and election of reform-minded authorities, expectations of comprehensive reforms are high both inside and outside Ukraine. The strengthening of the Ukrainian IP legislative and enforcement framework are recognised by the Ukrainian authorities as an important element of that reformation. The EU Delegation in Kyiv works closely with DG TRADE in Brussels to help Ukraine implement this reform successfully.

I recently attended the inaugural meeting of the EU Delegation Network meeting at OHIM to support me in this role and it was invaluable to meet and share experiences with other IP leads in EU Delegations across the globe. On a day to day basis, I deal with IP issues raised by EU businesses facing difficulties operating within Ukraine. The one message I would give to any business thinking of operating in Ukraine is that the country faces big challenges of stability and modernization but also has great potential.

My longer term work involves continuing discussions with the Ukrainian government through the IP Dialogue and other bilateral discussions, with the objective of solving the concrete problems faced by EU companies who are also actively involved in the preparation of the meetings.

Assisting the Ukrainian government with the strengthening of their IP regime is also a big part of the delegation's work. We are implementing an EU funded Twinning Project in this regard, officially launched on the 29 May ([http://sips.gov.ua/en/twinning\\_eng](http://sips.gov.ua/en/twinning_eng)). The project will help Ukraine prepare for the implementation of the IPR Chapter of the future Association Agreement, when it comes into force with regard to provisions on copyright, designs (including unregistered) patents and Geographical Indications, as well as to reinforce IPRs based on the EU's internal rules.

IP issues are only one part of a very wide and varied portfolio for me, but it's a really exciting area and I'm very pleased to be working on it.

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## Event Calendar

- OHIM/EPO Executive Week  
7 – 11 July 2014
- Meeting of WG  
22 — 26 September 2014
- Enforcement  
22 September 2014
- IP in the Digital World  
23 September 2014
- Legal  
24 September 2014
- Public Awareness  
25 September 2014
- Statistics and Economics  
26 September 2014
- Advisory Board Meeting  
30 September 2014
- Nordic Regional Seminar on Enforcement  
6 — 8 October 2014
- Plenary of the Observatory  
28 — 29 October 2014
- Public Stakeholders Meeting  
Italian Presidency  
25 — 26 November 2014