



OBSERVATORY NEWS

IP in the Digital World and Awareness



Update on the establishment of the out-of-commerce works portal

The EUIPO has finalized the definition of requirements for Phase 1 of the out-of-commerce works portal. The portal is being established in compliance with Directive 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.

A number of stakeholder meetings and consultations took place, including the Meeting with the Member States on the Establishment of the Out-of-commerce Works Portal, on 8 October 2019 in Alicante, and the Technical Expert Group Meeting on the Establishment of the Out-of-commerce Works Portal, on 10 December 2019 in Brussels. As a result, significant contributions to the main features of the portal were received. Taking the input from the stakeholder consultation into account, and in collaboration with the European Commission, the [High Level Specification](#) document was prepared, which was used as a basis for the definition of technical specifications for IT development. Following the definition of requirements, the EUIPO has launched IT procurement procedure, to be followed by IT development.

Once established, the portal will be available to different users such as cultural heritage institutions, collective management organisations, rights holders, public authorities, contact points and public users. Its main purpose is to make the information about the ongoing and future use of out-of-commerce works publicly available. The portal will be launched by 7 June 2021, as required by the Directive.



IP in Education Network Meeting

The [IP in Education Network](#), established in 2016, held its first virtual meeting on 7 May. This meeting comes at a time of great transformation in the world of education, as teachers, students and official bodies continue to look for a way to continue the cycle of education in the current crisis situation. [Read more.](#)



Workshop on e-commerce with trade mark owners

Following a [first meeting with e-commerce marketplaces](#) that was held in Alicante in February, representatives from major trade mark owners, SMEs, trade mark associations and the EUIPO met via video conference on 14 May. [Read more.](#)



Agorateka Phase 2 meeting

Following the establishment of agorateka as a European portal to foster the discoverability of legal digital content, covering now 24 national portals and close to 2000 legal offers sites, the European Observatory on Infringements of Intellectual Property Rights has been looking at the possibility to build an EU-wide search engine functionality able to provide consumers with a quick and easy access to legal digital content, notably on the basis of a pilot. Several challenges were identified in this respect such as complexities of the data extraction from legal offer sites, maintenance costs as well as competition of private entities.

The Observatory met on 23 June with private stakeholders from relevant content fields (music, sports, books, films & TV, games) to discuss Phase 2 of the agorateka portal project and explore further what would be relevant and technically feasible in this respect.

Whereas a search functionality might not be specifically useful for consumers for the music, books, sports and games categories, or relevant only at national level for the audio-visual category, stakeholders highlighted the highly technical complexities as well as the financial constraints linked to the establishment and maintenance of such a functionality.

Stakeholders confirmed the importance of agorateka as a discoverability tool for legal digital content and expressed support in this respect but also recognized the fact that a phase 2 might be too complex and costly for a public entity.



2020 Spring media campaign

The **2020 Spring media campaign** launched on June 10 at the occasion of the World anti-counterfeiting day in all European countries, highlighted the results of two major reports: ['Status report on IPR infringement, Why IP Rights are important, IPR Infringement, and the fight against counterfeiting and piracy'](#), and ['IP crime and its link to other serious crimes - Focus on Poly-Criminality – IP Crime Case Book'](#)

Supported by stakeholders initiatives in media and events, the Campaign built on the risks for consumers, revenue losses for government as well as links of counterfeiting and piracy to organized crime and thus attracted significant public attention. It achieved extensive media coverage in all countries, reaching more than **900 articles** across the EU and an Advertising Value Equivalence of more than **8 million euros** so far. EUIPO contributed to 30 interviews thus securing coverage in major media outlets in selected countries.



Kick-off meeting for the Infringing business models study on Third party Vendor accounts

The work on the **Vendor Accounts study** that should facilitate the understanding of the business models and operating modes of IP criminals misusing a single or multiple open internet, decentralized or Darknet based trading platforms for their criminal activities started and its methodology is being finalised. The study focuses on the activities of the IP criminals and not the liability issues in regards to the trading platforms and other intermediaries.

Enforcement and SMEs



Kick-off meeting: Research on Legislative Measures Related to Online Infringements (Phase 2)

The European Observatory on Infringements of Intellectual Property Rights held an online meeting on 7th and 8th May with the experts participating in the *Research on Legislative Measures Related to Online Infringements (Phase 2)* study. [Read more.](#)



EIPPN Workshop 2020

On 19 May 2020, the EUIPO and the European Union Agency for Criminal Justice Cooperation (EUROJUST) held its sixth annual workshop of the European Intellectual Property Prosecutors Network (EIPPN) by videoconference. [Read more.](#)



Virtual judges' seminar on trade marks

In follow up to the first judges' seminar which took place virtually in Lisbon on 15 and 16 April 2020 with some 45 judges and prosecutors originating from around 15 countries, another seminar on new trade mark features took place on 16 and 17 June 2020, with 90 judges and prosecutors from 23 countries. [Read more.](#)



Activities with Market Surveillance authorities (MSA) on unsafe and substandard products

The Observatory is currently working to enhance cooperation between IPR enforcers and Market Surveillance Authorities (MSA) which have a different focus, ie on safety and application of standards. Unfortunately there is lack of data regarding the link between unsafe and counterfeit products. As a first step, the Observatory will slowly open up its IP Enforcement Portal to these authorities but also work on these to be able to mark the relevant detained products as “suspected of being counterfeit” when necessary. The Observatory is also working on defining a possible pilot on testing goods with regard to both products being counterfeit and unsafe and substandard. For this, rights holders have been invited to provide suggestions on which counterfeit products with potentially dangerous consequences could be included.



IP Enforcement Portal – Trainings for rights holders and enforcers via Zoom

The IP Enforcement Portal team has adapted to the new situation for the trainings. The one-to-one workshops and off-site trainings have been replaced by Zoom conferences. For rights holders an online DEMO and Q&A session was organised on 28 May. It consisted of a walkthrough of the Portal, explaining the different features and the context behind. Some 60 rights holders attended the session that was held in English.

Given the positive response of our users, the same format will be repeated on 15 July. After Summer, the idea is to have shorter sessions, each dedicated to a different feature of the Portal.

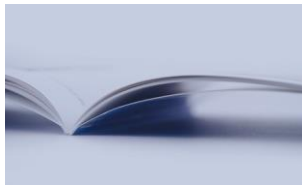
For the authorities we have adapted to their languages and tailored the online trainings to their needs. So far trainings have been held in ES, DE, GR and EN. More will follow.

Reports and Studies



2020 Status Report on IPR Infringement

As part of the annual Spring Campaign and to mark 'World Anti-Counterfeiting Day' EUIPO launched the **2020 Status Report on IPR Infringement** on 10th June. [Read more.](#)



Joint EUIPO-Europol report on IP CRIME AND ITS LINK TO OTHER SERIOUS CRIMES

The joint EUIPO-Europol report on IP CRIME AND ITS LINK TO OTHER SERIOUS CRIMES was published on the 10th June. [Read more.](#)



Report on Open-Source software in the European Union

The Observatory report on Open-Source software in the European Union was published on the 26th June. [Read more.](#)

Stakeholder news



Observatory Outreach Expert online meeting

The European Observatory on Infringements of Intellectual Property Rights held an online meeting for the Observatory Outreach Expert Group on Wednesday 17 June.

[Read more.](#)



Observatory Legal Expert online meeting

The European Observatory on Infringements of Intellectual Property Rights held an online meeting for the Observatory Legal Expert Group on Tuesday 12 May.

[Read more.](#)



Observatory private sector representatives meeting

The European Observatory on Infringements of Intellectual Property Rights held its annual Private Sector Representatives meeting on 9 June. Due to the current situation regarding COVID-19, the event was held as a virtual meeting. [Read more.](#)



Update from awareness grant projects

Please find more information from some of the beneficiaries of the 2019 grants [here](#).

Other



EUIPO is setting up a list of economic operators interested in providing independent and hands-on expertise to foster IP cooperation and increase effective awareness in the field of intellectual property rights in both EU and non-EU countries.

The services will be related to the activities of [EUIPO](https://euiipo.eu), the international cooperation projects EUIPO is implementing in different regions of the world (<https://ipkey.eu/en> and <https://euipeuf.eu/en>) and to [European Observatory on Infringements of Intellectual Property Rights](https://europeanobservatoryoninfringementsofintellectualpropertyrights.eu).

The list will be valid for four years and the services may include economic, legal and enforcement studies on IP and non-IP matters, capacity building, technical assistance, academic research, outreach activities, development of guides, manuals and reports, monitoring and evaluation, comparative research and assessment, drafting of contributions to foster IP cooperation and increase effective IP awareness.

Interested economic operators can find more information and register at :

- Applications/requests for clarification need to be submitted through etendering at this link: <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=6554>
- The official contract notice is available in <https://ted.europa.eu/udl?uri=TED:NOTICE:268673-2020:TEXT:EN:HTML>
- It has been published on EUIPO's website <https://euiipo.europa.eu/ohimportal/en/public-procurement>



COVID-19 – related initiatives

Many Observatory stakeholders and partners are valuably contributing to the global effort against the pandemic by supporting the fight against fake COVID19-related medical products and protective equipment. Contributions from the enforcement and awareness perspective come from all sides: from the public sector, notably customs, from civil society and consumer organisations, as well as from the private sector, which is also adapting to urgent manufacturing needs.

While several enforcement operations, including [pan-European](#) ones supported by Observatory, took place to tackle the illicit online and offline trafficking of misused and counterfeit medicines and medical products, analysis and intelligence on how criminals are exploiting the pandemic, were [released](#).

Stakeholders from civil society, consumer associations, and patient safety organisations and other initiatives focused on rogue traders to provide information and materials to inform citizens at national level relating to COVID19.

IP crime issues were further raised towards decision markers through various initiatives and webinars. The pharmaceutical industry has also been very active in warning consumers about [the risks and growing availability of fake, falsified and substandard medical and healthcare products and medicines](#).

The Observatory contributed to coordination efforts notably through the IP enforcement Portal, gathering intelligence from rights holders on fake or illicit COVID-19 products to support operations and organized with the TIC-Council a webinar for enforcers and members of TIC-Council, with a focus on falsified certificates presented to customs at import of PPE (Personal Protection Equipment).

Events



Observatory Plenary meeting

The next Observatory Plenary meeting will be held **30 September and 1 October**.



Save the date for International IP Enforcement Summit, 22 – 23 June 2021

The fourth **International IP Enforcement Summit** will take place on **22 and 23 June 2021** at the [Royal College of Music](#) in **Stockholm**, Sweden.

The Summit aims to bring strategic and practical guidance and share good practices on how the fight against counterfeit and piracy should contribute to a healthier society, a more sustainable environment and a stronger economy. Unique in this version is that the participating right holders, intermediaries and law enforcement authorities will be invited to agree and sign up for a joint declaration that should make their roles and responsibilities clear and boost effective cooperation.

Invitations will be sent closer to the date with a link for registration.

[Privacy Statement](#)

[Click here to see all upcoming events](#)