



Report on the EU internal market enforcement of
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property rights:**

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EXECUTIVE SUMMARY

REPORT ON THE EU INTERNAL MARKET ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS:
RESULTS OF DETENTIONS IN EU MEMBER STATES, 2019

In September 2019, the EUIPO published the '*Report on the EU enforcement of intellectual property rights: results at EU borders and in Member States 2013-2017*', containing an analysis of detentions both at the EU border (as reported by DG TAXUD) and within the EU internal market, and providing information about trends in that matter for that period.

Following that report, the EUIPO is now publishing this '*Report on the EU internal market enforcement of intellectual property rights: results of detentions in EU Member States, 2019*', produced from the analysis of the data on the detentions within national markets reported through the IP Enforcement Portal by 25 Member States' enforcement authorities⁽¹⁾ in 2019. Its objective is to provide useful information to support the analysis of IPR infringements in the EU and the development, by the relevant enforcement authorities, of appropriate countermeasures, since the figures allow for a better understanding of the scope and extent of the problem. On a broader scale, it should provide EU policymakers with data to develop an evidence base for priorities and policies.

The lack of complete data on detentions within some national markets during that period was due to different reasons. In some cases, none of the Member State's enforcement authorities had shared their data with the IP Enforcement Portal community, while others had not provided full data sets. Limitations in the availability of data on the EU internal market detentions, in some cases exceptional due to the impact of the COVID-19 pandemic and the consequent lockdown in many parts of the EU, may affect in part the results obtained.

- According to the figures reported by police, customs and market surveillance authorities in the EU internal market, the annual number of IPR-infringing items reported as detained in 2019 (40 million) decreased compared to 2018 (70 million). As mentioned above, the figures reported have been conditioned by the pandemic lockdown scenario that has impeded the provision of data by a number of authorities, but only partially: these conjunctural gaps in the provision of data were estimated to represent some 5 million unreported items out of the total reduction of 30 million items.
- Despite the large reduction in the number of items detained, the estimated value of the reported items detained in the EU internal market remained almost unchanged in 2019 (EUR 1.8 billion) compared to 2018. The reasons for this apparent contradiction are twofold: the shift in the composition of the 'basket' of products detained, from cheaper products in 2018 to more expensive ones in 2019 (e.g. more *Clothing accessories* and fewer *Toys* in 2019), and the increase in the estimated unitary value of these products. The first reason contributed by two thirds to the neutralisation of the otherwise expected decrease in the estimated value.
- For both the number of items and estimated value, the top 5 Member States accounted for about 92-96 % of the total detentions in the EU internal market in 2019. For both accounting criteria, Italy clearly led the way, with more than 66 % of the detentions in terms both of number of items and of estimated value. Spain, France and Greece appeared in both top 5 rankings of EU national markets detentions by number of items and estimated value.
- Of the top 4 product subcategories identified, *Clothing accessories* was the leader, both in terms of the number of items reported as detained within the EU and also in terms of their estimated value. The *Clothing* subcategory also appeared in the top 4 most detained products within the EU internal market in 2019 for both accounting criteria.
- Trade marks predominated as the most infringed IP right in detentions in the EU internal market (in over 96 % of the articles detained a trade mark was infringed). Other infringed rights, such as designs (in about 11.5 % of the items detained this type of IP right was infringed) and, to a lesser extent, patents and copyright, played a role in the EU internal market.

⁽¹⁾ Records on EU internal market detentions are not available from the Austrian, Swedish and German enforcement authorities, the first because of the nature of its national regulations, the second because there are currently no statistics on national detentions in Sweden, and the third because they have not yet joined the data provision network.

