

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE
***"IPR PROTECTION AND TRANSFORMING RESEARCH
AND DEVELOPMENT OUTPUTS INTO INTANGIBLE
ASSETS IN ECONOMIES IN TRANSITION"***

The European Union: Enforcement of IPR

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Outline

- IPR Enforcement: The EU role
- Enforcement in third countries: The IPR Enforcement Strategy
 - Bilateral cooperation
 - Multilateral cooperation
 - Technical assistance
 - Cooperation with the private sector

The Problem

- International trade (only) of counterfeits valued at \$200 billion/year by the OECD report of 2007
- 250m articles seized at EU border in 2006 (from 75m in 2005 !)
- Growth in seizures of fakes dangerous to health and safety : e.g. counterfeit medicines (2,7m in 2006 from 0,5m in 2005) but also foodstuffs (1,2m) toys (2,6m), cosmetics, etc.
- 86% of all fakes coming from **China**. **India** the main source of counterfeit pharmaceuticals and **Turkey** of foodstuffs.

IPR enforcement: The EU role

- The split of competencies between the EU and its Member States
 - Legislative power - Shared responsibility
 - Justice, Police, Administration, Customs - Limited but increasingly important role of the EU
 - Trade related aspects of IPR – EU exclusive competency

The Enforcement Strategy

- Adopted in November 2004. Sets guidelines for EU action on the promotion of IPR enforcement around the world
 - Strong emphasis on cooperation and dialogue but also warning that EU cannot afford to tolerate continued, systematic and large scale infringements of IPR
 - Identification of priorities. Announced in the *Global Europe* Communication (October 2006): China, Russia, Turkey, Ukraine, Chile, Korea, ASEAN and Mercosur

Bilateral Cooperation

- With Key Trading countries
 - Making clear to our partners the importance of IPR enforcement for the EU - Bilateral Dialogues in China, Russia and the Ukraine to discuss specific problems
 - Result oriented discussion of specific problems
 - Participation of competent enforcement authorities
 - Participation of Industry
 - Joint conclusions, to allow progress assessment
- Important role of EU Delegations – IPR experts in Beijing, Moscow and Bangkok. Expanding network

Bilateral Cooperation

- With Countries sharing EU concerns
 - EU-US Action Strategy
 - Customs cooperation and joint actions
 - Coordination and exchange of information between enforcement authorities and Embassies in third countries
 - Coordination of technical assistance
 - Active involvement of private sector, including promotion of links between EU and US right-holders
 - Support of private sector (help-desks for SMEs, trade fairs)
 - Cooperation with Japan

Bilateral Cooperation

- Free Trade Agreements
 - Strengthening of enforcement element in IPR chapter of bilateral FTAs
 - Rules based on EU *acquis*
 - 2004 Enforcement Directive
 - 2003 Customs Regulation
 - Future Directive harmonising criminal sanctions

Multilateral Cooperation

- **WTO:** Launch of debate on enforcement at TRIPs Council. EU communications on enforcement + joint EU, US Japan and Switzerland statement
- **G8:** Adoption by Heads of State of joint measures to tackle counterfeiting and piracy – Heiligendamm 2007
- **OECD:** Project on economic impact of IPR infringements

Technical Assistance

- Training programs, seminars, preparation of laws, capacity building
- Increased focus on IPR enforcement
- Multi-year IPR programmes in China, ASEAN, Central Europe

Cooperation with Private Sector

- Regular consultation of industry to reassess priorities.
- Issued the 2006 Enforcement Survey: extensive report on the situation in over 40 countries, with detailed assessment of positive and negative aspects of IPR enforcement
- Creation of simplified and free-to-use mechanism for customs registration
- Support of right-holders (particularly SMEs) investing abroad. Use of IPR Help-desk. Also IPR Guidebook
- Participation of stakeholders in IPR dialogues with third countries to discuss specific concerns

Results

- Difficult to assess !
- Due to lack of strong coercive tools like the trade defense instruments, ultimately a lot depends on each country's willingness and resources to tackle the problem
- Increased awareness of the problems across the board – hopefully !
- Illegal Websites have closed down; some individual cases resolved; legislative improvements adopted
- Future joint training actions

Message to Right-holders

- Protect your rights : Register them, Enforce them – use the police, customs, judiciary
- Let us know your difficulties : inform local EU Chambers of Commerce; use EU embassies; Commission services

Help us to help you !

For more details,
see DG Trade's IP Enforcement page:

http://ec.europa.eu/comm/trade/issues/sectoral/intell_property/index_en.htm