



The Role of WIPO in Building Respect for IP

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Moscow
October 6
2010
UNECE-OPORA Conference

1. The Context: Counterfeiting & Piracy

- Impact for Right Holders:

- Unfair competition.

- Negative impact on brand value and reputation.

- Negative impact on sales (market shares), royalties and licensing.

1. The Context: Counterfeiting & Piracy

- Impact for Consumers:

- Serious threats to health and safety.

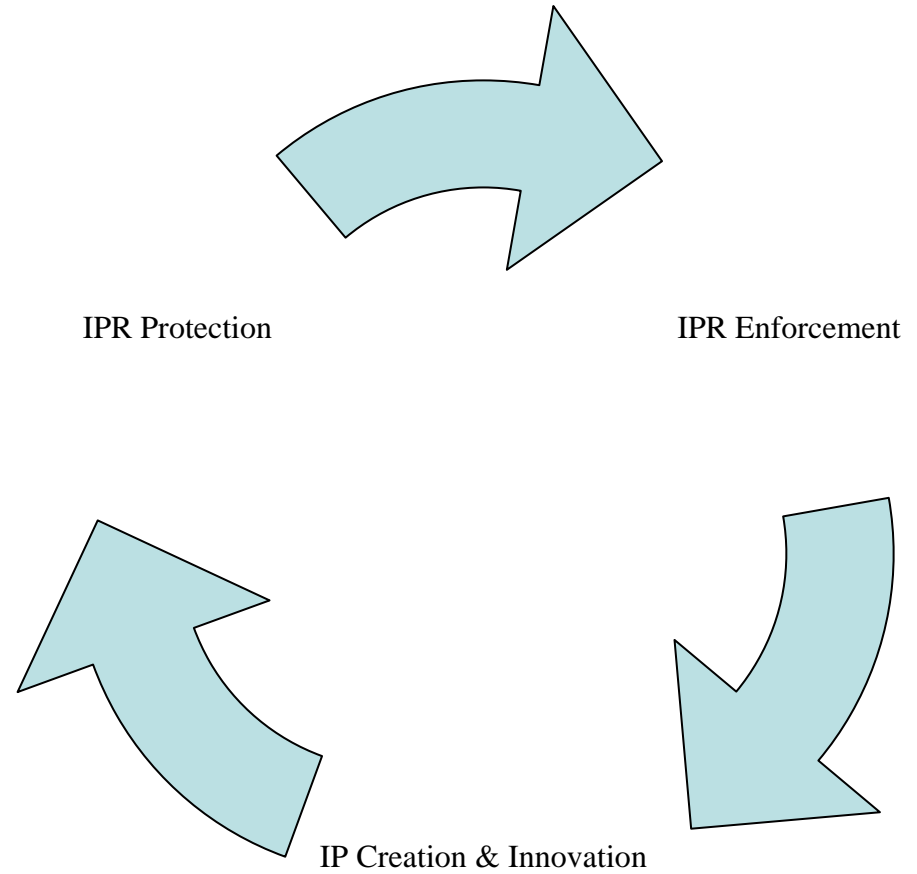
- Misleading (origin of the product, quality, etc.).

1. The Context: Counterfeiting & Piracy

- Impact for Governments:
 - Negative impact on innovation & creativity.
 - Discouraging international trade and foreign direct investments (FDI) – impact on transfer of technologies.
 - Undermining employments.
 - Losses of revenue (taxes).
 - Strengthening of criminal networks.

2. Building Respect for IP

Ensuring effectiveness to IPRs



2. Building Respect for IP

A) IP Enforcement

- At international level: TRIPS, Part III (*“Enforcement of IPRs”*)
 - Civil and administrative procedures & remedies;
 - Provisional measures;
 - Border measures;
 - Criminal procedures.

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- TRIPS, Art. 69: International Co-operation between Member States.
- TRIPS, Art. 7: « The protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and dissemination of technology, to the mutual advantage of producers and users of technological knowledge in a manner conducive to social and economic welfare, and to a balance of rights and obligations ».

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B) International Co-operation:

- World Customs Organization.
- Universal Postal Union : amendment to Art. 15 of the Universal Postal Convention – insertion of counterfeit & pirated goods in list of prohibited items (entry into force: 01/01/2010) – cooperation with customs authorities.
- Interpol.

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- International Medical Products Anti-Counterfeiting Taskforce — IMPACT

<http://www.who.int/impact/about/en/>



(+ Council of Europe: Medicrime)

2. Building Respect for IP

- **Global Congress on Combating Counterfeiting & Piracy:**
Public-private partnership WIPO, WCO, Interpol + ICC-BASCAP, INTA, ISMA.

<http://www.ccapcongress.net/>



2. Building Respect for IP

C) WIPO's Role

Program and Budget for the 2010/11 Biennium

→ Strategic Goal VI: “International Cooperation on Building Respect for IP”

- Goal: Creating an enabling environment promoting respect for IP in a sustainable manner
- Means: Balanced strategy (right holders – consumers – society and public authorities) based on international co-operation → Program 17

2. Building Respect for IP

■ Inspiration: Recommendation 45 of the WIPO Development Agenda

- “To approach intellectual property enforcement in the context of broader societal interests and especially development-oriented concerns, with a view that “*the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations”*, in accordance with Article 7 of the TRIPS Agreement.”

2. Building Respect for IP

Implementation of Strategic Goal VI: Program 17 – “Building Respect for IP” → twofold purpose:

- International level: Informed and empirically well-founded policy discussions to support the creation of an enabling environment promoting respect for IP in a sustainable manner.
- National level: Strengthening the capacity of the Member States for the effective enforcement of IPRs in the interests of social and economic development and consumer protection.

2. Building Respect for IP

Program 17 → Concretely:

- The Advisory Committee on Enforcement (ACE) ;
- The Building Respect for IP Division.

2. Building Respect for IP

Advisory Committee on Enforcement

- < 2002
- Member States + Observers
- “advisory” => no norm-setting
- Mandate: (i) coordination with certain organizations and the private sector to combat counterfeiting and piracy; (ii) public education; (iii) assistance; (iv) coordination of national and regional training; (v) exchange of information.

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- 1st Session: 2003
- 2nd Session: 2004 - the role of the judiciary and the prosecution in enforcement activities
- 3rd Session: 2006 - education and awareness-building, including training
- 4th Session: 2007 - cooperation and coordination at the different levels – focus on criminal enforcement
- 5th Session: 2009 - contribution of, and costs to, right holders in enforcement of IPRs
- Working documents:
<http://www.wipo.int/enforcement/en/ace>

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■ Next session of the ACE – December 1-2, 2010

- literature review of methodologies and gaps in the existing studies re. counterfeiting & piracy ;
- types of infractions – motivations– taking into account of the various levels of development ;
- impact of counterfeiting & piracy on societies ;
- possible options from a socio-economic perspective to address the counterfeiting & piracy challenges.

⇒ http://www.wipo.int/meetings/en/details.jsp?meeting_id=20199

2. Building Respect for IP

Building Respect for IP Division

- Upon request of the Member State at stake:
 - legal assistance : comments, opinions and advices on draft laws and in enforcement areas.
 - strategic assistance on capacity-building.
 - => consultations & meetings with senior civil servants and magistrates.
- Training & awareness-raising activities.
- Exchange of information.

2. Building Respect for IP

- International Co-operation.

- e.g.: **Global Congress on Combating Counterfeiting & Piracy**: Public-private partnership WIPO, WCO, Interpol + ICC-BASCAP, INTA, ISMA.

<http://www.ccapcongress.net/>

- 6th Global Congress, in Paris, Cité des Sciences, on February 2-3, 2011
Host: INPI; Chair: WIPO



6. Conclusion

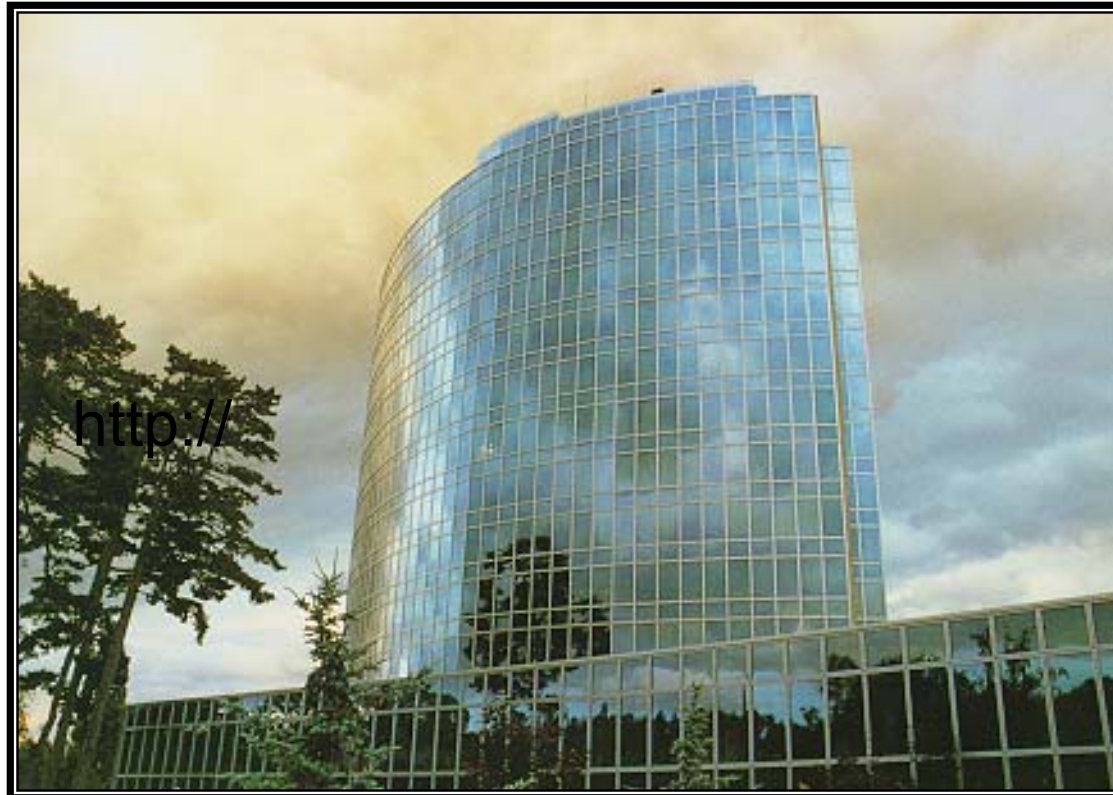
- IP Enforcement within the broader frame of building respect for IP:

“Well-functioning IP enforcement mechanisms are the best means to limit the number of violations of IP rights and to ensure that right holders and the society as a whole can reap the benefits from the IP system”

// TRIPS, Art. 7.



THANK YOU FOR YOUR ATTENTION!



www.wipo.int/enforcement/en/