



INTELLECTUAL PROPERTY DISPUTE RESOLUTION IN BELARUS: GOVERNMENT BODIES INVOLVED AND THEIR COMPETENCIES

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Adjudication System of IP Disputes in Belarus

- ***Administrative proceedings
(Board of Appeals of NCIP)***

- ***Judicial proceedings:***
 - ✓ ***Specialized Tribunal for Intellectual Property of the Supreme Court of Belarus;***
 - ✓ ***Courts of general jurisdiction.***



Board of Appeals of NCIP

The competence of the Board of Appeals:

- ***Complaints by applicants against NCIP decisions taken after examination of industrial property objects;***
- ***Third party challenges to NCIP decisions to grant legal protection to industrial property objects;***
- ***Applications to recognize a trademark as a well-known trademark in Belarus or to terminate its legal protection;***
- ***Applications to terminate legal protection of appellations of origin of goods or validity of certificates of the right to use appellations of origin of goods.***

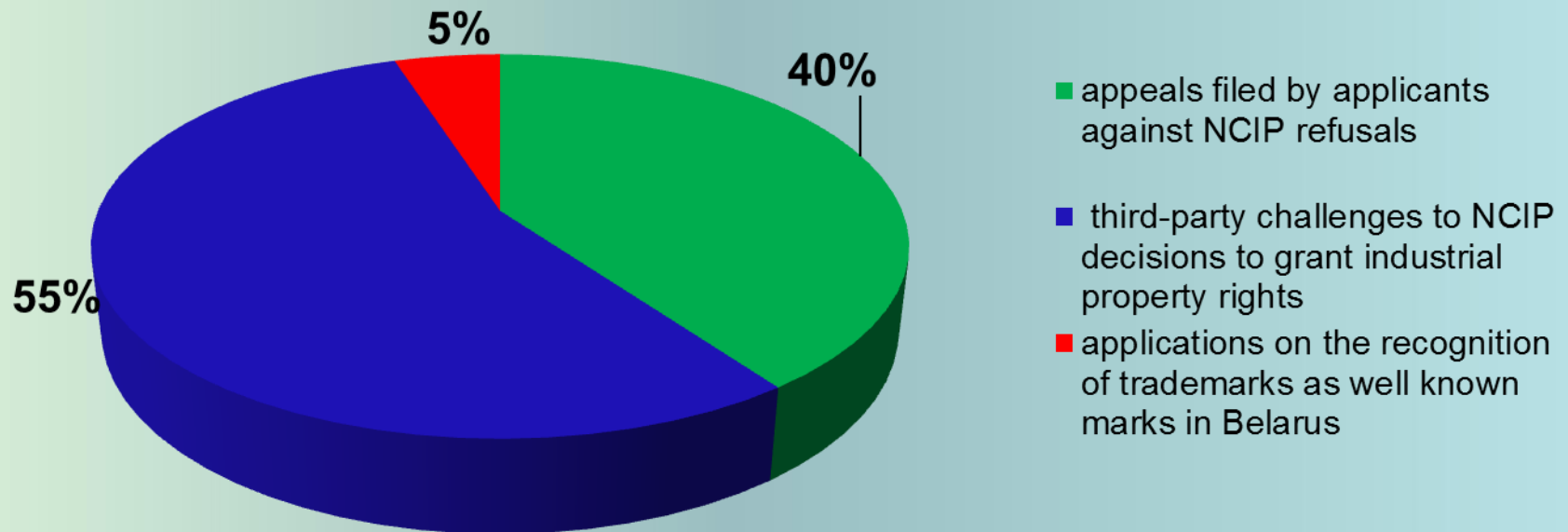


Board of Appeals of NCIP

Timeframes for resolving cases:

- *complaints against refusals – one month;*
- *third-party challenges and applications – six months.*

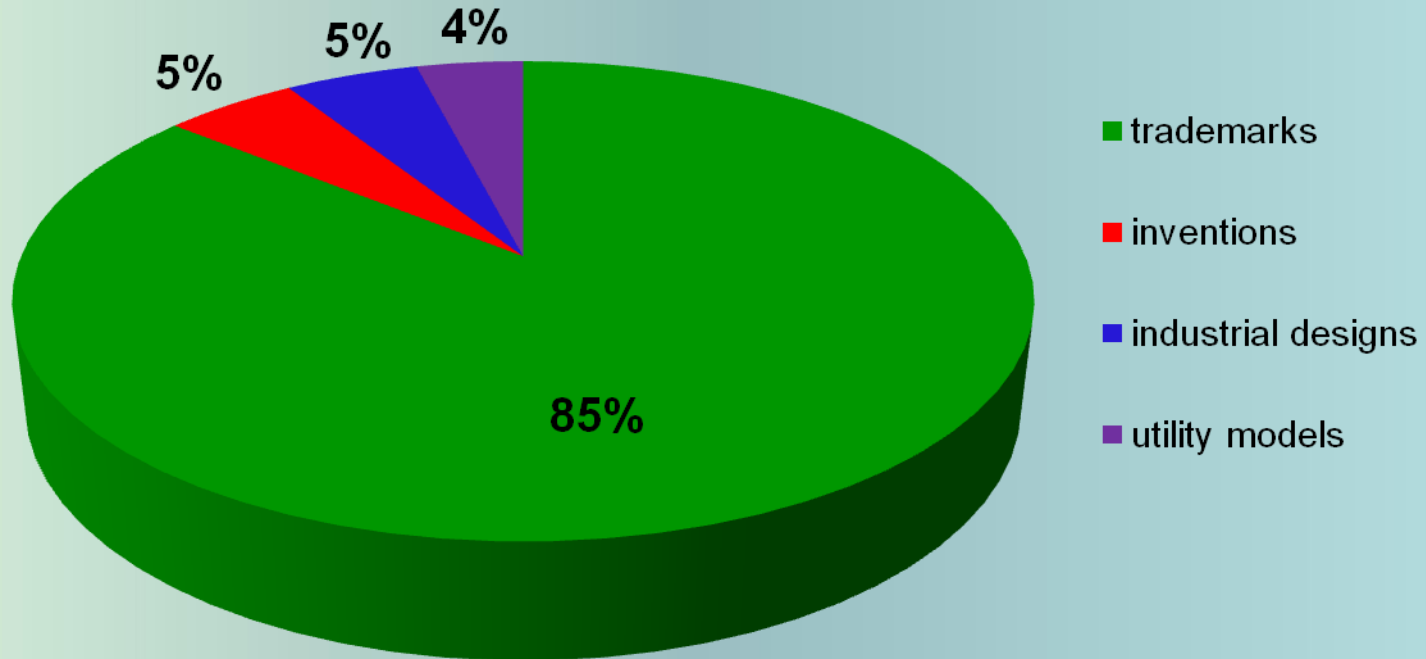
The Board of Appeals hears around 50 to 65 cases in the course of a year.





Board of Appeals of NCIP

Industrial property objects in respect of which disputes are considered





Specialized Tribunal for Intellectual Property Matters

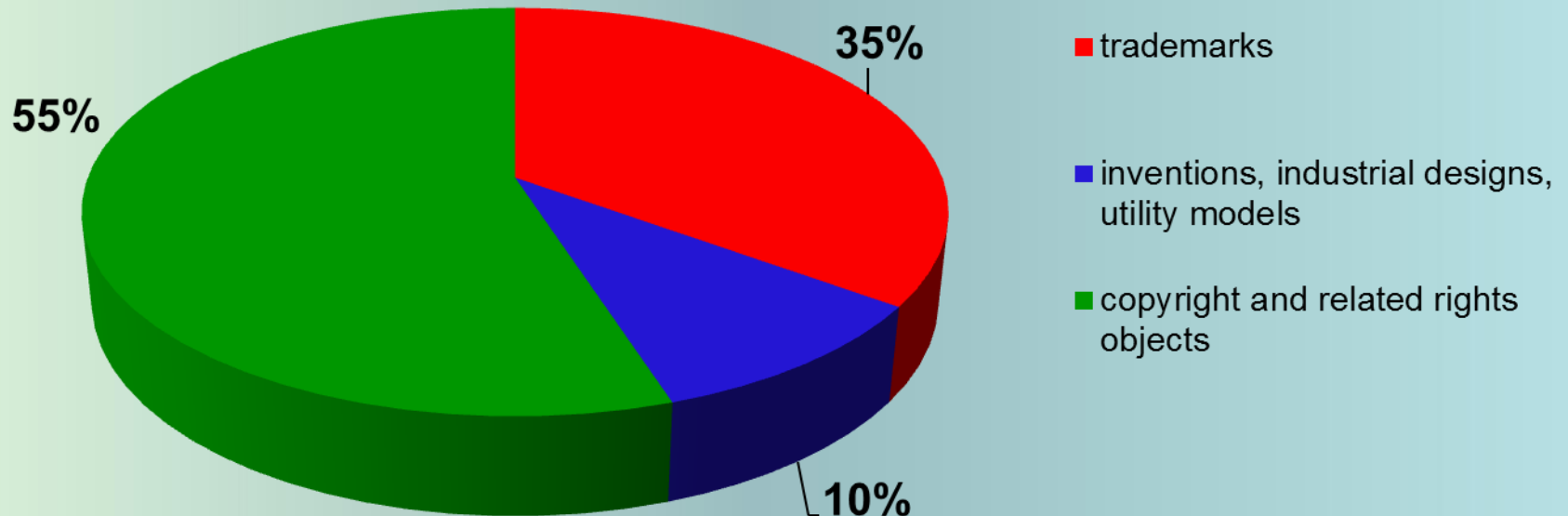
The competence of the Specialized Tribunal for Intellectual Property Matters:

- ***Appeals against decisions of the NCIP Board of Appeals;***
- ***Complaints by applicants against NCIP decisions taken after examination of industrial property objects;***
- ***Proceedings on the authorship of IP;***
- ***Proceedings requesting the early cancellation of legal protection of trademarks;***
- ***Proceedings relating to the determination of IP rights infringements and compensation for damages caused by such infringements;***
- ***Other cases.***

Specialized Tribunal for Intellectual Property Matters

The Tribunal hears around 100 to 130 cases per year.

Industrial property objects in respect of which disputes are considered





Information Technology and Intellectual Property Arbitration Tribunal

The competence of the Specialized Tribunal for Intellectual Property Matters:

- ***Disputes in the sphere of information technology in the presence of an arbitration clause;***
- ***Disputes in the sphere of IP in the presence of an arbitration clause.***



Courts of General Jurisdiction

Courts of general jurisdiction for IP infringements can give the following judgments:

- ***Administrative liability (payment of a fine and/or confiscation of the item that violates the law);***
- ***Criminal liability (corrective labor for a term of up to two years or a restriction of liberty or imprisonment for a term of up to five years).***



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Thank you for your attention!



Intellectual Property Lights the World

-Introduction of Zhongshan Guzhen Model
for Industrial Design Protection

智慧点亮世界

--工业品外观设计保护中山古镇模式介绍

Dr. Yin Ming

**Zhongshan Municipal Bureau of Intellectual Property,
Guangdong Province, People's Republic of China**

中国广东省中山市知识产权局



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—Guzhen Town, Zhongshan City , Guangdong Province
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- 3 Positive Effects of Zhongshan Guzhen Model**
- 4 Prospect of Zhongshan Guzhen Model**

中国中山

Zhongshan China



GD-HK-Macao(China), SF, NY Bay Areas at Night



GD-HK-Macao Bay Area (China) 中国粤港澳大湾区



World-class City Cluster
New Growth Pole of China's Economy

9 Cities + 2 SARS (Hongkong & Macao)

Guangzhou, Shenzhen, **Zhongshan**,
Foshan, Dongguan, Zhuhai, Huizhou,
Jiangmen, Zhaoqing

Population: 68.58ml

Area: 56,500KM²

GDP: \$1.48tln in 2017

≈ 12.25% of total GDP of China

≈ Total GDP of Korea or Russia

Zhongshan China 中国中山市



an area of **1,800**
square kilometers

面积 **1800** 平方公里



3.26 million people

常住人口 **326** 万



1 million overseas
Zhongshanese

旅居世界各地的
华侨和港澳台乡亲近 **百万**



1 中国灯都--中山古镇

Lighting Capital of China— Guzhen Town, Zhongshan City



Population: **153,000**

Area: **47.8 KM²**



1.1 Lighting Industry Profile , Guzhen Town, Zhongshan City



70%

Over 70% of the market share in China

200

Exported to more than 200 countries & regions

26,000

Over 26,000 enterprises

1000亿

Total production value exceed 100 billion yuan

中国中山

Zhongshan China



Commercial area of lighting marketplace in Guzhen

> 3 Million m²



Lihe Lighting Expo Center 800,000m²



Star Alliance Mall 360,000 m²



China Lighting Plaza 420,000 m²

Typical Characteristics of Lighting Industry

1.2 灯饰产业特色

产业高度聚集

High Degree of Production Concentration

制造链条完整

The Industrial Chain is Complete

专业分工精细

The Division of Labor is Fine and Clear

灯饰产品更新换代快

Lighting products update and replace fast

灯饰企业对工业品外观设计保护敏感度高，对灯饰工业品外观设计保护效率要求更高

Lighting enterprises are highly sensitive to the protection of industrial designs, and efficiency in IP Protection are required.



2 中山古镇模式：主要内涵

Zhongshan Guzhen Model : What It Contains ?

Why do we need new way of IP Rights
Protection for Lighting Industry ?

6 Months



1 Month

Enforcement Time

2.1 中国中山（灯饰）知识产权快速维权中心 Zhongshan Fast-track IP Enforcement Center (ZFIPEC)

IP Administrative Authorities
Taking the Leading Role and
Providing Guarantee
(National, Provincial & Municipal
Levels)

Fast-track Grant, Enforcement
and Coordination as the Main
Protection Mechanism

Protection of
Industrial Designs

Zhongshan
Guzhen
Model

Promoting Innovation
by Building up IP
Awareness



2.2 古镇模式内涵

Contents of Guzhen Model

确保审查和执法标准统一

Ensures standardized examination and enforcement.

符合国际通行的知识产权保护规则

Conforms to the prevalent international rules on intellectual property protection.



“一主导、三快速”

Leading Administrative Role and Fast-track Grant, Enforcement and Coordination



2.3 “一主导” Leading Administrative Role

Guided by National Strategy and Planning

国家层面
National level



省级层面
Provincial level



市级层面
City level

国家知识产权战略纲要

Outlines of the National IP Strategy

国家与广东省的高层次知识产权战略
合作会商平台

**The High-level State and Provincial IP
Strategic Cooperation and Consultation Platform**

中国中山（灯饰）知识产权快速维权中心
**Zhongshan Fast-track IP Enforcement
Center (ZFIPEC)**



2.4 “三快速”

Fast-track Grant, Enforcement & Coordination



快授权

Fast-track Grant



快协调

Fast-track
Coordination



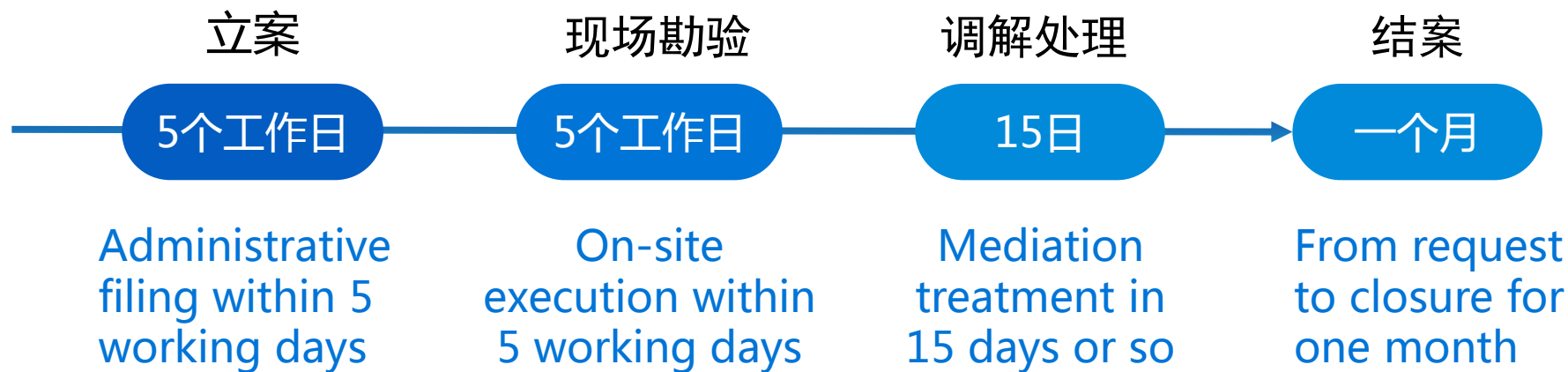
快维权

Fast-track
Enforcement



快维权

Fast-track Enforcement





案例 Case



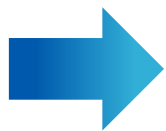
外观设计专利图片

Design patent drawing



涉嫌侵权产品图片

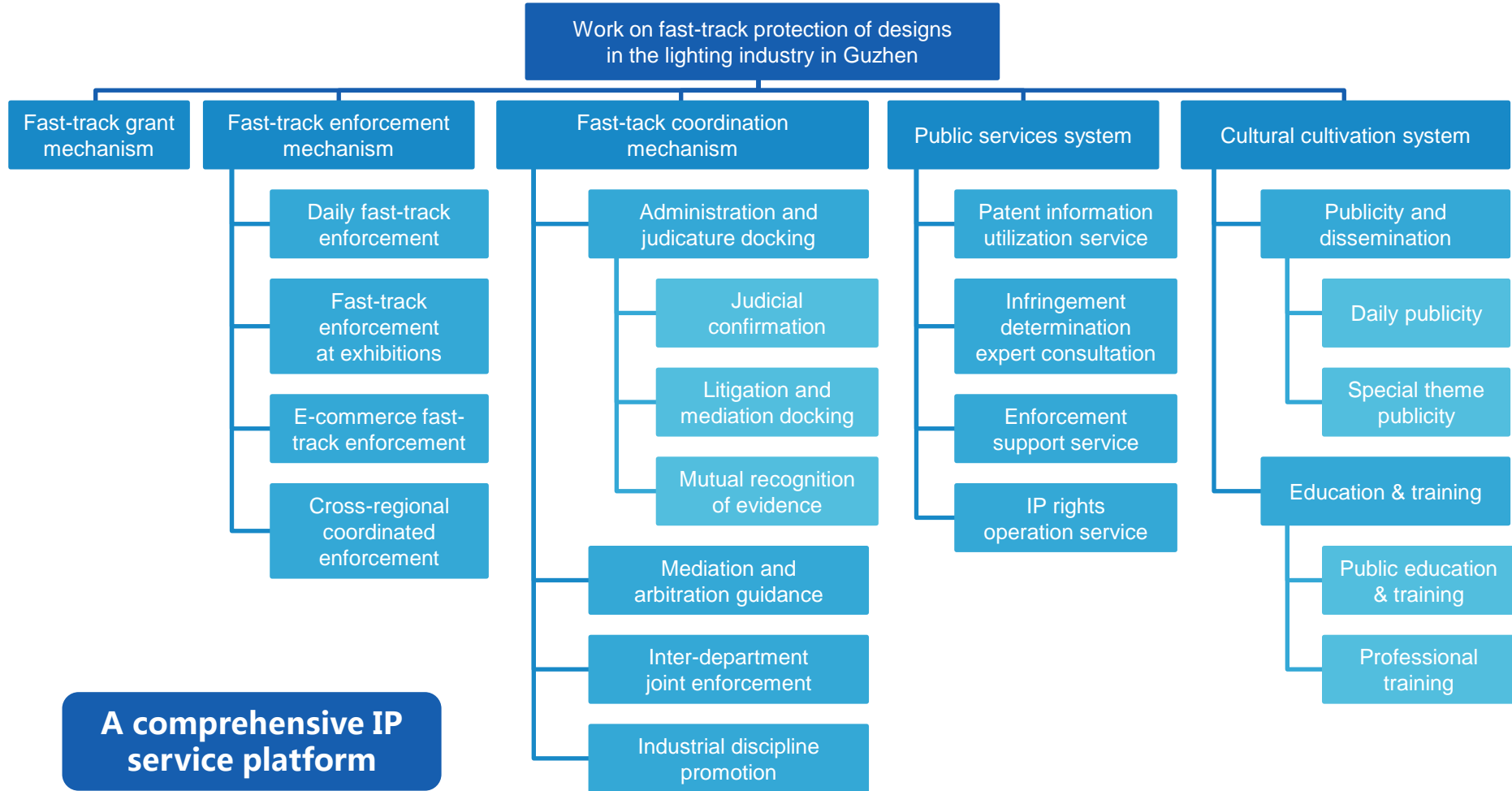
Product of alleged infringement



1. 停止侵权
2. 经济赔偿
3. 公开道歉

Stop infringement
Economic compensation
Public apology

2.5 快维机制动态完善 Operation Mechanisms of ZFIPEC





3 中山古镇模式显著成效

Positive Effects of
Zhongshan Guzhen Model



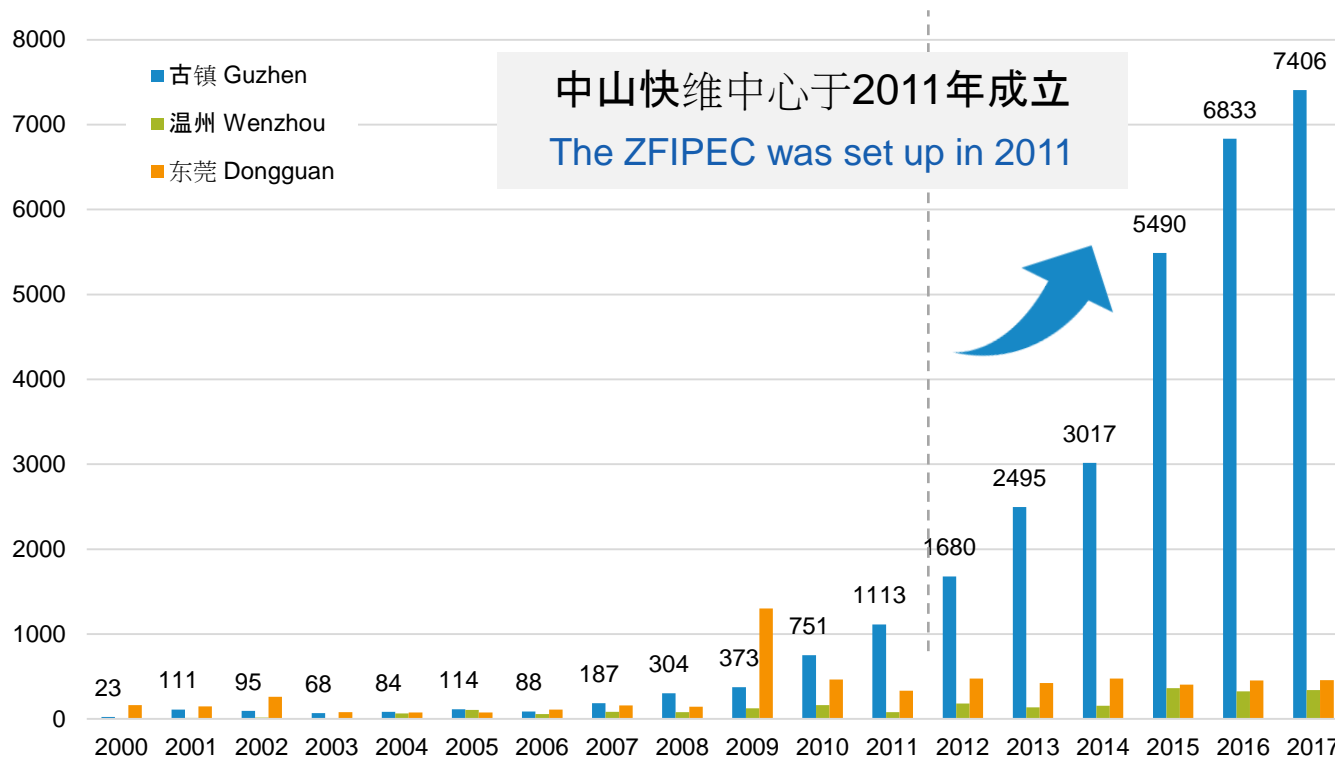
3.1 Overview



3.2 Enhanced Intellectual Property Creativity

中国三大灯饰产业聚集区灯饰外观设计专利年授权量对比图
(专利授权量/件)

Comparison of the number of design patents granted annually in the three major lighting industry agglomeration zones in China



中山快维中心于2011年成立
The ZFIPEC was set up in 2011

2011年之后，申
请量直线上升

The number of
patented designs
rose straightly
upward after 2011

3.3 Increased Number of Innovative Talents

古镇灯饰产业设计人员数量年度变化柱状图
Histogram showing annual changes in number of designers
in the lighting industry in Guzhen



中山快维中心于2011年成立
The ZFIPEC was set up in 2011

2011年之前，外观设计人才较少
Before 2011, there were few
specialized or professional
lighting designers

2011年之后，设计人员数量呈逐年上升的趋势增长
The number of designers has been constantly increasing year by year after 2011



3.4 Improved Efficiency in the Use of IP

外观设计对于促进古镇灯饰产业的发展具有重要的贡献作用

Designs have contributed significantly to the development of the lighting industry in Guzhen

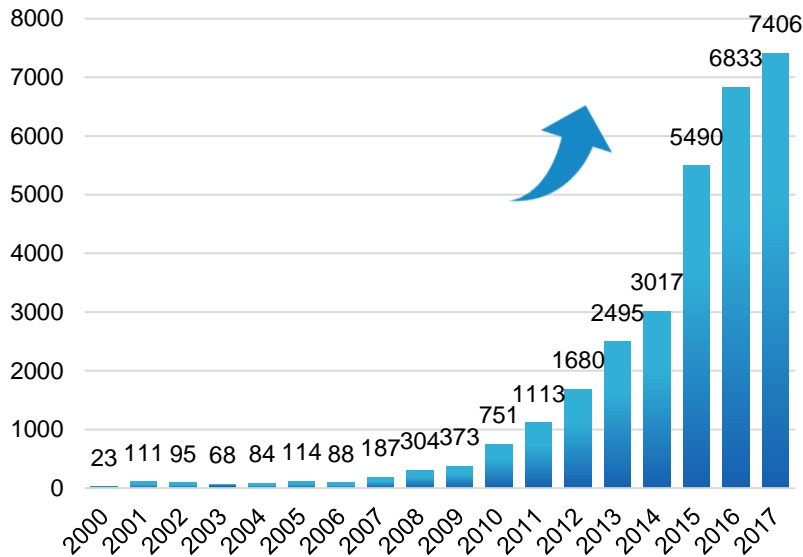
$$Y_t = AK_t^\alpha L_t^\beta$$

利用柯布-道格拉斯生产函数模型计算外观设计对古镇灯饰产业经济增长的贡献率，根据模型最终算出各项指标贡献率分别为：资本为47.33%；劳动为19.68%；外观设计专利为**30.5%**。

The Cobb-Douglas Production Function Model was used in the calculations for the rate of contribution of the lighting industry in Guzhen to the economic growth. The final calculated contribution rate of all the indexes are: that of capital is 47.33%; labor 19.68%; and designs **30.5%**.

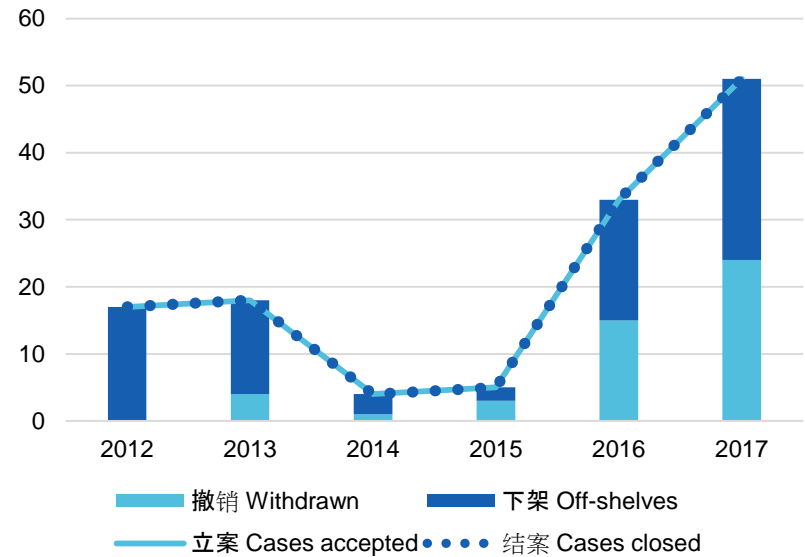
3.5 知识产权保护力度加大 Enhanced IP Protection

古镇灯饰企业外观设计专利授权量（件）时间柱状图
Histogram showing number of design patents granted yearly to lighting enterprises in Guzhen



2011年中山快维中心在古镇成立后，
专利数量出现井喷式增长
Since the ZFIPEC was created in Guzhen
in 2011, the number of patents surge

2012年-2017年专利纠纷案件展会快速维权数据
Data of expedited enforcement in patent dispute
cases at exhibitions from 2012 to 2017

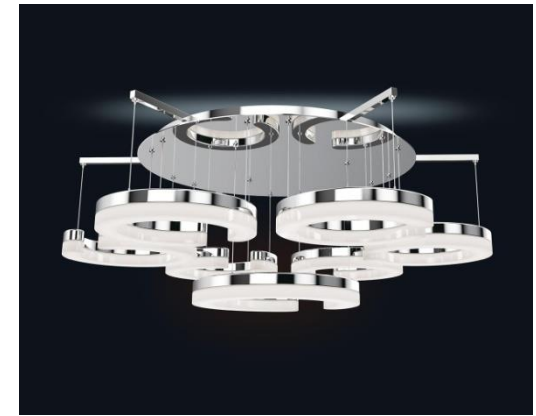


2012年-2017年中山快维中心有关展会专利
纠纷结案率达到**100%**
100% of cases involving patent disputes were
closed by the Center between 2012 and 2017



3.6 产品设计走向高端化与国际化

Product Design Moves toward High-end & Internationalization

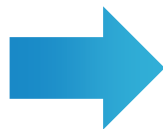


3.7 知识产权保护示范效应

Demonstration Effects in IP Protection

**中国中山（灯饰）知识产权
快速维权中心（2011）**

The China Zhongshan (Lighting)
Fast-track IP Enforcement
Center (2011)



**中山市家电知识产权快速
维权中心（2016）**

The Zhongshan Household
Electrical Appliances Fast-track
IP Enforcement Center (2016)

**中山市红木家具知识产权快
速维权中心（2017）**

The Zhongshan Redwood
Furniture Fast-track IP
Enforcement Center (2017)

Inspired by the Guzhen Model, the surrounding industrial towns learned from the experience of Guzhen township and achieved a series of good social and economic results.

3.7 National Demonstration Effects



- 2017.7.25 浦东-知识产权保护 Pudong - IP Protection
- 2017.3.22 郑州-创意产业 Zhengzhou - Creative Industries
- 2017.3.21 厦门-厨卫 Xiamen - Kitchen and bathroom
- 2017.2.7 潮州-餐具炊具 Chaozhou - Tableware and cookware
- 2017.1.5 成都-家居鞋业 Chengdu - Household footwear
- 2016.12.27 汕头-玩具 Shantou - Toys
- 2016.7.29 温州-服饰 Wenzhou - Clothing
- 2016.4.24 镇江丹阳-眼镜 Zhenjiang Danyang - Glasses
- 2015.9.18 广州花都-皮革皮具 Guangzhou Huadu - Leather Goods
- 2015.8.7 阳江-五金刀剪 Yangjiang - Hardware, Knife and Scissors
- 2015.5.20 景德镇-陶瓷 Jingdezhen - Ceramics
- 2015.4.14 顺德-家电 Shunde - Household electrical appliances
- 2014.9.29 杭州-制笔 Hangzhou - Pen making
- 2014.7.30 北京朝阳-设计服务业 Chaoyang, Beijing - Design service
- 2014.3.16 东莞-家具 Dongguan - Furniture
- 2013.1.19 南通-家纺 Nantong - Home textiles
- 2011.6.16 中山-灯饰 Guzhen - Lighting

The ZFIPEC is the first fast-track IP enforcement agency ever created in China, and its practice and experiences have directly motivated the creation of all the other centers of this nature in China.

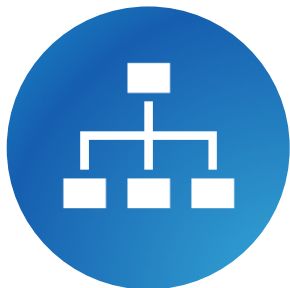


4 中山古镇模式前景展望

Prospect of Zhongshan Guzhen Model

4.1 中山古镇模式的前景展望

Prospect of Zhongshan Guzhen Model



**提升知识产权
行政管理效能**

Improving
efficiency of IP
administration



**推动高价值专
利创造性运用**

Promoting
creation and
exploitation of
high-valued
patents



**强化知识产权
快速协同保护**

Enhancing
fast-track IP
protection
mechanism



**持续提高公众
知识产权意识**

Continuously
improving
public IP
awareness

4.2 未来发展：从“中国灯都”迈向“世界灯都”

Future: “Lighting Capital of China” → “Lighting Capital of the World”



Welcome to Zhongshan China



Thank You

中国·中山 欢迎您



CHINA' S EXPERIENCE IN PROMOTING THE USE OF LEGITIMATE SOFTWARE

Mr. Liangbin Zheng, National Copyright
Administration of China



- **The Chinese Government attaches great importance to protecting intellectual property (IP) rights**
 - ◆ **This was demonstrated when President Xi Jinping, in his keynote speech at the Boao Forum for Asia Annual Conference in April 2018, listed “strengthening the protection of intellectual property rights” as one of the four key measures for making the domestic market more accessible**



- **Copyright protection for software is an important part of IP rights protection**
 - ◆ **The Chinese Government works hard to promote the use of legitimate software with a view to fostering a culture and environment of innovation, strengthening the protection of IP rights and facilitating the development of the software industry**
 - ◆ **a number of laws and regulations, as well as policies and measures have been put in place to promote the use of legitimate software, which provides a favorable market environment for the development of the software industry.**



- **Laws and regulations on the protection of software copyright**
- **Policies and measures to promote the use of legitimate software**
- **Noticeable results are achieved in promoting the use of legitimate software**



- **Laws and regulations on the protection of software copyright**
 - ◆ **The Chinese Government has established a legal system for the protection of software copyright, which consists of the Copyright Law of the People's Republic of China, the Regulations on Computer Software Protection as well as other supporting laws and regulations**
 - ◆ **Both judicial and administrative remedies are available to address infringements, guaranteeing full protection for software copyright**



- **Laws and regulations on the protection of software copyright**
 - ◆ **To protect their rights against the alleged use of pirated software, software copyright holders may file lawsuits or file complaints to the copyright administrative agencies**
 - ◆ **Wherever the infringement of software copyright constitutes a crime, the perpetrator is subject to criminal liability**



➤ Policies and measures to promote the use of legitimate software

- ◆ Working mechanism is established
- ◆ Institutional capacities are enhanced
- ◆ Supervision at the source is strengthened
- ◆ Asset management is strengthened
- ◆ Inspection and audit are strengthened
- ◆ Pirated software is combated



➤ Working mechanism is Established

- ◆ In 2012, in order to strengthen organizational leadership and overall coordination on promoting the use of legitimate software, the Chinese Government established an Inter-Ministerial Joint Conference for Promoting the Use of Legitimate Software (Joint Conference). It is led by the National Copyright Administration and composed of 15 ministries, including the Ministry of Industry and Information Technology and the Ministry of Finance. The Joint Conference organizes, coordinates and guides government agencies and enterprises to use legitimate software. A regular working mechanism to promote the use of legitimate software is thus established.



➤ **Institutional capacities are enhanced**

- ◆ **In 2011, the State Council issued Policies for Further Encouraging the Development of the Software Industry and Integrated Circuit Industry, which specified that policy measures on the use of legitimate software by government agencies should be fully implemented, and that enterprises and the public should be guided to use legitimate software as well.**
- ◆ **In 2013, the State Council promulgated the Administrative Measures for the Use of Legitimate Software by Government Agencies.**
- ◆ **In addition, the members of the Joint Conference, in accordance with their respective responsibilities, have issued 18 institutional documents to promote the use of legitimate software.**

➤ **Supervision at the source is strengthened**

- ◆ **A policy that required newly-manufactured computers to be pre-installed with legitimate operating system software was implemented to prevent the use of pirated software at source.**
- ◆ **The policy also required that government agencies, at all levels, when purchasing computer-related office equipment, must devise procurement plans for both office and anti-virus software, and purchase computer products with pre-installed legitimate operating system software.**



➤ **Asset management is strengthened**

- ◆ **The Ministry of Finance put forward specific requirements for the supply, use and disposal of software in government agencies.**
- ◆ **The Joint Conference issued a Guide for Managing Legitimate Software, providing local agencies with institutional and ledger models, and drafted the Manual on Software Asset Management, following which 24 large and medium-sized enterprises voluntarily standardized their software asset management.**



➤ **Inspection and audit are strengthened**

- ◆ **The Office of the Joint Conference set up a regularized annual inspection exercise which subjects government agencies and enterprises to on-site checks for their use of legitimate software.**
- ◆ **In 2017, the Office dispatched 11 inspection groups to 16 provinces, autonomous regions and municipalities, which inspected 26,989 computers in 389 units. Under the guidance of the inspection groups, a total of 48,900 units were inspected in 31 provinces, autonomous regions and municipalities.**
- ◆ **Audit authorities at all levels include the use of legitimate software as a priority task in their audit and inspection programs. The audit results are compiled into audit reports that are accessible to the public.**



➤ **Pirated software is combated**

- ◆ **The National Copyright Administration has strengthened the regulations on software in order to combat pirated software. A number of cases of software copyright infringement have been dealt with. The legitimate rights of software copyright holders from China and abroad are thereby protected.**
- ◆ **The case of software copyright infringement by Qingdao Chia Tai Co., Ltd., was handled by the copyright law enforcement office in Jimo, Shandong Province.**
- ◆ **The case of the sale of pirated software by Anhui Hefei Anhui Electronics Technology Company.**



- **Noticeable results are achieved in promoting the use of legitimate software**
 - ◆ **Legitimate software is used in government agencies**
 - ◆ **Positive progress is made in the use of legitimate software in enterprises**
 - ◆ **Increase in software copyright registrations and growth in the software industry**



➤ Legitimate software is used in government agencies

- ◆ By the end of 2013, all the software used by the central government and the government agencies at provincial, city and county levels was legitimate.
- ◆ Use of legitimate software is institutionalized at all levels of government agencies, which submit reports on their use of legitimate software to the copyright administrations of the respective administrative level at the end of each year.



- **Legitimate software is used in government agencies**
 - ◆ In 2017, all levels of government purchased a total of 1.277 million sets of operating systems, office and anti-virus software (excluding pre-installed legitimate operating system software), amounting to CNY 612 million.
 - ◆ From 2011 to 2017, government agencies purchased a total of 9.624 million such sets, amounting to CNY 5.368 billion.



➤ **Positive progress is made in the use of legitimate software in enterprises**

- ◆ **By the end of 2017, a total of 37,667 enterprises had passed the inspection of deploying legitimate software.**
- ◆ **The majority of central enterprises and large and medium-sized financial institutions have also deployed legitimate software.**
- ◆ **In 2017, central enterprises and financial institutions purchased a total of CNY 2.145 billion of sets of operating systems, office and anti-virus software.**
- ◆ **From 2014 to 2017, money spent by central enterprises and financial institutions on purchasing sets of operating systems, office and anti-virus software amounted to CNY 8.568 billion.**

➤ Increase in software copyright Registrations and Growth in the Software industry

- ◆ In 2017, the number of software copyright registrations reached 745,400, an increase of 82.79 per cent compared to the previous year. The revenue from software and information technology (IT) service industries reached CNY 5.5 trillion, representing a year-on-year increase of 13.9 percent.
- ◆ From 2013 to 2017, the average increase of software copyright registrations reached 41.45 per cent; and that from software and IT service industries reached 17.44 per cent.




➤ Conclusion

- ◆ China's laws and regulations have provided comprehensive protection for software copyright holders.
- ◆ To strengthen the protection of software copyright, the Chinese Government has also launched a series of policy measures that promotes the use of legitimate software.
- ◆ The laws and relevant policy measures require government agencies, institutions, and the general public to use legitimate software, and the Chinese Government will make greater efforts to promote the use of legitimate software.



Thank you!





Best practices for the monitoring of copyright infringements of individuals in Finland

Anna Vuopala
LLM, Government Counsellor
Ministry of Education and Culture, Finland

Ministry of Education and Culture
Ministère de l'Éducation et de la Culture

CORE MESSAGES

- THE MASS SENDING OF CEASE and DESIST LETTERS is a worldwide problem
- REACTION to an unsatisfactory situation – seeking solutions
- WORKING GROUP to reflect on right holders' rights – find a balance with fundamental rights
- BEST PRACTICES, based on current law, deliberations of the independent Market Court and mandates of existing authorities
- STEP BY STEP: STEPS TAKEN and STEPS TO BE TAKEN - “work in progress”

THE MONITORING OF COPYRIGHT INFRINGEMENTS BY INDIVIDUALS IN FINLAND

- 325,000 persons per month consumed audiovisual content from unlawful sources in Finland (by downloading or streaming) = 8 %
(MediaVision Ab in 2016)
- Having sufficient means of enforcement is indispensable to holders of copyright and related rights, especially in the digital environment
- In 2013, six representatives of foreign film, television and adult entertainment companies began to monitor BT and streaming services
- By 2016 around 200 000 IP-addresses had been detected for file sharing/ use of illegal streaming services (BT/ Popcorn time) for which at least **tens of thousands** of letters were sent to individuals in relation to alleged copyright infringements in p2p networks

Problems identified by the Working Group

- High financial claims contained in claims for infringements that could be considered minor
- Arbitrary processes by law firms and threats of liability to pay high legal fees for uninitiated court proceedings
- The Ministry considered that there was a need to ensure that the position of the recipient of the letter would be taken into consideration.
 - Pursuant to a European Commission Communication, *a fair balance needs to be struck* between different conflicting fundamental rights when, *inter alia*, deciding on right of information requests and the awarding of injunctions. (COM(2017)708), available at: <https://ec.europa.eu/docsroom/documents/26581>.
- The Working Group also identified *numerous other questions*, which were not part of its mandate

Legal framework

- Right of Privacy (of individuals) vs. Right of Information (the rightholder)
- In Finland the contact information of the holder of an IP-address is protected by the right of privacy
- The Market Court deliberates and may order to DISCLOSE this information – there are no strict interpretation rules provided in the law DISCLOSURE – NOT WITHOUT A COURT ORDER
- Provision had not been challenged – individuals not part of the information disclosure process, the civil cases were not taken to court but settled

Content of the letters

- *PRE-SENDING serves Market Court & Right holders*
- *Unique time stamp; technical integrity of IP-numbers*
- ***Misleading statements in the letters should be avoided where possible.***
 - Heading, alleged infringement, source of information, objective, claim, settlement: The IP subscriber should not be referred to as the **“primary suspect of the infringement”**.
 - The first letter establishing contact should **never refer to any specific legal fees or other costs** that a losing party would be responsible for.
- *Transparency – case number, registration of reaction, provision of additional information, payment traceability*
- Reference to the best practices stated on the webpage of the Ministry
 - Serves the recipients and authorities *AFTER SENDING*

1. Monitoring of P2P networks

2. Application for disclosure of contact information

3. Market court decision to disclose

4. Disclosure by teleoperators

5. Sending of Letters

6. Matter is resolved

7. Evaluating of further measures

- waiver of claims

- assessment of civil action

assessment of request for criminal action

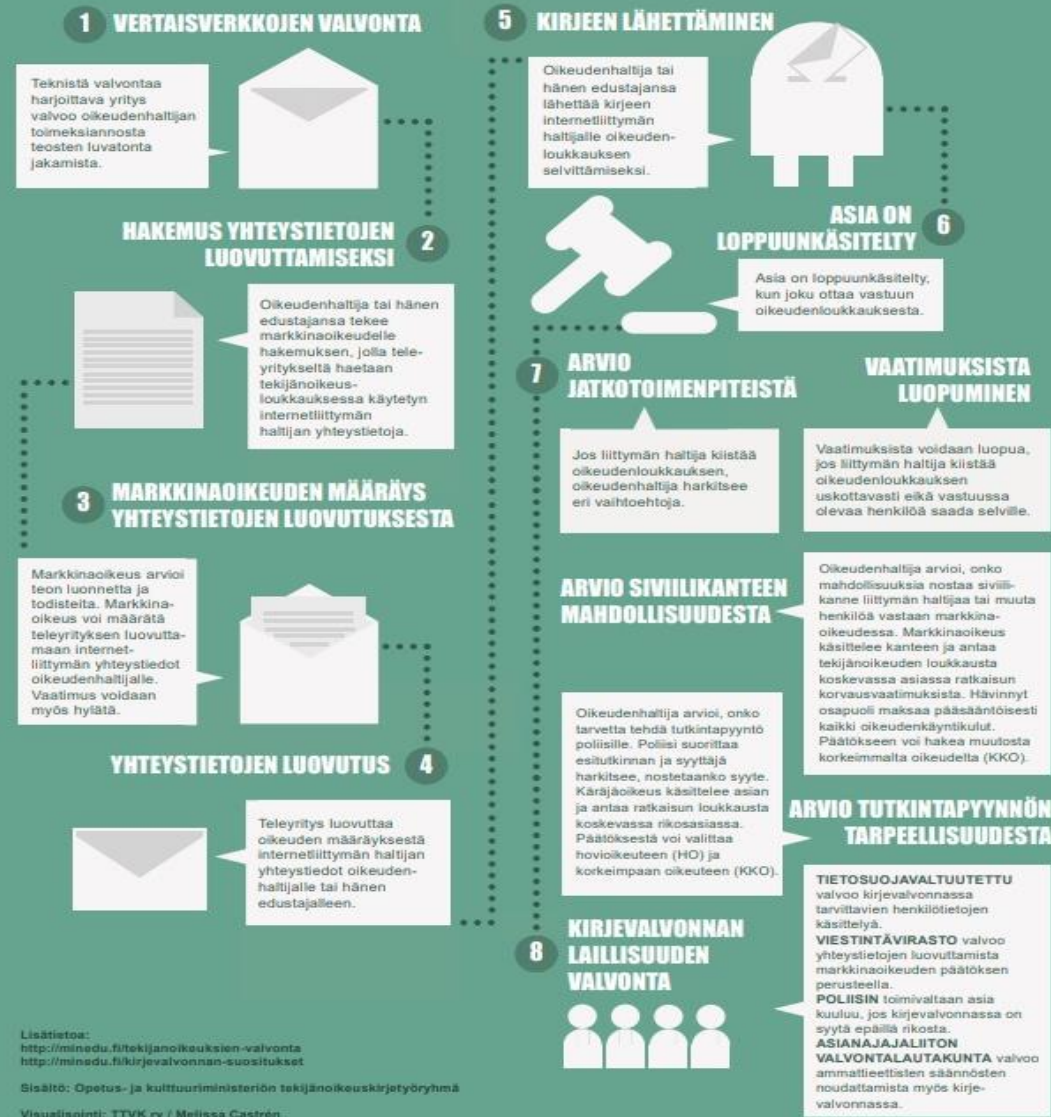
8. Supervision of legality

The **Data Protection Ombudsman** oversees the processing of personal data needed in the use of copyright infringement letters.

The **Finnish Communications Regulatory Authority** supervises the disclosure of contact information. **The police** decides after the monitoring by means of an infringement letter whether there is reason to suspect a crime.

The **Finnish Bar Association's Disciplinary Board** supervises compliance with professional and ethical standards of the legal profession also as these apply to the practice of monitoring copyright infringements by means of infringement letters.

HYVIEN KÄYTÄNTÖJEN MUKAINEN KIRJEVALVONTA



13th session of the Advisory Committee on Enforcement (ACE)

Business Software Alliance & IMPI collaboration

Irely Aquique, Director IP Enforcement,
Mexican Institute of Industrial Property

IMPI

- ▶ Not only registration functions
- ▶ Enforcement powers
- ▶ “25 years protecting your innovations”
- ▶ Innovation + protection = economic growth



Western Regional Office
Northern Regional Office
Southeastern Regional Office
“Bajío” Regional Office
Center Regional Office



IMPI & BSA agreement

Signed by the Director General of IMPI and the Senior Vice President and General Counsel of BSA

Improves their productivity and development

Intends to strengthen the formal market



Aims to promote the management of legal software as part of their assets

Creates a culture of legality

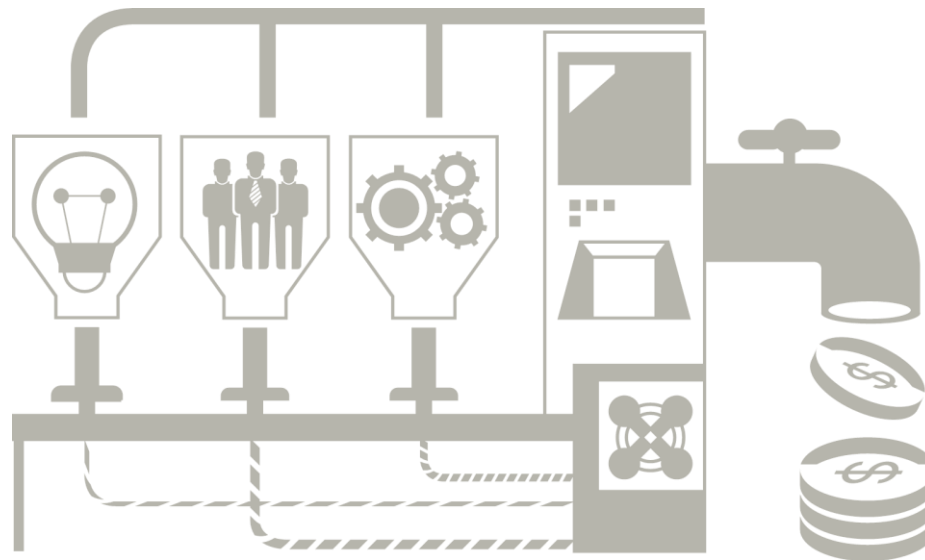
Encourage innovation and develop new technology companies in the country

Strengthening public-private partnerships

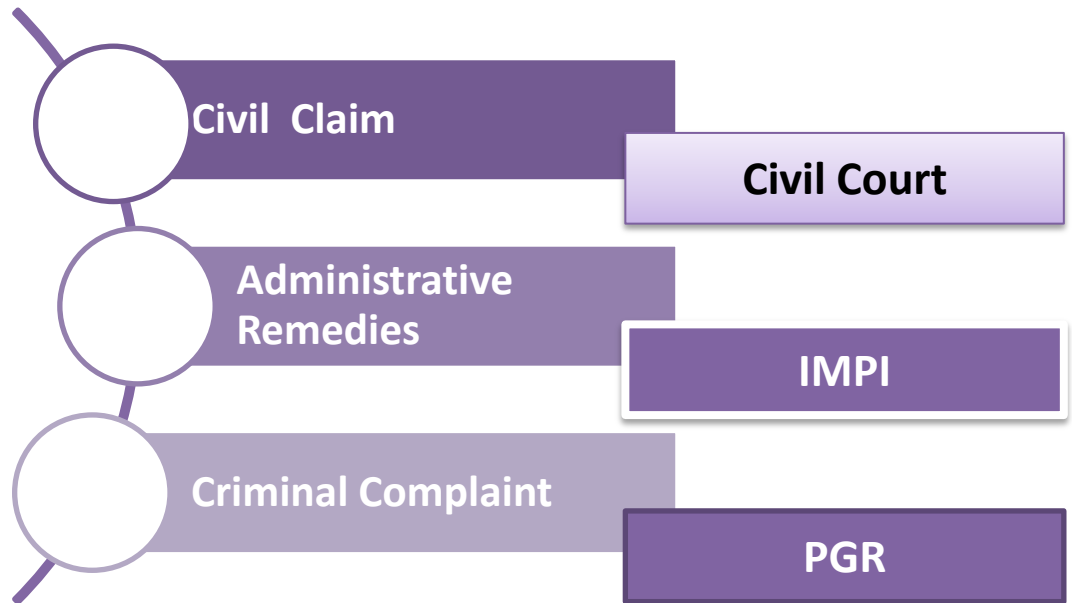
So that companies adopt business practices that involve the management of legal software as part of its assets in order to improve its productivity and development.



The BSA Global Software Survey titled **Software Management: Security Imperative, Business Opportunity**, published in June 2018, shows that Latin America is currently the region in which unlicensed software installation on personal computers has fallen most sharply, primarily because Brazil and Mexico, the largest markets in Latin America, have substantially reduced the use of illegal software.



Legal Procedures



ADMINISTRATIVE DECLARATION PROCEDURE

IPR infringements are divided into
the following branches:



Administrative infringements on industrial property, which are foreseen and regulated by the Industrial Property Law.



Administrative infringements on copyrights in the field of commerce, which are foreseen by the Federal Copyright Law, however this procedure is regulated by the Industrial Property Law and executed by IMPI.

BORDER MEASURES

PROVISIONAL MEASURES

Inspection visits

1
7,046 inspection visits were carried out ex officio between IMPI and BSA

2
15,032 procedures were resolved.

3
3,452 inspection visits Requested by the right holder



IP ENFORCEMENT SYSTEMS IN IBEPI MEMBER COUNTRIES

Ray Meloni García
September 2018

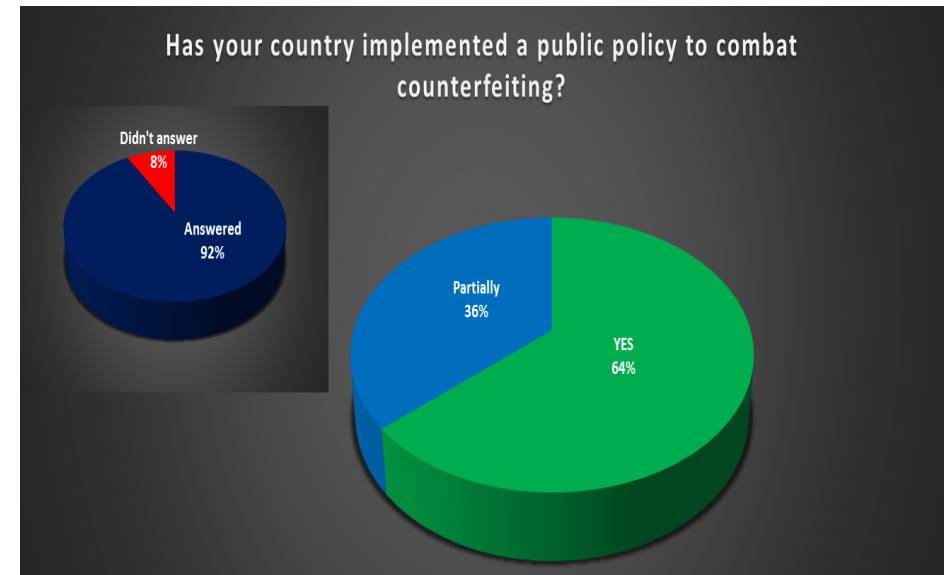
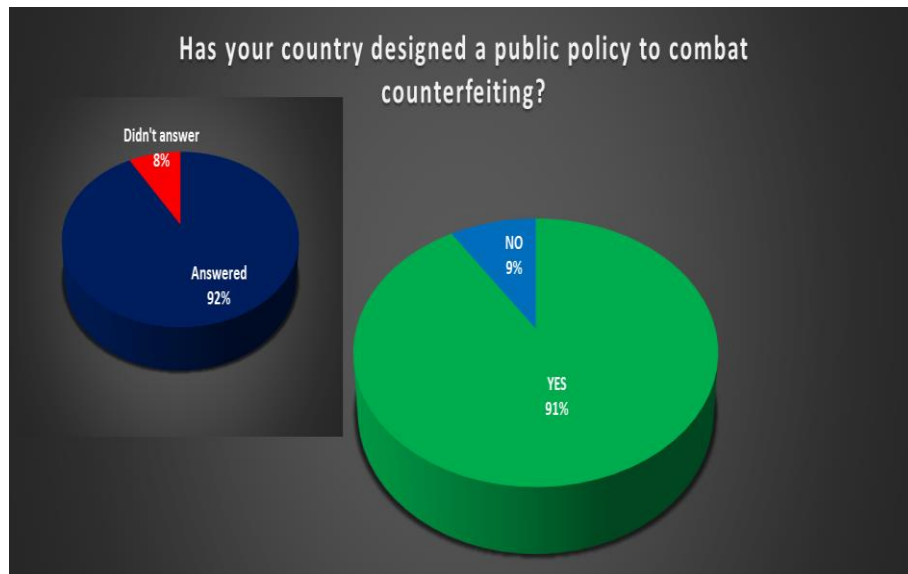
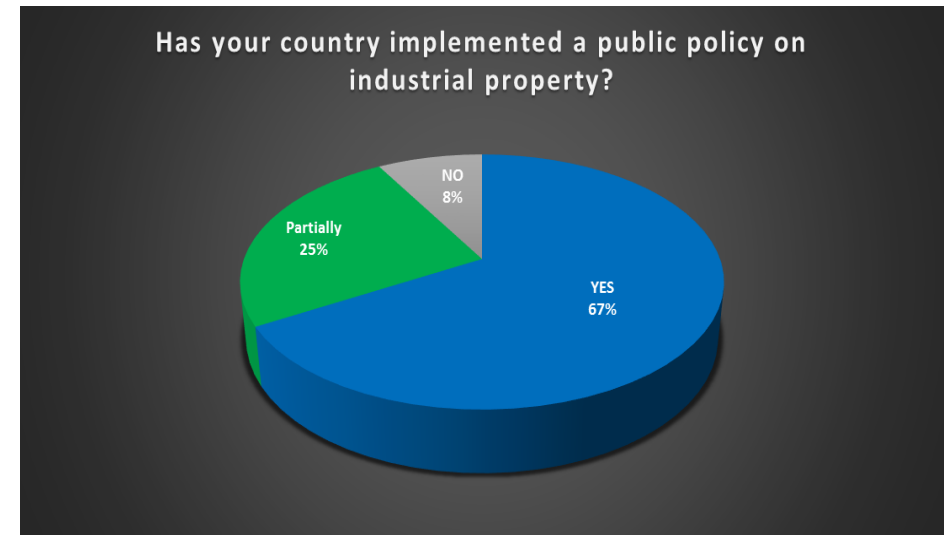
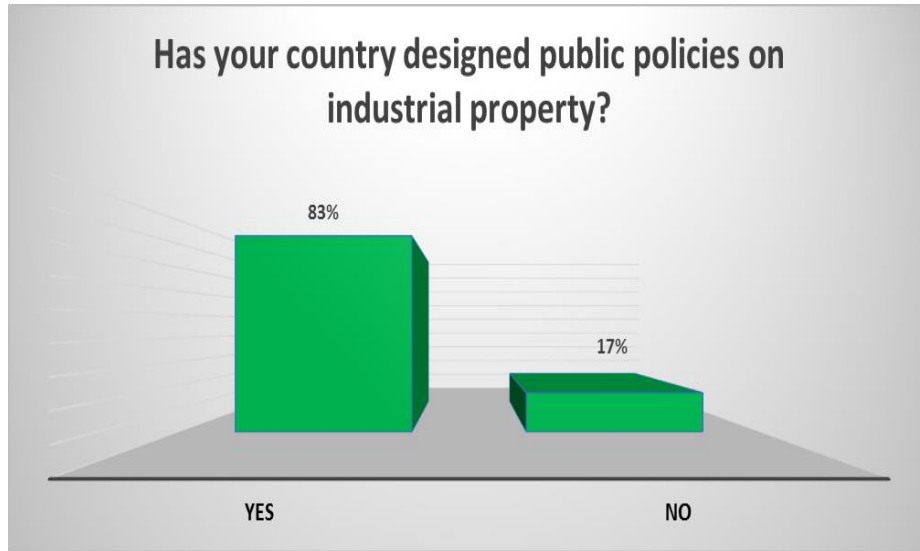
ENFORCEMENT SYSTEMS IN IBEPI MEMBER COUNTRIES



EXCHANGE OF EXPERIENCES BETWEEN COUNTRIES PART OF IBEPI:

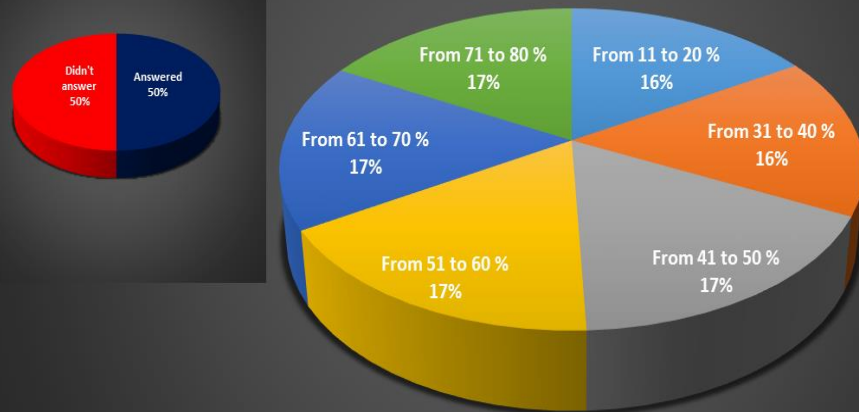


1. Public Policies

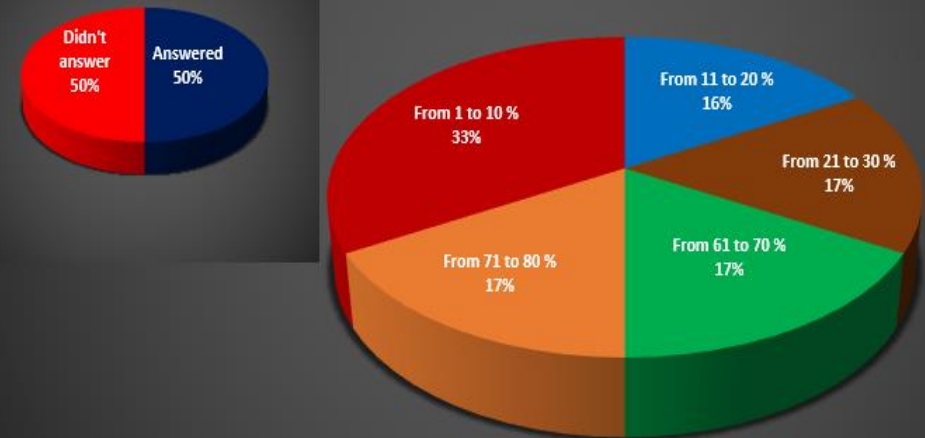


Policies regarding MSE (micro and small entrepreneurs)

During 2016, in your country, how many of the registered trademarks are owned by micro and small enterprises?

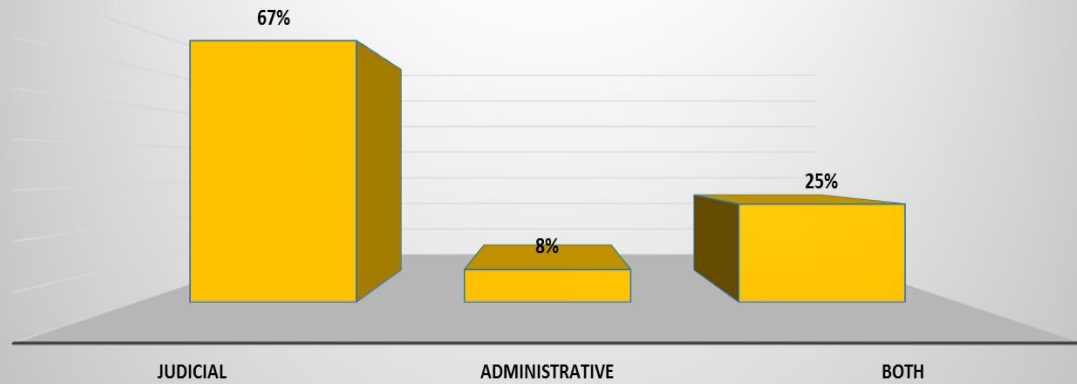


From the total number of complaints about trademark counterfeiting, how many have been filed against micro and small enterprises?

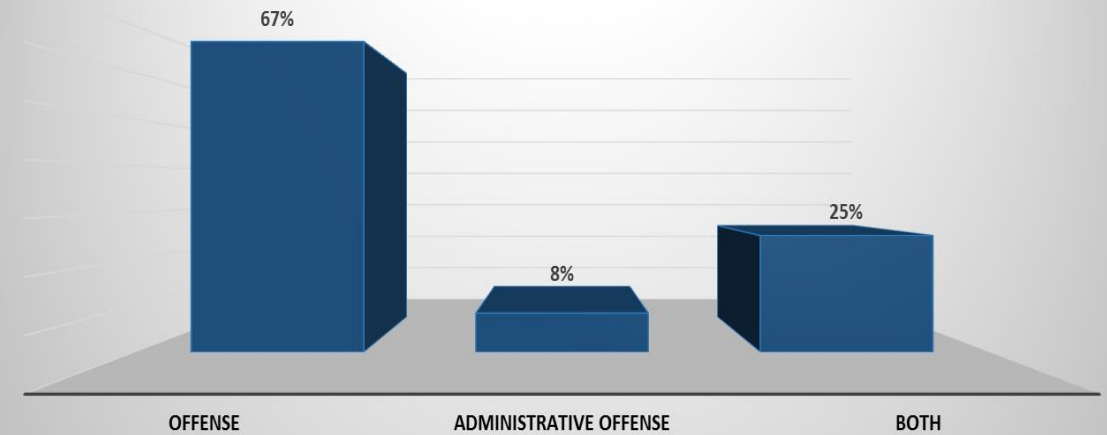


2. Enforcement Authorities

In your country, authorities competent to repress and punish acts of trademark counterfeiting are:

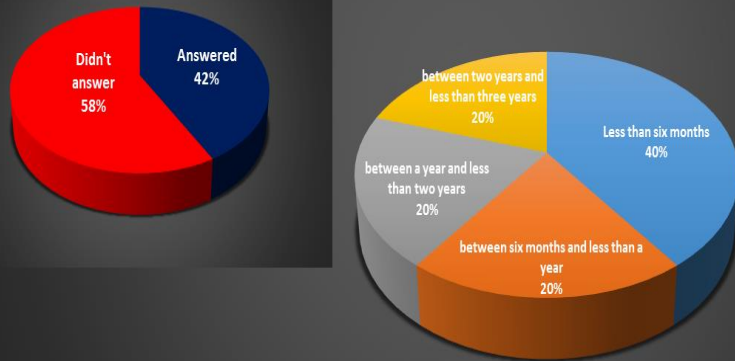


In your country, acts of trademark counterfeiting are:

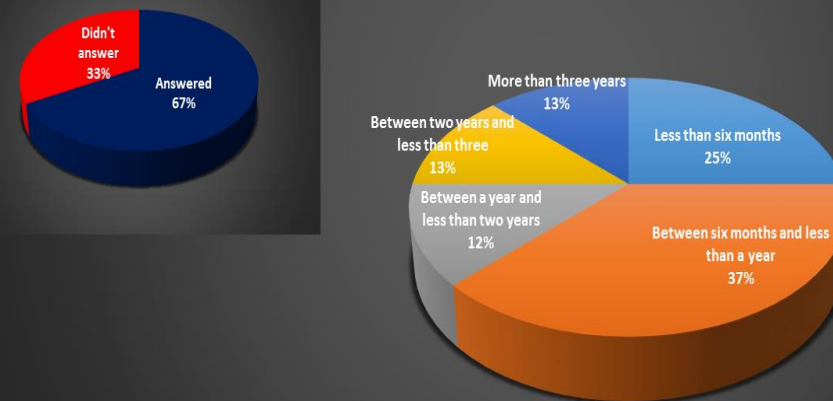


2. Enforcement Authorities

In your country, if the administrative authority is competent, what is the average time to process an administrative procedure for trademark counterfeiting in the first instance?



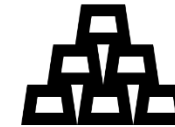
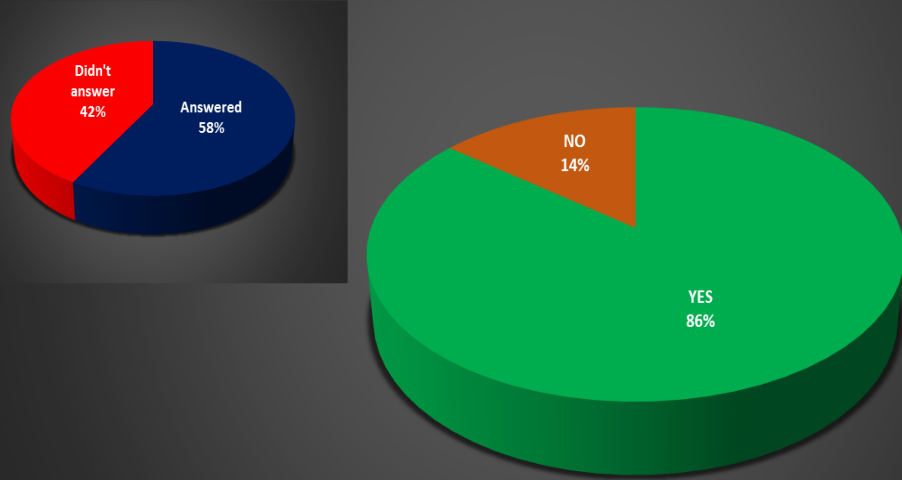
In your country, if the judicial authority is competent, what is the average time to process an judicial procedure for trademark counterfeiting in the first instance?



3 Legal Measures

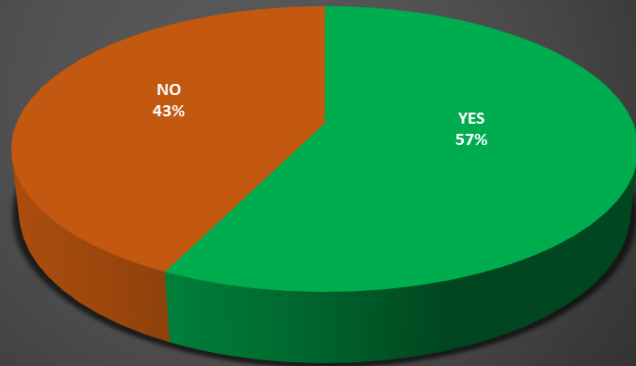
Injunctions:

In your country, can injunctions be issued on trademark counterfeiting through an administrative procedure?

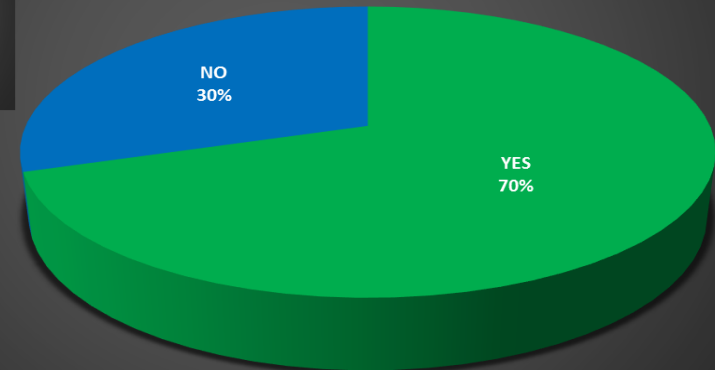
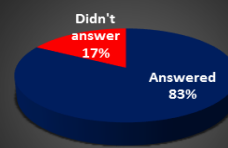


In your country, what kind of injunctions can be issued through an administrative procedure?						
<p>Didn't answer 33%</p> <p>Answered 67%</p>	<ul style="list-style-type: none"> Confiscation of goods Cessation of use Cessation of import Cessation of export Recalling products from the market Others 	<ul style="list-style-type: none"> Confiscation of goods Detention of goods 	<ul style="list-style-type: none"> Confiscation of goods Detention of goods Cessation of use Cessation of import Cessation of export Recalling products from the market Only advertisement withdrawal 	<ul style="list-style-type: none"> Confiscation of goods Detention of goods Cessation of import Cessation of export Others: All measures taken by customs. 	<p>Others: this subject is decided only through a judicial procedure with possibility of injunctions</p>	<p>All the aforementioned</p>
	13%	13%	13%	25%	13%	13%

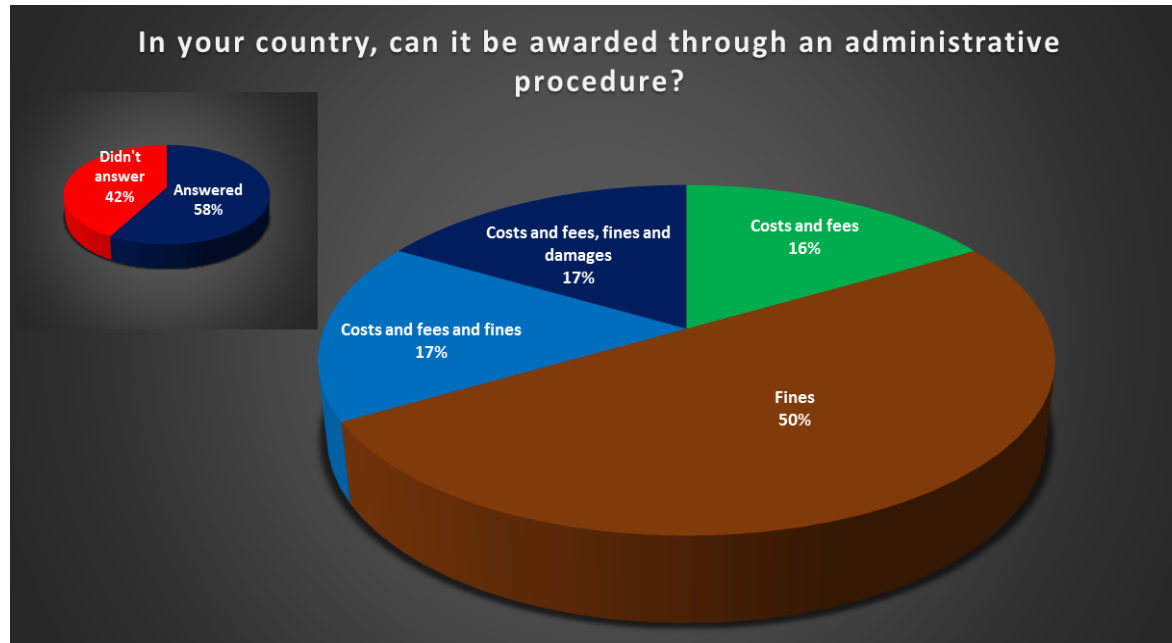
In your country, for the issuance of injunctions, is there a requirement of caution?



In your country, for the issuance of border measures, is there a requirement of caution?



Definitive measures :





Indecopi

Indecopi Oficial



Radio
Indecopi

www.indecopi.gob.pe/radio

www.indecopi.gob.pe



Indecopi



Administrative measures taken by KIPO under *the Unfair Competition Prevention and Trade Secret Protection Act*

September 4, 2018

Chung, Hee Kyung

Deputy Director, Intellectual Property
Investigation Division

Korean Intellectual Property Office



**Korean Intellectual
Property Office**



CONTENTS

- 01** Introduction
- 02** Amendments to the Unfair Competition Prevention Act
- 03** Case Studies of Administrative Measures
 - CASE 1
 - CASE 2
- 04** Future Plans

What is an Unfair Competition Action?

An Unfair Competition Action is...

An illegal activity under civil law where a business entity tries to gain a competitive edge by **taking advantage of another business' competitiveness without paying fair cost.**



DO NOT
COPY

(Article 1) The Purpose of the Unfair Competition Prevention Act is...

To maintain orderly trade by preventing acts of unfair competition such as improper use of domestically well-known trademarks and trade names, and by preventing infringement of trade secrets.

[Legislated in 1987]

Types of Unfair Competition Actions

The Unfair Competition Prevention Act (Article 2)

Causing confusion about a product

Causing confusion through falsely marking the place of origin

Misappropriation of domain name

Unauthorized use of trademark by a person who was an agent or a representative of the owner

Causing confusion through business marks or signs

Imitation of product shape

Falsely assuming another person's goods to mislead their quality

Infringement on the outcomes of another person's efforts

Imitating trade dress and unauthorized use of ideas ('18. 7. 18~)

Amendments

Definition of Acts of Unfair Competition

□ Article 2. (1). (b)

[amended in April 2018]

An act of causing confusion with another person's commercial facilities or activities by using marks identical or similar to another person's name, trade name, or emblem, or any other mark indicating another person's business **(including sales, methods of providing service, as well as signboards, exterior and interior decoration of the place of business)**, which is widely known in the Republic of Korea.

Amendments

Definition of Acts of Unfair Competition

□ Article 2. (1). (j)

[amended in April 2018]

Any acts of using information that contains **technical or business ideas of others with economic value** in the course of **business proposal, bidding, contests or the transaction** in a way **that violates the purpose for which it is provided**, for the sake of business profit of the third party.

※ However, this is not the case if the person who was provided **the idea already knew the idea at the time it was provided**, or if **the idea is widely known** in the industry.

Broaden the scope of authority

the scope of investigation and corrective recommendation

□ Article 7 and 8.

[amended in January 2017]

The amendment declares, **KIPO can investigate and give corrective recommendations** concerning an act of imitation of **the appearance of another's product (which is defined in Article 2.1.(i))**.



The Product – a Powder Meal Replacement

Existing Product

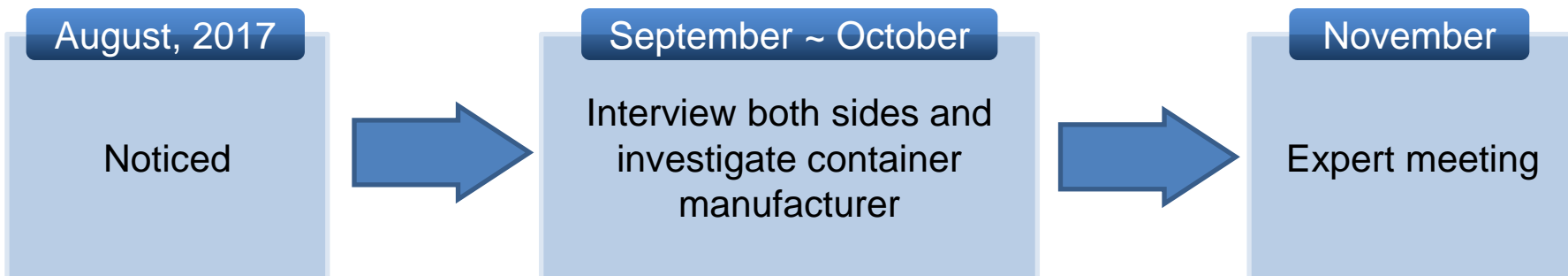


“Labnosh”, company
“A”

Imitation Product



“Fall in Love with Meals”,
Manufacturer “B” and retailer “C”



The Unfair Competition Prevention Act

□ Article 2.(1).(i)

An act of transferring or lending goods **whose shape has been copied** (referring to the form, image, color, gloss, or any combination of these, including the shape of any prototype and the shape in goods brochure; hereinafter the same shall apply) from the goods manufactured by any other person; exhibiting such goods for transfer or lending; or importing or exporting such goods;

***Exception** - An act of transferring or lending goods whose shape has been manufactured by counterfeiting the shape of the other goods for which **three years have elapsed from the date on which the shape of the other goods, including the production of the prototype, was completed.**

Violation Requirements

❑ Scope of product shape : Holistic view of the container, label and its contents

The container and packaging of a product can be considered to be a part of a product's shape - *Supreme Court, 2008.10.17.I.2006E342*.

An imitation of a container or packaging of a product, which is **integral to the product**, can substantially be identified as a counterfeit.

"Labnosh's" powder meal replacement was in a container with a label that could **not be regarded as separate** to the product.

The container, the label and contents were considered in the judgment that determined imitation of the product's shape.



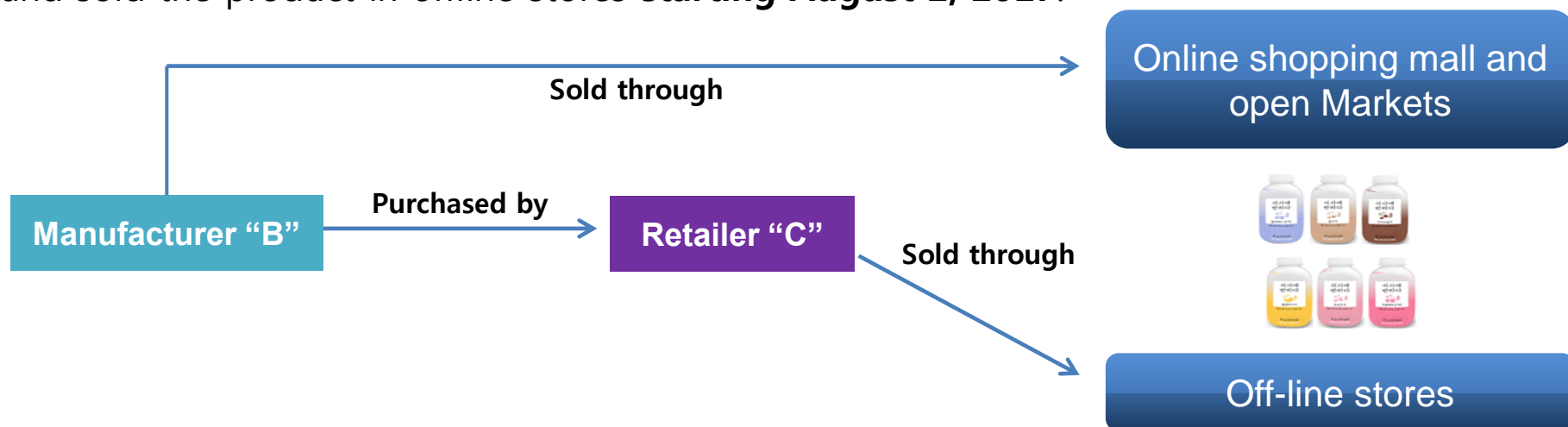
Violation Requirements

❑ Exception of products completed within 3 years : Non-applicable

The first container design was delivered on **September 8, 2016**.

The finished product started selling on **September 12, 2016**.

The retailer "C" purchased "Fall in Love With Meals" from the manufacturer "B" and sold the product in offline stores **starting August 2, 2017**.



Violation Requirements

❑ Standard shape of comparable products: Non-applicable

Before “Labnosh’s” launch, products in the same category already marketed in **various forms** such as in individual pouches and bulk containers.

The overall shape of “Labnosh” was considered **not a conventional container** for similar products **nor an exclusive shape** for facilitating the function or utility of the product.



Final Judgment & Recommendation

- ❑ It was determined that the manufacturer "B" and the retailer "C"
 - 1) violated *the Unfair Competition Prevention Act*,
 - 2) corresponded under **imitation of actual identity** of "Labnosh" (**Free**), and
 - 3) **undermined the profits** of "A" through imitation (**Riding**).

- ❑ KIPO recommended that "B" and "C" **discontinue production and sales within 30 days.**



Business Signs Causing Confusion

- ❑ A mobile communication company “D” broadcasted advertisement which seemed as if “D” was an official sponsor of the 2018 PyeongChang Winter Olympics.



Company “D” used signs that were similar to signs of the Organizing Committee of the 2018 PyeongChang Winter Olympic Games and Winter Paralympic Games (“the Committee”).

The Unfair Competition Prevention Act

❑ Article 2.(1).(b)

An act of **causing confusion with another person's commercial facilities or activities** by using marks identical or similar to, **another person's name, trade name, or emblem, or any other mark indicating another person's business** (including sales, methods of providing service, as well as signboards, exterior and interior decoration of the place of business), which is widely known in the Republic of Korea.

Violation Requirements

❑ Mark indicating another person's business

A mark is not limited to trademarks or emblems. *-Seoul High Court, 2008.6.19 sentence, 2008노108 judgment.*

Mark indicating activities of the Committee includes **registered or widely known intellectual property rights** such as the PyeongChang Olympic Games' mascots, slogans, and emblems, as well as **elements that bring to mind Olympic events** such as past Winter Olympic Games and Olympic messages.



하나된 열정

Passion. Connected.

Violation Requirements

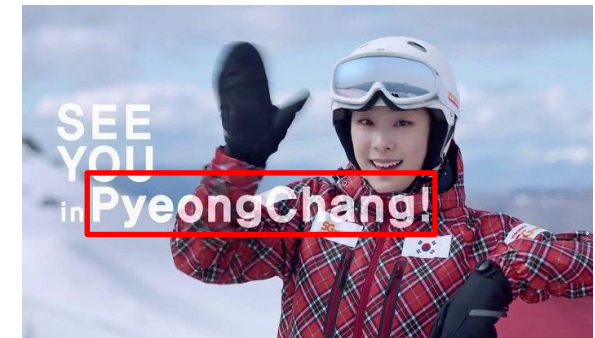
❑ Use of the same or similar elements

The advertisement broadcasted from December 2017 to January 2018, while

Featuring **an honorary Olympic ambassador** and **a member of the Olympic team** (Yuna Kim and Sungbin Yun), and

Using phrases that **indirectly referenced the Olympics.**

("2018 PyeongChang, For 4 years, National Team, etc.").



Violation Requirements

❑ Act of causing confusion

Confusion is **being mistaken as another business entity** and **ambiguity** about whether a administrative, organizational, financial or contractual **relationship between business entities exists**. -*Supreme Court, 2011.12.22. sentence, 2011ㄷ9822 judgment.*

By using elements of "D" company (BGMs, slogans, colors, etc.) with elements of the PyeongChang Olympic Games (**Free**), there was probability that consumers would **associate "D" with the Committee** or **assume "D" as an official sponsor of the Olympics (Riding)**.

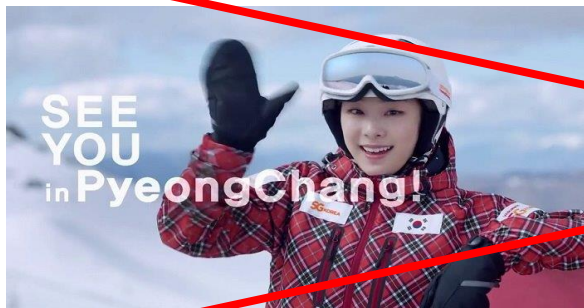


Recommendation

❑ Conclusion

KIPO recommended company "D" to **suspend** their Olympic "sponsorship" advertisement or to **modify and/or delete** the advertisement content that related to company "D's" services.

Considering the upcoming Olympic Games, KIPO ordered the correction to be **completed within 3 days** from the recommendation date.



Future Plans

KIPO plans to...

- ❑ Enforce **corrective orders** and **incompliance guilt** to guarantee the effectiveness of the corrective recommendations,
- ❑ Host **information sessions** introducing policy and enforcement cases, and
- ❑ Publish **promotional materials** on differentiating imitation products in order to prevent unfair competition practices.

THANK YOU

hk0420@korea.kr





CRIMINAL INVESTIGATION AND PROSECUTION OF IP CRIME EXPERIENCE OF KOREA

Sanghyun Kim
Vice Director & Prosecutor

International Legal Affairs Division
Ministry of Justice, the Republic of Korea



CONTENTS

- A. Enforcement of IP rights**
- B. Rules & Regulations**
- C. Investigation Process**
- D. Prosecution**
- E. Statistics**

Enforcement of IP rights

- Administrative Sanctions
- Civil Procedures
(Indemnification)
- Criminal Enforcement

Industrial Property Infringement

- manufacturing counterfeit products infringing patent, trademark, or utility model

Copyright Infringement

- acts of producing, distributing or selling illegally reproduced products or data without license



Rules & Regulations in Korea



- 1. Patent Act**
- 2. Trademark Act**
- 3. Copyright Act**
- 4. Utility Model Act**
- 5. Design Patent Protection Act**
- 6. Unfair Competition Prevention and Trade Secret Protection Act**

Investigation Process



When prosecutors conduct criminal investigations

- Complaints filed by victims
- Third party reporting
- Agencies that handle complaints against IP misconduct
- Direct information



Who are investigative authorities of IP crimes

- Prosecutor
- Judicial Police Officer (JPO)
- Special Judicial Police Officer (SJPO) : KIPO (patent), MCST (copyright)

※ SJPOs are legally authorized by the Chief Prosecutor to investigate IP infringement cases

Investigation Process



✓ How? Search and Seizure

- Conducted with the court's warrant

"JPO/SJPO" → "Prosecutor" → "Court"

"Prosecutor" → "Court"

- Necessity of mutual assistance with foreign agencies
 - overseas SNS platforms : facebook, Instagram, YouTube, Blogs, etc.
 - more likely to be used for the distribution of counterfeit/pirate goods
- Online Service Providers(OSP)
 - Copyright holders can demand OSP to provide personal information of infringers
 - In case of refusal, right holder can request MCST to request OSP to provide information

Investigation Process



Interviewing the accused

- Face-to-face investigation
- Arrest, Pre-trial detention



Referral

- JPO/SJPO refer all criminal cases to competent Prosecutors' Office after its own investigation process has been completed



Digital forensic

- computer, mobile, email account, etc.

Prosecution and Sentencing

- ✓ **Consultation : Patent Infringement Investigation Advisor**
 - 7 advisors at 2 Prosecutors' Offices
 - Since 2016, more than 800 cases were submitted for consultations

- ✓ **Criminal Mediation**
 - Under both parties' consent, a prosecutor may refer the case to the Criminal Mediation Committee
 - ※ Criminal Mediation Committee is an independent organization from Prosecutors' Offices
 - ADR; prompt and efficient way of dispute settlement



Prosecution and Sentencing

✓ Indictment by prosecutor

- A prosecutor may refer the case to the Citizen Advisory Committee
- Resolution by the committee is not binding, but is usually honored

✓ Trial

- Special tribunals for intellectual property right-related cases
 - e.g. Seoul Central District Court
- Appraisal during court proceedings
 - For copyright infringement cases, appraisal is normally conducted both for original and allegedly infringing work



Prosecution and Sentencing

Sentencing Guidelines on IP crimes

- Korea's Sentencing Guidelines Commission established the standard for determining punishment against IP crimes

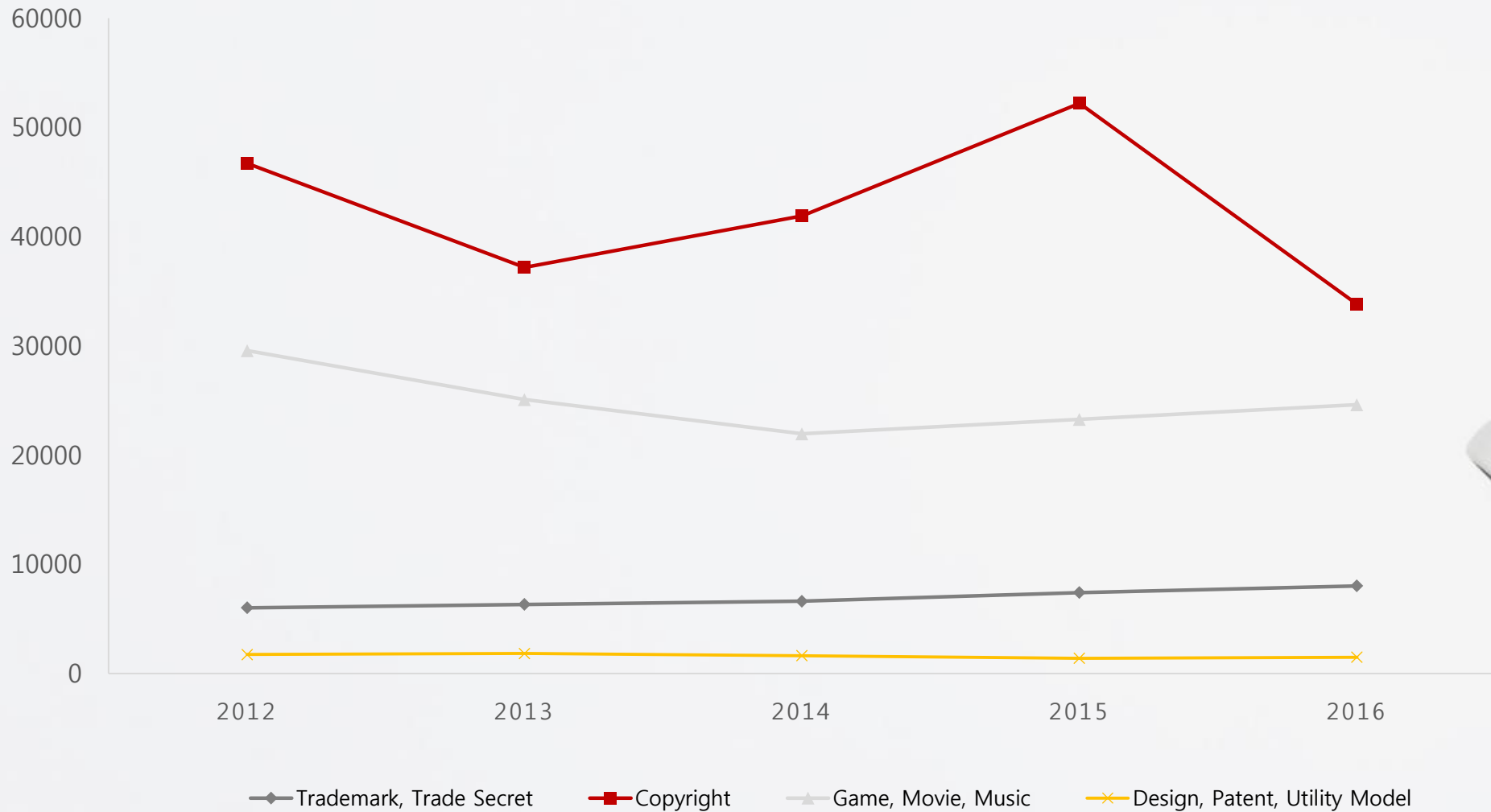
Sentencing of the violation of the IPR related laws

Patent	Design	Utility Model	Trademark	Copyright	Trade Secret
Max. 7 yrs in prison or KRW 100 M (USD 90,000) in fine				Max. 5 yrs in prison or KRW 50 M (USD 45,000) in fine	Max. 10 yrs in prison or KRW 100 M (USD 90,000) in fine



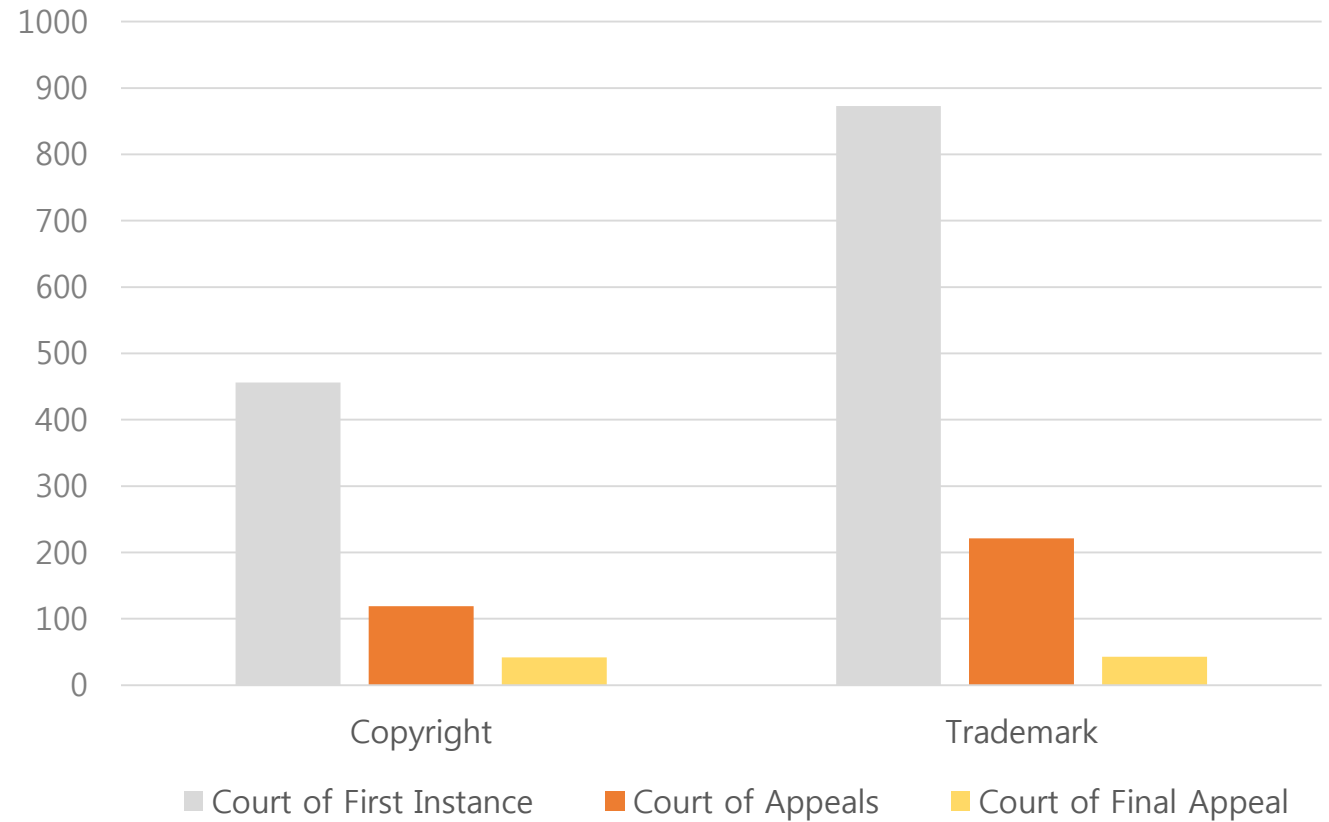
※ 1 US dollar equals approximately 1,100 South Korean won. (Based on the currency exchange rate as of Aug. 31, 2018.)

Total No. of IP infringement cases





No. of Indictments (2016)



Future of Criminal Countermeasure Against IPR Infringement

Prevention of online infringement

- Infringement are mostly committed online
 - Cyberspace is increasingly becoming a more dominant crime scene

Cope with technology evolution

- New forms of copyright infringement may result from the new technology development
 - ※ AI (Artificial Intelligence), 3-D printer, etc.



Strengthening of cooperation with foreign investigative agencies

- Nearly 90% of counterfeit products are overseas imports (Korea Custom Service, 2017)
- Mutual cooperation with foreign agencies is strongly required
 - Infringement of both
 - a) foreign copyrights in Korea
 - b) Korean copyrights in foreign countriescan only be addressed through the close cooperation



Thank you

Sanghyun Kim

**Vice Director & Prosecutor
International Legal Affairs Division,
Ministry of Justice, the Republic of Korea**

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+82-2-2110-3669



MINISTRY OF CULTURE
OF THE RUSSIAN FEDERATION

**THE DEVELOPMENT OF MECHANISMS TO
ENSURE COMPLIANCE WITH COPYRIGHT
AND RELATED RIGHTS
IN THE RUSSIAN FEDERATION**

REGULATION OF COLLECTIVE RIGHTS MANAGEMENT ORGANIZATIONS

- The obligation of an accredited CMO to conduct annual audits of its financial statements on the results of a financial year, with the subsequent posting of such statements and an audit report on its official Internet website. The financial reports on special funds established by the accredited CMO are equally subject to mandatory annual audits.
- The obligation to make available to a right holder via the Internet the reports on the amount of royalties distributed to him or her and the amount withheld (in the setting up of a personal account for the right holder).
- The obligation to establish a supervisory board in accredited CMOs that includes representatives of the relevant federal executive agencies, the right holders, the creative unions and the users of subject matter protected by copyright and related rights. The exclusive competence of the supervisory board includes the monitoring of the CMO's financial and economic performance.

RESALE RIGHT

- The Article of the Civil Code devoted to the resale right has been changed and now includes the duty of auction houses, galleries and stores to provide information to the authors or accredited organizations about the resale of original works.
- The authors have the rights to receive royalties by the resale right at every resale of the original work, where the auction houses, galleries and stores participates as a mediator, seller or buyer. The obligation to pay royalties in the author's favor is imposed to the seller of the work (upon the agreement with the seller of the original work, a mediator can also act as the payer of the royalties).

- The amount of royalties for the resale right due calculated as a percentage of the resale price. The percentages are as follows:

Resale price of the works subject to the droit de suite, including original works of art and authors' manuscripts of literary and musical works	Royalties due
Up to and including RUB 100,000	five per cent
Over RUB 100,000 up to and including RUB 1.7 million	RUB 5,000 + four per cent of the amount exceeding RUB 100,000
Over RUB 1.7 million up to and including RUB 7 million	RUB 69,000 + three per cent of the amount exceeding RUB 1.7 million
Over RUB 7 million up to and including RUB 12 million	RUB 228,000 rubles + one per cent of the amount exceeding RUB 7 million
Over RUB 12 million to and including RUB 17.5 million	RUB 278,000 + 0.5 per cent of the amount exceeding RUB 12 million
-Over RUB 17.5 million	RUB 305,500 + 0.25 per cent of the amount exceeding RUB 17.5 million

PROTECTION OF STAGE DIRECTORS

- In the area of related rights, legislation was amended with a view to strengthening the protection of the rights of directors of theatrical performances against unlawful third-party action. In practice, the productions of stage directors could often be used without their consent or used with substantive changes that violate the integrity of the production.
- In this regard, the Civil Code was amended, giving the production director the right to the inviolability of the production, i.e., the right to defend their production from any improper changes or amendments that distort the meaning or upset the integrity of the perception of the performance both in its public format (in a “living form”) and in the recording.

ENHANCED ENFORCEMENT MEASURES AGAINST ONLINE COPYRIGHT INFRINGEMENTS

➤ **Anti-piracy legislation:**

- ❑ Federal Law No. 187-FZ “On Amendments to Separate Legal Acts of the Russian Federation on Matters of copyright protection in information and telecommunications networks” dated July 02, 2013.
 - ❖ *Introduction of a special procedure for blocking of access to illegal content (pre-action remedies);*
 - ❖ *Decision of a court (City Court of Moscow) about taking action on blocking of access to illegal content and proceedings in cases of such category.*
- ❑ Federal Law No. 364-FZ “On Amendments to the Federal Law about information, information technologies and protection of information” dated November 24, 2014.
 - ❖ *Entered an extrajudicial procedure for blocking of access to illegally placed content;*
 - ❖ *Foresaw eternal blocking of an Internet site, where illegal content was placed many times and unlawfully.*

Special procedure for blocking of access to illegal content (pre-action remedies)

- I. Right holder files a petition in the City Court of Moscow to take actions aimed at restricting access to the illegal content;
- II. Decision of the City Court of Moscow about taking actions aimed at restricting access to an illegally placed content and directing of the decision to the special federal authorities (Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications - Roskomnadzor) for action (decision remains in effect during 15 days);
- III. During 15 days right holder shall file a claim in the City Court of Moscow for the resource, where a content is placed illegally;
- IV. If a right holder doesn't file a claim in court, then access to the content is resumed.

Extrajudicial procedure for blocking of access to illegally placed content

- I. Right holder calls to an Internet site owner with complaint about his rights violation;
- II. Right holder's complaint shall provide details about him (name, passport data – for individuals), information about an object in respect of which he lodges a legal application, and also reference to IP address of the offending website;
- III. Internet site owner shall take out an object of copyright and/or related rights during 24 hours after application of the right holder ;
- IV. If Internet site owner has evidences, which confirm justification of placing of the object of copyright and/or related rights on his site, he has the right to take no action and shall be obliged to direct to an applicant relevant notification accompanied by specified evidences.

Eternal blocking of an Internet site, where objects of copyright and/or related rights were placed many times and unlawfully

- ✓ Is possible by the decision of the City Court of Moscow in case of multiple and unlawful placement of copyright and/or related rights objects on the Internet site;
- ✓ Is implemented by the Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (Roskomnadzor) within twenty-four hours after receiving the decision of the City Court of Moscow;
- ✓ Multiple placement of copyright and/or related rights objects on the Internet site is proved by the right holder in 2 steps:
 - 1) application about taking pre-action remedies and then a lawsuit;
 - 2) repeated application about taking pre-action remedies and a lawsuit.

Measures against circumvention of Internet locks

- The legislation also takes into account that, due to the specific nature of the Internet, measures against online infringements may be easily circumvented. To counter one way of such circumvention, a mechanism was introduced that allows a court to restrict access to a site that is confusingly similar to a site to which access was previously restricted (so-called “mirrors”).
- A ban was also imposed on the use of information and telecommunications networks, information systems and computer programs in Russia to gain access to illegal information resources. To ensure that the owners of such networks, systems and programs comply with the ban, they are granted access to a data base of the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor), which contains information on illegal information resources. In cases of failure to comply with the requirement to enforce the ban, Roskomnadzor can take further measures to ensure compliance.

Thank you for your attention !

Natalia Romashova
Director,
Legal Department,
Ministry of Culture of the Russian Federation




INTELLECTUAL PROPERTY ENFORCEMENT COORDINATION IN UGANDA

**BEMANYA TWEBAZE
REGISTRAR GENERAL
UGANDA REGISTRATION SERVICES BUREAU**



UGANDA: PEARL OF AFRICA

- Total area of 236,040 sq km (91,135 sq miles) with nearly 40 Million people.
 - Former British Protectorate - got independence - 9th October 1962
 - Churchill called it the 'Pearl of Africa'- because of its diverse natural endowments and beauty.
 - Over 1000 bird species, level 6 white water rapids, source of the Nile, the largest fresh water lake in Africa, one of the best climates - averaging 25°C, 10 national parks, 12 wildlife reserves, and 13 wildlife sanctuaries.
- 

UGANDA'S ECONOMIC GROWTH


- Despite facing a number of challenges to economic growth, Uganda's economy was growing, in comparison with regional performance, significantly higher than 3.4% expected for Sub-Saharan Africa in 2016.

Macroeconomic Assumptions for FY2014/15 - FY2020/21

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Real GDP growth	5.0%	4.6%	5.5%	6.1%	6.3%	6.5%	6.5%

Source: Ministry of Finance Planning and Economic Development

UGANDA's INVESTMENT OPPORTUNITIES

- Agriculture and forestry
 - Livestock and fisheries
 - Manufacturing
 - Mining
 - Infrastructure
 - Financial services
 - Tourism (development of new ecotourism products and services like Avi-tourism (bird watching), Sport fishing, Boating, Primate tracking (Gorillas, Chimps and others), Game Viewing, Walking and trekking, Mountaineering, White water rafting)
- 

TOURISM IN UGANDA (CRESTED CRANE- National Bird)



GORILLAS-Bwindi Impenetrable Forest National Park



CHIMPAZEE SANCTUARY



THE EQUATOR




UGANDA MARTYRS' SHRINE




KASUBI TOMBS




BACKGROUND

- Uganda Registration Services Bureau (URSB) is the National Intellectual Property Office of Uganda.
 - URSB accordingly administers intellectual property laws including the Trademarks Act 2010 and the Copyright and Neighbouring Rights Act 2006.
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IP ENFORCEMENT BACKGROUND

- Reports from Uganda National Bureau of Standards have shown that many of the products on the Ugandan market are either counterfeit or substandard.
 - In order to overcome the inadequacy of private enforcement of the law, enhance cooperation and effective coordination between relevant government agencies...
- 


INTELLECTUAL PROPERTY ENFORCEMENT

- In 2016, URSB in cooperation with Uganda Police Force established the **Intellectual Property Enforcement Unit** whose role is the enforcement of the law against trademark counterfeiting and copyright piracy.
 - Police officers were designated as inspectors under the trademarks and copyright laws to spearhead enforcement action against counterfeiting and piracy.
- 


RATIONALE FOR THE ENFORCEMENT UNIT

- Need to establish effective synergies between protection and enforcement.
 - Need to have officers in stable placement and not susceptible to administrative actions that take them away from the specialized assignment.
 - Need to respond rapidly to execute enforcement action.
 - Need to build capacity in the technical aspects of IP enforcement personnel.
- 

IP ENFORCEMENT UNIT

- The Intellectual Property Enforcement Unit (IPEU) was established at URSB following MoU with Uganda Police Force.
 - The role of the IPEU is to:
 - coordinate IP enforcement activities countrywide;
 - implement strategies for detection and prevention of IP crimes;
 - coordinate and collaborate with stakeholders to enforce IP laws;
 - provide technical advice to stakeholders on matters relating to public policy and IP enforcement; and
 - support and or facilitate prosecution of offenders.
- 

ENFORCEMENT CAPACITY


- Unit is staffed with 5 Police officers who coordinate enforcement nationwide.
 - Officers underwent training internally (at URSB), regionally with Kenya Copyright Board and internationally through WIPO distance courses.
 - 9% of the budget for the IP office will support enforcement activities.
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PROGRESS IN ENFORCEMENT


- Over 60 complaints have been received since August 2017 when operations began.
 - Seized counterfeit goods include clothes, construction tools, food and drinks, cosmetics, paper, electronics, vehicle accessories, phones and pharmaceuticals. Majority of counterfeits have been food and drink.
 - Awareness activities on TV, Radio, social media and print media are ongoing
- 



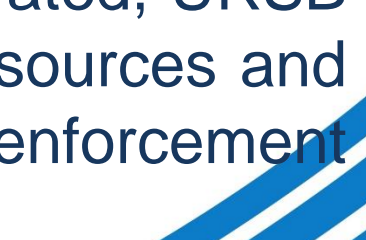
INSTITUTIONAL COORDINATION

- **Uganda Police Force (UPF)**
 - The MoU with UPF enabled URSB to leverage on the existing infrastructure and other resources of the Police. UPF is already situated in all parts of the country, is clothed with constitutional authority to preserve the law generally and already coordinates with other security agencies to detect and prevent crime. This removed the need for setting up a new and costly infrastructure.
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INSTITUTIONAL COORDINATION

- **Office of the Director of Public Prosecutions (DPP)**
 - The DPP is responsible for institution and conducting prosecution of offences including counterfeiting and piracy to their logical conclusion.
 - DPP has designated a specialized prosecutor who is responsible for conducting and or coordinating prosecution of IP crimes throughout the country.
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INSTITUTIONAL COORDINATION

- **Uganda National Bureau of Standards (UNBS)**
 - UNBS is a government agency responsible for formulation and promotion of the use of standards; enforcing standards in protection of public health and safety and the environment against dangerous and sub-standard products among others.
 - To promote the common interest between URSB and UNBS of ensuring that products that are certified as meeting standards are not counterfeit or pirated, URSB and UNBS entered into an MoU to pool resources and combine efforts towards a more effective enforcement mechanism.
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INSTITUTIONAL COORDINATION

- **Uganda Revenue Authority (URA)**
 - URA is mandated by law to collect and account for tax and non-tax revenue. Through its customs department enforces border measures under the various IP laws.
 - Uganda is a net importer which highlights the important role of URA customs in enforcing IP rights. URSB supports URA in this endeavor to ensure counterfeit goods are prevented from entering the channels of commerce.
- 


INSTITUTIONAL COORDINATION

- **Uganda Communications Commission (UCC)**
 - UCC is mandated by law to regulate the communications sector including broadcasting and data communication. Accordingly, UCC issues licenses to broadcasters and distributors of content.
 - Broadcasting and distribution constitute the largest sources of income for copyright owners. URSB in partnership with UCC is working to ensure that broadcasters and distributors comply with the copyright law and are not a conduit for pirated content.
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INSTITUTIONAL COORDINATION

- **National Drug Authority (NDA)**
 - NDA regulates the manufacture, importation, distribution and use of both human and veterinary drugs in the country.
 - URSB partners with NDA to ensure brand names of drugs given market authorization have protected IP rights in order to effectively stamp out counterfeit drugs which are particularly harmful to human and animal health.
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INSTITUTIONAL COORDINATION

- **Collective Management Organisations (CMOs)**
 - URSB has licensed three CMOs to manage rights on behalf of their members. The Copyright law provides for appointment of staff of CMOs as inspectors to enforce the law against copyright piracy.
 - Enforcement operations of the CMO copyright inspectors resulted in improved awareness of copyright and better public perception of the role of CMOs in the administration of Copyright.
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CHALLENGES/OPPORTUNITIES

- Despite the shortcomings with capacity to enforce, it is clear that there was a need for a dedicated office to spearhead enforcement. Since **August 2017**, IPEU has received over **60 complaints**.
 - Number of prosecutions of IP crimes will increase with increase in reported crimes necessitating training of Judges/magistrates, prosecutors and investigators. Training activity is currently being organized with WIPO's support.
 - The public are key stakeholders in building respect for IP necessitating continuous sensitization of the dangers of counterfeiting and piracy and benefits of respecting IP rights.
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CHALLENGES/OPPORTUNITIES cont...

- Evidence based policy making is important in world of competing national priorities. Statistics and data on the prevalence of problem presents an opportunity in building respect for IP.
 - Many institutions of the government are trying to deal with the issue from different perspectives. This wide coverage of IP crimes has to be complemented with formal mechanisms of cooperation to avoid duplicating role, remove redundant measures and leverage on strength of each institution.
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Thank you

