

Exhibition on Preventive Actions, Measures or Successful Experiences

Advisory Committee on Enforcement (ACE)

Ninth Session
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This exhibition is designed to enhance the discussion in the ACE on *“Preventive actions, measures or successful experiences to complement ongoing enforcement measures with a view to reducing the size of the market for counterfeit or pirated goods”*.

It features contributions from nine member states and one regional organization, which have provided the following commentaries as background to the materials on show.

CHINA

China's IP Protection and Awareness is being Constantly Strengthened

The Chinese Government attaches great importance to intellectual property (IP) enforcement and relevant awareness-raising work. The decision on several major issues concerning comprehensive reforms of the Central Committee of the Chinese Communist Party, taken by the Third Plenary Session of the Eighteenth Central Committee, explicitly demanded strengthening IP protection. It called for the strengthening of IP utilization and protection, improving the incentive mechanism for technological innovation and exploring the feasibility of establishing an IP court. The Chinese Government works unceasingly to improve its long-term mechanism to crack down on IP infringement and counterfeiting. Relevant departments, together with all the provinces, are doing their best to improve IP enforcement and enhance public IP awareness according to the requirements of the Central Government.

The amendment of relevant laws and regulations is steadily being progressed. The amendment of the Chinese Patent Law, Trademark Law, Copyright Law and other IP-related laws is being accelerated, and punishment of IP infringement further strengthened.

The IP enforcement mechanism is constantly being strengthened. A dual-track mechanism including both judicial and administrative IP procedures has been established. A combina-

tion of regular administrative enforcement and special campaigns is working together effectively. A fast mediation mechanism on infringement disputes is being promoted and IP infringement and counterfeiting are being firmly addressed. The enforcement mechanism for e-business has been speeded up and the establishment of an IP-mediation mechanism has also been initiated.

Combating IP infringement has registered great achievements. Authorities from the public security and prosecution sectors have arrested and prosecuted a batch of criminals for IP infringement. Judicial efficiency keeps rising and results in positive achievements in punishing IP crimes. Administrative enforcement authorities have launched special campaigns to crack down on counterfeiting and piracy, targeting exhibitions, networks, software, cartoons, games, and the like. This work has been welcomed by foreign right holders.

The judicial IP-protection mechanism has been gradually improved. Judicial IP procedure plays an increasingly important role and its transparency has been greatly enhanced.

IP enforcement capacity has been effectively strengthened. Enforcement capacity building has been promoted and the enforcement information system further improved.

IP information dissemination and training are being continually developed. Activities including World Intellectual Property Day

and National Intellectual Property Week are already well developed. Destruction of counterfeit and pirated products is systematically undertaken. Series reports are published in the Chinese media for relevant events. IP education and training policies are being actively implemented. Pilot projects on IP information dissemination and education are being carried out in primary and secondary schools. The IP curriculum in higher education has been streamlined and IP network education is also being promoted.

COSTA RICA

In the past 15 years, Costa Rica has radically changed its understanding of and approach to intellectual property, which has evoked nationwide interest of great national relevance. In 2011, the National Registry initiated a National Project with the theme “Establishing a Culture of Respect for Intellectual Property in Costa Rica”, relying on modern legal, technological and budgetary tools as well as education, disclosure, communication, outreach and awareness-raising activities targeting various sectors involved in the IP system and the general public, as we are convinced that one of the most important aspects of respect for intellectual property is training and knowledge of the different sectors. The experience has been highly satisfactory and has continued over time thanks to the substantial support we have received from WIPO.

POLAND

Activities in the field of enforcement of IP rights in Poland have been entrusted to two government agencies: the Ministry of Culture and National Heritage and the Patent Office of the Republic of Poland. The former chairs the work of a dedicated inter-ministerial body, The Team for Counteracting Infringements of Copyright and Related Rights. The Team (created in 2000) establishes and coordinates the policy of governmental institutions in the field of protection of copyright and related rights, as well as other types of intellectual property rights. Its main areas of responsibility and action include: developing drafts of legal regulations, shaping national policy for the prevention of infringement of copyright and related rights in the digital sphere, conducting social studies of creative sectors, protecting and safeguarding the European Union customs area against the influx of falsified and pirated goods, court jurisdiction, as well as cooperation in other areas – mainly with social partners.

The Ministry is also cooperating with organizations the main area of activity of which serves to protect intellectual property rights. In that context, the Ministry cooperates closely with the Legal Culture foundation that runs a nationwide social campaign under the same name. The main purpose of that initiative is the promotion of the legal sources of culture and education. Legal Culture’s website sets out the base of legal sources of culture.

The second Polish agency actively contributing to the enforcement of IP rights is the Patent Office. One of the statutory tasks of said Office is to keep publicly accessible registers with comprehensive information on the legal status of industrial property protection. Apart from its regular registers the Office has developed a database, SUD – Data-Sharing System – dedicated solely to the use of law enforcement authorities who verify exclusive rights to industrial property with the intention of fighting against piracy and counterfeiting. Another essential task undertaken by the Office is the promotion and distribution of knowledge on IP protection, which is implemented through the publication of a variety of informational and educational materials, as well as the organization of various conferences, seminars, training sessions and exhibitions, including an annual competition, which has run for 11 years, for the best poster and the best research paper on the subject of IP protection. This was extended last year to the categories of the best media release and a short film on this topic. In addition, the Office is engaged in raising IP awareness among various age groups, starting with children and young people who can participate in inspiring lectures, workshops and meetings with inventors; students of almost all faculties who are obliged to participate in classes on IP or can benefit from post-graduate studies on IP; and also with users who can broaden their knowledge by entering the Internet educational platform of the Office covering a wide range of IP issues from basic procedures to IP management of business ventures.

REPUBLIC OF KOREA

The most important element for the achievement of copyright policy, which is a balance between copyright protection and fair use of works, is the improvement of the perception and attitude of the Korean public toward copyright. To this end, successful implementation of education and public awareness campaigns is pivotal. Copyright education curricula are diversified and specialized to meet a wide range of needs, from elementary school students to professional personnel. A total of 1,355,207 persons were reached by the programs from 2008 to 2012. On the other hand, a public awareness campaign has been carried out through various media channels and participatory contests. It mainly consists of joint campaign programs with portal websites, copyright-related contests, campaign exposure via mass media and publication of a monthly magazine.

Korea's copyright policy on education and public awareness is reflected in the exhibition. The items designed to raise the awareness of the importance of copyright to be presented include: video clips of copyright-awareness songs and advertisements, public-awareness campaign posters, spokesmen and women, an annual report, pictures of various education programs, a leaflet and brochure. The exhibition will allow visitors to increase their understanding on awareness-building efforts in the Republic of Korea.

SLOVAKIA

The Industrial Property Office of the Slovak Republic, as the Chair of the National Commission for the Coordination of Cooperation against Counterfeiting, initiated in 2013 a nationwide campaign against counterfeiting and piracy with a dedicated portal www.nefejkuj.sk (don't fake). This action was triggered by the continuing general lack of awareness on intellectual property rights, the growing danger of fakes for consumers as well as the social insistency to solve existing problems by the Government. An intensive nationwide media campaign with involvement of all the IPR government stakeholders has been targeted at the young generation (10 to 15 year olds) using all available media channels, newspaper advertisements, portal sites, questionnaires and social network sites such as Facebook.

Close and intensive cooperation between the IP Office and primary and secondary schools has been established. Discussions regularly held at elementary schools are an important part of the IP Office activities, where WIPO publications and outreach material are also widely used. "IP Minimum" as part of the curriculum in Slovak schools is the strategic goal of the IP Office for 2016 based on support and cooperation with the Ministry of Education, Science, Research and Sport of the Slovak Republic. Cooperation agreements have been signed with technical, law and art faculties as well as with the polytechnics.

SOUTH AFRICA

In South Africa, creating awareness and promoting educational activities have always been priority focus areas.

Since early 2012 the Department of Trade and Industry through one of their Deputy Ministers, Thandi-Tobias Pokolo, has taken the lead on campaigns that drive "anti piracy" activities and initiatives; similar campaigns have been repeated every year since. Private industry players have also helped to create awareness on protection and respect for IP. However, very little progress in the levels of awareness or changed behavior could be detected and measured.

The need to take a different approach to a typical "Anti-Piracy Campaign" was identified and the concept for the "Be your Own Buy your Own" (BYO²) was born. Five focus areas of creativity were identified; films, music, books, software and electronic games. Copyright plays a major role in these areas, but most of the products are also further protected through registered trademarks. Three key role players that either have active stakes or protect active stakes in the creative industry sector were identified and approached. These "partners" were specifically selected for their potential role to further and protect creations protected by copyright legislation and are the hardest hit by piracy. The partners are two of the most important not-for-profit organizations, involved in this area. South Africa (see Louise's remark) and the South African Federation Against Copyright

Theft (SAFACT) and the third partner, Microsoft, which is experiencing major problems with regard to piracy of software and electronic games, have joined the partnership.

The intention of the BYO² campaign is to try an “off beat” way to play an exceptional tune that would make a real difference, moving away from the anti-piracy concept, with hard-hitting messages to a softer approach that focuses on the value and virtue of IP to promote the fun and exciting side of IP, without being apprehensive about the consequences of its abuse or misuse. This has been achieved by sharing the benefits, rights and responsibilities. The message has been packaged with a positive angle and “anti” transformed into two new concepts, namely “rewarding good behavior” and the new buzzwords “conservation of ideas”. These would form one leg of the campaign targeted at youth and young adults and the other would be targeted at enforcement to obtain remedies that would serve as a deterrent. It is envisaged that the campaign will be launched in April and run for at least 12 months.

TRINIDAD AND TOBAGO

This project arose as a synthesis of many approaches that have already been tried to enhance knowledge of IP in the population. Besides tackling piracy head-on via enforcement, there is also the need to change attitudes among consumers who are the market drivers for illegal products. The end result or what is ultimately desired is an IP-savvy society thriving within a knowledge-intensive

economy. This entails building respect for IP. Enforcement should be a last sanction, as in other areas of society: most people respect physical property and only a small minority need to have the law enforced. This is not translated into the appreciation of intangible property or intellectual property where the proportions are reversed for IP.

In order to sustain the outreach effort, the Trinidad and Tobago Intellectual Property Office (IPO) has tapped into funds available outside recurrent expenditure under what is known as the Public Sector Investment Programme (PSIP). PSIP projects are funded as finite projects or as projects that may become part of the regular work of the IPO and then fall under recurrent expenditure. Toward that end, the IPO has collaborated extensively with the Building Respect for Intellectual Property Division at WIPO. The IPO believes that enforcement would not be the first approach and that a campaign of this nature should lead off by increasing the levels of understanding and appreciation of IP as an economic tool and a safeguard for knowledge industries.

UNITED KINGDOM (UK)

The IPO has developed an education campaign ‘Treasure Island’, which aims to build understanding of and respect for intellectual property in young people in a creative way. This includes a combination of online resources, apps and a live tour of Karaoke Shower.

²“The views expressed in this document are those of the authors and do not necessarily reflect those of the Secretariat of WIPO”.

Music Inc, a brand new, free app allows gamers to take on the role of managing an aspiring musician. Launched on February 5, 2014, the app is the result of a collaborative effort between UK Music, the Intellectual Property Office (IPO) and Aardman Animations. It is designed to give young music fans an insight into the modern music industry and to educate them on specific challenges encountered by artists in the digital age. Music Inc allows gamers to guide emerging artists through the challenges and opportunities of a successful music career in the 21st Century. Taking control of everything from song writing and styling to recording and releasing songs to market, gamers will see the impact every managerial decision has on their artists' career development.

Karaoke Shower Live Tour is a travelling karaoke booth designed to resemble a shower that will unleash a nation of private pop wannabes. The Karaoke Shower features a catalogue of songs and, while those who step inside will be shielded by a shower curtain, their efforts are captured on camera and shared with passers-by on screens outside. There is a social sharing function enabling singers to post on Twitter and Facebook, and the best performances will be shared across a dedicated YouTube channel.

Online resources that form part of the new national education campaign include the MusicBiz competition, supported by UK Music and the Cracking Ideas competition. Cracking Ideas is a government-backed project and uses a combination of lesson plans,

activity packs, challenges and a dedicated website to encourage innovation and creativity among children aged 4 to 16, all with links to the UK curriculum.

UNITED STATES OF AMERICA (USA) **STOPfakes.gov**

The United States Government launched STOPfakes.gov to provide US rights holders with IP educational resources, tools and program updates. Additionally, the web site allows businesses to file electronic complaints about IP-related trade problems, which are answered within 10 days by a trade specialist.

Take A Bite Out Of Crime: Get Real About IP Theft

The United States delegation is pleased to present the "Take A Bite Out Of Crime: Get Real About IP Theft" campaign, which showcases the innovative approach the National Crime Prevention Council, in conjunction with the United States Department of Justice's Bureau of Justice Assistance, uses in portraying intellectual property theft as anything but a victimless crime. The inherent dangers of counterfeit pharmaceuticals, electrical components and other consumer goods pose a grave threat to the health and safety of all consumers, whether in developing or developed countries. Moreover, the loss of jobs to creative industries – when our economies are trying to rebound – and the underlying criminal activity associated with counterfeiting and piracy victimizes people from all walks of life. The campaign

includes television, print, online posters and fliers, viral videos and public service radio announcements.

LEAGUE OF ARAB STATES (LAS)

The League of Arab States, commonly called the Arab League, is a regional organization of Arab countries in and around North Africa, the Horn of Africa and Southwest Asia. It was formed in Cairo on March 22, 1945.

The League's main goal is to "draw closer the relations between member States and co-ordinate collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries".

Following the Memorandum of Understanding between the League of Arab States (LAS) and the World Intellectual Property Organization (WIPO), July 2000, and the LAS Council Resolution No. 6071, dated March 12, 2000, the LAS SG Resolution No. 89/1 dated April 4, 2012, concerning the establishment of the Intellectual Property and Competitiveness Department within the organizational structure of the Economic Affairs Sector, was adopted.

One of the most important policies of the Intellectual Property and Competitiveness Department is raising awareness, promoting the concept of intellectual property and disseminating it to the public through different media. In that context, an awareness-raising campaign is being organized through a joint

project by the LAS and WIPO, which aims at raising the awareness of consumers on the negative impacts of commercial fraud and counterfeiting with a view to disseminating a culture of respect for IP rights.

The project consists of an animated cartoon composed of four segments. Each segment lasts for 60 seconds (one minute) and displays with humor the importance of IP rights in the following four domains: trademarks; trademark counterfeiting relating to public health; copyright and neighboring rights; online piracy.

The scenario was written in consultation with the Union of Arab Artists and the Egyptian Actors Guild. Dr. Nabila Hassan Salem and other well-known writers were nominated to write the scenario and a famous Egyptian actor, Hani Ramzi, was chosen to play the main role.

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